

# DELEGATED DECISION REPORT

## APPLICATION NUMBER

### 184208

Land at Tree Cottages, Station Road, Credenhill, Herefordshire, HR4 7ES

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**CASE OFFICER:** Mr Alastair Wager  
**DATE OF SITE VISIT:** Various

**Relevant Development  
Plan Policies:**

**National Planning Policy Framework**

Section 2 – Achieving sustainable development

Section 4 – Decision Making

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

**Herefordshire Local Plan: Core Strategy**

SS1 - Presumption in Favour of Sustainable Development

SS2 - Delivering New Homes

SS3 - Releasing Land for Residential Development

SS4 - Movement and Transportation

SS6 - Environmental quality and local distinctiveness

RA1 - Rural Housing Strategy

RA2 - Herefordshire's Villages

MT1 - Traffic Management Highway Safety & Active Travel

LD1 - Landscape and Townscape

LD2 - Biodiversity and Geodiversity

LD4 – Historic Environment and heritage assets

SD1 - Sustainable Design and Energy Efficiency

SD3 - Sustainable Water Management and Water Resources

SD4 - Wastewater Treatment and River Water Quality

**Credenhill Neighbourhood Development Plan** – The NDP is in the drafting stages and has no weight in decision making at this point.

**Relevant Site History:** 132278 - Erection of two bungalows and garages – approved.

## CONSULTATIONS

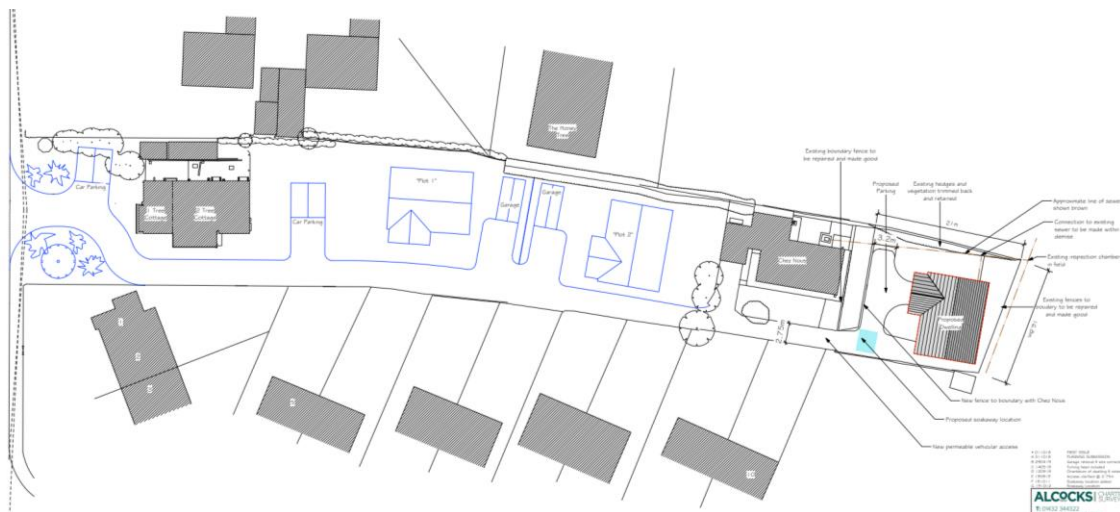
	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		X		
Transportation	X			X	
Ecologist	X		X		
Drainage	X			X	
Natural England			X		
Welsh Water			X		
Press/ Site Notice	X		X	X	X X
Local Member	X		X		

## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

The application relates to land at Tree Cottages, Station Road, Credenhill. The access to the site passes an existing pair of semi detached dwellings and an extant planning permission for two dwellings, followed by an existing dwelling 'Chez Nous'

The proposal is for the erection of a single storey dwelling in a modest curtilage at the end of the driveway, beyond the existing dwelling Chez Nous. The proposed dwelling would be accessed via the existing driveway off Station Road. The proposed dwelling is single storey in form (a bungalow) and includes three modest bedrooms. The material pallet includes red facing bricks, grey plain tiles and white uPVC fenestrations, no garaging is now proposed. Rather than describe the proposal in extensive detail, I refer one to the plans under consideration.



Proposed block Plan



Proposed elevations

### Procedural Matters:

The application is noted to include some land that is not within the ownership of the applicant, I am satisfied that the appropriate notice has been served on the owner as per Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and that the relevant legalisation has been complied with. It is noted that there is nothing preventing planning permission being granted for land outside the applicant's ownership providing the proper notice has been served and the application is consulted upon accordingly in the normal manner.

### Representations:

**Cllr. Matthews** – Updated via telephone, content with a delegated decision.

### **Parish Council –**

Initial comments:

*“Credenhill Parish Council, planning comments regarding Planning Application - P184208/F*

*Proposed erection of a new single dwelling and garage. Tree Cottage, Station Road.*

*The Credenhill Parish Council have viewed the plans and have listed their comments below.*

*A visit was made to the site and visits made to the properties that would be most impacted by this new build. There were no major concerns raised by the occupants living in these properties other than ensuring that the access down the road would need to be improved.*

*The land owner to the rear of this property has concerns with regard to drainage and sewerage. There has been no request to enter this land to build any structures for this site and how they intend to secure the fence which is built to a standard to ensure the safety of the live stock held in this field.*

*The Parish Council is also concerned about the additional amount of traffic come out on to station road at its narrow point. There are 3 existing residence on this site. Planning permission for two bungalows, and the further application would make six homes. This will mean a up to 12 vehicles or more coming off this private road on to station road.*

*The Parish Council, request that the planning department take in to consideration the comments made by the land owner who have made their own submission and also the concerns of the Parish Council regarding the highway issue.  
Further to the comments above the Parish Council have no issues with this application."*

## **Highways – Qualified comments**

### **Initial Comments:**

*"The local highway authority (LHA) has reviewed the information supplied with the application and visited the site. The LHA have no objection to the proposals subject to the applicant demonstrating that the access road past Chez Nous and into the proposed site can achieve a minimum width of 2.75m. It would also be necessary for the access/access road off Station Road proposed in application 132278 to be constructed prior to the occupation of the proposed dwelling requested under this application.*

*Informatives: I08, I05, I43, I50, I35  
Conditions: CAB, CAE, CAL, CAP"*

### **Additional comments:**

*"The local highway authority's comments dated 18th January 2019 still stand."*

### **Further comments:**

*"As per my original comments dated 18/01/19 the applicant needs to demonstrate that the access road past Chez Nous and into the proposed site can achieve a minimum width of 2.75m. Until this can be demonstrated the LHA object to the application.*

*It would also be necessary for the access/access road off Station Road proposed in application 132278 to be constructed prior to the occupation of the proposed dwelling requested under this application.*

*The applicant should also demonstrate where refuse would be collected from.*

*Informatives: I08, I05, I43, I50, I35  
Conditions: CAB, CAE, CAL, CAP"*

## **Ecology - No objection**

*"The site lies within the River Wye SAC catchment and so this application is subject to a Habitat Regulations Assessment process. This application should not be determined until natural England have formally approved the HRA Appropriate Assessment submitted to them. Subject to Natural England's approval a condition to secure the required mitigation is requested:*

*Habitat Regulations (River Wye SAC) – Foul- and Surface Water*

*All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through a SuDS-Soakaway system within the site boundary; unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.*

*As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Nett Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:*

*Nature Conservation – Biodiversity and Habitat Enhancement”*

#### **Welsh Water – No objection**

*“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. We have reviewed the information submitted as part of this application and note that the intention is to drain foul water to the public sewer and surface water to a soakaway to which we have no objection to in principle”*

#### **Environment Agency –**

*“I have received a consultation for a proposed new dwelling on Land at Tree Cottages in Credenhill (ref: 184208/F). It is not clear why this one has been sent to us as, with regards flood risk, we would refer you to our standing advice and recommend you seek the views of your internal drainage team as the Lead Local Flood Authority (LLFA). Looking at the submitted FRA there is reference to your Councils Flood Modelling on the Yazor Brook and your Drainage team should be able to provide further comment on this (your Maps do appear to show the site falls outside of Flood Zone 3, the high risk zone).”*

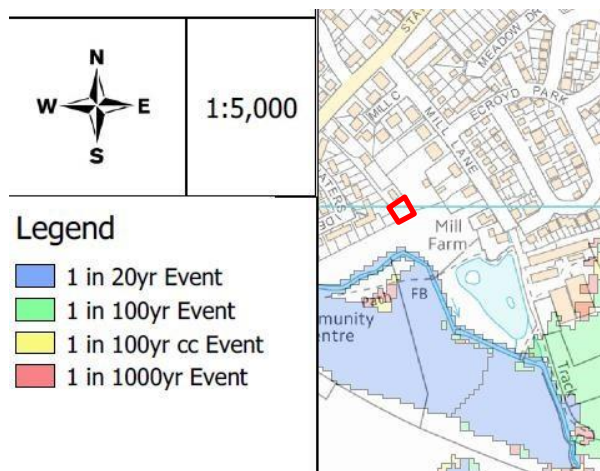
#### **Natural England – No objection**

#### **Land Drainage – No objection**

*“Our knowledge of the development proposals has been obtained from the following sources:*

- Application for Planning Permission;*
- Location Plan (Ref: TC/LOC/001 Rev C);*
- Existing Site Plan (Ref: TC/GA/001);*
- Proposed Plans (Ref: TC/GA/101 Rev A);*
- “Flood Risk Assessment”.*

*Figure 1: Herefordshire Council Yazor Brook Modelled Flood Extent Residual Risk, June 2016*



### Overview of the Proposal

The Applicant proposes the construction of 1 dwelling and garage. The site covers an area of approx. 0.04ha and is currently residential curtilage. The Yazor Brook is located approx. 35m to the south of the proposed development site. The topography of the site is relatively flat.

### **Flood Risk**

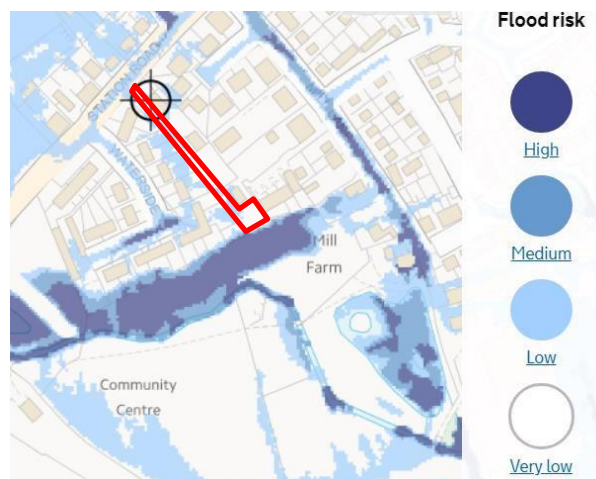
#### **Fluvial Flood Risk**

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the high risk Flood Zone 3, however an updated model of the Yazor Brook was produced which demonstrates that the site is located within Flood Zone 1. This has also been confirmed by the Environment Agency.

#### **Surface Water Flood Risk**

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding, however the land adjacent to the site is at high risk of surface water flooding. We recommend that the finished floor level is raised by a minimum of 300mm to mitigate this risk.

Figure 2: Environment Agency Flood Risk from Surface Water map, March 2019





### **Other Considerations and Sources of Flood Risk**

Review of the EA's Groundwater map indicates that the site is located within Zone 3 (on the outer boundary of zone 3) of a designated Source Protection Zone. Refer to the following for further guidance <https://www.gov.uk/government/collections/groundwater-protection>. Development and surface water drainage will need to be carefully located and designed to avoid pollution risks to controlled waters and address potential environmental impact associated with low flows. For example SuDS on the sites may need to provide multiple levels of treatment. To recharge to the aquifer and support water levels in the receiving brooks.

#### **Surface Water Drainage**

No information has been provided in regards to the management of additional surface water runoff generated by this development. The 'soakaway' box in the application form has been selected, however our review of the proposed site plan indicates that there may not be sufficient site within the curtilage of this plot to provide a soakaway as the minimum distance between the soakaway and any buildings must be 5m. If this distance can be achieved, it should also be noted that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option.

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the NonStatutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to the predevelopment Greenfield values as far as practicable. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes.

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

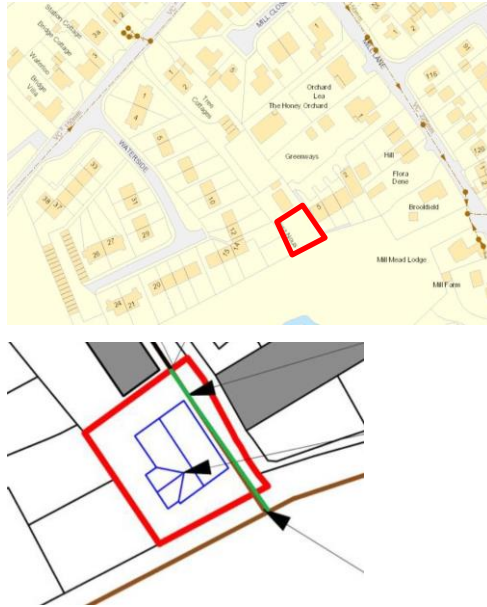
For any proposed outfall to an adjacent watercourse, the Applicant must consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses. Any discharge of surface water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

#### **Foul Water Drainage**

The proposal for foul water disposal appears to be into the public sewer.

Our review of the Welsh Water records indicates that there is not a foul public within this location. No evidence of conversations with Welsh Water has been provided to confirm that there is in fact a public sewer here. We note that the Applicant has had discussions with Matthew Lloyd, however no evidence has been provided. The latest Welsh Water comments (dated 20<sup>th</sup> December 2018) state that there is no intention to drain foul water to the mains sewer.



### Overall Comment

*We request that evidence of a viable foul drainage strategy is provided prior to planning permission being granted. We also request that a viable surface water drainage strategy is provided. This should use SuDS features where possible, however we appreciate that this site has limited space available. If soakaways are not a viable option at this site, an alternative drainage strategy should be provided.*

*Once the above information has been submitted and approved, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:*

- *A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;*
- *Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;*
- *Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;*
- *Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems."*

### Further comments:

*"I have reviewed the additional information for application 184208 following our previous comments dated 28th March 2019.*



*I note that evidence of correspondence with Welsh Water has now been provided to confirm that there is a foul public sewer at this location and they do not object to the proposal to dispose of foul water to this sewer.*

*No additional information has been provided in regards to surface water drainage or surface water flood risk (we requested that the finished floor levels will be raised by 300mm to mitigate the risk of flooding). We do request that a surface water drainage strategy is provided prior to granting Planning Permission. We have concerns in regards to the space within this plot. Please review our comments in the 'Surface Water Drainage' section of our attached previous comments for more information."*

**Public Representations** – Two objections, one general comment and one letter, have been received from two members of the public. The main points raised are summarised as follows:

1.

- No consent has been gained for access to the drain cover within the field at the end of the garden, and there is no consent for such access.
- Further any boundary treatment would have to be discussed with the adjoining land owner.

2.

- The proposed dwelling appears to be constructed over the foul water drain of the adjoining property
- Connection to the electricity utilities under 1 Greenways would not be allowed by the land owner
- Five dwellings have consent which utilise the access and highway, they should be built and occupied to see if the unmade track is satisfactory. A sixth property on this site is premature.
- Land registry documents supplied
- The soakaway does not appear to be 2.5m from any fence
- The site plan shows the site as 21m long but is less than 20m
- The properties at Waterside and 1-5 greenways are not shown on the plans.

#### Constraints:

Classified Highway  
Floodzone 2 & 3  
Surface Water

#### Appraisal:

The proposal is considered in line with the statutory requirements of Section 70 (2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states the following:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

In this instance the adopted development plan (taken as a whole) is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (‘NPPF’ or ‘the framework’ henceforth) is also a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above.

Strategic Policy SS1 of the Herefordshire Core Strategy sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.

Strategic policy SS2 of the Core Strategy confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns in the tier below. In rural areas new housing will be acceptable where ‘it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community’. Similarly, at paragraph 78 the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements.

The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At paragraph 11, the revised 2019 NPPF confirms that when making decisions the ‘presumption in favour of sustainable development’ should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are ‘out-of-date’ planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.

It is acknowledged that, at this point in the time, the Council is unable to demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that at 1st April 2019, the supply position in Herefordshire stands at 4.05 years. As a result, the presumption in favour of sustainable development set out under paragraph 11 of the Framework is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the

benefits when assessed against the current NPPF as a whole, or if specific policies in the current NPPF indicate development should be restricted.

Notwithstanding this, Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. Moreover, policies not directly relevant to the supply of housing (such as those dealing with matters of flood risk, highways safety or heritage impacts) still attract full weight.

Policy RA1, Rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The Core Strategy, leaves flexibility for NDPs to identify the most suitable housing sites, through their policies and allocations.

Policy RA2 of the HCS states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance the main focus for development will be within or adjacent to the main built up parts of the settlement. Credenhill is identified as a settlement for housing growth under Policy RA2 and associated Tables 4.14 and 4.15 of the HCS, but does not benefit from a Neighbourhood Development Plan (NDP) at this time. The proposal is considered to be within the bounds of the settlement of Credenhill and accords with policy RA2 in this regard. Thus the spatial acceptability of the proposal is considered to be established, and the proposal must now be considered against the wider provisions of the development plan.

#### Design, Character & Appearance:

The proposal is primarily considered against Policies SD1 and LD1 of the Core Strategy, which relates to the design of new buildings including garages and the assessment of landscape/townscape impacts. CS policy SD1 states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

The proposed dwelling is considered to be a modest dwelling which does not dominate the locale, as the scale and form of the building is reduced due to the genuinely single storey nature of the dwelling. The proposal will have a very modest curtilage with parking / turning area to the fore, providing some amenity space. The character of the proposed development is considered to be a slightly awkward arrangement, given it forms backland development , which is accessed down a narrow highway; however the context of the area is notably disjointed with other such developments being evident and no clear or strongly defined

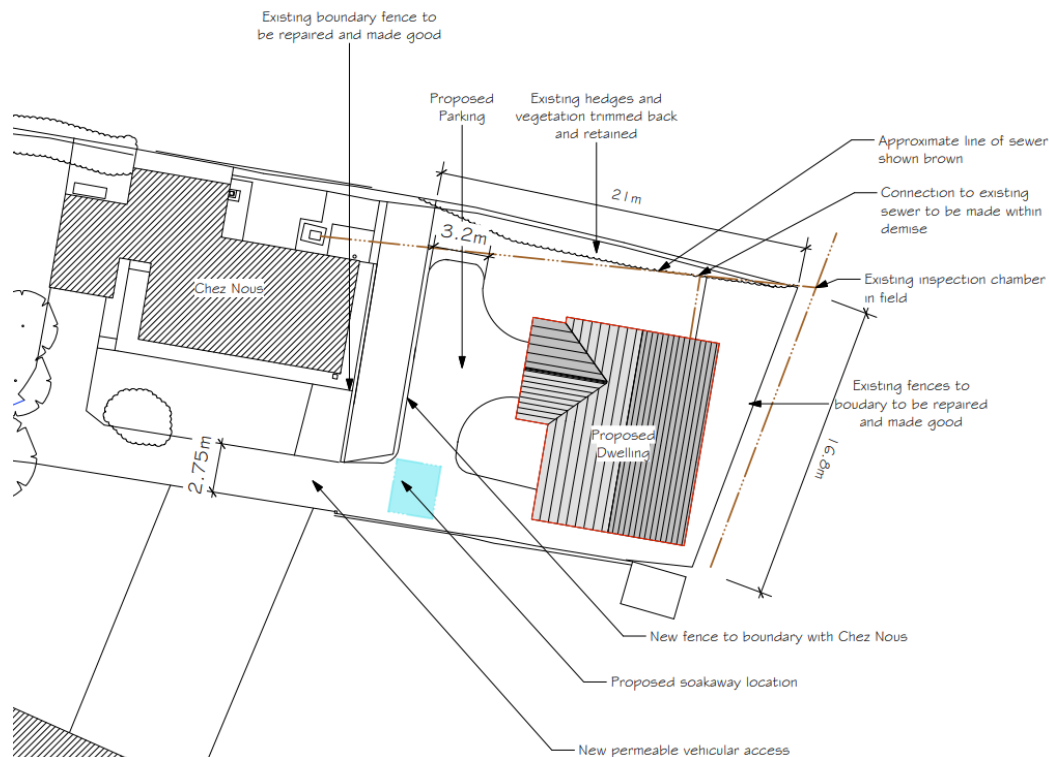
pattern being dominant. Whilst I do not consider the arrangement of the limited outdoor amenity space and the character of the development with regards to the backland form of development to be ideal, I do not consider the harm to be such that it would be objectionable when considered against the combination of CS policies SD1 and LD1 of the development plan and the framework as a whole. The proposed development is not considered to overlook, overshadow or overbear any neighbouring property and so it is considered to preserve the amenity of nearby residents.

#### Highways:

Core Strategy Policy MT1 relates to the highways impacts of new development and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space.

The framework sets out (at paragraph 108) applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Further at paragraph 109 the framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

The Transportation Manager, has indicated that the application must demonstrate that it can achieve a minimum width of 2.75m. The applicant has now provided a plan clearly showing the access width as being at least 2.75m. I consider that the second matter of the construction of the access can be required to happen prior to occupation, by way of a planning condition. Thus the application is considered to be acceptable in highway terms.



*Extract of proposed block plan*

### Drainage:

I note the comments received regarding the drainage arrangements and have considered these with due regard to the consultation responses received from technical consultees. The proposal is for the foul water to be managed via the public sewer network for which Welsh Water is the statutory undertaker in this area. This is considered to be acceptable under policy SD4 of the Core Strategy.

With regards to surface water drainage, the applicant proposes a soakaway to manage the surface water drainage, this is accompanied with a drainage report. Further any proposed dwelling would be required to comply with the standards set out in the Building Regulations. I note the comments from the drainage consultee and I consider that the proposal includes an acceptable solution for managing effectively with surface water drainage; thus according with policy SD3 of the Core Strategy.

### Flooding:

As noted in the constraints identified above, the site is flagged as being within Floodzone three on the Environment Agency's mapping. However the supplied information and comment from the Council's Drainage engineer confirms that *"an updated model of the Yazor Brook was produced which demonstrates that the site is located within Flood Zone 1. This has also been confirmed by the Environment Agency."* Thus the site is considered to be in

floodzone one and the proposal is considered to be acceptable in terms of flood risk having due regard to CS policy SD3 and the provisions of the framework.

#### Habitat Regulations Assessment:

The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening and Appropriate Assessment has been undertaken as a report. This concludes that due to the mitigation included with the proposal and secured via planning conditions, it is considered to mitigate against any 'Likely Significant Effect' on the River Wye Special Area of Conservation. This document has been published on the Council's planning website and sent to Natural England for consultation, who concur with the Council's HRA conclusions and so have no objection to the proposal. Therefore in this aspect, the proposal is considered to accord with Policies LD2 and SD4 as it will not detrimentally impact on the biodiversity or ecological significance of the River Wye.

#### Other Matters:

I note the adjoining planning permission for the erection of two dwellings (132278), I have considered this as part of the determination of this application. I consider this application to be acceptable in conjunction with this existing permission.

Secondly, I note a recent application has been received for the redevelopment of the dwelling known as Chez Nous, 193395, this has not been assessed against the provisions of the development plan and at the time of determination no consent for this adjoining proposal has been granted. Therefore I do not consider it to form a material planning consideration and has no relevance to the determination of this current proposal at this time.

#### Conclusion:

The National Planning Policy Framework has at its heart a presumption in favour of sustainable development which is echoed in CS policy SS1. Sustainable development is considered to consist of three key elements, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and



- c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting

Though the three objectives of sustainable development are not criteria against which every decision can or should be judged, with decisions planning any active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Development proposals that are considered to represent sustainable development, meet the first test and are considered to be sustainable development, thus benefiting from a presumption in favour of the development. The second half of Paragraph 11 of the NPPF applies the presumption in-favour of sustainable development for decision-making; 11 c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay; 11 d) outlines that where the development plan is silent or the policies most relevant for the determination of the application are out-of-date (those being the housing policies), permission should be granted unless either of the following criteria are met.

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The restrictive policies set out at Paragraph 11 are set out at Footnote 6 of the framework, they include protected areas or assets such as Special Areas of Conservation, Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty, designated heritage assets or areas at risk of flooding. None are considered to apply in this instance.

Officers consider that the application does represent a sustainable form of development, spatially the site is within the bounds of Credenhill, a settlement that has services with the development offering pedestrian connectivity to the village. The highway access arrangements are considered to be satisfactory thus the proposal is considered to represent sustainable development.

As the application is for housing and in light of the housing land supply deficit, the policies most relevant to housing are considered to be out of date and so permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this instance Officers consider that the restrictive housing policies of the development plan are the most important policies for determining the application. These include policies RA1 and RA2. Further the provisions of paragraph 14 of the framework are not considered to apply in this case as the NDP was made over two years ago.

The appraisal has identified some conflict with the provisions of the development plan including minor detrimental impact to the character of the locale. However, this harm is not

considered to significantly and demonstrably outweigh the benefits of providing a dwellinghouses in this instance, when considered against the provisions of the framework as a whole. The local member has been updated via email and has not offered any objections to the recommendation. In light of the preceding appraisal the application is recommended for approval subject to conditions

**RECOMMENDATION:**    **PERMIT** ☒    **REFUSE** ☐

**CONDITIONS & REASONS:**

*(please note any variations to standard conditions)*

1. C01
2. C06 – Dwg. No.
3. C13
4. CBK
5. CAB – Vis Splays
6. CAE
7. CAL
8. CAP
9. C65 – reason 2
10. C96- landscape
11. C97- landscape imp
12. Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements and TWO bird nesting boxes should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy LD2, National Planning Policy Framework (2018), NERC Act 2006. Dark Skies Guidance Defra/NPPF 2013 (2018)

13. CKJ – HRA Drainage
14. CE7

**Informatives**

IP2  
I08  
I05  
I43  
I50



Signed: ..... Dated: 4<sup>th</sup> December 2019

**TEAM LEADER'S COMMENTS:**

**Additional CEMP condition added and agreed with applicant**

**DECISION:****PERMIT**☒**REFUSE**☐

Signed: ..... Dated: 4 December 2019.....