

Officer Report

Application Number: 06/2018/0638

Proposal: Outline planning application for up to 10no. dwellings with access from Langley Lane (all other matters are reserved)

Site Address: Land off Langley Lane, Broughton, Preston, PR3 5DD

Case Officer: Ben Sandover

Decision: Refusal

1	Information
1.1	Location
	<p>The application site is an existing plot of grassed and open land, approximately 0.47 hectares in size. The site is bound to the north by Langley Lane and to the south by Whittingham Lane. The site lies beyond the eastern edge of the settlement boundary of the village of Broughton. The majority of the site is defined as Open Countryside, also falling within the Area of Separation. A small, southern section of the site lies within the settlement boundary of Broughton, as identified on the Policies Map of the Adopted Preston Local Plan 2012-2026 (Site Allocations and Development Plan Policies).</p> <p>The site is bound to the edges by mature hedging and mature trees.</p>
1.2	Proposal
	<p>The application seeks outline planning permission for the erection of up to 10no. dwellings with the matter of access applied for only. Matters of scale, layout, appearance and landscaping would be reserved. The proposal would create a new vehicular access to the north directly off Langley Lane. This would run centrally through the site from north to south, with three shared access roads running off providing access to the proposed properties. It is proposed to provide a pedestrian link to the north western corner of the site onto Langley Lane.</p> <p>The indicative layout shows solely detached dwellings. An established ecological area which contains a pond and mature trees to the north of the proposed development would remain outside of the site area to be developed. Two trees on site are to be removed, which are each rated as 'Category C' trees.</p> <p>The applicant has stated that all of the units would be self-build units. There would be provision for 35% affordable housing, a mixture to be provided on-site and off-site.</p>
1.3	Relevant Planning History
	<p>06/2019/1336 – Permission in principle for up to 9no. dwellings – Refused January 2020</p> <p><u>Section of site within settlement boundary:</u></p>

	<p>06/2020/0109 - Reserved matters application (namely appearance, landscaping and scale) pursuant to outline planning permission 06/2016/1169 for 1no. dwelling – Approved with conditions March 2020</p> <p>06/2016/1169 - Outline planning application for 1no. dwelling (access and layout applied for) – Approved with conditions February 2017</p>
1.4	<p>Planning Policy Framework</p>
	<p>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.</p> <p>The Development plan comprises:</p> <p><u>Central Lancashire Core Strategy</u> Policy 1 – Locating growth Policy 2 - Infrastructure Policy 3 - Travel Policy 4 - Housing delivery Policy 5 - Housing density Policy 6 - Housing quality Policy 7 - Affordable and special needs housing Policy 14 - Education Policy 17 - Design of new buildings Policy 19 – Areas of Separation and Major Open Space Policy 21 – Landscape character areas Policy 22 - Biodiversity and geodiversity Policy 24 – Sport and recreation Policy 27 - Sustainable resources and new developments Policy 29 - Water management Policy 31 – Agricultural Land</p> <p><u>Preston Local Plan 2012-26 (Site Allocations and Development Management Policies)</u> Policy AD1(b) – Small scale development within Existing Villages Policy HS1 - Allocation of housing sites Policy HS3 - Green infrastructure in new housing developments Policy ST1 - Parking standards Policy ST2 - General transport considerations Policy EN1 - Development in the open countryside Policy EN4 – Areas of Separation Policy EN7 - Land quality Policy EN9 - Design of new development Policy EN10 - Biodiversity and nature conservation Policy EN11 - Species protection</p> <p>Other Material Considerations: <u>Central Lancashire Supplementary Planning Documents (SPD)</u> Affordable Housing Design Guide</p>

	<p>Open Space and Playing Pitch</p> <p><u>National Planning Policy and Guidance</u> National Planning Policy Framework (The Framework) National Planning Practice Guidance (NPPG) National Planning Policy for Waste National Design Guide</p> <p><u>Other documents</u> The Community Infrastructure Levy Regulations 2010 (as amended) Wildlife and Countryside Act 1981 Central Lancashire Housing Study (2019) (CLHS)</p>
1.5	<p>Consultation responses</p>
	<p>Greater Manchester Ecology Unit: No objections, subject to conditions requiring protection of ecological features and new planting to compensate for that lost, inspection of trees for bats should they be required to be removed at a later date, submission of a Landscape and Habitat Creation and Management Plan, no vegetation clearance during the bird nesting season, and submission of a method statement for reasonable measures to avoid harm to amphibians.</p> <p>Parks and Streetscene (Arborist): No objections, subject to scheme for tree replacement.</p> <p>Parks and Streetscene (Landscape): Provided comments making recommendations regarding the landscape character and proposed design of the proposals.</p> <p>Environmental Health: No objections, subject to conditions regarding contaminated land, noise impact assessment and electric vehicle charging points.</p> <p>County Education: Request financial contribution for four primary school places.</p> <p>Lead Local Flood Authority: No objections, subject to conditions requiring surface water drainage scheme and management and maintenance plan for such infrastructure.</p> <p>United Utilities: No objections, subject to conditions requiring foul and surface water to be drained on separate systems, and submission of a surface water drainage scheme.</p> <p>Waste Management: No objections. Note that collection crews and vehicles do not go on to private driveways, shared driveways or private roads, and this would affect some plots.</p> <p>County Highways: No objections regarding impact upon the surrounding highway network. Considers that the internal highway should be constructed to an adoptable standard. Recommends conditions requiring provision of a footway adjacent to the site; surfacing the access 5.0m into the site in appropriate paving; visibility splay requirements; and provision for wheel cleaning during construction.</p> <p><u>Publicity:</u></p> <p>136 letters of objection have been received. The main points raised are listed below:</p>

- Facilities and infrastructure within the village are insufficient to accommodate the proposed development. Additional facilities should be provided.
- Capacity of highway network would not adequately handle proposed development.
- There would be poor visibility of the proposed access from the adjacent highway, and highway safety concerns.
- Concern over loss of farmland.
- Brownfield sites have not been fully developed, and this should occur before greenfield sites come forward.
- Public transport links should be improved.
- Villages would lose their rural identity.
- Loss of wildlife habitat is a concern.
- Air pollution is a concern.
- Recently constructed properties are not yet filled, meaning new proposals are not necessary.
- The proposals would not meet the price ranges of first time buyers.
- Green Belt boundaries should not be altered.
- The proposal is simply designed for financial gain.
- There is no need for affordable housing in the village.
- The site provides green space and visual relief from built development.
- There has been little consultation prior to submission of the application.
- The development is not consistent with the Local Plan.
- The applicant has not presented information to demonstrate the site is sustainable.
- The proposed dwellings should accommodate those who work in the area.
- The environmental effects of development would be substantial.
- Sewage facilities are insufficient to accommodate the proposed development.
- Flooding concerns.
- Impact on residential amenity would be unacceptable.
- The scale, siting and appearance is not sympathetic.
- There are no benefits for local residents.
- There are ecological concerns.
- Cumulatively, the housing applications currently under consideration represent inappropriate scale of development for a village location.
- All dwellings should provide environmental features such as solar panels.
- Overcrowding is becoming an issue in the country.
- The development would impact upon the health and wellbeing of others.

Whittingham Parish Council: Objects to the application, noting it is contrary to Policy 1 of the Core Strategy, and raises highway safety concerns. Submitted a review of the applicant's submitted Transport Statement. The document was also sent to Lancashire County Council as Highway Authority for review.

Ben Wallace MP: Has objected to six applications for housing development in Goosnargh and Broughton - including this one. The site is not allocated for development in the local plan and sits outside Goosnargh settlement boundary and within an area of separation. The combined number of homes, if all are considered together, are unsustainable. Former Whittingham hospital development has stalled and demonstrates there is no need for this / these developments. Request that all six applications are delayed until housing supply targets have been amended. Note that LCC objected to 06/2018/0732 and require

remodelling of the A6 corridor and request all six applications are delayed until this is done. States that a large number of his constituents share his concerns.

A letter supporting the application, alongside supporting information, has been received from the applicant, the contents of which can be summarised as follows:

- The standard methodology does not truly reflect the needs of Preston City Council moving forward, and is not reliable. The purported supply should therefore not be afforded full weight as a material consideration;
- The development would provide affordable homes, which should be given significant weight in the determination of the application;
- Sustained economic growth as part of the City Deal and job creation are material to the determination of this application and should be afforded weight;
- The Central Lancashire Authorities review of the Core Strategy is the proposed place to consider housing land supply and the redistribution of housing targets across the CLA with scrutiny by an independent inspector;
- The challenge to the appeal decision of December at Chain House Lane in South Ribble calls into question the conclusions reached by the Inspector;
- The tilted balance still applies if CS Policy 4 is out of date and the decision has been challenged.

Officer comment

- The Council's position remains that Policy 4 is more than five years old, and is no longer a true reflection of Preston's minimum housing requirement;
- The Council has, since April 2018, been acting in accordance with the consequences of the Broughton appeal decisions, when it was decided that the Council could not demonstrate a five year supply of housing land. The Chain House Lane appeal decision in December 2019, in the neighbouring authority of South Ribble (appeal ref: APP/F2360/W/19/3234070) has necessitated the Council to reflect on its position. The Council now considers it can demonstrate a five year supply of housing land using the standard method and this is material to the decision making process.
- Whilst the Council remain committed to the City Deal, this is unrelated to the Council's five year housing land supply position. National policy and guidance is clear that the standard method does not provide the Council with a housing requirement, merely a baseline to measure five year supply against, much like it is used to measure the Council's performance through the Housing Delivery Test. The Council has not, at any point, suggested that adopting the standard method to calculate its five year supply position is a declaration that this figure is the Council's housing requirement;
- The Council considers the agent to be incorrect in suggesting that the development plan policies are out of date, requiring the application of the tilted balance. Paragraph 11 (and footnote 7) are engaged in circumstances where a Council cannot demonstrate a five year supply of deliverable housing land. Equally, Paragraph 73

(and footnote 37) does not suggest that a housing land supply policy which is over five years old creates a situation whereby the development plan as a whole is out-of-date. The planning system is still plan-led as set out in the committee report. This is reiterated in the Framework. Moreover, the position as put by the agent conflicts with the position taken by the Inspector in the Chain House Lane decision;

- It is considered, the tilted balance is not currently engaged and a standard planning balance exercise is engaged.

Subsequent to the letter received from the applicant discussed above, In April 2020, following consideration by all three Central Lancashire authorities, the Central Lancashire Memorandum of Understanding and Statement of Co-Operation Relating to the Provision and Distribution of Housing Land (MOU) became effective. This is discussed in further detail below.

1.6 Analysis

Principle of development and impact on the Open Countryside

Preston Local Plan (PLP) Policy AD1(a) states that small scale development within existing villages will also be permitted provided that it meets with the criteria listed within Policy AD1(a), and that favourable consideration will be given to proposals containing measures likely to result in an overall improvement to the environment and amenity of the area.

Policy AD1(a) of the Preston Local Plan states that development within (or in close proximity to) the Existing Residential Area will be permitted provided that it meets with the criteria listed below:

- a) the design and scale of the development is sensitive to, and in keeping with, the character and appearance of the area;
- b) there would be no adverse impact on residential amenity, particularly by reason of noise, general disturbance and loss of privacy due to the activity under consideration or the vehicular/pedestrian movement it generates;
- c) the proposal would not lead to an over-concentration of non-residential uses, detrimental to residential character and amenity, and;
- d) the proposal would not lead to an over-intensification of use of the site.

A small section of the southern part of the site is situated within the defined existing village settlement of Broughton (and this has consent for one dwelling). Notwithstanding, the majority of the site is defined as Open Countryside, falling outside but adjacent to the defined boundary of Broughton. The purpose of the boundaries is to distinguish between the built-up elements of the urban area and the surrounding countryside, as identified on the Policies Map of the Adopted Preston Local Plan.

Core Strategy (CS) Policy 1 relates to all types of development and seeks to focus growth and investment on well located brownfield sites, identified strategic locations and other main urban areas, and other defined places, whilst protecting suburban and rural areas. The hierarchical sequence for locating development puts other places, including smaller villages, at the bottom of the hierarchy and in such locations development is expected to be small scale, and limited to appropriate infilling, the conversion of buildings and proposals that meet local need, unless there are exceptional needs for a larger scale redevelopment scheme. The application site is located outside of any settlement boundary and is therefore defined

as open countryside. Whilst the proposed development of up to 10no. dwellings is considered relatively small in scale, it would not represent an infill development and would not constitute redevelopment, conversion or development that meets a local need. The principle of residential development on this site would be contrary to the hierarchy of locations for focussing growth and investment, and is therefore contrary to CS Policy 1.

Preston Local Plan (PLP) 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 needed for the purposes of agriculture or forestry, 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.

As mentioned above, the application site is defined as open countryside, and the proposed development is not required for any exceptional purposes set out in Policy EN1, nor is it located within the defined boundaries of a small rural settlement or village, nor does it represent infilling. As such the proposal would not comply with Policy EN1 of the Adopted Preston Local Plan 2012-26.

CS Policy 31 seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) to achieve the full potential of the soil. Paragraph 170b) of the Framework also states that local planning authorities should take into account the economic and other benefits of the most versatile agricultural land.

The submitted Agricultural Land Classification report summarises that the application land has heavy, poorly-draining soils, with land quality limited to subgrade 3b by wetness, topsoil texture and the number of Field Capacity Days. As a result of the 3b classification the site is only considered to be of moderate quality and would not lead to the loss of the highest value of agricultural land. The application would not therefore conflict with CS Policy 31.

In summary of the above, the principle of the proposed residential development at this site is contrary to Policy 1 of the Adopted Core Strategy and Policy EN1 of the Adopted Local Plan. The development would however not conflict with Policy 31 of the Adopted Core Strategy. The acceptability of the proposed development is therefore considered against material considerations which are discussed further within this report.

Impact upon the Area of Separation

The site is identified as falling within an Area of Separation, where the requirements of Core Strategy Policy 19 and Local Plan Policy EN4 apply. These policies aim to avoid the merging of settlements and the prevention of any harm to the effectiveness of the gap between settlements. Proposals that lead to a risk of settlements merging will be resisted. Policy EN4 further states that proposals will be assessed in terms of their impact upon the Area of Separation, 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 Area of Separation.

The site is situated to the north eastern defined boundary of the settlement of Broughton. The nearest residential settlement to the east of Broughton is Goosnargh approximately

1.9km away, and to the south is the urban area of Preston, beyond the M55 and M6 motorways. The main expanse of the area of separation is to the north and east of the application site. It is considered that the proposal would not significantly encroach into the Area of Separation between Broughton and Goosnargh. The proposal would only narrowly reduce the gap between these two settlements and would not result in a physical merger of the settlements as there would be no point at which, as a result of the development, the gap would be closed. Given the width of the gap which would be maintained between the relevant settlements there would be no perception of the gap being closed to the extent that there would be a risk of a merger and the effectiveness of the gap would be therefore maintained.

Housing Provision

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. The policy sets the minimum of 507 dwellings per annum for Preston. Policy 4 also seeks to ensure that at least 70% of new housing developments are located on brownfield sites. 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.

Paragraph 11 of the Framework states that the presumption in favour of sustainable development means local planning authorities should approve development proposals that accord with the development plan without delay.

Given the development plan policy which contains the housing requirement for the Central Lancashire authorities (Policy 4) is more than five years old, and no review of that policy has been undertaken since its adoption in 2012, the Council is now using the local housing need figure, calculated using the standard methodology, to monitor and assess its housing land supply position.

In April 2020, following consideration by all three Central Lancashire authorities, the Central Lancashire Memorandum of Understanding and Statement of Co-Operation Relating to the Provision and Distribution of Housing Land (MOU) became effective. The MOU, in advance of the conclusion to the review of the Local Plan, ensures that the aggregate local housing need across Central Lancashire is met and that a consistent approach to monitoring housing land supply in Central Lancashire is established. The MOU requires Preston to supply 410 dwellings per annum. Against this figure, the Council can currently demonstrate a five year supply of deliverable housing land when account is taken of planning permissions granted up to 1 April 2019.

Impact on landscape character and visual amenity

The Framework states 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. However the NPPF 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.

Policy 13 of the Core Strategy requires development to conserve and where possible enhance the character and quality of the landscape. Policy 21 of the Adopted CS does not seek to prevent development in principle, but does seek to ensure that any development that does take place is compatible with its surroundings, further stating that it should contribute positively to its conservation or restoration or the creation of appropriate new features.

It is considered that the site lies within a prominent location, visible from Langley Lane and Whittingham Lane which both run adjacent to the site. Particularly when viewed from Whittingham Lane, mature hedging is situated in the foreground with mature hedgerow trees in the background. Cumulatively, this combines as a rural character to the edge of Broughton village. It is considered that the site is of visual merit currently, acting as the edge of the built development, offering views of the fells and associated Area of Outstanding Natural Beauty beyond to the north. Whilst not a protected landscape in itself, the site is very much characteristic of the wider rural countryside around the settlement of Broughton. Although further to the south along Whittingham Lane there are built developments, it is considered that from the junction separating Whittingham Lane and Langley Lane, the character of the area becomes defined by areas of open space and low density buildings, including the sole residential property to the south of the site, followed by a short row of residential properties further to the north, situated around Short Lane. It is considered that just to the south of the site, the open green areas and low density development provides a natural physical boundary between Broughton to the south and the open countryside to the north.

Turning to the short row of residential properties situated further north around Short Lane, it is considered that these are low density, and are set back from both Whittingham Lane and Langley Lane, and are therefore somewhat screened and from various public vantage points on both of these highways, are not highly visible or prominent. The section of both Whittingham Lane and Langley Lane upon which the proposed development would be accessed and most visible, is characterised by open fields and very sporadic residential properties, and this is considered to be an important feature of the corridor separating Broughton and the village of Goosnargh to the north along Whittingham Lane, creating separation and distinction between those settlements.

The proposed development of this site would lead to the loss of agricultural land and would extend the existing settlement boundary of Broughton north into an area of the open countryside that is visually prominent along Whittingham Lane and Langley Lane. Furthermore, the aforementioned open green areas and low density development represents a clear and somewhat natural transition from the built development of Broughton to the open countryside. To construct a residential development for some 10no. units to the north of the transition area, with its access requiring the removal of sections of the existing hedgerow to Langley Lane, would be at odds with the character of the area.

Whilst it is appreciated that a number of mature trees would be retained adjacent to Langley Lane, it is furthermore concerning that the development would be screened from Whittingham Lane only by a hedgerow, which is considered to be somewhat lacking in adequacy to screen a development which it is considered would be visually prominent and have a detrimental impact on the character of the area, particularly in the absence of a Landscape Visual Impact Assessment being provided in support of the application.

In summary of the above, the proposed development of this site would significantly extend the settlement of Broughton north in to an area of the open countryside which is currently mainly devoid of development and represents the clear transition between Broughton and the rural nature of the surrounding area. Additionally, due to the low density of the existing development at the northern end of Broughton, the proposed development would appear isolated and detached from the main built form within this settlement. Furthermore, large sections of the site and development within the open countryside would be highly visible from public vantage points along Langley Lane and Whittingham Lane. It is therefore considered that the development of this site would fail to conserve, retain and provide an appropriate transition from of the built development into the open countryside which is contrary to Core Strategy Policies 13 and 21.

Affordable Housing

Core Strategy Policy 7 sets a target of 35% affordable housing from market housing schemes in rural areas on sites in or adjoining villages which have a suitable range of services. The Affordable Housing SPD provides advice on how the Council's affordable housing policy is to be implemented, stating 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 an alternative provision. A site threshold of 10 dwellings or more, or with a site area of 0.5 hectares or more, within rural areas applies.

As the application proposes up to 10no. dwellings, affordable housing provision is required, and as the site lies within a rural area and adjoining an existing village the required provision would be 35% (up to a maximum of 4 units, if 10 units are to be progressed).

It is noted that the layout is indicative at this stage. The applicant has however confirmed that the development would provide 35% affordable housing provision as required by policy, to be provided as a mix of on-site and off-site obligations. It is considered that the type, tenure and delivery of the affordable housing would be secured through a Section 106 obligation should the application be approved. It is therefore considered that the application complies with the Affordable Housing SPD and Policy 7 of the Core Strategy.

Traffic and Highway Safety

Core Strategy Policy 1 and Local Plan Policy EN1 seek to direct new development to the most sustainable locations, restricting development in the countryside. PLP Policy ST2 requires that proposals show that they would not prejudice road safety or the efficient and convenient movement of all highway users and would make appropriate provision for public transport and for access by foot or cycle. CS Policy 3 also promotes sustainable travel. The Framework similarly seeks development to promote sustainable patterns of travel and also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The applicant has submitted a Transport Statement seeking to demonstrate that the local road network can accommodate the development. County Highways has confirmed that adequate visibility splays from the site entrance onto Langley Lane can be adequately achieved, and a condition could be imposed to ensure these are maintained.

Langley Lane is classified as a secondary distributor road. County Highways note that the development would contribute to the background traffic growth on the wider network.

However, noting that the site is situated close to the defined settlement boundary, it is considered to be an acceptable site in terms of background traffic generation and impact upon the wider network.

The Transport Statement makes reference to improving access to the site for pedestrians. This approach is welcomed, especially noting that bus stops are situated along Whittingham Lane to the south west of the site, enabling future occupiers of the development to utilise sustainable transport links as an alternative to the private car. No footway is currently in place from the proposed site entrance in a southerly direction along Langley Lane connecting to Whittingham Lane. County Highways therefore recommend that a new footway is created along Langley Lane fronting the site, which would allow pedestrians to cross to existing footways. This requirement could be secured through a Grampian condition, which would prevent the start of development works until off-site works are complete. County Highways consider that safe access via vehicles and pedestrians can be provided to the site. With clear links via the proposed footpath, sustainable routes would be provided to public transport links and other amenities, reducing reliance upon the private car.

County Highways consider that further information is required in respect of visibility splays at the access to Langley Lane, and an appropriate condition could be imposed. They also recommend that the access, up to 5.0m into the site, should be appropriately surfaced, and they recommend that wheel washing facilities be provided during construction, and relevant conditions could control these matters.

On the basis of the above the proposal satisfies the requirements of Core Strategy Policy 3, Local Plan Policy ST2 and 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 Adopted 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 CABI (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. In addition, 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.

It is considered that the site lies within a prominent location, visible from Langley Lane and Whittingham Lane which both run adjacent. Particularly when viewed from Whittingham Lane, mature hedging is situated in the foreground with mature hedgerow trees in the background. Cumulatively, this combines as a rural character to the edge of Broughton village. It is considered that the site is of visual merit currently, acting as the edge of the built development, offering views of the fells and associated Area of Outstanding Natural Beauty beyond to the north.

Appearance, landscaping, layout and scale are reserved for subsequent approval but the applicant has submitted an indicative layout plan. This demonstrates that the site could be developed, with landscaping to the edges of the site, including retention of boundary hedges. Vehicular access is proposed to the west onto Langley Lane, with pedestrian access also provided within a separate area to the south of the vehicular access point. As discussed above, installation of a new pavement would improve sustainable connections for future occupiers.

The indicative layout suggests that the plots could be provided with relatively generous garden areas, and would all be detached in nature. The density of development, at 21dph is not considered unacceptable.

It is considered that the hedging, other landscaping and ecological area would require a management plan, ensuring effective oversight in future. A relevant condition could control these matters.

In light of the above, it is established that the site currently offers visual merit, especially across areas of surrounding open countryside. Notwithstanding, it is considered that good landscaping and management of the site may assist with mitigating this impact. It is therefore considered that notwithstanding the concerns raised in respect of the principle of developing this site, as well as the wider landscape and visual impacts discussed earlier, a scheme could potentially come forward on this site at reserved matters stage that could potentially comply with Policies 5 and 17 of the Core Strategy and Policy EN9 of the Local Plan.

Impact on residential amenity

Core Strategy Policy 17 and Local Plan 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 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.

A noise impact assessment has been submitted alongside the application, which has reviewed baseline noise levels from surrounding road traffic and other noise sources that may be present at the existing site, and appropriate mitigation measures have been considered. The Council's Environmental Health officers have reviewed the submitted document, and consider its findings to be acceptable. They have recommended a condition that the suggested mitigation measures be incorporated into the future development, in order that the residential amenity of future occupiers of the development is acceptable. A relevant condition could therefore be imposed.

The application is therefore acceptable with regard to residential amenity, and complies with the above policies.

Education

CS Policy 14 states that educational requirements will be provided for by 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 has requested a contribution towards 4 primary school places. This provision would need to be recalculated prior to the commencement of development to take account of the approved design details of the dwellings – specifically the bedroom numbers. The contribution including recalculation requirement, and named infrastructure project for the funding, would be secured through a Section 106 Obligation. On this basis, the proposal accords with the above policy.

Open space provision

Core Strategy Policy 17 states that the provision of landscaping and open space should form an integral part of new development proposals, including enhancing the public realm. Core Strategy Policy 18 seeks to manage and improve environmental resources through the protection and enhancement of the natural environment. Core Strategy Policy 24 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.

Local Plan Policy HS3 states all new residential development resulting in a net gain of five dwellings or more will be required to provide sufficient public open space to meet the recreational needs of the development in accordance with standards set out in the Open Space and Playing Pitch SPD.

The Framework states that access to high quality open spaces and opportunities for sport and recreation can 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 and access.

Local Plan Policy HS3 and the Central Lancashire Open Space and Playing Pitch SPD set out the minimum local standards and how they will be applied, along with accessibility and qualitative assessments, to determine the amount of new open space and playing pitch

provision or appropriate financial contributions required from new residential developments. On-site provision for children/young people would not be required as the development would be below the 100 dwelling threshold level and the financial contribution for off-site provision would come via the Community Infrastructure Levy charge on the development.

The illustrative layout does not indicate areas of open space to be provided within the development, although it is unknown at this stage how the final layout would be laid out at reserved matters stage. Notwithstanding this, there is provision of public footpaths running through open land to the north of the application site, and to the south along Pudding Pie Nook Lane. Given the relatively small scale of the development, it is not considered that a lack of on-site open space provision would be detrimental to future occupiers, given the relatively easy access to surrounding open countryside which would remain. It is therefore considered that the application accords with the above policies and the Framework.

Ecology and trees

Policy 17 of the Core Strategy requires that proposals incorporate existing landscape features of value and new landscaping treatment to integrate a development into its surroundings. 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 populations and seeking opportunities to conserve, enhance and expand ecological networks. Policies EN10 and EN11 of the Adopted Local Plan seeks to safeguard protected species from the adverse effects of development unless the benefits of development outweigh the need to maintain the population of the species in situ.

Although indicative at this stage, the submitted site layout indicates that landscaping is proposed to the edges of the site, including retention of boundary hedges. It is considered necessary to control future management of the hedging, other landscaping and ecological area to ensure it remains effective and functional, and a relevant condition could require this. It is furthermore considered that a thorough landscaping scheme would be required, and this would form part of a reserved matters submission at a later stage.

A Tree Survey and Arboricultural Assessment has been submitted alongside the application, which confirms the removal of two trees, noted as G6 and G7 in the submitted document. The Council's Arborist has confirmed no objections to the removal of these trees, given they are regarded as Class C trees, thereby of limited arboricultural value and not worthy of retention. It is however recommended to replace these trees with manageable species, and this would be considered further at reserved matters stage once layout is established.

Further to the above, the Council's Arborist has considered that the protection of root zones of those trees to be retained is important, in order to ensure their loss or damage is prevented. British Standard guidelines for tree works are referenced within the submitted assessment, and therefore the recommendations of the assessment could be controlled by means of a condition.

Further guidance is provided by the Council's Landscape Architect with regard to a future landscaping scheme which would be required at reserved matters stage. The submitted Arboricultural Impact Assessment indicates that the site is not occupied by any trees protected by a Tree Preservation Order (TPO), and the majority of trees on site are to be

retained. Three trees are to be removed, which are Category C trees, and are of a lower quality and not considered worthy of retention.

An Ecology Survey has been submitted with the application, which has been reviewed by Greater Manchester Ecology Unit. It is considered by the Ecology Unit that this survey is accurate and appropriate, in regard to the assessment of the ecological value of the site. It is considered that the site is unlikely to support the protected species great crested newts, however the pond on site is sub-optimal for supporting such species. The presence of other amphibians (such as frogs and toads) cannot be ruled out. A condition could be imposed for a method statement providing details of reasonable measures to be taken to avoid any harm to amphibians.

The Ecology Unit note the stream, woodland and hedgerows at the northern and western boundaries of the site, as having local ecological value and contributing to the rural character of the site. As above, it is proposed on the indicative layout plan to retain these features, however it is recommended that they be managed appropriately. The Ecology Unit note that these features should be retained, and this can be ensured at reserved matters stage when layout is confirmed. Submission of a detailed Landscape and Habitat Creation and Management Plan could be ensured by condition.

The Ecology Unit furthermore recommend that trees along the northern and western boundaries of the site should be inspected for the presence of bats, should their removal be proposed. As their removal is not proposed at this stage, this condition is not considered necessary, however could be imposed at reserved matters stage should the indicative proposals change. However, a condition could be imposed to ensure no vegetation clearance takes place during the bird nesting season.

Subject to the above recommended conditions, it is considered that the tree proposals and ecological matters are acceptable, according with the above policies and the Framework.

Ground conditions

Core Strategy Policy 17 and Local Plan Policy EN7 state that proposals should ensure that contaminated land and other risks are considered and addressed through appropriate remediation and mitigation measures. The Framework states that where a site is affected by contamination, responsibility for securing a safe development rests with the developer/landowner. The National Planning Practice Guidance (NPPG) also states that local authorities should use conditions to secure the adequate remediation of contaminated land.

A desk top study (phase 1 assessment) has been submitted with the application. The Council's Environmental Health officers have not raised objection to the submitted information, and recommend that if during site preparation or development works contamination is encountered or suspected, then a detailed investigation, risk assessment, remediation and verification shall be submitted to the LPA. A relevant condition could be imposed. The site is capable of being safely developed and the proposal would comply with the above policies and the Framework and the Guidance.

Flood risk and drainage

Core Strategy Policy 29 seeks to improve water quality, water management and reduce the risk of flooding. The Framework states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere.

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.

The Lead Local Flood Authority have provided comments on the application, and have no objections subject to conditions requiring an appropriate surface water drainage scheme, no occupation of the development until completion of a sustainable drainage scheme and a management and maintenance plan, and a surface water lifetime management and maintenance plan. United Utilities have recommended conditions requiring foul and surface water to be drained on separate systems, and submission and subsequent provision and management of a surface water drainage scheme. These condition could be imposed should the application be approved. Both the LLFA and United Utilities have stated that a water main runs adjacent to the site, and relevant informatives directing the attention of the applicant to those responses could be imposed. As such, the proposal would comply with the above policies and the Framework.

Energy efficiency

Whilst Core Strategy Policy 27 requires all new dwellings meet Level 4 of the former Code for Sustainable Homes (CSH), the Government published a statement of intention in respect of this matter, and in accordance with this statement the Council no longer requires new developments to comply with code standards. However the statement 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 (19% improvement over the Building Regulations).

The applicant states that the proposed dwellings would be built to achieve the equivalent energy requirements of Level 4 of the CfSH. A condition would be necessary to secure this as far as it would achieve energy efficiency equivalent to Level 4. With this provision, the proposal would comply with the objectives of the above Policy and the Framework.

Air Quality

Core Strategy Policy 3(i) supports the use of alternative fuels for transport purposes and the supporting text (paragraph 7.1) refers to enabling the use of alternative fuels for transport purposes such as electric vehicle charging stations. Core Strategy Policy 30 seeks overall improvements in air quality. Paragraph 181 of the Framework requires that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan.

The impact of the development on the air quality in the area is likely to be minimal. Notwithstanding this, Environmental Health recommend mitigation against the potential increase in traffic pollution. A condition could be imposed requiring dwellings be fitted with an external electric vehicle charging point, where this can be satisfactorily provided i.e. where there would be a dedicated garage, driveway or parking area. On this basis, the application accords with the above policies.

Waste

The National Planning Policy for Waste states that proposals should make sufficient provision for waste management and promote good design to secure the integration of waste management facilities with the rest of the development. It suggests that this should provide for the discrete provision of bins.

The Council's Waste Management officers have reviewed the submitted application, and have raised no objections to the proposals. They have noted that, due to a shared driveway to be incorporated within the development which would serve several properties, as shown on the indicative layout, waste bins would be presented at the end of the shared driveway given waste collections crews and vehicles would not access private driveways, shared driveways or private roads. It is considered necessary to formalise the waste collection arrangements further, in order to ensure they are adequate and do not impede highway users or pedestrians, or vehicular access. It is considered that this application is at outline stage, and therefore the layout of the site at reserved matters would allow further consideration of this issue.

Design for Security

A section of the submitted Planning Statement outlines that 'Secured By Design' build principles would be established, once the layout and design of the site is further detailed at reserved matters stage. No comments have been received from Lancashire Constabulary, however it is considered that this approach is acceptable, helping to minimise crime and reduce fear of crime in future development, in accordance with the recommendations of the above.

Planning obligations

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 in planning terms;
- a) Directly related to the development; and
- b) Fairly and reasonably related in scale and kind to the development.

Financial contributions towards: the provision of school places and the delivery of off-site affordable housing, in addition to provision of on-site affordable housing and self-build housing, are considered to be necessary to make the development acceptable in planning terms, are all directly related to the development and are fairly and reasonably related in scale and kind to the development. The obligations meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended). Should the application be recommended for approval the applicant would need to enter into a Section 106 Obligation in respect of the above.

Self-build housing

When originally submitted, the application sought permission for self-build housing. Following discussions, and during a period in which the Council could not demonstrate a five year supply of deliverable housing land, the applicant subsequently took the decision to remove this element from the application proposals. Subsequent again to this, and since the change in the Council's position whereby in late 2019 a five year supply of deliverable housing land

could be demonstrated, the applicant formally requested that the application be considered on the basis that all the units would be self-build, as originally submitted.

The applicant notes that local planning authorities, under the Self-Build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016, have a duty for local needs housing to include self-build and custom build housing. The applicant notes the Central Lancashire Housing Study (2019) (CLHS), and considers this addresses the need for self-build and custom build housing. They consider that the proposed development would fulfil the requirements of Policy 1(f) of the Core Strategy, as it represents small scale development, which would meet a demonstrable local need, and in light of this consider that the provision of self-build housing should be afforded substantial weight.

The applicant considers that the CLHS recognises the need for a specific policy on self-build and custom build housing to be included in the upcoming Central Lancashire Local Plan. They consider that given there is no such policy within the current Core Strategy or Preston Local Plan, the Development Plan is absent and silent on this issue, and in accordance with Paragraph 11(d) of the Framework, the tilted balance should be engaged. The applicant further offers to secure provision of self-build housing on the site through a Section 106 Obligation.

The Council disagrees that Policy 1 of the Core Strategy is silent on the Council's approach for development proposals for housing in the City, particularly in relation to their location, and therefore the Development Plan is relevant as to whether or not the scheme accords overall with the plan.

Whilst the requirements for self-build within the Central Lancashire Housing Study (CLHS) are acknowledged, this document is not an adopted policy of the Council – rather, an evidence base for a future review of the plan, which is taking place through the Central Lancashire Local Plan review. The CLHS does not set housing targets, rather it provides an assessment of the need for housing across the three boroughs, making no judgements regarding future policy decisions which the Council may make. Given this, the Council do not consider it appropriate to apply the tilted balance in this scenario.

Whilst the reference to the Self-build and Custom Housebuilding Act 2015 (as amended) is noted, this legislation makes provision for Council's to have regard to the demand for custom build housing as evidence by the registers when exercising certain functions, including those relating to planning. What the legislation does not require however is to provide for the approval of self-build plots irrespective of or as an exception to the provisions of the development plan. In conclusion therefore, although weight is attributed to the self-build element of the scheme, it is not considered that this would outweigh the non-compliance with the Development Plan, and the identified harm to the Open Countryside. On this basis, it is not considered that the provision of self-build housing in this circumstance should engage the tilted balance.

1.7	Value Added to the Development
	<ul style="list-style-type: none">• The development would provide a new pavement to improve highway safety.
1.8	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.

Statutory consultee comments and representations have been received which have been carefully considered and taken into account as part of this planning application. 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. Additionally, the proposed development of this site would significantly extend the settlement boundary of Broughton north in to an area of the open countryside that represents the clear transition between the settlement of Broughton and the rural nature of the surrounding area. The proposed development would appear isolated and detached from the main built form of the nearby settlement and large sections of the site and development would be highly visible from public vantage points along Whittingham Lane and Langley Lane. The development of this site would therefore fail to conserve, retain and provide an appropriate transition from the built development into the open countryside which is contrary to Policies 13 and 21 of the Central Lancashire Core Strategy. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan (including neighbourhood plans that form part of the development plan), permission should not be granted.

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 not result in the loss of a valued or distinctive landscape, would deliver 35% on site affordable housing and include provision for self-build housing. The proposed dwellings would be energy efficient and be supplied with electric vehicle charging points. There would be no unacceptable harm to highways impacts, protected species and their habitats due to mitigation measures that could be secured by condition. Any harm arising from potential contamination and flood risk could be mitigated by condition. Furthermore, the education and off-site affordable housing contributions, as well as self-build and on-site affordable housing provision, could be successfully mitigated by a planning obligation. Whilst these are considered to be benefits resulting from the proposed development, the majority of these benefits are generic and no more than would be expected from any major housing development, and as such they attract limited positive weight.

Whilst the above demonstrates that the proposed development could achieve some of the three overarching objectives of sustainable development (Paragraph 8 of the Framework), they are not criteria against which every decision can or should be judged. Paragraph 10 of the Framework states that at the heart of the Framework is a presumption in favour of sustainable development. However 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 the planning application conflicts with the Council's up-to-date development plan, in such circumstances permission should not be granted. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be refused.

1.9	Recommendation
	Refuse
2	Compliance with paragraph 38 of the National Planning Policy Framework
	The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant. However, the issues identified are considered to be so fundamental that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Reasons

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. The proposal fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy and consequently would lead to the unplanned expansion of the rural village of Broughton, which has a limited number of services and facilities. 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. 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).
2. The proposed development of this site would significantly extend the settlement boundary of Broughton north in to an area of the open countryside

that represents the clear transition between the settlement of Broughton and the rural nature of the surrounding area. The proposed development would appear isolated and detached from the main built form of the nearby settlement and large sections of the site and development would be highly visible from public vantage points along Whittingham Lane and Langley Lane, which both run adjacent to the site. The development of this site would therefore fail to conserve, retain and provide an appropriate transition from the built development into the open countryside which is contrary to Policies 13 and 21 of the Central Lancashire Core Strategy.

Informatives

1. You are advised that as of 30th September 2013, the Central Lancashire Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.preston.gov.uk/CIL