

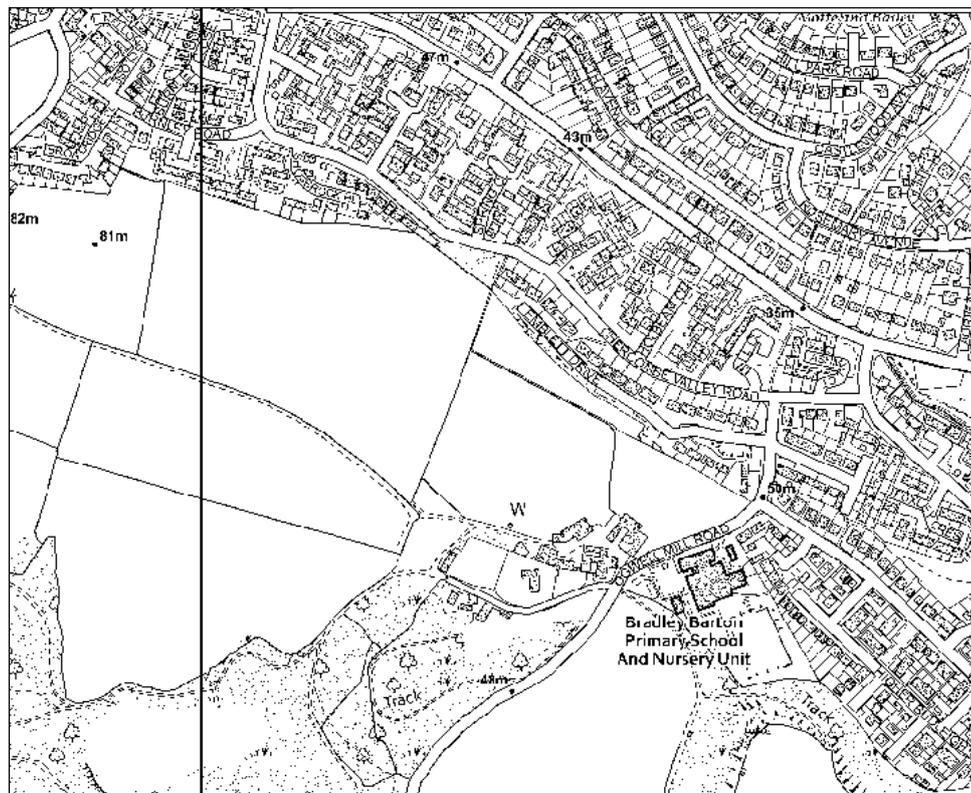
PLANNING COMMITTEE REPORT

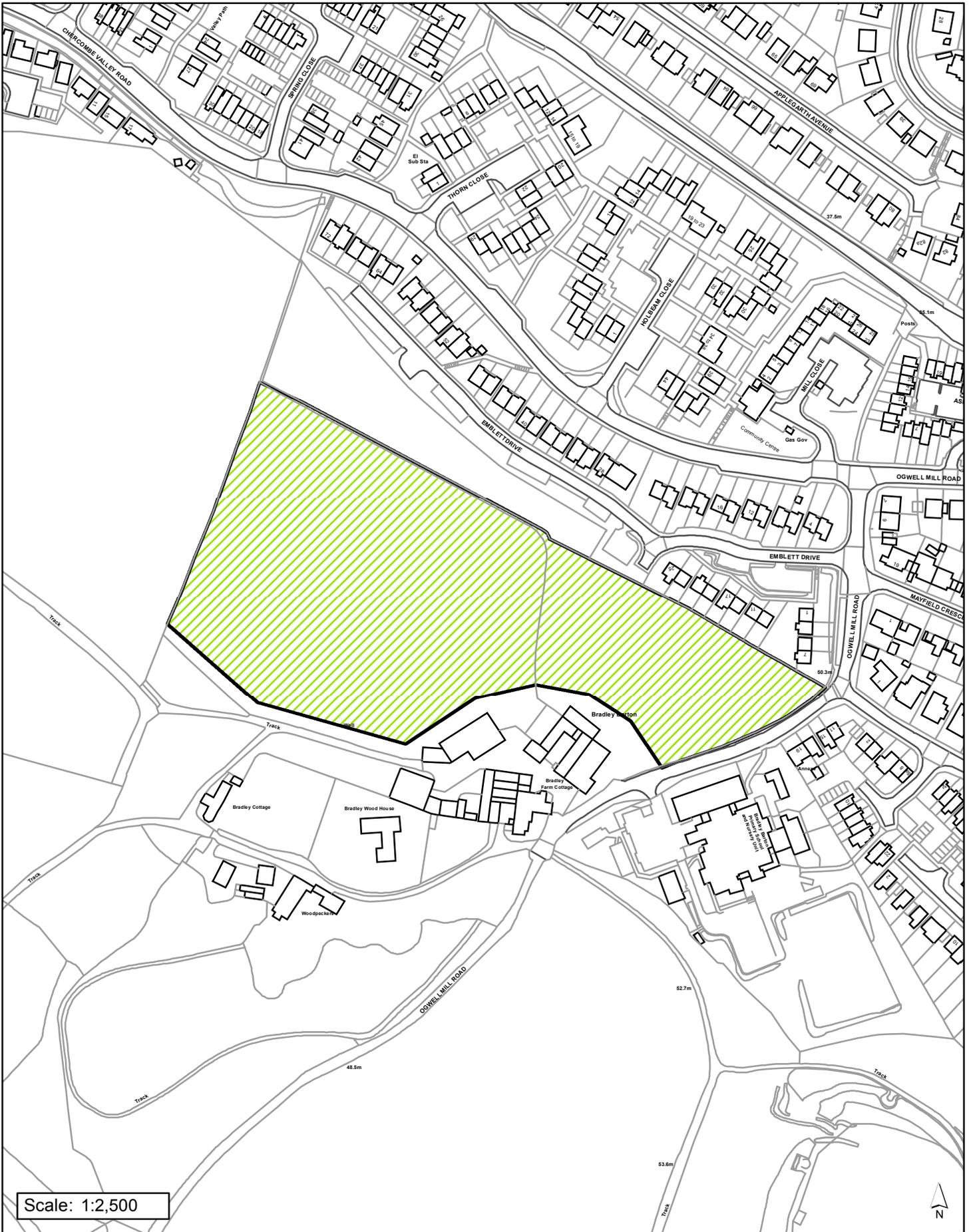
10 June 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/00012/MAJ - Land At Ngr 284376 71456, Ogwell Mill Road - Hybrid application. Construction of 97 dwellings including all associated public open space, landscaping, surface water attenuation and all other external works. Outline planning permission sought for self-build.	
APPLICANT:	Persimmon Homes South West	
CASE OFFICER	Angharad Williams	
WARD MEMBERS:	Councillor Bullivant Councillor Hocking	Bradley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00012/MAJ&MN	





18/00012/MAJ land at NGR 284376,71456
Ogwell Mill Road Newton Abbot



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1. REASON FOR REPORT

The application was originally called in by Councillor Bullivant as it was considered that the development of the initially proposed 109 dwellings was overdevelopment.

Whilst the development had undergone a number of revisions, reducing to 97 dwellings of which 5 are units for self-build, on the Planning Committee of 19 February 2019, Members resolved to defer the application for further information about:

- Affordable housing mix and layout (including floorspace)
- Car parking (considered to be insufficient)
- Landscape and boundary treatments
- Details of the play area

The February 2019 Report is Appended for information.

2. RECOMMENDATION

Subject to the completion of a Section 106 Agreement to provide:

- Delivery of 20% Affordable Housing
- Off-site contribution for Children and Young People's play space (£350,501.75)
- Cirl bunting contribution
- Delivery of 5 custom-build plots
- Landscape and Ecology Management Plan detailing hard and soft landscaping implementation and ongoing management arrangements (which could be Teignbridge District Council, Newton Abbot Town Council or a third party) including funding, and
- NHS contribution (amount to be confirmed and with provisions in case we become unable to lawfully seek this contribution)
- Travel planning contribution (£500 per dwelling)

PERMISSION BE GRANTED subject to the conditions covering the following matters, the detailed wording of which shall be delegated to the Business Manager – Strategic Place:

Whole site

Time Limits

1. Development shall commence on the full planning permission phase within 2 years of the date of this permission
2. Reserved matters approval for each custom build dwelling shall be sought within an appropriate, longer period
3. Development of each custom build dwelling shall commence within one year of receiving Reserved Matters approval

Phasing

4. No part of the development to commence until the access road has been laid out and site compound and car park constructed
5. The development shall be a phased planning permission. A phasing plan will be submitted prior to commencement of any works

Other Matters

6. Details including location and management plan for proposed mitigation in the interests of protecting the Site of Special Scientific Interest (SSSI). Details to be approved and implemented
7. Submission of a highway and permanent surface water drainage scheme. The drainage scheme shall be designed so that there is no increase in the rate of surface water run-off from the site resulting from the development
8. Submission of full details of the adoption and maintenance arrangements for the proposed permanent surface and foul water drainage
9. Details of finished floor levels to each plot including the LEAP submitted prior to commencement
10. Provision of and implementation of an interpretation strategy for heritage assets
11. Tree constraints and protection - plans and details
12. Scheme and implementation for public art

Full planning permission

13. Development to proceed in accordance with the approved plans/documents
14. Submission of a Construction Management Plan
15. Submission of a Construction Environmental Management Plan
16. Architectural details prior to construction
17. Parking provision prior to occupation
18. Submission of external details – fascias, drainpipes and utility boxes
19. Details of any proposed balconies or raised platforms to be submitted prior to their construction
20. Details/samples of external materials prior to their use
21. Lighting strategy to be submitted to and approved prior to being implemented

Outline planning permission for Custom Build

22. Development to proceed in accordance with approved plans
23. Submission of a Construction Management Plan for each phase
24. Plot parameters to be agreed and approved prior to first submission of Reserved Matters
25. Notwithstanding submitted details, a plan detailing points for waste collection prior to construction of any plot
26. Lighting strategy for each plot

3. DESCRIPTION

The Application Site

- 3.1 The application site is allocated within the Teignbridge Local Plan 2013-2033 for residential development as NA6, Bradley Barton, which is approximately 3.5 hectares in size. The policy outlines that the site will deliver **at least** 70 homes with a target of 20% of these to be affordable.
- 3.2 The site lies opposite Bradley Barton School and is within walking distance of a community hall, local shop and public transport routes.
- 3.3 The site is currently accessed via a field gate on Ogwell Mill Road, with no access available via Emblett Drive.

- 3.4 The site is presently an agricultural field. In terms of topography, the site gently slopes upwards from east to west, with a line of trees going from north to south just off the centre of the site. The site is bound on all sides by hedgerow except the northern boundary which is lined predominately with trees, the remainder with boundaries of rear gardens.

The Application

- 3.5 The application is a hybrid application, which seeks to develop 97 homes, with 5 custom/self-build plots. The full part of the application consists the 92 homes, whilst the outline consists of the 5 self-build plots. The development will provide 19 affordable units.
- 3.6 The application seeks permission for an access through Emblett Drive, and has recently, following a number of meetings and negotiations, been amended to remove vehicular access off Ogwell Mill Road. This will now be a pedestrian/cycle link only.
- 3.7 A proportionate amount of green infrastructure is also offered alongside the application, together with parking to accommodate associated vehicles. The recommendation above details provision for other infrastructure.

Background and Structure of Report

- 3.8 As noted above, the application was taken to the Planning Committee on 19 February 2019. At the time, the application proposed 99 homes, with 5 custom/self-build plots, but Members deferred the application for further consideration on the following matters:
- Affordable housing mix and layout (including floorspace)
 - Car parking (considered to be insufficient)
 - Landscape and boundary treatments
 - Details of the play area
- 3.9 The applicants have since worked with the Authority and relevant Officers to try to achieve a development proposal that is considered acceptable on all accounts.
- 3.10 This report first seeks to address how the above points have been considered in more detail and the main changes that have arisen as a result. It will then provide an overview of why it is considered to meet planning policy, before concluding with any further consultee comments.

Matters that required further resolution following the Planning Committee of 19 February 2019

Affordable Housing Mix and Layout

- 3.11 Whilst the Affordable Housing Officer had confirmed for the previous Planning Committee that they were content with the proposals, Members considered that further confirmation and consideration was required.
- 3.12 Before the scheme went to Planning Committee on 19 February 2019 it was proposed that the following mix be used:

- Morden 2 bed 548 square feet
 - Hanbury 3 bed 761 square feet
- 3.13 Following the comments from the Affordable Housing Officer the scheme was amended to the following:
- Hanbury 2 bed 761 square feet (removed an internal wall)
 - Souter 3 bed 932 square feet
 - Leicester 4 bed 1183 square feet
- 3.14 Clusters of affordable housing were also reduced from 16 dwellings to a maximum of 8 dwellings.
- 3.15 After Committee consideration and following the revisions to the layout in order to address other concerns of Members, the number of overall units has decreased to 97 which now includes the self-build. This has meant a decrease in the affordable units being provided to 19, which is still policy-compliant at 20%.
- 3.16 The proposed tenure mix is 14 units at affordable rent, and 5 units for shared ownership. With regards to total area (square feet) the calculations have been set out on the submitted Site Layout Plan.
- 3.17 The Housing Enabling Manager has been consulted and considers that the mix and size is acceptable (please see consultation response below).

Car parking

- 3.18 The scheme presented to the Committee had 99 dwellings, 148 car parking spaces and 41 garages. The subject scheme has 92 dwellings with 147 spaces and 49 garages. Whilst it may appear that parking spaces have been lost, the unit numbers have also decreased and consequently there is a ratio of 2.13 spaces per plot (including garages) which is an improvement over the last submission which proposed a ratio of 1.91 spaces per plot. It is worth noting that where possible garages have been set further back from the highway to create some tandem parking as well as double garages and two parking spaces for some of the larger units, whereas the previous scheme had one garage and one space for some of these plots.

Landscape and boundary treatments

- 3.19 Further discussions have taken place between the applicant, their consultants and the relevant officers of the Council in order to ensure that we have reached a position which seeks to address the main concerns.
- 3.20 An initial meeting with the Council's Landscape Officer and the Play Officer raised conflict as to what would satisfy the Play Officer, which caused objection and concern for the Landscape Officer.
- 3.21 In light of the specific circumstances of this case, it is considered within the planning balance that matters impacting on the landscape should be given more weight when assessed against Local Plan policy. That does not mean to say that

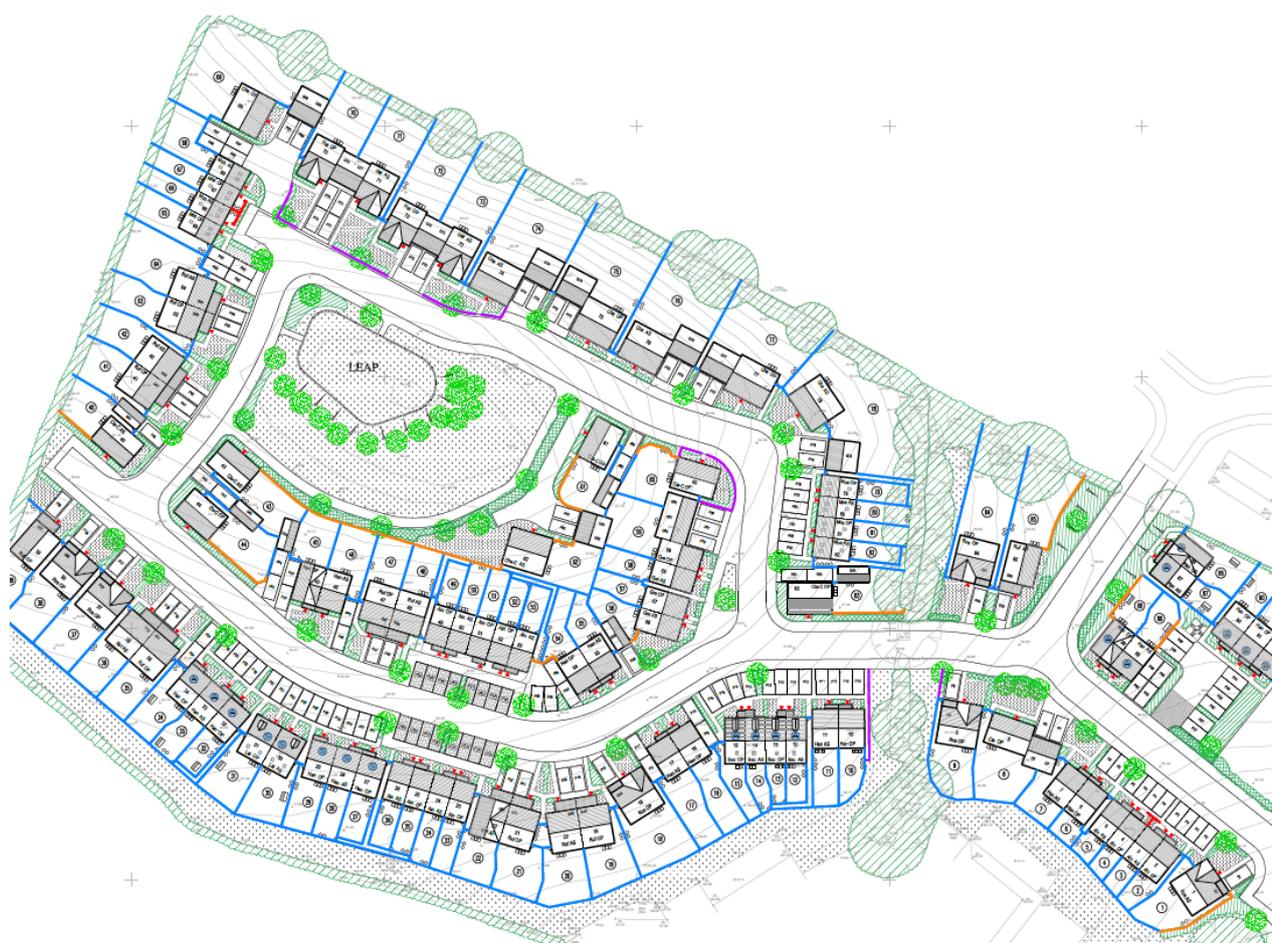
the play has not been given consideration as is discussed below, but it was felt that it should be contained within one part of the site rather than spread across the entirety of the open space as desired by the Play Officer.

3.22 Looking into other matters of landscape impact, the Landscape Officer considered that it would be a positive addition to the site if gaps could be created through the housing proposed to the north therefore giving views in and out of the site.

3.23 In order to improve this, the loss of units has come from the northern boundary of the site, creating larger units accompanied by garages, therefore creating the desired gaps between the properties. Whilst this is a positive move, additional measures have been put in place to try to improve the character and appearance of the development site. This includes the placement of trees to the south of the LEAP, together with enhancements to boundary treatments.

3.24 Such enhancements relate to an increase in the boundary walls being used, post and wire fencing being removed and replaced with timber fencing. Steel railings and walls around bin store areas are also proposed.

3.25 The image below illustrates where and what boundary treatments will be used.



LEGEND

-  1800mm HIGH STONE SCREEN WALL
-  1800mm HIGH CLOSE BOARDED FENCE
-  1200mm HIGH MILD STEEL RAILINGS
-  1200mm HIGH WALL AROUND BIN STORE AREA

3.26 The positive changes in the boundary treatments has resulted in improved street elevations. Whilst there are still some timber fences between boundaries, this has been reduced, with more masonry walls being used. Key vistas are terminated with buildings with key buildings at decision-making points.



3.27 The concerns raised over landscape and visual appearance are therefore considered to have been addressed. Where bin storage has not been provided in the rear gardens, it is provided to the front behind a masonry wall. This is considered to be a significant improvement and enhances the visual appearance.

The only matter that has been left to condition is the architectural details of the properties, as we are not content with the window cill details and feel that this should be given some further consideration.

Impact of the development on the surrounding landscape

- 3.28 The paragraphs in the above section of this report have explained how Members concerns are considered to have been addressed. It should be noted that the site does not fall within an Area of Great Landscape Value.
- 3.29 The application has been amended on a number of occasions now, in order to address various concerns and the latest submission is considered to be the best outcome for the delivery of a development on this site. For further information on background behind this, please refer to Appendix 1 which contains the Officer Report to Committee on 19 February 2019.
- 3.30 In terms of scale, dwellings will be 2.5 and 3 storeys high. An updated Landscaping Plan has also been submitted in support of the application, demonstrating where street trees will be positioned, together with hard and soft landscaping where appropriate. As discussed above, boundary treatments have also been provided in more detail. In terms of how the open space will be managed, this is under consideration between the Local Planning Authority and the applicant.
- 3.31 Overall it is considered that all of the discussions and workshops undertaken by Officers and the applicant have provided the most suitable outcome for this site. The site is therefore considered to be comply with Policy EN2A (Landscape Protection and Enhancement). It has worked with the terrain of the site and seeks to minimise adverse impact. The application is considered to be acceptable on landscape grounds.

Impact of the development on heritage assets

- 3.32 Policy EN5 (Heritage Assets) seeks for development proposals to protect and enhance the area. The site is located within fairly close proximity to Scheduled Ancient Monuments, and therefore the Council's Conservation Officer and Historic England have been involved with the discussions that have taken place on the application. Historic England at first objected to the development and were concerned that the application did not meet the requirements of the NPPF, having a negative impact on the settings of Berry Camp and Castle Dyke.
- 3.33 Following a site meeting with the applicant, Historic England have since withdrawn their objection. Discussions on site have led to changes in the location of open space which now ensures that the character of the hilltop within the western area of the site remains green. Historic England confirmed that (in respect of the last scheme) in the planning balance, they consider that the level of harm is at the lower end of 'less than substantial' and are content for the Local Planning Authority to determine the case in line with Paragraph 196 of the NPPF.
- 3.34 In terms of archaeology, Devon County Council (DCC) were also of the opinion that the site could feature historic remains and required the applicant to undertake further work in respect of an archaeological survey. The applicant proceeded to carry out these works and the results were submitted to DCC. The consultation response received from DCC advises that the application will not have an impact

upon any significant heritage assets and therefore no further archaeological mitigation is required.

- 3.35 With regard to the above, the application is considered to comply with Policy EN5.

Details of the play area

- 3.36 It was made clear by Members during the last Committee that leaving details of the play space to condition was not acceptable, and the applicant has employed a play space consultant to design a suitable play strategy for the site, which has been prepared following meetings with the Council's Play Officer.
- 3.37 This sees the LEAP contained within the agreed area on site, surrounded by a number of trees. It is proposed for the site to be accessible to all.
- 3.38 The Landscape Officer has requested that the space be surrounded by fencing that is 'interlaced bow top fencing', painted dark grey, satisfying play requirements but suggesting a public park rather than play area.

Policy compliance and the planning balance

- 3.39 The application site lies within the settlement boundary of Newton Abbot. Within the settlement boundary, development proposals are considered to be acceptable in principle, subject to their accordancy with all other relevant planning policies. In this instance, the site also forms an allocation of the Local Plan. It is allocated under Policy NA6 Bradley Barton.
- 3.40 Looking at this policy in detail, it is outlined that the site is anticipated to deliver at **least** 70 homes with a target of 20% affordable homes.
- 3.41 Breaking this policy down even further, we see that the supporting text outlines that ecological assessments are required together with an appropriate suite of compensation and mitigation. The policy also outlines that proposals should take account of landscape impact where the land rises. Looking solely at this policy, it is considered that the application satisfactorily meets these criteria.
- 3.42 Starting with housing numbers, the allocation suggests at least 70 dwellings. It is important to note that there is not a maximum number indicated and that it would not be reasonable to argue that the proposed 97 homes are excessive, especially if all other criteria are being met. Furthermore, the proposed number of homes has decreased following deferral at Committee, from 104 to 97, which now includes the 5 self-build plots, in accordance with policy. This is a reduction considering the application was submitted originally in 2018 as a proposal for 109 units.
- 3.43 The application proposes 19 affordable units. This has reduced accordingly given the overall unit numbers have reduced, but is still policy-compliant. This has been addressed accordingly in the above paragraphs.
- 3.44 When looking at the sustainability of the development, there is a significant amount of green space proposed, albeit that there is also a substantial off-site contribution required which was agreed at the very outset. Importantly, since the Council declared a climate emergency, the applicant has been asked to demonstrate how they are considering this in their proposed development. The application is now

supported with a Sustainable Design and Construction Statement, which provides detail on the design/material selection and control of pollution during the construction of the development. The report also goes into the energy efficiency of the house types and confirms that the development falls under the scope of the Building Regulations Part L 2013. It is considered that the proposals will exceed the policy requirements within the Local Plan as set out in Policy S7, including as a result of its location within Newton Abbot where residents will have a choice regarding the ways in which they travel as well as the “fabric first” requirements of the Building Regulations leading to substantially more efficient new homes.

- 3.45 As a full application, careful attention has been paid to layout and design matters to minimize impacts on both existing and potential future residents.
- 3.46 Great care has been taken to ensure that plots are adequately spaced from existing dwellings, and from each other given that we must consider the privacy of future residents also.
- 3.47 In terms of noise, it is inevitable that, during the construction period of the development, there will be some noise. However, we can ensure that this is controlled in respect of hours of construction and days on which the construction can be undertaken. This will be controlled via a construction management plan condition, which the applicant is required to submit and have approved prior to commencement.
- 3.48 With regard to the above and the policies of the Local Plan, the application is considered to be satisfactory and meets the necessary criteria of its allocation. Subject to conditions and a S106 Agreement as set out in the recommendation, the principle and sustainability of the development is considered to be acceptable.

Other matters - impact of the development on the school

- 3.49 This is being raised as a matter to discuss in the report given the number of representations received with concerns about the development proposed and the safety of young children.
- 3.50 Whilst it is appreciated that the site is within close proximity there should not be any risk to children during the construction period of the development. This will be controlled via a construction management plan which requires the applicant to submit a report to the Council as to how such matters including construction vehicle accesses and timing will be managed. It is considered that such traffic should be fed through Emblett Drive as this will be a wider road and away from the school itself.
- 3.51 Once construction is complete, it is envisaged that future residents with children may want to also take their children to the school (subject to places). The site layout shows a pedestrian footpath that is being put in to the east of the site, to allow safe access to the entrance.

Conclusion

- 3.52 The application is a hybrid application – full planning permission being sought for 92 dwellings whilst 5 are in outline and consist of the self-build element. Throughout the application process a number of discussions, negotiations and workshops have

been held and following Members' decision to defer the application at 19 February Committee, it is considered that all concerns have been addressed.

- 3.53 Officers believe the proposals outlined in this application represent a good scheme and merit support. The development complies with relevant planning policy including the Local Plan and subject to the conditions and obligations outlined above, planning permission should be granted.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S4 (Land for New Homes)

S6 (Resilience)

STRATEGY PLACES

S14 (Newton Abbot)

S21A (Settlement Limits)

WE11 (Green Infrastructure)

QUALITY ENVIRONMENT

EN2A (Landscape Protection and Enhancement)

EN3 (Carbon Reduction Plans)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows).

Devon Waste Plan

Newton Abbot Neighbourhood Plan.

NANDP2 – Quality Of Design

NANDP3 – Natural Environment and Biodiversity

NANDP6 – Use of Community Infrastructure Levies

NANDP10 – Broadband Speeds

5. CONSULTEES

Contaminated Land - No objections

Biodiversity (No change) - Originally had a holding objection to the application as there was concern about the impact on the SSSI. Since this time, the Council's Biodiversity Officer has met on site with the applicant's Ecologist and also consulted with Natural England. It has been agreed that a Grampian condition can be associated with the grant of planning permission to ensure that appropriate mitigation is put in place to mitigate harm on the SSSI. The revised scheme before Committee satisfies the concerns of the Biodiversity Officer and they are pleased to see the majority of hedgerows/trees are being retained on site.

Landscape Officer – Considers that the removal of some dwellings and arrangement of the garages improves the visibility from the hilltop and improves opportunity for views out from the hilltop towards the surrounding countryside. It is questioned whether pavements are necessary on both sides of the highway which could release some land. This has however not been taken forward as it was considered that the pedestrian connectivity and safety of the pedestrians were more important. There is some concern about the proposed soil profile north of units 70-8 and asking whether the soil could be spread across the LEAP area. This will be picked up through condition.

Trees - Raised objections to the application about the layout and the proximity to trees. The layout has been through several iterations and concerns raised at the beginning continued to be raised. Following these concerns the applicant was again asked to amend the layout to pull forward the housing in north west corner where the predominant concern lay. This has since been done and the distance between the dwellings and existing trees has been maximised.

Waste - Raised concerns about the original layout and the collection of waste within the development and the number of private roads. The layout has since been amended and the road now does a continuous loop allowing traffic to flow throughout the site, with Devon County Council adopting the road. Request small amendments in respect to the collection points on plots 90-92 and 40-42 and 64. The plans have been revised to accommodate this. Although where yellow lines have been requested, this would be a highways matter and DCC have not raised any concerns.

Housing – Advises that the original affordable housing offer from the developer was substandard, although importantly was **not** contrary to the Local Plan. The main original concern was space standards and this is achieved via negotiation. It is the view of the Housing Manager that the scheme before us is the best offer that can be provided within the circumstances. The Housing Enabling team confirm that they are content with the offer on the table and support the application. It is noted that the developer has reduced the size of the affordable housing clusters, increased the size of the affordable housing units, and addressed the accessible/adaptable issues.

DCC Archaeology - Raised objections when the application was first submitted as additional information was required. This included an archaeological geophysical survey followed by (if necessary) an archaeological field evaluation to investigate the nature of any anomalies revealed by the geophysical test. Accordingly, the applicant has undertaken the relevant survey. Following review of this it has been concluded that the application will not have an impact upon any significant heritage assets and therefore no further archaeological mitigation is required.

DCC Education - The response relates to the generation of pupils caused as a result of the development. It is requested that a contribution towards early years education is provided amounting to £250 per dwelling which would be used to provide additional early year provision for pupils. This could be provided via CIL.

DCC Highways - Having assessed the application since its original submission, there have been a number of comments made and various discussions with the Highways Officer. On the older layouts, there was concern over parking and traffic

flow. Since then, and following revised plans in response to the concerns raised, the footway onto Ogwell Mill Road has now been included, with cross sections through the road which are considered to be acceptable. The Highways Officer considers that all matters of concern have been addressed and therefore does not offer an objection to the scheme. Conditions have been recommended.

DCC Flood Authority – Have no objections to the proposed development provided pre-commencement conditions are associated with the application for surface water drainage.

DCC Minerals - Considers that the development is consistent with Policy M2 and has no objection to the development.

Green Infrastructure - Provided a comprehensive response, which can be found online and earlier response can be found in the Appendix. However, since working with the consultant on the scheme, a number of requests were made including an appropriate buffer zone and play equipment being accessible for disabled children. Whilst the location of the play equipment has been agreed between majority of officers, the Play Officer remains concerned.

Unfortunately, in the planning balance, it is not considered that the fullest buffers can be achieved. The objections from Historic England and the Landscape Officer are considered to outweigh the concern of the buffer, as the proposed development is considered to be satisfactory on all other grounds.

Historic England - Originally objected to the application given that it was considered that the original layout had an impact on the two nearby Scheduled Monuments. However following a site visit with the applicant, and a revision to the layout, Historic England now consider the harm to be 'less than substantial' and have dropped their objection. Historic England have been consulted a further time since the scheme has been further amended and no response has been received to date.

NHS - The "Torbay and South Devon NHS Foundation Trust" has requested a contribution to the cost of meeting the needs of new residents at local hospitals. The reason for the request is understood (funding arrangements essentially lag behind new home occupations) however this has not been factored into the Teignbridge Local Plan viability work and therefore represents an extra, unexpected burden on development that needs to be balanced against competing priorities (including the delivery of affordable housing and open space, etc.). In addition, the number of residents arising from the development that represent a new burden on the hospital is currently being discussed with the NHS and the level of contribution required (if any) has not yet been agreed. We expect the relevant contribution to be 10-20% of the requested level.

Furthermore, we have received advice in relation to an ongoing Public Inquiry that the request is not compliant with the CIL Regulations however that Inquiry is ongoing and a definitive view on the issue has not been reached to date. It is therefore recommended that the contribution be included in the list of S106 Obligations as detailed above but that the S106 Agreement be worded to ensure it remains lawful (i.e. if found to be unlawful elsewhere, the obligation would not bite here).

The amount/nature/timing of any contribution has therefore been left out of the recommendation above however it remains the subject of negotiations.

RSPB - Raises concerns about the application, in respect of curlew buntings and other protected species. Since the application was originally submitted further ecological surveys have been undertaken and no further comments have been received. The Biodiversity Officer has not raised any concerns.

6. REPRESENTATIONS

A number of representations have been submitted to the Council. Since the application was deferred and subsequent changes made to the overall plans, a further 8 representations have been made. This brings the total number of objections received to 183. There are no new concerns arising as a result of these objections.

7. TOWN COUNCIL'S COMMENTS

Originally recommended refusal of the application but have been re-consulted since the scheme was revised. To date, no comments have been received.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposals are CIL Liable. At an assumed average of 80 sq m per dwelling, the development would generate in excess of £700,000 of Community Infrastructure Levy receipts of which 25% would be passed to Newton Abbot Town Council.

9. ENVIRONMENTAL IMPACT ASSESSMENT

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter and proforma.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place