

## **Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/17/04108/OUT</b>
<b>LOCATION</b>	<b>Bury Spinney, Thorn Road, Houghton Regis, Dunstable, LU5 6JQ</b>
<b>PROPOSAL</b>	<b>Outline: Residential development for up to 100 dwellings with all other matters except access reserved.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Kane</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>03 October 2017</b>
<b>EXPIRY DATE</b>	<b>02 January 2018</b>
<b>APPLICANT</b>	<b>C/O Agent</b>
<b>AGENT</b>	<b>Jeremy Peter Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Town Council objection to a major application Departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Recommended for Approval</b>

### **Reason for Recommendation:**

The application site lies within Green Belt land and the provision of housing is regarded as inappropriate in the eyes of the National Planning Policy Framework (NPPF). However in this instance very special circumstances can be demonstrated that mean this form of inappropriate Green Belt development does not harm the character or purposes of the Green Belt. The application has been amended to propose a suitable development which ensures the provision of acceptable green infrastructure and the existing public footpath route will be enhanced and can be considered a significant benefit to the development.

The applicant has, through independent review, been able to demonstrate that the site has viability issues in respect of affordable housing provision. The applicant's viability argument has been closely scrutinised by Council Officers and negotiations have resulted in the provision of 10 affordable housing units (10%) on the site. In addition the proposal includes the provision of 12 units for accommodation by people aged 55 and over on the site. The viability appraisal has made provision for monies that can be used for local infrastructure and report sets out how this can be best used. Any resolution to approve would be subject to the completion of a legal agreement which would include a review mechanism to give the opportunity for the viability to be reviewed to take account of possible market alterations.

Development of this site coupled with the infrastructure provision proposed and monies that are able to be secured through S106 agreement, on balance, make this an acceptable scheme in planning terms.

### **Site Location:**

The application site forms approximately 3.3ha of land which currently contains 3 independent dwellings, a commercial yard with outside storage area, pond and a bike race track at the southern end. The site forms a mix of previously developed land, residential curtilage and green field land. The boundaries are subject to existing landscaping.

The site is located within the Green Belt and the Ouzel Brook runs adjacent to the southern boundary. The land immediately adjacent to the application site, on all sides, forms part of the area known as Bidwell West (HRN2) which has outline permission for development comprising up to 1850 dwellings, non-residential uses including employment space, a new primary school and local centre.

North of the site is an area of semi ancient and ancient woodland and a Scheduled Ancient Monument (SAM) within the grounds of a newly Grade II listed dwelling, Oakwell Park.

### **The Application:**

Outline planning permission is sought for the development of the site to provide up to 100 dwellings. All matters are reserved except for access which is proposed in the form of a priority junction onto Thorn Road at the northern end of the site.

The application has been amended since its original submission to address consultation concerns.

The scheme for submission proposes up to 100 units in buildings with a maximum scale of three storeys. Open space is provided on the site and the existing public footpath is proposed to be diverted and developed as a trail route around the perimeter of the site. The original included a viability assessment to justify the provision of 0 affordable housing units on the site.

Following assessment and negotiations the proposal for consideration now includes the provision of 10% affordable housing (10 units) along with 12 units for occupation for people age 55 or over.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes  
Section 7: Requiring good design  
Section 8: Promoting healthy communities  
Section 9: Protecting Green Belt land  
Section 10: Meeting the challenge of climate change, flooding and coastal change  
Section 11: Conserving and enhancing the natural environment  
Section 12: Conserving and enhancing the historic environment

### **South Bedfordshire Local Plan Review Policies**

Policy SD1: Sustainability Keynote Policy  
Policy BE8: Design Considerations  
Policy T10: Controlling Parking in New Developments  
Policy H4: Providing Affordable Housing  
Policy R14: Protection and Improvement of Recreational Facilities in the Countryside

The NPPF advises of the weight to be attached to existing local plans. For plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies SD1, BE8 and R14 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF.

### **Local Plan**

The Central Bedfordshire Local Plan has reached pre-submission stage. The consultation ran between 11 January and 22 February 2018. The comments will now be forwarded to the independent planning inspector alongside the Local Plan when the Plan is submitted to the Secretary of State.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

In summary it is therefore considered that reference should be made to the emerging plan but limited weight should be applied to the Central Bedfordshire Pre-Submission Local Plan taking into account its stage of preparation, the level of consistency with the Framework and acknowledging that the draft site allocations have now been subject to statutory public consultation. The following policies are relevant to the consideration of this application:

Policy CC1 Climate Change and Sustainability  
 Policy CC5 Sustainable Drainage  
 Policy EE1 Green Infrastructure  
 Policy EE2 Enhancing Biodiversity  
 Policy EE3 Nature Conservation  
 Policy EE4 Trees, Woodlands and Hedgerows  
 Policy H1 Housing Mix  
 Policy H2 Housing Standards  
 Policy H4 Affordable Housing  
 Policy HE1 Archaeology and Scheduled Ancient Monuments  
 Policy HE3 Built Heritage  
 Policy HQ1 High Quality Development  
 Policy SA5 Houghton Regis North Strategic Allocation  
 Policy T3 Parking

### **Supplementary Planning Guidance/Other Documents**

Houghton Regis (North) Framework plan - adopted by CBC Executive for Development Management purposes on 2 October 2012.  
 Central Bedfordshire Design Guide - March 2014.  
 Central Bedfordshire Leisure Strategy - March 2014.  
 Central Bedfordshire Sustainable Drainage Guidance - April 2014.  
 Affordable Housing Guidance Note for Central Bedfordshire (South Area) - April 2016.

### **Relevant Planning History:**

The site as an extensive planning history, the following applications are the most recent:

Application Number	CB/16/02086/OUT
Description	Outline residential development for up to 100 dwellings with all other matters except access reserved. The proposed development is within the designated HRN2 site earmarked for development as part of the northern expansion of Houghton Regis.
Decision	Withdrawn
Decision Date	-
Application Number	CB/15/01961/FULL
Description	Erection of detached dwelling
Decision	Permit
Decision Date	14/9/2015
Application Number	CB/14/01262/FULL
Description	Erection of a 4 bed detached dwelling
Decision	Refused
Decision Date	03/07/2014

Application Number      CB/13/02904/FULL  
Description              Conversion of existing garage into a separate 2 bedroom dwelling with parking.  
Decision                  Refused  
Decision Date            22/10/2013

Application Number      CB/13/02056/LDCP  
Description              Conversion of existing garage into a separate 2 bedroom dwelling with parking.  
Decision                  Granted  
Decision Date            01/08/2013

Also of relevance in this report

Application Number      CB/15/00297/OUT  
Description              Outline 'hybrid' planning application with details of main access routes, primary road network and associated drainage in detail only and layout in outline with details of landscaping, appearance and scale reserved for later determination. Development to comprise: Up to 1,850 residential (C3) dwellings (including affordable housing), 2FE Primary School (D1), employment land (Use Classes B1 [a-c], B2 & B8), local centre comprising retail (A1, A2, A3, A4 & A5) and community/leisure uses (D1 & D2), layout of public open spaces including sports pitches and changing rooms, natural wildlife areas and all associated works and operations including engineering operations and earthworks  
Decision                  Granted  
Decision Date            18/11/2015

**Consultees:**

Houghton Regis Town Council      Summary  
The Town Council considers this application to be premature and wishes to raise strong objections on this basis and on grounds of incompatibility with the Houghton Regis North (HRN) Framework, inadequate access, inappropriate development and lack of supporting facilities.

Within the HRN Framework

Although the site is within the area covered by the HRN Framework, the precise layout for housing, green space, and community facilities such as schools - all of which are shown in this part of the Framework - has yet to be

established. The application is therefore premature and could prejudice the proper planning of the area.

Although the application uses Framework material in its support, this nonetheless does not override the need for a proper comprehensive planned approach to the area. In the view of the Town Council, piecemeal development of the type proposed would be severely prejudicial to the balanced provision of a range of housing, open space green infrastructure and community facilities.

It is believed that there has been interest in the development of this site for some time; earlier discussions could find no justification for releasing what was part of the Green Belt. Attaching earlier discussions and advice to the current application is inappropriate, the scheme should be judged on the merits of current circumstances, viz the approved HRN Framework which does not justify piecemeal, premature development potentially prejudicial to an overall approach.

In addition it would be misleading to argue that the public consultation around HRN in some way can be applied to the current proposal. This scheme has not had any public scrutiny or consideration in its own right.

The success of HRN overall will include a comprehensive approach to the landscaping, green network and open spaces layout, none of which will be achieved through piecemeal development.

#### Emerging Neighbourhood Plan

The work to prepare a neighbourhood plan for Houghton Regis embraces the HRN Framework as well as examining a range of other factors. Piecemeal and premature development of the sort envisaged within the current application would be contrary to emerging issues regarding green infrastructure, a range of housing provision (see below), integrating HRN developments with the existing settlement and access pattern, and provision of facilities.

The Town Council views as a priority the integration of HRN developments with the existing settlements of Houghton Regis and Bidwell. Although not directly adjoining these settlements, taking a piecemeal approach

as with the current application will not contribute to this priority.

#### Access

The developments within HRN will be served by highway, pedestrian and cycle access arrangements to modern standards capable of supporting modern traffic including heavy vehicles - removals, refuse, emergency - as well as day-to-day car movements. The application proposes use of the lane through Thorn which is inadequate in terms of width and construction, lacking both footways and suitable cycle access and is therefore contrary to the provisions of the National Planning Policy Framework. The Town Council is also concerned about the proposed access from the site onto the Lane in terms of sight lines and safety accessing and exiting the site.

It is likely that Thorn Road will be part of the HRN2 layout but not as an access road supporting residential development to this degree.

#### A Range of Housing

The price and types of housing currently available locally strongly suggest that the policies to provide a proportion of affordable housing should be upheld. The current application does not show the required level of affordable housing in accordance the Council's Affordable Housing Guidance Note for Central Bedfordshire (South Area) Adopted April 2016 and paragraphs 50, 72 and 73 of the NPPF and should be refused.

Developments within HRN will need to be part of the mechanism which contributes to the provision of a range of housing as well as education and leisure facilities and services. In isolation the development would have an unmitigated and unacceptable impact on existing local infrastructure.

#### Conclusion

It is the Town Council's view that the proposal should be refused for the reasons discussed above. In addition the Council notes that an earlier proposal in 2016 for residential development at Oakwell Park was refused for similar reasons (plus the unacceptable impact on heritage assets) and turning down the current scheme would demonstrate a consistent approach (see CB/16/05701/OUT).

The proper planned approach to HRN is very important to achieve a balanced expansion of Houghton Regis with a range of residential development within a framework of green and open spaces supported by appropriate community facilities.

## Highways

Raised concerns on the following grounds:

- Not promoting sustainable modes of transport.
- Distance from built up areas of Houghton Regis.
- Thorn Road not suitable to serve the proposal as existing.
- Contribution required for improving sustainable transport, public transport and highway improvements.

Following the submission of a revised Transport Statement:

- Considers that the site should be regarded as an unsustainable location unless a footway can be provided from the site to the existing highway network.
- Raised concerns over the commitment to construct a footpath through the site to Bedford Road.

## Highways England

Raised no objections.

## Landscape Officer

Raised concerns in relation to landscape proposals on the Ouzel Brook corridor, detailed landscape proposals in relation to identified opportunities in the Framework Plan, proposals for the public right of way and the relationship of buildings to open space.

Following the submission of additional details:

Advised that landscape concerns remain.

## Green Infrastructure Officer

Raised concerns on the grounds of failing to deliver appropriate green infrastructure (GI) and removing existing GI as part of the scheme.

## Tree Officer

Raised concerns due to possible encroachment into an existing tree belt adjacent to Thorn Road and root protection areas of trees in the southwestern boundary of the site. Welcomed removal of boundary trees from garden



	areas but highlighted the need for an Arboricultural Impact Assessment to address potential conflict.
Ecologist	Raised no objections subject to a condition relating to ecological mitigation and enhancement.
Sustainable Urban Drainage	Raised concerns due to increased flood risk and attenuation proposals being within the flood plain and asked for additional information.
	<u>Following the submission of additional information.</u>
	Raised no objections subject to a condition relating to detailed drainage proposals.
Internal Drainage Board	Objected to development being shown in the 9m easement strip adjacent to the Ouzel Brook (to the south).
Anglian Water	Requested conditions relating to foul and surface water management strategies.
Environment Agency	Raised no objections subject to informatives relating to Contamination and SUDs
Rights Of Way Officer	Commented that the submission does not address the right of way proposal but raised no objections subject to a condition to address the provision of the public footpath.
Housing Development Officer	Originally requested independent review of the submitted viability appraisal.
	<u>Following appraisal.</u>
	Acknowledged the appraisal findings noting that there is nothing glaring that should cause concern.
	<u>Following further scrutiny</u>
	Comments awaited on required housing mix and tenure.
Leisure Officer	No comments received.
Pollution Team	Raised no objections subject to conditions relating to noise, air quality and land contamination.

Waste Services	Raised no objections, providing information on waste collections arrangements and standards for Houghton Regis.
Archaeology	Raised concerns over the impact on the setting of the SAM and raised no objections in respect of archaeological remains subject to a condition requiring archaeological investigation.
Historic England	Raised concern on the grounds of increased density of development affecting the setting of the SAM to the north of the site stating that there is no objection in principle but that the layout would need to be amended to mitigate the harm. Concern raised due to the location of the access and distance of development to the SAM.
Adult Social Care	Commented that the needs of older people should be considered as part of this proposal and that support would be given for a proportion of houses in the scheme being suitable for older people.

#### **Other Representations:**

Third party letters	Chilterns Conservation Board made a number of points in respect of ways to reduce the impact of the development.  Canal and River Trust had no comments to make.
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#### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations
7. Whether the scheme amounts to sustainable development

#### **Considerations**

##### **1. Principle of development and The Green Belt**

###### **1.1 Affordable Housing and site viability**

The applicant submitted a statement to demonstrate that the viability of the scheme was such that it could not provide affordable housing. The statement was independently appraised which raised questions on a number of points and the case officer and Council's Housing Strategy and Implementation Manager

engaged with the applicant. Subsequently a number of amendments and addendums to the site viability were made which lessened the extent of issues on the site, allowing the council to secure some provision.

- 1.2 The crux of the viability issues lie with the fact that part of the site is previously developed with a commercial business operating on the site and that there are three existing dwellings with associated curtilages that are included. In its simplest terms the sale of the site, which has already been agreed, included the purchase of the three dwellings and the commercial units at market value which raises the value of the land. This is certainly not the only factor to take into account but it can be considered the principal issue that affects the viability. The remaining green field are of the site does not have these issues and indeed it is advised that the Council could reasonably expect a policy compliant provision of 30% affordable housing if the site itself were wholly greenfield land.
- 1.3 The scrutiny of the viability assessment led to an amended proposal from the applicant to provide 10% affordable on site which would amount to 10 dwellings. Therefore the resultant proposal does not provide a policy compliant level of affordable housing and is contrary to planning policy as a result. However Officers have been advised that the viability details submitted are now considered to be a fair reflection of issues on the site. The Housing Development Officer has considered the 10% proposal and commented that the Council would seek to ensure the scheme of affordable housing reflects the Council's need for this area. This is considered reasonable, i.e. if the applicant proposes an under-provision of units then it is imperative that the provision reflects local need. Such detailing can be secured through a S106 legal agreement if the application is resolved to approve.
- 1.4 Furthermore the applicant has agreed to include 12 units for occupation only by residents aged 55 and over. This recognises a need to consider the elderly population in new developments. As an outline application the provision of units can be secured and detailed design proposals submitted as reserved matters can ensure that a future scheme is purposely designed for its intended occupiers to ensure a suitable quality of accommodation and amenity. While it is considered to have some benefits it should not be regarded as an alternative to affordable housing as such given that the units would be priced at market value. Such occupation restrictions have some benefits in respect of planning obligations which is addressed in section 6.2 of this report. The provision of such units would be done so as an exclusive tenure to the affordable housing scheme.
- 1.5 While the viability of the scheme has been eventually accepted this does not by default establish the principle of development at the site. As it is in a Green Belt location the application must demonstrate Very Special Circumstances in order for development to be considered acceptable

- 1.6 Policy GB1 of the South Bedfordshire Local Plan Review which provided the principle criteria for assessing new developments in the Green Belt was deleted and in effect has been replaced by national guidance now contained in the National Planning Policy Framework (NPPF). This national advice states that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 89 and 90 of the NPPF. If the development is considered inappropriate, paragraph 87 of the NPPF states that it is, by definition harmful to the Green Belt and should only be approved in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations (paragraph 88). In accordance with these paragraphs the development is considered to be inappropriate.
- 1.7 The site lies within the red line area of Houghton Regis North Development Framework. The purpose of the Framework Plan is to provide broad structure of the essential supporting elements of the proposed strategic allocation. The Framework Diagram indicates that the site lies outside of the areas shown for development, as is the hamlet of Bidwell in its entirety. The site is therefore not identified for development in the Framework Plan.
- 1.8 As the proposal is considered to be inappropriate development in the Green Belt, 'very special circumstances' (VSCs) need to be demonstrated in accordance with the NPPF, para 88. This paragraph requires substantial weight to be given to any harm to the Green Belt. VSCS will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations. The planning application was accompanied by a statement aiming to demonstrate VSCS. The statement tends to rely on pointing out the surrounding Bidwell West (HRN2) and the VSCs that were identified in that previous application stating that the same circumstances apply. The applicant also states the economic and social benefits identified under paragraph 17 of the NPPF (relating to sustainable development) and while these are perceived benefits to a proposal they have not been detailed in relation to why development should be allowed in the Green Belt in this instance.
- 1.9 However, it is considered that there are clear points that amount to VSCs from this scheme. The countryside around the site has consent to be developed to provide circa 1500 homes and other non-residential uses. The land immediately east, south and west of the site will be developed for residential purposes. Furthermore land beyond the immediately adjacent area will be developed as well. To the north of the site lies the recently opened A5-M1 link road which acts as a physical boundary between the identified growth areas and open countryside to the north; the application site is south of this link road. The site is identified in the Framework as an area for development. Therefore given these circumstances the site would not fulfil its Green Belt functions which include the purpose to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. The consented

developments adjacent to and around the application site are such that, if this site were to be developed, even though it is Green Belt land it would not cause harm against these two purposes. The other three purposes relate to preventing the merging of neighbouring towns, preserving the setting and character of historic towns and assisting urban regeneration which are not applicable here. As a result the principle of development can be considered acceptable.

- 1.10 A scheme proposing housing development that does not provide policy compliant affordable housing is lamentable however viability has been demonstrated as an issue and the NPPF states that in these circumstances the Local Planning Authority should look to be flexible in applying policy requirements wherever possible. In this instance the applicant has proposed units for occupiers aged 55 or over which is a benefit that can be given some weight in respect of considering elderly and providing a mix of accommodation. A level of financial contribution is proposed as per the viability appraisal which is addressed in Section 6 of the report and with the inclusion of a review mechanism in the S106 the scheme is considered to be acceptable in planning terms in this respect.

## **2. Affect on the Character and Appearance of the Area**

- 2.1 The area around the application site is to undergo significant change as it forms part of the Bidwell West (HRN2) area which is consented to provide up to 1850 new homes. Currently the area remains largely undeveloped aside from highway infrastructure works however the Council is currently considering the first reserved matters application for residential units immediately west of this site meaning that development is likely to begin soon. This consent materially alters the character of the area and the application site would be one of a handful of land parcels that are surrounded by this new development. The site currently is undeveloped but contains three dwellings, non-residential buildings with outside storage and has a bike track at the southern end. While rural in location it does not make significant contribution to green infrastructure. Developing the site for residential purposes will materially change its character however it is considered that given the change soon to be undertaken in the wider area, the impact of this is not unacceptable.
- 2.2 The adjacent development is subject to a detailed masterplan and design code which have been adopted. These documents are in place to aid the delivery of high quality development. the applicant is aware of this document and has referred to the code in the formulation of this outline consent. The adopted Design Code for Bidwell West would form a material consideration for detailed design schemes and it is reasonable for the Council to require designs at this site to reflect the coding in this document.
- 2.3 While all matters aside from access are reserved the applicant has submitted an indicative layout and proposed a number of parameters which would seek to guide such development. At this stage it should be stated that the layout as

shown does not represent high quality design and creates a number of concerns in planning terms and the recommendation would not endorse it as proposed. Reserved matters would seek to address these directly and the grant of outline planning permission would set a design parameter.

- 2.4 In respect of landscaping the proposal has resulted in a number of concerns raised from consultees. These points are noted however a number of the concerns are proposal specific which are not for consideration at this outline stage. Issues such as the SUDs basin would therefore be addressed as part of a later application if outline permission were granted.
- 2.5 On the basis of the parameters proposed the scheme is considered to provide a number of landscape benefits which can be considered positive. The southern part of the site is set aside as open space which includes a Leisure Strategy compliant play area and would continue the green infrastructure established by the adjacent development parcels. The parameters have secured a minimum area set aside as open space. The amount includes the areas shown on the plan and would enable the green infrastructure to be established in this part of the site.
- 2.6 The southern and western part of the site also includes the route of Public Footpath 16 which currently dissects the site from its southern end to the western boundary. The plans show a diverted and enhanced route which would retain the existing points at the site boundaries but provide a trail through the open space. It also links through to adjacent land parcels in the southern corners of the site which is a benefit of the scheme and helps to encourage walking through to the adjacent area and the new local centre and school to be provided in the area. The Rights of Way Officer has raised no objections subject to securing a detailed scheme for the footpath via condition.
- 2.7 In respect of the northern part of the site a number of trees are identified as retained and a 'village 'green style allocation is identified for retention. The retention of existing landscaping in this area is welcomed but there are concerns with the indicative layout that shows dwellings at the northern area whose location is dictated by the location of the retained trees. This area has led to concerns from Historic England, Landscape and the Tree Officer and these concerns are noted. Granting outline consent would not approve the layout as submitted and it would be expected that a detailed proposal would find a better solution than shown in the plan. Any approval would include a condition requiring the reserved matters to include an Arboricultural Impact Assessment that would inform the location of dwellings in light of the need to establish suitable landscaping areas at this northern part.
- 2.8 The eastern and western sides of the site show boundary landscaping outside of residential curtilages which is welcomed and acceptable subject to maintenance being achieved.

- 2.9 The concerns raised in respect of landscaping are noted however it is considered that the site proposes open space and green infrastructure that is reflective of the adjacent development and would continue the GI benefits secured already in the area. The accessibility to open space is increased as a result of the development and opportunities exist for links through to adjacent sites depending on detailed designs. The proposal is considered to reflect the landscaping provision of residential parcels in the Bidwell West development area and is considered acceptable as a result.
- 2.10 In respect of built form, detailed design considerations will be left for any subsequent reserved matters layout. The parameters plan shows an indicative layout to demonstrate how development could be accommodated. As stated this layout gives raises design concerns and would not be supported if submitted as a detailed proposal. The parameters however set a number of standards that would guide a detailed design proposal. A mix of house types including detached, semi-detached, terraced and apartments are shown ranging from 1 to 4 bedrooms per unit. This indicates a range of housing mix that is acceptable and provides flexibility.
- 2.11 The parameters also show a mix between 2 and 3 storeys which is reflective of the adopted Design Code for Bidwell West in this area and is considered to be an appropriate scale. The layout causes concerns at the northern end with development appearing cramped and incongruous and it has already been stated that a detailed proposal will be required to show an improved arrangement. It would be better to remove the units from the northern end and use the flexibility of building heights to accommodate the units elsewhere.
- 2.12 Any detailed design proposal would be expected to take account of the adopted Design Code for Bidwell West to the extent that it codes designs for the forthcoming adjacent parcels. Notably for this area development is expected to take a contemporary form and this would be expected to be reflected in proposals for this site. It is considered that the adopted Design Code can and will form a material consideration into detailed design proposals in the interests of establishing high quality development and the decision notice will draw attention to this.

### **3. The Historic Environment**

- 3.1 Historic England raise concern over the impact of development on the setting of the SAM to the north of Thorn Road and the application site. These concerns are also echoed in the Council's Archaeologist's comments as well.
- 3.2 The area of concern relates to the northern part of the site which has already been referred to many times as being unacceptable on the indicative layout. The removal of the 7 dwellings shown at this part of the site and their provision elsewhere would address the concerns in respect of the setting of the SAM. This is a detailed design consideration and not for conclusion with this outline application. The concerns on the impact of the designated heritage asset are

noted however it is also noted that the concerns did not amount to an objection and that they could be addressed through revisions in layout which would be a reserved matter.

- 3.3 The concerns regarding the impact on the setting of the SAM are noted however the impact would be a matter for detailed design. Historic England have indicated that this is an issue that could be overcome and therefore at this outline stage there are no objections. In respect of archaeological remains on the application site the Council Archaeologist raises no objections.

#### **4. Neighbouring Amenity**

- 4.1 Detailed design considerations are a reserved matter and this makes it difficult to ascertain specific impacts on neighbouring properties. It is considered that any subsequent reserved matters application could provide a scheme that takes account of neighbouring properties to ensure there would be no harmful impact to existing residents.
- 4.2 The location of the site and the indicative layout show that a proposal could be designed that does not harm the amenity of neighbouring residents. The closest adjacent dwelling would be immediately north and the layout shows dwellings close to this to be side on which should not have a harmful impact in principle. The Council would ensure that there would be no harmful amenity impacts to neighbours. On this basis it is considered that the site can be developed without adversely affecting the amenity of existing residents.
- 4.3 In terms of providing a suitable level of amenity for potential occupiers, any detailed scheme would be expected to be designed in accordance with the Council's adopted Design Guide and this guide includes recommendations to ensure suitable amenity levels are provided. Therefore it is considered that the adopted policy can ensure that a suitable level of amenity could be provided for new residents.
- 4.4 As a result of the above consideration the proposal is considered to not have an adverse amenity impact that would justify a reason to refuse planning permission.

#### **5. Highway Considerations**

- 5.1 The Highway Officer has raised concerns on a number of issues. Firstly relates to Thorn Lane. The Lane is part of the road network in this area that is not being upgraded as part of HRN2. It is not seen as a primary road route to serve the forthcoming development and has not had plans submitted for the provision of a footway. The applicant has indicated a commitment to providing the footway which would connect to the development parcel to the west which provides a continuous link. More pertinent is that within the site the layout shows that public footpath 16 will be enhanced as a route and link though to adjacent land. In all there are three link points shown on the indicative layout with the potential for more at detailed design stage. The lack of footway on Thorn Road does not render this an isolated site. The highways engineer raises concerns that if this site is developed without



HRN2 coming forward it would be isolated which is a valid point however at the time of drafting this report the council has received a reserved matters application for the residential parcel immediately west of this application site. Therefore it is reasonable to consider that development will be brought forward shortly. Certainly it is not considered justifiable to say his proposal is premature given the extant outline consent and submitted detailed designs.

- 5.2 The enhanced public footpath route would allow residents easy and short walking distance to the forthcoming local centre and primary school which shows that the proposal can successfully integrate within this wider growth area.
- 5.3 The highways Officer has advised that a number of conditions can be applied to address highway matters. At the time of drafting this report these were not forthcoming and therefore Members will be updated through the late sheet of proposed conditions.
- 5.4 In terms of parking the residential scheme will be required to meet the Design Guide parking standards for both residents and visitors but this is a design detail that would be considered at reserved matters stage. The indicative layout indicates that suitable parking arrangements can be achieved however it is noted that the road layout would not be to adoptable standard and would need to be changed at design stage.
- 5.5 As a result there are no objections on the grounds of highway safety and convenience.

## **6. Other Considerations**

### **6.1 Drainage**

In terms of drainage, if a scheme were considered acceptable in principle it would be subject to ensuring details of suitable drainage systems are proposed and in place to accommodate drainage impacts. The application included details of sustainable urban drainage details and there are no objections to this in principle. It is necessary to condition the approval of drainage details on the outline consent to ensure the specifics of a scheme are acceptable in accordance with the Council's adopted Sustainable Drainage SPD and to ensure appropriate management and maintenance is secured.

No objections have been raised in respect of technical drainage matters subject to conditions. Specific issues raised would be addressed at reserved matters stage. The Internal Drainage Board comments are noted and a specific design proposal would take account of the requirement to leave the watercourse easement as existing.

### **6.2 S106 agreement**

As part of the viability assessment the applicant had set aside an amount of £820,000 that could be available for S106 contributions and this amount was factored into the appraisal.

The Council Spending Officers have requested the following amounts on the basis of the quantum of development:

Education Officer requested full financial contributions across all education tiers. On the basis of the housing mix shown on the indicative plan the amounts are as follows:

EY	£70,514.64
Primary	£329,068.32
Secondary	£432,526.35
Total	£832,109.31

Leisure Officer requesting £31,597 towards the refurbishment of Dunstablians RUFC, £86,167 towards the replacement of Houghton Regis leisure centre and a 450-500 sqm space for an on-site play area.

The financial amounts requested cannot all be accommodated within the set aside amount. In light of the under provision of affordable housing on the site consideration is, at the time of drafting this report, being given to securing part of the monies as a sum for the provision of affordable housing off site. The Housing Developer is currently considering the level of contribution required and the amount of off-site housing that could provide and Members will receive a final proposed obligation breakdown as part of the late sheet update.

The 500sqm play area can be secure through condition. The indicative layout has shown space for 400sqm and the condition can be added notwithstanding this plan. There is enough space for this to be comfortably provided on the site.

The proposed S106 agreement will also need to include a trigger mechanism which would require a re-appraisal of viability if development does not commence within 12 months of decision and at an agreed trigger through the build to see if affordable housing can be provided on site as part of the build. This is a reasonable clause to include and it is considered that this proposal contains a unit mix that can be adapted to provide affordable housing if revised viability suggests it is possible.

The viability of the scheme was undertaken with a specific housing mix shown. It is reasonable for the Council to secure this housing mix through the S106 agreement so that development, which would likely be carried out by another party, reflects that proposed with the viability issues in mind.

## **7. Whether the scheme amounts to sustainable development**

7.1 At the time of writing the Council considers that it can comfortably demonstrate such a supply of 5.94 years. This position has been held up at two recent appeals. Paragraph 14 of the NPPF still applies and states that the presumption in favour of sustainable development is at the heart of the NPPF, for decision-making this means:

- *approving development proposals that accord with the development plan without delay*

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development; economic, social and environmental.

### **7.2 Environmental**

The encroachment of built development beyond the settlement envelope results in a loss of open countryside however as discussed this is not a negative impact given the consented development in the area. The development provides environmental benefits through public footpath enhancement and accessible green infrastructure. It is considered to be acceptable in light of the environmental strand. As a result of the existing consent this proposal, while constituting a piecemeal addition, does not do so to a detrimental extent and does not have a harmful environmental impact.

### **7.3 Social**

The provision of housing is a benefit to the scheme which should be given some weight. The provision of no affordable housing is not beneficial but the applicant has demonstrated viability issues with the scheme. The S106 agreement gives opportunities for this to be reviewed. The provision of 12 over 55s units is considered to be a benefit to the scheme.

Subject to the applicant agreeing a S106 agreement with the Council for education contributions the application is considered acceptable in light of the social strand.

### **7.4 Economic**

The economic benefits of construction employment are noted although no proposal specific benefits are apparent that would be considered a significant benefit. The site links to the forthcoming local centre which could see an economic boost from future residents.

7.5 The amended proposal is therefore considered to amount to sustainable development.

## **Recommendation:**

That Outline Planning Permission be granted subject to referral to the Secretary of State, the completion of a S106 agreement and the following:

## RECOMMENDED CONDITIONS

- 1 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 Any subsequent applications for reserved matters shall include details of the existing and final ground, ridge and slab levels of the development hereby approved. Such details shall include sections through both the site and the adjoining land. Thereafter the site shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with Policy BE8 of the South Bedfordshire Local Plan Review.

- 5 Prior to first occupation of the development hereby approved, a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 5 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 5.

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 6 Prior to first occupation of the development hereby approved, details of hard and soft landscaping (including details of robust planting schemes at the southern and northern boundaries, boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy BE8 of the South Bedfordshire Local Plan Review.

- 7 **No development shall take place until an ecological design strategy (EDS) addressing mitigation, compensation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall be informed by the September 2017 Outline Biodiversity Strategy (or further survey work should development not commence within 12 months) and include the following;**

- a) **Review of the site potential and constraints**
- b) **Purpose and conservation objectives for the proposed works**
- c) **Detailed working methods to achieve stated objectives including locations of integrated bird and bat boxes to be erected in accordance with RSPB and BCT guidelines on appropriate scale maps and plans**
- d) **Details of lighting considerations to prevent disturbance to bats.**
- e) **Type and source of materials to be used where appropriate, e.g. native species of local provenance.**
- f) **Timetable for implementation demonstrating that works are aligned with proposed phasing of development.**
- g) **Persons responsible for implementing the works**
- h) **Details of initial aftercare and long-term maintenance.**
- i) **Details for monitoring and remedial measures**
- j) **Details for disposal of any wastes arising from works**

**The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.**

**Reason: To ensure development provides a net gain in biodiversity and the development provides acceptable mitigation and enhancement scheme in the interests of Section 7 of the NPPF.**

- 8 The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural

features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 9 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Impact Assessment (November 2017 Rev C) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the system will be constructed, including any phasing, and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 of the NPPF.**

- 10 No dwelling hereby approved shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

- 11 **No development shall take place until a scheme for the provision of Public Footpath no. 16 has been submitted to and approved in writing by Central Bedfordshire Council to include:**

- **the design of access for Public Footpath no. 16 and any other proposed public rights of way routes (to include landscaping, widths and surfacing)**
- **proposals for the diversion of Public Footpath no.16 and any other public rights of way (where necessary) - a Public Path Order diversion application will need to be submitted.**
- **any proposals for the temporary closure and alternative route provision (where necessary on health and safety grounds) of Public**

**Footpath no. 16 and any other affected public right of way during site clearance/construction.**

**The public right of way scheme submitted should be in accordance with the approved ROW Standards and Guidance.**

**Reasons: In the interests of the amenity of pedestrians and other non motorised users and to ensure safety of users is not compromised by the traffic associated with the development.**

12 There shall be no more than 100 residential units at the site.

Reason: To ensure that the site is not overdeveloped in the interests of Section 7 of the NPPF.

13 **No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and light resulting from the site preparation, groundwork and construction phases of the development and manage temporary compound locations and Heavy Goods Vehicle (HGV) access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority**

**Reason: To protect the environment from effects of construction.  
(BE8 SBLPR)**

14 **Notwithstanding the details in the approved plans, any subsequent reserved matters application shall include an Arboricultural Method Statement which details retained areas of existing boundary hedgerows and trees at the site and details how these are to be protected during construction and shall also detail methodology for protection of existing trees adjacent to the site during construction. The works shall then be carried out in accordance with the approved details.**

**Reason: To ensure the retention of existing landscape features in the interests of establishing a rural character to this edge of settlement location in the interests of Section 7 of the NPPF.**

15 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Councils's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 16 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been install at all vehicular site exists and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.**

**(Section 7, NPPF)**

- 17 Any subsequent reserved matters application shall include the provision of 12 residential units for occupation by people aged over 55 years. Each of the units hereby approved shall be occupied only by :
- a) persons aged 55 or older; or
  - b) a widow or widower of such a person or persons, or
  - c) any resident dependant or dependants of such a person or persons, or
  - d) a resident carer of such a person or persons.

Reason: In view of the need for elderly accommodation in the area, to provide a mix if dwelling types and in accordance with the NPPF.

(BE8 SBLPR)

- 18 **No development shall take place within the site until an Employment and Skills Plan has been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Employment and Skills Plan.**

**Reason: To provide an opportunity for residents of the local area to access employment opportunities in the interests of place making.**

**(BE8 SBLPR)**

- 19 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

**Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance**



**with policy DM2 of the Core Strategy and Development Management Policies 2009.**

- 20 **No development shall commence until a detailed foul water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed, and shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan.**

**Reason: To ensure the approved system will function to a satisfactory standard in the interests of acceptable development standards.  
(BE8 SBLPR)**

- 21 Notwithstanding the details in the submitted plans a reserved matters application will provide a play area that comprises a LAP/LEAP mix and will be a minimum of 500 square metres in size.

Reason: To ensure the provision of an appropriate equipped play area in the interests of healthy communities in accordance with the standards of the Leisure Strategy.

- 22 **No development shall take place until a written scheme of archaeological investigation; that includes provision for post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

**Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development. This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* that requires developers to record and advance of understanding of the significance of any heritage assets affected by development before they are lost (wholly or in part).**

- 23 Any Reserved Matters application submitted pursuant to this outline planning permission shall include an air quality assessment that has considered the site in the context of any wider environment and identify how the proposal may both impact upon local air quality objectives and/or whether such may impact upon the proposed site. All works which form part of the approved scheme shall be completed prior to the occupation of the buildings hereby approved, and thereafter maintained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect air quality and peoples health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.  
(BE8 SBLPR)

24 **No development shall take place until a scheme to deal with contamination has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:**

- 1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.**
- 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.**
- 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.**
- 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.**
- 5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.**

**Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land  
(BE8 SMLPR)**

- 25 No dwelling hereby approved shall be occupied until details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and protection of any adverse impact.

- 26 Notwithstanding the details shown in submitted drawing number 13060sk1.10 Rev C, any reserved matters proposal shall be designed taking account of the following parameters shown on this plan:

- Minimum open space provision of 10960sqm
- Diverted and enhanced public right of way with connection points to adjacent sites
- Building height parameter to 2-3 storeys

Reason: To ensure detailed design proposals are developed taking account of appropriate parameter that will lead to the provision of acceptable green infrastructure and accessibility to adjacent sites in the interests or achieving high quality development in the area in accordance with policy BE8 of the South Beds Local Plan Review.

- 27 The development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans, numbers CBC/001 (site plan) and 13060sk1.10 Rev C (insofar as Condition 26 establishes site parameters)

Reason: To identify the approved plan/s and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised to note that in respect of Condition 9 the submission should address the following concerns when submitting details:

There is no evidence in the form of a detailed ground investigation report to confirm that the ground is suitable for infiltration drainage. An infiltration test and report should be carried out to BRE Digest 365 to determine if soakaways or similar features can be used on any part of the site.

Details of the final proposed impermeable area, peak flow rate and storage requirement, with full calculations and methodology. The scheme to be submitted shall include provision of attenuation for the 1 in 100 year event (+ 40%) and demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event (to include for climate change and urbancreep) will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

Full site drawing of drainage system including all connections, control features, inverts, levels, pipe numbers etc. should be submitted to the LPA and accepted as a viable system in writing by the LPA.

3. The applicant is advised to ensure that the definitive legal line of any public right of way is mapped at the earliest opportunity and that no development should take place on or near a public right of way unless the necessary statutory legal process (where necessary) has been completed in accordance with:
  - i. An order made, confirmed and certified under the provisions of Section 247 of the Town and Country Planning Act 1990
  - ii. An order made, confirmed and certified under the provisions of the Highways Act 1980
  - iii. An order made under any other relevant legislation concerning the modification, creation, diversion or extinguishment of a right of way.
4. Applicant is advised to note that to address the requirements of Condition 18, The Plan can give priority to the local recruitment of construction employees, priority to local recruitment for general employees, commit to training schemes for local people, provide transport and bursaries to support local recruitment, set standards for recruitment and any other initiative beneficial to the local area's residents.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## DECISION

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