

Reporting to Planning Committee Meeting to be held on:	Electoral Ward Affected Preston Rural East
Report submitted by: Director of Development and Housing	
Application Number: 06/2020/0977	

1 Summary

1.1 Dean Farm, 150 Whittingham Lane, Broughton, Preston, PR3 2JL

Outline planning application seeking approval for access only for residential development for up to 32no. dwellings (all other matters reserved)

Applicant Community Gateway Association Ltd

Agent PWA Planning

Case Officer Jonathan Evans

2 Decision recommended

Refusal for the reasons set out in paragraph 2.1.

2.1 Reasons for Refusal

1. The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy, which seeks to limit development to small scale, infill development. Furthermore the proposed development is not the type of development deemed permissible in the open countryside under Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. Moreover, whilst it is acknowledged that the proposal comprises 100% entry-level homes, the need for such homes is already being met within the authority's area, hence the proposal fails to accord with paragraph 71 of the National Planning Policy Framework. The proposed development is contrary to Policy 1 of the Central Lancashire Core Strategy and Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

2. The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). Due to lack of access to public transport and distance to local amenities, the proposed development would result in future residents being heavily reliant on private motor vehicles to access day to day amenities, which would not represent sustainable development. The need to promote sustainable development, set out in paragraph 8 of the Framework, involves bringing forward land of the right type in the right place with accessible services. By virtue of the location of application site, the proposed development would demonstrably fail to do this. The proposed development is contrary to Policy 3 of the Central Lancashire Core Strategy and the National Planning Policy Framework.

3. The indicative layout plan suggests the proposed development could achieve a density of around 32 dwellings per hectare. The existing density within the area is approximately 7.4 dwellings per hectare. The proposed density of the development would be substantially higher than that of the surrounding area and would result in a development that is incongruous in this rural area due to its suburban appearance. The proposed development is contrary to Policy 5 of the Central Lancashire Core Strategy and the National Planning Policy Framework.

3 Information

3.1 Location

The site covers an area of 0.99ha of agricultural located on the east side of Pudding Pie Nook Lane, south of the junction with Whittingham Lane, behind a property known as Dean Farm. The site is covered by an existing yard and sand paddock as well as field. The site is situated approximately 75m from the eastern edge of the settlement boundary of the village of Broughton and is identified as within open countryside and part of an Area of Separation, between Broughton and Goosnargh on the Policies Map, of the Adopted Preston Local Plan.

3.2 Proposal

The application is seeking outline permission for 32no. dwellings with access applied for with scale, design, layout and landscaping to be dealt with at reserved matters. The proposed access would be taken from Whittingham Lane down the un-adopted Pudding Pie Nook Lane and off a proposed access road adjacent to the south of Dean Farm. The proposal would include the provision of a 2m wide footpath along the eastern edge of Pudding Pie Nook Lane between the proposed access and Whittingham Lane. The submission indicates that all the proposed dwellings would be affordable and the proposed scheme is being put forward as an entry-level exception site, which is defined as a site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking for to rent).

The proposal includes an Illustrative layout plan to demonstrate how the site could be developed. Although this is an outline application with all matters reserved the layout would be the subject of a future reserved matters application, if approved. The indicative plan proposes a single access off Pudding Pie Nook Lane, which would run east to the eastern edge of site with two branch roads, one in the northwest and the other in the

southeast. The access road would include a 2m wide service strip or footpath either side of the road whilst the branch roads would be shared surfaces. Dwellings are proposed to front onto the access and branch roads with 30.no semi-detached dwelling and 2no. detached dwellings of five different designs with off street parking to the front or side and garden to the rear. An area of open space is proposed over the gas main in the north eastern area of site.

3.3 Relevant planning history

None

Neighbouring Sites

06/2020/0091 – 7no. dwellings – Refused July 2020.

06/2019/0166 – Reserved matters application (namely appearance, landscaping, layout and scale) pursuant to outline planning permission 06/2017/0941 for 98no. dwellings and associated works following demolition of 126a Whittingham Lane – Approved August 2019.

06/2018/0732 – Outline application for up to 111no. dwellings and associated works following demolition of 126A Whittingham Lane and with all matters reserved except for access – Refused November 2020.

06/2018/0700 – Two storey distribution centre with associated landscaping, car parking and modified access – Approved February 2019.

06/2017/1387 – Outline planning application for 6no. dwellings (access applied for only) – Approved April 2018.

06/2017/0941 – Outline planning application for up to 101no. dwellings and associated works following demolition of 126A Whittingham Lane (access applied for only) – Approved September 2018.

3.4 Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development plan comprises:

Adopted Central Lancashire Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 3: Travel

Policy 4: Housing Delivery

Policy 5: Housing Density

Policy 7: Affordable and Special Needs Housing

Policy 14: Education

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments
Policy 29: Water Management

Preston Local Plan 2012-2026 (Site Allocations & Development Management Policies)
ST1: Parking Standards
ST2: General Transport Considerations
EN7: Land Quality
EN9: Design of New Development
EN22: Biodiversity

Other Material Considerations:

Central Lancashire Supplementary Planning Documents
Design Guide (October 2012)
Affordable Housing

National Planning Policy
National Planning Policy Framework (the Framework)
National Planning Practice Guidance (NPPG)
National Planning Policy for Waste
The National Design Guide

3.5 Consultation responses

Health and Safety Executive – No objection on safety grounds but the site is within the consultation distance of major hazard sites/pipelines.

SABIC Petrochemicals UK Ltd – No objection.

Cadent Gas – Apparatus in the vicinity of application site, the applicant must contact Cadent Gas prior to undertaking any works at site and follow guidance on works within proximity of the gas pipeline.

National Air Traffic Service – No objection.

Waste Management – No objection in principle but request a waste management plan and swept path analysis are provided at reserved matters to demonstrate refuse collection vehicles can safely access the site. The shared driveways shown on the indicate layout would require some bins to be moved over a substantial distance which would be unacceptable.

County Education – No objection subject to a financial contribution to provide 3 secondary school places.

United Utilities – No objection subject to a condition requiring the development to be carried out in accordance with the principles set out in the submitted Flood Risk Assessment.

Greater Manchester Ecology Unit – Initially noted that issues relating to barn owls, bats, nesting birds, Himalayan Balsam and biodiversity enhancement can be resolved via conditions but requested additional information in relation to Great Crested Newts. Following discussions with the applicant a Reasonable Avoid Method Statement and

mitigation and enhancement plan for Great Crested Newts was submitted which GMEU reviewed and subject to a condition raised no further objection.

Environmental Health – No objection subject to conditions covering noise mitigation measures, investigations into potential contamination, electric vehicle charging points and a Construction Environmental Management Plan (CEMP).

County Highways – No objection (following initial concerns being addressed) subject to conditions covering works to Pudding Pie Nook Lane; works to the estate roads and new access; provision of parking spaces; provision of secure cycle storage; electric vehicle charging points; details of management and maintenance of roads; and wheel washing facilities.

Parks and Street Scene (Landscaping) – The soft landscaping specification for the proposed dwellings are appropriate however the public open space requires further development.

Lead Local Flood Authority – No objection subject to conditions requiring Final Sustainable Drainage Scheme, Construction Phase Surface Water Management Plan and Operation and Maintenance Plan and Verification Report.

Whittingham Parish Council – Object to application on the grounds that the site is not considered sustainable due to the distance to local services, lack of connectivity for pedestrians and cyclists and limited access to public transport. They also question the level demand for affordable housing in this location with a nearby site struggling to release affordable dwellings.

Ben Wallace MP – Objects to the scheme, the concerns raised can be summarised below:

- The proposed location is contrary to local planning policy;
- The impact the development would have on the character and intrinsic beauty of the open countryside; and
- The unsustainability of the site's location.

Publicity – A total of 26 objections were received, which can be summarised as follows:

- Proposed access not suitable as Pudding Pie Nook Lane is single vehicle width;
- Junction of Pudding Pie Nook Lane and Whittingham Lane not suitable for increase in traffic;
- Transport network cannot support more dwellings;
- There are safety concerns given the lack of footpath and large vehicles associated with businesses and agriculture uses on Pudding Pie Nook Lane;
- No local amenities; doctors, schools, supermarkets, local employment etc;
- Preston has a 5 year housing land supply, there is no need for further development and note that scheme adjacent to site was refused;
- Not compliant with Local Plan or Core Strategy;
- Impact on area of separation identified by Local Plan;
- Would have detrimental impact on the environment/ecology including, but not limited to, bats and great crested newts;

- Impact on character of rural villages by continued approval of new housing;
- Harm to rural character and area of separation;
- No evidence of need for affordable housing;
- Application site located inappropriately due to being located adjacent to an industrial building;
- Inappropriate development of greenfield land;
- Distance to local services and lack of connectivity for pedestrians and cyclists and limited access to public transport (bus stop over 350m with limited service), the development would not support the vitality of rural communities and promote alternative modes of transport Development contrary to Paragraphs 78 and 102;
- Brownfield land at Whittingham Hospital has not been used yet greenfield land has continually been used for building against all regulations. Whittingham Hospital and other approved sites should be completed prior to permission being granted on other non-allocated sites;
- Impact on climate change;
- Sewers cannot cope with additional development;
- Increase in pollution from development; and
- Increase in flood risk.

Concern was raised in relation to inadequate notification of the planning application. There was a request that all residents on Pudding Pie Nook Lane be notified. Officers are satisfied that publicity of the planning application accords with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

The following points were also raised but are not planning matters/considerations and will not be assessed further:

- Provision of a performance bond related to road upgrade works; and
- Economic uncertainty.

3.6 Analysis

Principle of Development

Policy 1 of the Core Strategy (CS) relates to all types of development, seeking to focus growth and investment on well located brownfield sites, identified strategic locations and other main urban areas whilst protecting suburban and rural areas. The hierarchical sequence set out in Policy 1 for locating development puts other places, being smaller villages, substantially built up frontages and Major Developed sites, at the bottom of the hierarchy where development is expected to be typically small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional needs for a larger scale redevelopment schemes.

The application site is not a well located brownfield site, nor is it within an identified strategic location, within a Key Service Centre or within a main urban area. In considering criterion (f) of CS Policy 1, the application site is not within a substantially built up frontage or a Major Developed site. The application site is located approximately 75m west of the eastern boundary of the village of Broughton, which ends on the eastern boundary of 138 Whittingham Road and is not within the village boundary of Broughton. The proposed development could be considered as small scale in the context of Broughton, however the proposal would not be infill development, involve the conversion of buildings and there is

little or no evidence that the proposal meets a local need (discussed below). Hence the proposed development does not comply CS Policy 1.

Local Plan Policy EN1 seeks to protect areas of open countryside from unacceptable development which would harm its open and rural character and limits development to that which is permissible under Local Plan Policies HS4 (Rural Exception Affordable Housing) and HS5 (Rural Workers Dwelling in the open countryside) and were it is needed for the purposes of agriculture or forestry or other appropriate rural uses, the re-use or re-habitation of existing buildings or infilling within small groups of buildings within smaller rural settlements. The supporting text to Policy EN1 states that it is important that these areas (of open countryside) are protected from unacceptable development which would harm its open character (the actual policy wording is silent on this matter).

The proposed development is not needed for the purposes of agriculture or forestry or other appropriate rural uses, it does not involve the re-use or re-habitation of existing buildings or infilling within small groups of buildings within smaller rural settlements. The proposed development is contrary to Local Plan Policy EN1.

Policy 31 of the Core Strategy also seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) to achieve the full potential of the soil. The application site is Grade 3b and would not lead to the loss of the highest value of agricultural land. The application therefore would not conflict with Policy 31 of the Core Strategy.

Local Plan Policy HS4 allows for new housing developments adjoining the villages of Barton, Broughton, Goosnargh, Grimsargh, Lea Town and Woodplumpton may be permitted in exceptional cases for affordable housing, where a need has been identified as part of a comprehensive needs assessment for the local area. Policy HS4 is out of date because it does not accord with Paragraph 71 of the Framework, which was inserted into the Framework when it was revised in 2019.

Paragraph 71 of the Framework states that Local planning authorities should support entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and
- b) be adjacent to existing settlements, proportionate in size (<5% of the existing village) to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

The Planning Statement accompanying the application identifies a shortfall in the provision of affordable dwellings. It notes the 2017 Strategic Housing Market Assessment identifies a need for 239no. affordable dwellings per year increasing to 250no. affordable dwellings per year identified within the 2020 Central Lancashire Housing Need Study. The report notes based on the affordable dwellings provided between 2012-2019 approximately 120no. affordable dwellings per year have been provided. As such the applicant argues that there is a shortfall in the delivery of affordable housing and therefore a requirement for further affordable dwellings which would be provided by the proposed

scheme.

The applicant's assertions are broad statements in connection with affordable housing need and no information has been submitted with the application to support the broad statements made. There is no accurate and up to date information on affordable housing need in Preston, and in particular in the rural areas of Preston. Indeed the 2017 Strategic Housing Market Assessment and the 2020 Central Lancashire Housing Need Study assess general housing need and did not undertake an assessment of affordable housing need, therefore the applicant's assertions in connection with information in these documents cannot be relied upon. However the Council is now using the standard methodology to monitor housing land supply, and the standard methodology, which is used to calculate local housing need, takes account of the affordability of houses in Preston and adjusts the figure accordingly. Given that the Council can demonstrate a 13.6 year supply, officers consider that the Council is more than providing for new housing across the city, which will meet the demand for affordable housing need. Officers, therefore consider, in the context of paragraph 71 of the Framework, that the need for entry-level exception sites (suitable for first time buyers) is already met within the authority's area. Taking this view there is no requirement for the authority to consider criteria (a) and (b) of paragraph 71.

The principle of the proposed development at this site would be contrary to Policy 1 of the Core Strategy and Policy EN1 of the Local Plan. The development would however not conflict with Policy 31 of the Core Strategy. Policy HS4 is out of date because it does not accord with Paragraph 71 of the Framework, which was inserted into the Framework when it was revised in 2019. The proposed development does not comply with Paragraph 71 of the Framework because the Council is now using the standard methodology to monitor housing land supply, and the standard methodology, which is used to calculate local housing need, takes account of the affordability of houses in Preston and adjusts the figure accordingly. Given that the Council can demonstrate a 13.6 year supply, officers consider that the Council is more than providing for new housing across the city, which will meet the demand for affordable housing need. Assessing the proposed development against the development plan is the starting point for decision making.

Housing Provision

In July 2018 the revised Framework was published, which was subsequently updated in February 2019. The Framework, along with revised Planning Practice Guidance, introduced the standard methodology as a mechanism to calculate local housing need. Paragraph 60 of the Framework states that strategic policies should be informed by a local housing need assessment conducted using the standard methodology unless exceptional circumstances justify an alternative approach.

Paragraph 73 of the Framework states that local planning authorities should identify a supply of specific deliverable sites to provide five years' worth of housing against their housing requirements set out in adopted strategic policies, such as Policy 4, or against local housing need where the strategic policies are more than five years old (unless the strategic policies have been reviewed and found not to require updating) with an additional buffer of 5% to ensure choice and competition in the market for land.

Policy 4 of the Core Strategy seeks to deliver a total of 22,158 new dwellings across the three Central Lancashire districts during the plan period of 2010-2026. In using the

standard methodology the Council accepts that the housing requirement contained within Policy 4 is out-of-date.

At April 2020 the local housing need figure calculated using the standard methodology is 250 dwellings per annum. Against this figure, the Council can currently demonstrate a five year supply of deliverable housing land. The Tilted Balance section of this report will consider whether or not the most important policies for determining this application are out of date.

Impact on the Open Countryside and Area of Separation (AoS)

The site is identified on the Policies Map of the Preston Local Plan as falling within an AoS, where the requirements of Core Strategy (CS) Policy 19 and Preston Local Plan (PLP) Policies EN1 and EN4 apply. CS Policy 19 and PLP Policy EN4 aim to avoid the merging of settlements and prevention of any harm to the effectiveness of the gap between settlements. Proposals that lead to a risk of settlements merging should be resisted. Policy EN4 further states that proposals will be assessed in terms of their impact upon the AoS, including any harm to the effectiveness of the gap between settlements and also the degree to which the development would compromise the function of the AoS.

The application site does not directly adjoin the eastern edge of the Broughton settlement boundary which is located approximately 75m west of the site access and approximately 105m west of plot 1 on the indicative layout plan. Whilst the final layout would be a matter for a reversed matters application the layout of the site would prevent a dwelling being closer than indicative plot 1. The proposed site is located to the rear of Dean Farm which fronts Whittingham Lane on the east side of Pudding Pie Nook Lane. The next nearest settlement to the south of Broughton is the urban area of Preston, beyond the motorways and approximately 1.1km south of the site. The nearest settlement to the east of the site is Goosnargh, which is around 1.9km north east of Broughton. The Area of Separation runs between these two settlements, and also southerly and easterly of these settlements. The full extent of the AoS runs around 6km from the eastern side of the M6 towards the settlement of Longridge.

The application site is located within the very western extent of the AoS east of the village of Broughton. The proposal would be within the existing gap between the settlements of Broughton and Goosnargh, leaving a distance of approximately 1.7km between the application site and the settlement of Goosnargh at the closest point. The proposal would not result in the physical merger of the two settlements as there would be no point at which, as a result of the development, the gap would be closed, although it would be reduced by approximately 200m.

The site is located to the rear of Dean Farm with open countryside directly to the south and a distribution centre 80m to the south. A gap also exists to the west of the M6 and south of the M55 separating the Broughton Settlement and urban area of Preston. The effectiveness of the AoS gaps would therefore be maintained. It is therefore considered that the proposal would not cause harm to the effectiveness of the AoS and would not conflict with the above policies.

Impact on Landscape Character and Visual Amenity

CS Policy 21 seeks to ensure that new development is well integrated into existing settlement patterns, appropriate to the landscape type and contributes positively to its

conservation or restoration or the creation of appropriate new features. The Framework says that the intrinsic character and beauty of the countryside should be recognised, with the planning system contributing to and enhancing the natural and local environment. It does not seek to protect all countryside from development; rather it concentrates on the protection of “valued” and “distinctive” landscapes, and seeks to encourage development on previously developed land.

The term “valued landscape” is not defined, but the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA) advises that ‘value’ can apply to areas of landscape as a whole, or to individual elements, features and aesthetic or perceptual dimensions. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The Landscape Character Assessment identifies this area as ‘Undulating Lowland Farmland: Goosnargh / Whittingham’. The character of the ‘Goosnargh/Whittingham’ landscape tract is composed of hedgerows, irregular fields, winding lanes, a scattered settlement pattern of farm houses and cottages. The site is agricultural land including some hard standing, sand paddock and a green field and is within the open countryside and an area of separation.

The illustrative layout plan indicates how the site could be laid out following the creation of a central access road with two branch roads. The indicative plan includes an area of open space in the central east of site over the existing gas main.

The landscaping plans indicate that the existing perimeter planting would be retained where possible. The Council’s Landscape Team has reviewed the scheme and raises no concerns with what is proposed but notes additional planting should be included to the edges of the public open space, which can be satisfactorily addressed during the reserved matters stage, which can ensure that the layout and character of the proposed streets are sufficiently landscaped and softened to create an attractive and distinct development. Thus, the proposal would comply with Core Strategy Policy 13 and Policy 21 and respect the relative aims of the Framework.

Affordable Housing

Policy 7 of the Core Strategy seeks to ensure on-site affordable housing provision of 30% within urban areas and of 35% in rural areas subject to such matters as financial viability and contributions to community services. The threshold for that provision is 15 dwellings in the urban parts of Preston and 10 dwellings in rural areas. The Central Lancashire Supplementary Planning Document 1: Affordable Housing states that where an element of affordable housing is required, at least 70% of the units shall be social rented or affordable rented, unless the Council is satisfied that an alternative mix meets an independently assessed proven need and agrees to such alternative provision. The SPD goes on to say that affordable units within residential developments should be dispersed to promote integration, mixed communities and to minimise social exclusion.

The proposed scheme would be 100% affordable and this would accord with CS Policy 7, and the Affordable Housing SPD. The Affordable Housing Statement confirms that the dwellings would be a mixture of affordable rent and shared ownership noting that a maximum of 50% of the dwellings would be for shared ownership. The type, tenure and delivery of the affordable housing could be secured through a Section 106 Obligation should planning permission be granted. It is therefore considered that the application complies with the Affordable Housing SPD and CS Policy 7.

Traffic and Highway Safety

Core Strategy Policy 2 states that the Local Planning Authority will work with infrastructure providers to establish works that will arise from or be made worse by development proposals. It further states that the Local Planning Authority will set broad priorities on the provision of the infrastructure to ensure that it is delivered in line with future growth. Core Strategy Policy 3 outlines a number of measures which are considered to constitute the best approach to planning for travel. These include reducing the need to travel, improving pedestrian facilities, improving opportunities for cycling, improving public transport, enabling travellers to change their mode of travel on trips, encouraging car sharing, managing car use and improving the road network.

Policy ST2 of the Local Plan requires development proposals to demonstrate that the efficient and convenient movement of all highway users and corridors which could be developed as future transport routes are not prejudiced, that existing pedestrian, cycle and equestrian routes are protected and extended; the needs of disabled people are fully provided for; appropriate provision is made for vehicular access, off-street servicing, vehicle parking and public transport services; and that appropriate measures are included for road safety and to facilitate access on foot and by bicycle. Local Plan Policy ST1 requires new development proposals to provide car parking and servicing space in accordance with the parking standards contained within the Appendix B of the Local Plan.

Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access and Highway Improvements

The application is accompanied by a Transport Statement (TS) which states the proposed development would be served by priority-controlled junction from Pudding Pie Nook Lane with a new 2m wide footway proposed to the eastern side of Pudding Pie Nook Lane connecting the site with existing infrastructure on the B5269 Whittingham Lane. It indicates that the internal access road is envisaged to be 5.5m wide with a 2m service strip or footpath either side. The TS takes into account existing road widening to Pudding Pie Nook Lane secured through planning approval 06/2018/0700. County Highways note that whilst some widening works have been undertaken to Pudding Pie Nook Lane the full scheme approved under 06/2018/0700 is yet to be completed and request confirmation as to whether this scheme would undertake improvements to Pudding Pie Nook Lane. The County Highways Engineer further notes that to provide a safe pedestrian access street lighting would be required in addition to the proposed footway and in order for the proposed internal roads to be eligible for adoption the section of Pudding Pie Nook Lane from Whittingham Lane to the site entrance would need to be brought up to adoption standards and offered to the Local Highway Authority for adoption. County Highways request confirmation of precisely what highways works were being proposed as part of this scheme. The applicant confirmed that the scheme would include the widening of Pudding Pie Nook Lane to a width of 5m between the application site entrance and Whittingham Lane, together with the provision of a 2m wide path along the frontage of the site, which would include street lighting as noted on the updated site access plan. County Highways raise no further objection to the scheme subject to the following conditions; prior to the commencement of development Pudding Pie Nook Lane is widened and constructed to base course level; all the works to Pudding Pie Nook Lane are to be completed prior to first occupation; the estate road and access shall be constructed prior

to first occupation; the new estate road shall be constructed in accordance with the Specification for Construction of Estate Roads to base course level prior to development within the site; parking spaces shall be provided prior to first occupation; secure cycle storage shall be provided prior to first occupation; electric vehicle charging point shall be provided at each dwelling; details of the future management and maintenance of roads; and the provision of wheel washing facilities. They also request an informative relating to adoption of Pudding Pie Nook Lane; any alteration to existing street lighting shall be made at the developers expense; and a planning permission does not give consent to connect into highways drainage system.

Sustainability and public transport

Currently there is only one bus service serving Goosnargh (Preston Bus service No.45), which operates hourly between Preston – Royal Preston Hospital – Broughton – Goosnargh – Longridge – Ribchester - Blackburn, in both directions. The closest bus stops are located outside 130a (south side) and 127 (north side) Whittingham Lane approximately 300m and 380m respectively from the access off Pudding Pie Nook Lane, when walking up Pudding Pie Nook Lane and along Whittingham Lane. Plot 22 which is located in the south east corner furthest from the access would be approximately 45m from the access onto to Pudding Pie Nook Lane. Given the distance to the nearest bus stops and infrequent nature of the service available the site is not considered sustainably located in terms of public transport. There are no local facilities in the immediate vicinity of the site, with facilities located around the centre of Broughton Village, around the Broughton Cross Roads (junction of Whittingham Lane, Woodplumpton Lane and the A6 Garstang Road) which is located approximately 1.6km west of site.

The applicant's Transport Statement (TS) that accompanies the application indicates the Highways and Transportation (IHT) document 'Guidelines for Providing for Journeys on Foot' (2000) suggests that 1km is preferable for commuting with a maximum distance of 2km. The TS also indicates that the more recent Chartered Institution of Highways & Transportation (CIHT) document 'Planning for Walking' (2015) states that 80% of journeys shorter than a mile (approximately 1.6km) are made wholly on foot. The TS concludes that the application site is sustainably located with a number of facilities located within 2km of the site.

It is the view of officers that whilst the centre of the village is at the edge of the identified range of 1.6km, this would only represent one half of the journey to facilities within the village centre rather than the full journey there and back which would be 3.2km. Furthermore the TS does not consider the ease of access to the centre of Broughton Village. Whilst Whittingham Lane would take potential future residents directly into the centre of Broughton they would need to cross the Broughton by-pass, which is a busy road with a traffic light crossing point only provided on the north side of Whittingham Lane. As such commuters on foot would be required to cross Whittingham Lane which is a busy wide road with the majority of the route having a 30mph speed limit but the last approximately 80m of the road up to Pudding Pie Nook Lane has a 40mph speed limit. Whittingham Lane includes a footpath from Broughton up to Pudding Pie Nook Lane, but it is not fully lit with street lighting ending at the point the speed limited changes to 40mph. The proposed improvements to Pudding Pie Nook Lane would create a footpath from the application site to Whittingham Lane with street lighting. Whilst a suitable paved footpath would provide a suitable surface all year round for pedestrians, the approximately 80m unlit section of Whittingham Lane would likely be off putting to pedestrians in the dark.

These additional factors, as well as the journey length, are likely to put off future residents from walking if the scheme was approved. Cycling would be an option but the busy nature of Whittingham Lane, especially at rush hour, the unlit 40mph section, and the need to cross the Broughton by-pass, a busy roundabout controlled junction, would likely be off putting for future residents. Given these factors the proposed development would likely be heavily reliant on motor vehicles for day to day access to work and community facilities. For these reason the scheme is considered to be unsustainably located contrary to CS Policy 3 and the Framework. Furthermore the reliance on motor vehicle to access facilities would likely lead to residents travelling to facilities within Preston which would only be a short distance further and as the development would not support the vitality of Broughton village contrary to paragraph 78 of the Framework.

Design and Layout

Core Strategy Policy 17 states the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area. Core Strategy Policy 5 seeks to secure densities of development which are in keeping with local areas and which will have no detrimental impact on the character, appearance and distinctiveness of an area, whilst also making efficient use of land.

Policy EN9 of the Local Plan states that all new development proposals should be designed with regard to the principles set out and explained in the Central Lancashire Design Guide SPD, which are movement and legibility; mix of uses and tenures; adaptability and resilience; resources and efficiency; architecture and townscape. The policy states applications will be approved where they accord with the Design Guide SPD, Core Strategy, national policy and CABE (Commission for Architecture and Built Environment) guidance; make a positive contribution to the character and local distinctiveness of the area; and are accompanied by a satisfactory Design and Access Statement that fully explains and justifies the design approach for the scheme.

The Design Guide SPD seeks to raise the level and quality of design of new buildings, sets out a number of well-established principles of good design and how these can achieve a clear and robust design concept for site.

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, and the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. The National Design Guide illustrates how well-designed places can be achieved and sets out the Government's priorities for well-designed places in the form of ten characteristics.

The site is located to the rear of Dean Farm and would primarily be visible from Pudding Pie Nook Lane and from the south with limited visibility when viewed from the north, east and west. The exact number of dwellings, suitable estate layout and public open space can be resolved at the reserved matters stage. The indicative layout plan suggests that the estate would be composed primarily of semi-detached houses with a couple of detached dwellings at a density of around 32 dwellings per hectare [dph] (including the

open space). CS Policy 5 requires densities to be within keeping of the local area. The existing density within the area is approximately 7.4 dph, whilst the approved scheme to the rear of 126A Whittingham Lane (06/2017/0941 outline and 06/2019/0166 reserved matters) 100m south west of site has a density of 22dph. As such the proposed scheme would lead to a 332% increase in density above the general character of the area and a 45% increase in density above the approved scheme to rear of 126A Whittingham Lane. Whilst affordable schemes are generally designed to a higher density the proposed density would be out of keeping with the character of the area and be detrimental to the existing rural character of the area given the sites location within the open countryside beyond the boundary of Broughton contrary to CS Policies 5 and 17 and Paragraph 130 of the Framework.

Impact on Neighbouring Residential Amenity

CS Policy 17 and PLP Policy EN9 state that the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area. The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

As the application is in outline with all matters reserved aside from access, issues relating to impacts on privacy, overlooking, loss of light and overshadowing cannot be properly assessed at this stage. The indicative site layout and parameters plan seeks to demonstrate that the proposed development could be satisfactorily accommodated on site without having any unacceptable adverse impacts upon residential amenity. Given the size of the site and the number of units proposed it is considered that an acceptable layout could be achieved to satisfactorily safeguard the amenities of existing and future residents.

The submission includes an Acoustic Assessment report which assesses current noise levels produced by M6 motorway traffic and the likely noise from passing traffic associated with the approved distribution unit to the south. The report finds that even if the distribution unit to the south was developed the dominant noise source would remain the motorway traffic. The report identifies the need for noise mitigation measures and recommends enhanced glazing specifications, trickle ventilation and 2m high close boarded fence around the rear garden amenity areas. Environmental Health raise no objection subject to conditions requiring the mitigation measures identified within the Acoustic Assessment report be implemented in the development and a Construction Environmental Management Plan to ensure that the construction phase does not have an unacceptable impact on the amenity of existing local residents. Subject to said conditions the proposed development would not therefore have a significant detrimental impact on residential amenity and would not conflict with the above policies or the Framework.

Open Space Provision

Policy 17 of the Core Strategy states that the provision of landscaping and open space should form an integral part of new development proposals, including enhancing the public realm. CS Policy 18 seeks to manage and improve environmental resources through the protection and enhancement of the natural environment. Policy 24 of the Core Strategy seeks to promote access to sport and recreation facilities, including children's play provision, through developer contributions where new development would result in a shortfall in provision.

Policy HS3 of the Local Plan requires this scheme to provide sufficient public open space to meet the recreational needs of the development in accordance with standards set out in the Central Lancashire Open Space and Playing Pitch SPD. On-site provision of amenity green space and active play facilities for children/young people (i.e. play equipment) would not be required as the development would be less than the 100 dwelling threshold level.

The Framework states 'access to high quality open spaces and opportunities for sport and recreation make an important contribution to the health and well-being of communities'. It advises that Local Planning Authorities should seek to protect and enhance public rights of way.

The Central Lancashire Open Space Study – Policy Implications and Recommendations Report 2012 confirms that there is a surplus of amenity greenspace and of active play facilities of 3.685 hectares and 0.067 hectares respectively. However, as the nearest amenity greenspace/active play area is at King Georges Field, in Broughton village centre, around 1.6km west of the site (a 15-20 minute walk), the SPD requires that the appropriate level of on-site provision is delivered. This would equate to 0.017 hectares of amenity open space.

The indicative proposal includes an area of public open space in the north eastern part of site between plots 12 and 13 which covers an area of approximately 0.07ha. The area covers a gas main and its 10m buffer. The precise details would be a matter for a future reserved matters submission but the provision of the green space and its future maintenance and management could be secured through a Section 106 Obligation should planning permission be granted. Subject to further reserved matters submissions and conditions, should planning permission be granted, the proposal has demonstrated a capacity to satisfy the principle of Core Strategy policies 17, 18, 24 and Preston Local Plan Policy HS3.

Education

Policy 14 of the Core Strategy states that educational requirements will be provided for by enabling seeking contributions towards the provision of school places where a development would result in or worsen a lack of capacity at existing schools.

County Education advises that taking into account all approved applications, a financial contribution would be required for the provision of 3no. secondary school places. No financial contribution is currently required towards primary school places due to adequate provision within the area. Any financial contribution would be secured through a Section 106 Obligation should planning permission be granted. Thus, the proposal is considered to be in accordance with Policy 14 of the Core Strategy.

Ecology

Policy 18 of the Core Strategy seeks to manage and improve environmental resources through a Green Infrastructure approach, which includes securing mitigation measures and/or compensatory measures where development would lead to the loss of, or damage to, part of the Green Infrastructure network. Policy 22 of the Core Strategy seeks to protect and find opportunities to enhance and manage the biological and geological assets of the area through certain measures, such as promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition,

restoration and re-establishment of priority species and species populations; and seeking opportunities to conserve, enhance and expand ecological networks.

Policy EN10 of the Local Plan seeks to protect, conserve, restore and enhance biodiversity and ecological network resources in Preston. Policy EN11 states planning permission will not be granted for development which would have an adverse effect on a protected species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a protected species planning conditions or agreement will be used to mitigate the impact.

Paragraph 170 of the Framework states that planning policies and decisions should, amongst other things, contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the Framework states that when determining applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles.

The application site is agricultural land and includes an area of hard surfacing used to store vehicles and machinery, a sand paddock and area of grass land. The illustrative plans indicate that trees and vegetation on the boundary would be retained where possible. No landscape features are designated as protected but the imposition of conditions would ensure that existing landscaping would be adequately protected and enhanced where possible to suit the local character.

The Greater Manchester Ecology Unit (GMEU) reviewed the submitted Extended Phase 1 Habitat Survey & Baseline Ecology Impact Assessment dated February 2020 and are satisfied with the findings of the report in relation to barn owls, bats, nesting birds, Himalayan Balsam and biodiversity enhancement subject to conditions. They initially requested additional information in relation to great crested newts they had been identified historically at a nearby pond but not in the most recent survey. Subsequent discussions were held between GMEU and the applicant's Ecologist and it was agreed that a robust reasonable avoidance method statement and mitigation and enhancement plan in relation to great crested newts would be submitted. Such a report was subsequently submitted and GMEU raise no concerns with regards to the reasonable avoidance measures or the objectives of the ecological enhancement plan. GMEU raised concerns over the scope of works proposed to the pond and woodland. They therefore recommend that the reasonable avoidance measures be conditioned and the final details for the Proposed Management of Existing Pond and Associated Habitat be provided prior to development. Subject to said conditions, should planning permission be granted, the scheme would be acceptable in accordance with the above policies and the Framework.

Ground Conditions

Policy EN7 of the Local Plan seeks to address existing contamination of land by appropriate mitigation measures to ensure the site is suitable for the proposed use and seeks to ensure that proposed development would not cause land to become contaminated.

Paragraph 178 of the Framework states planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous

uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. After remediation, as a minimum the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Paragraph 179 goes on to state that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner.

A desk top study (phase 1 assessment) has been submitted with this application and the Environmental Health Officer advises that there are no objections subject to the submission of an intrusive Phase 2 Geo-Environmental Site Investigation as recommended in the phase 1 report and provision of a suitable Method Statement, Remediation Strategy and Validation Report as maybe required, which can be secured by condition should planning permission be granted. The site is therefore capable of being safely developed and the proposal would comply with the above policies, the Framework and the Guidance.

Utilities/Drainage/Flood Risk

Core Strategy Policy 29 seeks to improve water quality, water management and reduce the risk of flooding by number of measures including minimising the use of portable mains water in new developments; appraising, managing and reducing flood risk in new developments; managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity; encouraging the adoption of Sustainable Drainage Systems; and seeking to maximise the potential of Green Infrastructure to contribute to flood relief.

Paragraph 163 of the Framework states that Local Planning Authorities should ensure flood risk is not increased elsewhere (i.e. outside areas at risk of flooding) and only consider development appropriate in areas at risk of flooding where proposals are informed by a site-specific flood risk assessment.

The site is situated in Flood Zone 1 (low probability of river flooding i.e. less than a 1 in 1000 annual probability) where there is a low risk of flooding. United Utilities has no objections subject to a condition requiring the development is carried out in accordance with the principles set out in the Flood Risk Assessment. The Lead Local Flood Authority has no objection subject to conditions requiring details of the final sustainable drainage scheme, a construction phase surface water management plan and operation and maintenance plan and verification report of constructed sustainable drainage system to be submitted and agreed. Subject to the above conditions the proposals would be acceptable in accordance with Core Strategy Policy 29 and the Framework.

Air Quality

Policy 3 of the Core Strategy seeks to encourage the use of alternative fuels for transport purposes. Policy 30 of the Core Strategy seeks to improve air quality through delivery of Green Infrastructure initiatives and through taking account of air quality when prioritising measures to reduce road traffic congestion.

The site does not fall within an Air Quality Management Area and the Environmental Health Officer has raised no objections to the scheme in terms of its impact on air quality.

To encourage the use of alternative fuels and improve the air quality of the city, it is considered a condition be attached requiring a scheme for the installation of electric vehicle charging points to be submitted. Subject to this condition, should planning permission be granted, it is considered the proposal complies with Policies 3 and 30 of the Core Strategy.

Energy Efficiency

Whilst Core Strategy Policy 27 requires all new dwellings meet Level 4 of the former Code for Sustainable Homes (CSH), the Government has published a statement of intention in respect of this matter, and in accordance with this statement of intention the Council no longer requires new developments to comply with code standards. However the written ministerial statement (published on 25th March 2015) confirms that for the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations. Therefore, the Council requires only the energy efficiency levels of new developments to be equivalent to Level 4 of the former CSH which equates to a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined by Part L1A of the 2013 Building Regulations.

The submitted Planning statement indicates that the dwellings would be built in line with Building Regulation which would not meet the requirements of CS Policy 27 however subject to a condition, should planning permission be granted, requiring a 19% improvement in DER over TER the proposal would be compliant.

Waste Management

The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent household collection service.

Whilst no details of waste provision have been provided, the indicative site plan indicates there would be sufficient space to the rear of the proposed dwellings to accommodate waste and recycling facilities. The Waste Management Team have reviewed the proposal and whilst they have no objection in principle they raise concerns about waste vehicles being able to traverse the site and as such have requested a waste management plan and swept path analysis be submitted as part of any reserved matters application should this application be approved. Subject to these details, it is considered the proposal would comply with the National Planning Policy for Waste.

Financial Contributions

Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 56 of the Framework state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a) Necessary to make the development acceptable on planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development

The contribution towards the provision of secondary school places is considered to comply with the tests set out in Regulation 122(2) and the Framework as it would provide educational provision for the future residents of the development, which would otherwise not be provided. The level of on-site affordable housing provision is also considered to comply with the tests set out in Regulation 122(2) and the Framework as it would represent 100% of the total number of dwellings on the site and would ensure a range of different types of housing is provided.

Tilted Balance

The assessment as to whether it is appropriate to engage the tilted balance in Paragraph 11(d) of the Framework is comprised of three stages. Firstly, the most important policies for determining the application must be identified. Secondly, those policies must be assessed to ascertain whether or not they are out-of-date. Thirdly the basket of policies must be looked at to determine if, in the round, it is out-of-date thereby engaging the tilted balance.

The most important policies for determining this planning application are considered to be:

Central Lancashire Core Strategy

Policy 1: Locating Growth

Policy 4: Housing Delivery

Policy 7: Affordable and Special Needs Housing

Policy 19: Areas of Separation and Major Open Space

Preston Local Plan 2012-2026 (Site Allocations & Development Management Policies)

Policy EN1: Development in the Open Countryside

Policy EN4: Areas of Separation

Policy HS4: Rural Exception Affordable Housing

Core Strategy Policy 1 and Policy EN1 are relevant to the principle of the development proposed. Policy 4 is housing-related and contains the housing requirement figure for Central Lancashire. It has been accepted earlier in this report that Core Strategy Policy 4 is out of date. However, whilst the minimum housing requirement of Policy 4 is out-of-date, it does not follow that the other most important policies for determining the application are out-of-date.

Core Strategy Policy 1 promotes the spatial strategy for growth across Central Lancashire. For Preston this means focussing growth and investment in the main urban area (comprising of the Central Preston Strategic Location and adjacent inner city suburbs), the Cottam Strategic Site, the North West Preston Strategic Location and the Key Service Centre of Longridge. Policy 1 does not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. Policy 1 is therefore not out-of-date.

Policy EN1 restricts development which takes place in the open countryside to that needed for the purposes of agriculture and forestry (or other rural appropriate uses), the re-use of existing buildings and infill within groups of buildings, as well as development permissible in other policies contained within the Local Plan (namely Policies HS4 and HS5). Given the local housing need in Preston (250 net additional homes per annum) is currently substantially below the housing requirement contained in Policy 4 (507 net additional homes per annum), it is clear that more than sufficient land has been allocated

in the current Local Plan to meet the local housing need. Policy EN1 does not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. As a consequence, the rural settlement boundaries do not need to be reconsidered at this time and remain relevant and up-to-date. Policy EN1 is therefore not out-of-date.

Core Strategy Policy 19 seeks to protect the identity, local distinctiveness and green infrastructure of rural settlements by resisting development which would place those rural settlements at risk of merging. Policy EN4 designates the boundaries of the Areas of Separation as introduced by Policy 19, and provides further clarification on the purpose of the policy to assess development based on the resultant harm on the effectiveness of the gap between settlements.

Given the local housing need in Preston (250 net additional homes per annum) is currently substantially below the housing requirement contained in Policy 4 (507 net additional homes per annum), it is clear that more than sufficient land has been allocated in the current Local Plan to meet the local housing need. Policies 19 and EN4 do not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. As a consequence, the rural settlement boundaries and Areas of Separation do not need to be reconsidered at this time and remain relevant and up-to-date. Policies 19 and EN4 are therefore not out-of-date.

Policy HS4 is out of date because it does not accord with Paragraph 71 of the Framework, which was inserted into the Framework when it was revised in 2019.

Accordingly three of the five most important policies for determining the application are up to date and as such the tilted balance is not engaged.

The applicant has instructed Counsel to advise on several matters in connection with the acceptability of the proposed development. In relying on that advice the applicant considers that (1) the settlement boundary of Broughton is out of date, and (2) the Core Strategy and Local Plan pre-date the inclusion of entry-level exception sites in the 2019 updated version of the Framework, compliance with the entry-level exception sites policy set out in paragraph 71 of the Framework carries significant more weight than Development Plan polices. Whilst officers do not agree with this view, it is addressed below.

Paragraph 11 of the Framework sets out a 'presumption in favour of sustainable development' and for decision-taking this means 11(c) approving development proposals that accords with an up-to-date development plan without delay; or 11(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

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

If all the most important policies for determining this application, which in this case are deemed to be Policies 1, 4, 7 and 19 of the Core Strategy and Policies EN1, EN4 and HS4 of the Local Plan, which accord with the Framework save for Policy 4 and Policy HS4, were considered to be out of date and Paragraph 11 was engaged, there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed with regard to bullet point (i) above. In terms of bullet point (ii) above, the adverse impacts of granting planning permission contrary to the development plan (The Central Lancashire Core Strategy and the Preston Local Plan 2012-26) would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework taken as a whole. Paragraph 12 of the Framework is clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The Council can demonstrate a 13.6 year supply (as of 1st October 2020) therefore even if the tilted balance were to apply the contribution that the proposed development would make towards housing supply would not be significant and would attract limited weight. Whilst it is acknowledged that the proposed 100% affordable housing provision would exceed the minimum (35%) required by policy in this location, there is no accurate and up to date information on affordable housing need in Preston, and in particular in the rural areas of Preston. However, the Council is now using the standard methodology to monitor housing land supply, and the standard methodology, which is used to calculate local housing need, takes account of the affordability of houses in Preston and adjusts the figure accordingly. Given that the Council can demonstrate a 13.6 year supply, officers consider that the Council is more than providing for new housing across the city, which will meet the demand for affordable housing need, and therefore consider the offer of 100% affordable housing should not be given significant weight. Moreover, due to lack of access to public transport and distance to local amenities, the proposed development would result in future residents being heavily reliant on private motor vehicles to access day to day amenities, which would not represent sustainable development. The need to promote sustainable development, set out in paragraph 8 of the Framework, involves bringing forward land of the right type in the right place with accessible services. By virtue of the location of application site, the proposed development would demonstrably fail to do this. The majority of the benefits resulting from the proposed development are generic and no more than would be expected from any major housing development and as such they attract limited positive weight in the balance against the conflict with the development plan.

The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It is not the type of development deemed permissible in the open countryside. The proposed development is contrary to Policy 1 of the Central Lancashire Core Strategy and Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies), which even if deemed to be out of date, should be accorded significant weight in such circumstances.

In summary if all the most important policies for determining this application, which in this case are deemed to be Policies 1, 4, 7 and 19 of the Core Strategy and Policies EN1, EN4 and HS4 of the Local Plan, were considered to be out of date and Paragraph 11 were engaged, the adverse impacts of granting planning permission contrary to the development plan, which accords with the Framework save for Policy 4 of the Core

Strategy and Policy HS4 of the Local Plan, would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework taken as a whole.

3.7 Value Added to the Development

Provision of additional highways information and Reasonable Avoidance Measures and outline mitigation and enhancement plan.

3.8 Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield, allocated sites, sites within key service centres and other defined places, contrary to Core Strategy Policy 1. The proposed development is not the type of development deemed permissible under Policy EN1 and the loss of open countryside for the development proposed is therefore contrary to this policy. Yet the proposed development does not conflict with Core Strategy Policy 19 and Local Plan Policy EN4.

Policy HS4 is out of date because it does not accord with Paragraph 71 of the Framework, which was inserted into the Framework when it was revised in 2019. Therefore the proposed development has been considered against Paragraph 71 of the Framework, which is a material consideration in this case. It is the view of the officers that now the Council is using the standard methodology the Council is more than providing for new housing across the city, which will meet the demand for affordable housing need, and therefore consider the offer of 100% affordable housing should not be given significant weight.

Statutory consultee comments and representations have been received which have been carefully considered and taken into account as part of this planning application. Whilst the proposed development is contrary to the management of growth and investment set out in the Core Strategy and is not the type of development deemed permissible in the open countryside under Local Plan Policy EN1, the proposed development would not result in the loss of a valued or distinctive landscape, would not cause harm to the effectiveness of the Area of Separation, would deliver 100% on site affordable housing and would include open space. The proposed dwellings would be energy efficient and be supplied with electric vehicle charging points. There would be no unacceptable harm to protected species and their habitats due to mitigation measures that could be secured by condition, and the proposal would potentially help to improve biodiversity. Any harm arising from potential contamination and flood risk could be mitigated by condition. Furthermore, the education impacts of the proposed development could be successfully mitigated by conditions and/or planning obligation.

However, whilst it is acknowledged that the proposed 100% affordable housing provision would exceed the minimum (35%) required by policy in this location, officers consider that the Council is more than providing for new housing across the city, which will meet the demand for affordable housing need, and therefore consider the offer of 100% affordable

housing should not be given significant weight. Furthermore the proposed density of the development would be substantially higher than that of the surrounding area and would result in a development that is incongruous in this rural area due to its suburban appearance. Moreover, due to lack of access to public transport and distance to local amenities, the proposed development would result in future residents being heavily reliant on private motor vehicles to access day to day amenities, which would not represent sustainable development. The need to promote sustainable development, set out in paragraph 8 of the Framework, involves bringing forward land of the right type in the right place with accessible services. By virtue of the location of application site, the proposed development would demonstrably fail to do this.

The majority of the benefits resulting from the proposed development are generic and no more than would be expected from any major housing development and as such they attract limited positive weight in the balance against the conflict with the development plan.

The proposed development could not achieve the three overarching objectives of sustainable development (Paragraph 8 of the Framework). Paragraph 12 of the Framework states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. As stated above in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development fails to comply with the development plan, the benefits of the proposal are generic and attract limited positive weight in the balance against the conflict with the development plan, therefore planning permission should be refused.

3.9 Recommendation

Refusal for the reasons set out in paragraph 2.1.