

Application Details	
Application Reference Number:	<u>2021/1675/EOUT</u>
Application Type:	<u>Outline Application</u>
Earliest decision date:	18/08/2021
Expiry Date	08/11/2021
Extension of time	
Decision Level	Committee
Description:	<p>Application for the erection of up to 1,700 dwellings (Use Class C3), two care homes (Use Class C2), 6.7 hectares of employment land (Use Classes E, B2 and B8), a mixed use local centre for primary school (Use Class F1), cafes/restaurant and convenience store (Use Class E) and other supporting social and physical infrastructure (Use Classes F1, F2 and E), provision of greenspace and other supporting ancillary works.</p> <p>All matters reserved (Access (within the site), Layout, Scale, Appearance, Landscaping) other than four new vehicular site access points from the existing highway.</p>
Site Address:	<u>LAND SOUTH OF FROME BOUNDED BY MARSTON ROAD, B3092/RAILWAY LINE AND A361 (FROME BYPASS) AND INCLUDING LAND TO THE SOUTH OF THE A361 FROME SOMERSET</u>
Division	Frome East
Parish:	Selwood
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	No
National Landscape/AONB:	No
Case Officer:	<u>Gwilym Jones</u>
Agent:	Grassroots Planning
Applicant:	LAND VALUE ALLIANCES AND LANDOWNERS CONSORTIUM
Committee Date:	4 th February 2025
Reason for reporting application to Committee	Major application, EIA, Departure

1. Background

1.1 This application was considered at the Somerset East Planning Committee on Tuesday 3rd December 2024. **The Committee Resolved**

To be minded to refuse the planning application on grounds of lack of sustainability and to defer the application for up to two months with Officers given delegated authority to draft the detailed reasons for refusal and to report back to Committee for further consideration.

1.2 In debate, Members identified a number of concerns with the proposed development and potential reasons for refusal including:

- departure from the local plan
- lack of sustainability
- disproportionate level of growth for Frome
- scale of development and impact on local infrastructure and services (including local roads and foul sewerage and residual transport/traffic and environmental effects)
- unsustainable flood and water management
- harm to the environment, local communities and surroundings (including the character of the landscape and the setting of the town)
- lack of a delivery vehicle or robust to deliver a site at this scale
- climate impacts not fully taken account of
- piecemeal nature of the phasing model
- the enforceability of the parameter plans, phasing plans and compliance statements
- the level of out-commuting
- impact of loss of land of residents' amenity
- insufficient value to the community from the S106 package

1.3 At Committee Members also raised the issue of insufficient assessment of on-site archaeology.

2 Further Comments on the Application

2.1 As reported verbally at the Planning Committee East meeting on 3rd December 2024, representations had been received following publication of the Officer Report for that meeting and are on the public website. Officers reported that the additional representations did not raise new or materially different issues from those identified in Section 8.6 of the Officer Report which were taken into consideration by Officers when assessing the proposed development. There have been no further public or statutory consultee representations received since the Committee meeting on 3rd December 2024.

2.2 Following the Committee meeting Officers were requested to provide a copy of the Historic England letter dated 9th April 2024. This was listed on the Council's website but not available to view. The letter is to be read with previous comments dated 2nd September 2021 and 20th September 2022.

- 2.3 In summary, and as noted in the Officer Report, Historic England's initial response (2nd September 2021) raised concerns about the impact on the setting of designated heritage assets (listed buildings, registered park and garden, scheduled monuments and conservation area) including limitations in the heritage impact assessment; and limitations with the assessment of on-site archaeology with the potential to encounter significant archaeology. The Applicant undertook further assessment work in respect of heritage assets identified by Historic England and removed the employment site on the south side of the A361 and adjacent to Marston Park. These changes were acknowledged by Historic England in their subsequent comments (20th September 2022) although they maintained concerns about the sense of separation between the existing built edge of Frome and heritage assets to the south. They also reiterated concerns regarding the setting of the town and conservation area and potential for the development to break the skyline.
- 2.4 In their subsequent letter of 9th April 2024, Historic England identified their primary concern as the southern and western boundaries of the site, as well as the impact of the development in long distance views. They also recommended additional visualisations to inform the assessment of the scheme, the emerging masterplan and quantum of development.
- 2.5 It is relevant to note that the Landscape and Visual Impact Assessment includes short, medium and long distance views from a number of locations including from designated heritage assets and verified views/photo montages from a selection of viewpoints including longer distance views representative those from heritage assets.
- 2.6 It is acknowledged that the proposed development will extend the built edge of Frome closer to a number of designated heritage assets and that the development will be visible from a number of viewpoints and will impact on the setting of the heritage assets to varying degrees. However, Historic England do not object to the application and in their representations acknowledge that the development proposal will lead to less than substantial harm to the significance of designated heritage assets. As required by para. 215 of the NPPF December 2024 (formerly para. 208), this harm is to be weighed against the public benefits of the proposal.
- 2.7 In respect of archaeology, NPPF December 2024 para. 207 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Para. 218 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 2.8 There are no scheduled monuments on the site. However, as noted in the Officer Report and presentation, the Somerset Historic Environment Record identifies a number of features on allocated Local Plan sites adjoining the

application site and revealed through geophysical survey and evaluation in advance of residential development.

- 2.9 The SGC application Environmental Statement included a Heritage Desk Based Assessment in accordance with NPPF guidance. The assessment concluded a generally low to moderate potential in respect of buried archaeological resource at the site but that post-determination evaluation and mitigation should take place to ensure that any archaeology present is fully recorded. The Council's archaeological adviser reviewed the application and did not recommend additional assessment of the site in the form of field evaluation. However, they recommended a pre-commencement condition be imposed to require developer to archaeologically investigate the site in accordance with a Written Scheme of Investigation and that any finds are appropriate recorded. These conditions have been included in the Officer Recommendation on the application.
- 2.10 National Highways have withdrawn their Holding Recommendation and recommend that conditions should be attached to any planning permission that may be granted. The recommended wording is slightly different from that set out in the 3rd December Committee report however it has the same effect and is considered to be acceptable.
- 2.11 The Council's Economic development Officer has commented on the provision of employment space on the site as follows:

Frome already has a number of business parks which support a diverse range of businesses. The creation of employment space within the Selwood Garden Village is an integral part of the creation of the new community and is an opportunity to increase the business base of the town. The space is well-located to provide easy access from the by-pass whilst also integrating back into the development and town to create good access to local labour force. This location is well-placed to be attractive for local business expansion and in attracting new business to the area.

The broad range of employment uses proposed is positive. This will ensure that local organisations from most business sectors could find appropriate space for expansion should they need to. Although it is not possible at this stage to predict exactly which companies will locate to Selwood Garden Village, ensuring that there is employment space available for different use classifications of business will allow potential for the largest range of employment options for the local community. In this way, the employment land element of the development may go some way to help stem the flow of out-commuting from the area.

The employment space is key to supporting the local economy and thereby the new residential population of the area. It is therefore essential that the timeline for the development of the employment space is integrated into the development schedule for housing. It is encouraging to see that currently it is proposed that the employment space will be brought forward during phase 1b. It is recommended that the minimum development expected during this phase would be the provision of all service roads for the employment land and the

provision of all service infrastructure to each individual plot. During this phase, there should also be a number of flexible small business units constructed on a number of the plots to facilitate commencement of local business uptake and occupation.

3 Procedural Matters

- 3.1 Following the 3rd December Planning Committee meeting Members need to reassess the planning balance in full in the light of the following:
- (i) changes in national policy as set out in the NPPF December 2024;
 - (ii) the substantial uplift in housing need in Somerset as a consequence of the standard methodology for calculating the housing requirement as set out in the NPPF
- 3.2 In addition, it is relevant to note that:
- (iii) no decision is taken unless and until a Decision Notice is issued;
 - (iv) that the Planning Committee is not bound by the previous resolution.

4 National Planning Policy Framework (December 2024)

- 4.1 On 12th December 2024, i.e. after the application was reported to Committee, the Government published a new NPPF to replace the previous version (December 2023). This came into effect on that date in respect of development management decisions. The new NPPF must be taken into account in preparing the development plan, and is a material consideration in the determination of planning applications. As the SGC application remains to be determined, the Committee must consider and take into account the revised NPPF in the planning balance when coming to a final decision on the application.
- 4.2 Of particular relevance to the determination of the application for Selwood Garden Community are the following in respect of the presumption in favour of sustainable development (Para. 11) and where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date
- Para. 11 d) – to be read in conjunction with para. 78 – which introduces a requirement to identify five years (rather than four) of housing land supply, with a buffer. Exceptions to achieving housing delivery targets in the previous version of the NPPF have been removed.
 - Para. 11 d) i – in respect of the application of policies in the NPPF that protect areas or assets of particular importance the need to provide a ‘strong’ reason for refusing the development proposed. Previously the requirement was for a ‘clear’ reason for refusal
 - Para. 11 d) ii – in respect of adverse impacts of approving the proposed development so significantly and demonstrably outweighing the benefits when considered against the policies in the NPPF as a whole – which now identifies key policies (individually or in combination) that particular regard should be had to, specifically directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

- 4.3 Also of relevance are:
- Para. 66 which makes specific reference to Social Rent homes (as well as other affordable housing for rent and affordable home ownership tenure) as part of the mix of affordable housing to meet identified local needs where major development involving the provision of housing is proposed. It also removes the requirement to deliver a minimum of 25% of affordable housing as First Homes.
 - Para. 71 which notes the benefits of mixed tenure sites (including creating diverse communities and supporting timely build out rates) and that local planning authorities should support their development through their policies and decisions.
 - Para. 100 and 101 in respect of the provision of public service infrastructure. The NPPF now states that great weight should be given to the need to create, expand or alter 'early years' and 'post-16' facilities (as well as schools generally) and that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.
 - Para. 109 in respect of promoting sustainable transport and 'using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places'.

4.4 Applying the standard methodology for calculating the housing requirement results in an uplift in the figures for Somerset as a whole from 2,669 to 3,769 homes per year, a 41% increase. In terms of current housing supply, whereas for Somerset as a whole there is 3.55 years housing supply (i.e. still below the 5 year housing land supply requirement), for the Somerset East area the figure is 2.2 years.

5 **Reasons for Refusal**

5.1 As noted above Members of the Committee identified a number of concerns with regard to the proposed development. In addition a question was raised regarding consultation with adjoining authorities (Wiltshire and B&NES). In respect of consultations, these were carried out in accordance with the relevant statutory requirements and the Council's Statement of Community Involvement including appropriate Press and Site Notices. In this case, neither provisions require consultation with adjoining authorities. However Chapmanslade Parish Council commented on the application and this has been reported to Committee and the matters raised taken into account in the Officer's report.

5.2 Officers have reviewed Members' concerns and considered them further in the light of the new NPPF and related guidance. Whilst each application must be determined on its merits, Officers have also had regard to the appeal decision in January 2023 for the site at Marston Lane (2022/0616/OUT), also on the south side of Frome. In that case the Council refused the application on six grounds. Four were resolved ahead of the Inquiry (insufficient information regarding archaeology; highway safety concerns; flood risk on the site and elsewhere), one not upheld (whether or not the appeal site being outside the settlement boundary was an appropriate location for development). The other reason (landscape impact) was upheld and the

appeal dismissed. It is relevant to note that at the time of the Marston Lane appeal the issue of nutrient neutrality was unresolved and mitigation schemes had not been confirmed.

5.3 Member Concern: Departure from the Local Plan

Officer Comments

The application site is not allocated for development and lies outside the defined development boundary for Frome. The proposed development is therefore a departure from the development plan.

In considering the location of the Marston Lane site the Inspector noted that whilst it was directly adjacent to Frome (which provides a wide range of services and facilities) and was easily accessible to the nearby retail and business parks and a supermarket (at Wessex Fields), schools are further afield (albeit still walkable for older children) and the town centre is relatively distant (but served by a bus service and accessible by bike). Given the long walking distance to the town centre and schools and the relatively limited and infrequent bus service provision the Inspector considered that a significant proportion of journeys made by the future occupants of the proposal would likely be by car. The site was only moderately accessible, not particularly well connected and not to be in a most sustainable location on the edge of Frome.

Notwithstanding these limitations, the Inspector concluded that the site was not an inappropriate location for housing development in-principle and the fact the site was outside of a defined settlement boundary amounted to a 'technical breach' of the spatial strategy. With a general increase in housing requirement, allied to the long lead-in time until a new Local Plan is adopted, the Inspector concluded that the expansion of Frome beyond the adopted spatial strategy was 'inevitable'. It is to be noted that weighing in favour of that conclusion was the nutrient neutrality issue at that time and the restrictions that placed on likely housing growth in other parts of the District.

The SGC site is in a similar location in terms of accessibility to the town centre. However, in this case the Applicant proposes a number of measures, to be secured through s.106 planning obligations, to support non-car modes of transport (including funding support for the extension and enhanced services for the 30 bus route) and the promotion of and support for active travel (including on and off-site routes, and electric bikes/scooters).

For the reasons set out above departure from the development plan is not, on its own, considered to be a sound Reason for Refusal.

5.4 Member Concern: Lack of sustainability

Officer Comments

The application site is considered to be in a generally sustainable location, provides on-site a mix of housing and employment space and other uses, as well as social infrastructure (Early Years and Primary School) to meet an identified need (and contributions to off-site provision). The proposed

development also includes a range of sustainable transport and active travel measures.

Without further elaboration on what is meant by 'sustainability', and which is not covered by other topics, this is not on its own considered to be a sound Reason for Refusal.

5.5 Member Concern: Disproportionate level of growth for Frome

Officer Comments

The adopted Local Plan allocation for Frome is 2,300 new homes over the plan period 2006-2029. Frome is the largest town in Somerset East and in the adopted Local Plan Frome is allocated at least 60% more homes than each of the other market towns (the next largest allocation (Wells) has a minimum requirement of 1,450 new homes). To date (2006-2024), a total of 1,968 new homes had been completed in Frome.

The 2,300 homes allocated to Frome represents 24% of the Local Plan Part I and II target (9,635) to be built in Somerset East (former Mendip district area). The 1,700 homes proposed for the SGC site therefore represents approximately 18% of current Local Plan Part I and II target for the town.

Whilst the total proposed quantum of development is significant, it will be built out over a number of years. Taking account of the existing size and historic growth of Frome as well as its characteristics (including a range of employment sites, social infrastructure capacity and public transport services) the level of growth that would take place in the town if the SGC development was approved is not considered to be disproportionate.

It is also relevant to note that adopting the new standard methodology for calculating housing need (as set out in NPPF para. 62) it is anticipated that the future housing requirement across Somerset will increase from that when using the previous method by 41%. Whilst the final number has yet to be finalised, a proportion of the new homes will be directed to Frome. Accordingly the case that the proposals represent a disproportionate amount of growth in Frome is not considered a sound Reason for Refusal.

Given that the new Somerset Local Plan is at an early stage of its preparation and in the light of the guidance in the NPPF (para. 50-51) the issue of prematurity is also not considered to be a sound Reason for Refusal.

5.6 Member Concern: Scale of development and impact on local infrastructure and services (including local roads and foul sewerage and residual transport/traffic and environmental effects)

Officer Comments

The development will give rise to additional demands on local infrastructure and services. Subject to mitigation by way of planning obligations and conditions, statutory consultees and service providers have not raised objection to the application on grounds of current or future capacity. It is considered that mechanisms are available to secure timely delivery of

relevant mitigation and to incorporate a review mechanism should circumstances change during the build out of the development (e.g. need for site-based medical services).

Impact on local infrastructure and services is not considered to be a sound Reason for Refusal.

5.7 Member Concern: Unsustainable flood and water management

Officer Comments

Subject to mitigation by way of planning obligations and conditions, statutory consultees and service providers have not raised objection to the application on grounds of current or future capacity.

Flood and water management is not considered to be a sound Reason for Refusal

5.8 Member Concern: Harm to the environment, local communities and surroundings (including the character of the landscape and the setting of the town)

Officer Comments

Para. 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other measures: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The application site is not in an area of, and does not contain, assets of 'particular importance' as defined by the NPPF (e.g. habitat, National Landscape, designated heritage asset) and the majority of the site is not classified as 'best and most versatile' agricultural land. However, it is located within the wider setting of such designated assets and areas and will impact on their setting to varying degrees by introducing built development to an existing open landscape.

Officers remain of the opinion that, with mitigation, the harm to Mells SAC and the setting of Cranborne Chase National Landscape Area (including the International Dark Skies Reserve) is not significant and that reasons for the designation of those assets will be appropriately protected. In the case of designated heritage assets, the harm is considered to be less than substantial and outweighed by the public benefits of the development. Applying the guidance in NPPF para. 11 d) i. regarding the protection of areas or assets of particular importance it is considered that the impact of the development is not a strong Reason for Refusal.

The site is currently largely undeveloped and provides an open agricultural landscape setting to the southern edge of Frome. Whilst the Mendip Landscape Character Assessment categorises the value of the landscape as 'low', the site has a local value as an area of open countryside accessible to existing residents for walking and general enjoyment.

Although the proposed development includes a number of areas of public open space and retains undeveloped green features and spaces, the development of the site will result in a major change to the existing setting of Frome (including the loss of some hedgerows and trees) and will have a significant impact on the local landscape. The Council's Landscape Adviser comments on the application noted that the proposed development gives rise to a significant scale of impact and subsequent major to moderate adverse effects on the landscape. However, they concluded that given the existing landscape character and quality if i) the totality of the measures specified on the Green Infrastructure Parameter Plan are secured by condition and implemented in full; and ii) the green infrastructure is properly managed going forward with an appropriately funded and through a Landscape and Ecological Management Plan these effects were not in themselves considered to be a reason for refusal.

The NPPF Para. 11 d) ii. states that the adverse impacts of granting permission must *'significantly and demonstrably outweigh the benefits having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.....'*

In this case, whilst it is considered that mitigation can be secured by way of conditions and planning obligations and that the development will give rise to a number of benefits (including those specifically identified in NPPF Para. 11 d) ii), Members may conclude that these do not outweigh the adverse impacts to the local landscape and setting of the town.

5.9 Member Concern: Lack of a delivery vehicle or robust to deliver a site at this scale.

Officer Comments

Unless it is contractually or otherwise involved in the delivery of a development project (for example as a land owner) it is not the role or function of the local planning authority to prescribe the mechanism or vehicle to implement a planning permission.

In this case the Applicant (LVA) has indicated their intention to remain involved in overseeing the implementation of the development. However, irrespective of this it is considered that there are appropriate controls via conditions, planning obligations and the approval of reserved matters to manage the delivery of the development in the manner described in the application, regardless of the identity of the developer or landowner.

In the circumstances the lack of a defined delivery vehicle to bring forward the development is not considered to be a sound Reason for Refusal.

5.10 Member Concern: Climate impacts not fully taken account of

Officer Comments

The application considers the climate impacts of the development including climate resilience. Whilst it is acknowledged that the development will give rise to temporary (construction) and permanent impacts, a number of measures are proposed to reduce or limit impacts including commitments on energy use and promoting sustainable modes of travel.

It is considered that reference to the assessment of climate impacts is not a sound Reason for Refusal.

5.11 Member Concern: Piecemeal nature of the phasing model

Officer Comments

The proposed phasing of the development integrates built development with a range of infrastructure works including on and off-site highways, active travel and public transport measures, the delivery of the school, open space, allotments and bat mitigation measures. Triggers for planning obligations including financial contributions will be included in the s.106 Agreement and associated Highways Agreements.

It is considered that appropriate mechanisms are in place to control and manage the development and that reference to piecemeal development is not a sound Reason for Refusal.

5.12 Member Concern: The enforceability of the parameter plans, phasing plans and compliance statements

Officer Comments

A number of planning conditions are proposed to control and manage the delivery of the development in accordance with its stated objectives. Unless non-material, any post-approval amendments to conditions would require a s.73 (minor material amendment) application which is effectively a re-submission of the application to consider the proposals without the condition/with amended wording.

It is considered that this concern is not a sound Reason for Refusal and that amendments to the wording of conditions would be the appropriate way to address any remaining concerns. Members may wish to identify additional conditions (or amended wording) and the Officer Recommendation on the application also includes a provision for Officers to make non-material amendments post-Committee if appropriate.

5.13 Member Concern: The level of out-commuting

Officer Comments

The Local Plan (Part 1) notes that net out commuting, particularly to West Wiltshire towns and to Bath, is an issue for Frome. Although the application proposes a range of employment space on the site it is acknowledged that

there is no linkage or other guarantee that new residents in the development will take up jobs on site (or elsewhere in Frome).

Nonetheless, the application provides for a range of employment uses for potential occupiers and as such the development will make a positive contribution to the provision of employment space in Frome and the potential to support self-containment in terms of new homes and jobs. Accordingly, the potential for out-commuting is not considered a sound Reason for Refusal.

5.14 Member Concern: Impact of loss of land of residents' amenity

Officer Comments

The application will impact on the setting of residential properties adjoining the site (and those retained within the wider site area). However, existing public rights of way across the site will be retained (with limited diversions) and the proposed development includes new areas of open space that will be available to all residents of Frome. A connection to existing public rights of way beyond the site boundary will be made more safe and accessible through the provision of a traffic controlled (Pegasus) crossing of the A361.

It is considered that loss of land of amenity value to residents is not a sound Reason for Refusal.

5.15 Member Concern: Insufficient value to the community from the S106 package

Officer Comments

The Applicant has proposed a range of planning obligations, including verbal undertakings made at the Committee on 3rd December 2024. In addition to the provision of on-site affordable homes and other public benefits such as on site publicly accessible open space, this amounts to around £31m of funding (excluding £718,044 Sustainable Travel Safeguard Sum). In summary these comprise:

Education	£23,838,869
Travel Plan measures	£476,700
Highway Works	£357,000
Sustainable Transport measures	£903,750
Public Transport services	£247,000
A36 works	£4,230,000
Health services	£289,943
Sports facilities	£400,000
Local labour and skills training	£250,000

Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and fairly and

- reasonably related in scale and kind to the development.

Officers consider that the scope of the proposed Heads of Terms for s.106 planning obligations meet the relevant tests.

If Members consider that amended or additional planning obligations should be secured these should be identified however without further elaboration (and justification in relation to the tests) it is considered this would not be a sound Reason for Refusal.

5.16 Conclusion

In the light of the above, Officers consider that a Reason for Refusal could be as follows:

The site is located in open countryside and development of the site would be contrary to the spatial strategy set out in Policies CP1, CP2 and CP4 of the Mendip District Local Plan (Part I). Notwithstanding that the Council cannot currently demonstrate a 5-year housing land supply the proposed development would result in significant adverse landscape change and a harmful visual intrusion into the open countryside and landscape setting of Frome contrary to Policy DP4 of the Local Plan and Paras. 11 d) ii. and 187 of the NPPF (December 2024).

5.17 Notwithstanding the Reason for Refusal set out above, Officers remain of the opinion that the application should be approved as per the original Officer Recommendation as set out in the report that was presented to the Committee at the December 2024 meeting and as set out in Section 6 below, amended to:

- include provision for the monitoring capacity at Frome Medical Centre and making space available on the SGC site should there be demand;
- the affordable housing shall be 30% of the total number of dwellings, with a tenure split of 80% Social Rented and 20% Intermediate Housing;
- financial contribution towards cameras/signage/feasibility study at the A361/A362 Rodden Down junction and towards the A361/Bulls Quarries Road junction.

6 Recommendation

Subject to

- **the Secretary of State having notified the Council (following referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2024) that they do not intend to issue a 'call-in' direction under Section 77 of the Town and Country Planning Act 1990;**

that Planning Permission be GRANTED for the reasons set out in the Officer Report subject to:

- **the recommended Conditions set out in Paragraph 3.1 of the Officer Report (Conditions 35, 36, 37 to be amended in line with National Highways recommendation) and such non-material amendments thereto as Officers consider appropriate to ensure the acceptable implementation of the development; and**
- **the prior completion of a s.106 Legal Agreement to secure the matters set out in Paragraph 3.3 of the Officer Report to the 3rd December 2024 Planning Committee East and para. 5.17 of this Update Report**