

Reporting to Planning Committee Meeting to be held on: 6th January 2022	Electoral Ward Affected Preston Rural East
Report submitted by: Director of Development and Housing	
Application Number: 06/2021/1104	

1 Summary

1.1 Land west of Garstang Road, Broughton, Preston, PR3 5JA

Outline planning application seeking approval for access only for residential development for up to 51 no. dwellings with associated works (all other matters reserved)

Applicant Hollins Strategic Land LLP

Agent Sedgwick Associates

Case Officer James Mercer

2 Decision recommended

Refusal for the reason 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. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy RES1 of the Broughton Neighbourhood Development Plan or 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 the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and Policy RES1 of the Broughton Neighbourhood Development Plan.

3 Information

3.1 Location

The application site is located to the west of Garstang Road, north of Bank Hall Farm and south of Broughton High School playing fields. The Guild Wheel cycle route passing along the northern boundary of the site, set between the application site and the school playing fields. To the east, the site is bound by Bank Hall Barn, open fields and a site with planning permission for 97 dwellings (06/2016/0736). The application site extends to approximately 2.57 hectares and is located within the open countryside and Area of Separation, as defined by the Policies Map contained within the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies). The site also falls within the Broughton Neighbourhood Development Plan area.

3.2 Proposal

The application seeks outline planning permission for up to 51no. dwellings, and associated works. Vehicular and pedestrian access would be taken from Garstang Road, with further pedestrian and cycle connections to the Guild Wheel to the north. Whilst the application is in outline and layout is a reserved matter, an indicative site plan has been provided, within the Design and Access Statement, which shows how the site could be set out.

Following concern being raised over the impact of the proposal on nearby listed buildings and a request for matters relating to scale, design and layout to be submitted, a Parameters Plan was provided in lieu. The plan sets out the area of site which would be developed with residential development covering 2.69 hectares to the north of the site with areas of public open space and landscaping covering 1.62 hectares to the east, south and southwest, providing a buffer between the site and the nearby heritage assets.

3.3 Relevant planning history

Whilst the site itself has no planning history, applications within the vicinity which are of relevance are as follows:

Land off Sandy Gate Lane

06/2016/0736 – Outline planning application for up to 97no. dwellings (access applied for only) – Refused May 2017. Allowed on appeal April 2018.

Land previously known as Key Fold Farm, Garstang Road

06/2017/0097 – Outline application for residential development for up to 130 houses with access considered – Refused June 2017. Allowed on Appeal April 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:

Central Lancashire Core Strategy

- Policy 1 – Locating growth
- 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 16 – Heritage Assets
- Policy 17 – Design of new buildings
- Policy 18 – Green infrastructure
- Policy 19 – Areas of Separation and Major Open Space
- Policy 21 – Landscape character areas
- Policy 22 – Biodiversity and Geodiversity
- Policy 26 – Crime and community safety
- Policy 27 – Sustainable Resources and New Developments
- Policy 29 – Water management
- Policy 30 – Air quality
- Policy 31 – Agricultural Land

Preston Local Plan 2012-26 (Site Allocations and Development Management Policies)

- Policy ST1 – Parking standards
- Policy ST2 – General transport considerations
- Policy EN1 – Development in the open countryside
- Policy EN2 – Protection and enhancement of green infrastructure
- Policy EN4 – Areas of Separation
- Policy EN7 – Land Quality
- Policy EN8 – Development and Heritage Assets
- Policy EN9 – Design of new development
- Policy EN10 – Biodiversity and Nature Conservation
- Policy EN11 – Species Protection
- Policy HS3 – Green Infrastructure in New Housing Developments

Broughton Neighbourhood Development Plan

- Policy NE2 – Visual Impact of New Development
- Policy RES1 – Broughton Village – Housing Development Sites as an extension to the defined settlement boundary.
- Policy RES2 – Broughton Village Housing Mix
- Policy NE3 – Drainage

Other Material Considerations:

Central Lancashire Supplementary Planning Documents (SPD)

- Design Guide
- Affordable Housing
- Employment Skills

Open Space and Playing Pitch Strategy

National Planning Policy Guidance

National Planning Policy Framework (The Framework)

National Planning Practice Guidance (NPPG)

National Planning Policy for Waste

National Design Guide

Other Documents

The Conservation of Habitats and Species Regulations 2017

The Wildlife and Countryside Act 1981 (as amended)

Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

3.5 **Consultation responses**

United Utilities: The site overlies the sandstone rock in Groundwater Source Protection Zone 2 & 3; an aquifer, abstracted at depth for public drinking water supply at nearby Broughton boreholes, northwest and southwest of the development. The applicant should follow best practice on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction. Attention is drawn to advice in The Environment Agency's Approach to Groundwater Protection. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions securing a surface water drainage scheme and that foul and surface water to be drained to separate systems should be secured.

Natural England: No comments to make on this application. The Local Planning Authority is advised to obtain specialist ecological or other environmental advice when determining the environmental impacts of the proposed development.

Lead Local Flood Authority (LLFA): No objection subject to conditions requiring: a final sustainable drainage scheme; a construction phase surface water management plan; operation and maintenance plan and verification report of constructed sustainable drainage system. It is also suggested that should planning permission be granted an informative is attached to confirm a planning permission does not grant permission to connect to the culverted watercourse.

County Highways: Initially raised objection as a safe and suitable access to the site had not been demonstrated nor had sufficient detail been provided to show the cumulative impact on the A6 would not be severe. Following the submission of additional information, they identified the need to include 'radii' to the northern access on to the cycle route and removal of hedgerows either side to provide inter-visibility with the Guild Wheel route and the provision of street lighting and drainage to internal cycle routes. In addition, the proposed bus stop upgrades proposed by the applicant would be required. Subject to alteration mentioned they would have no objection subject to the inclusion of appropriate highways conditions.

Highways England: No objection subject to a condition requiring implementation of the submitted travel plan. They do, however, recommend that the cumulative impact on the

M55 Junction 1 of this development along with other approved developments be carefully considered by the Local Planning Authority when considering the application.

County Education: Object to the planning application unless financial contributions for 19 primary school places and 8 secondary school places are secured, based on the assumption that all 51no. dwellings would have 4 bedrooms. Should this not be the case a reassessment will be required at reserved matters stage and could result in a reduced claim for school places.

Greater Manchester Ecology Unit (GMEU): No objection subject to conditions requiring the submission of tree protection measures, details of any external lighting, no vegetation clearance during bird nesting season, the development to be carried out in accordance with Amphibian Reasonable Avoidance Measures and the submission of biodiversity enhancement measures.

Environmental Health: No objection, further to the recommendations of the Phase 1 Desk Study Assessment, an intrusive Phase 2 Geo-Environmental Site Investigation should be undertaken and secured by condition, and electric vehicle charging points and a Construction Environmental Management Plan should be secured by condition.

Parks and Horticulture Services (Landscape): With reference to the submitted Design and Access Statement (DAS), ecology report and heritage statement, the following objectives should be achieved:

- Respecting the setting of the Grade II listed building to the south of the site;
- delivering significant biodiversity enhancements;
- providing public open space;
- accommodating sustainable urban drainage;
- retention of existing trees & hedgerow on all boundaries as far as possible (other than those affected by access); and
- providing connectivity to the Guild Wheel.

The rural edge/leafy character of Broughton should be protected by protecting and widening the existing green frontage of the site, which would also respect the setting of heritage assets and protect the value of the land as a wildlife corridor. The open space at the southern edge of the site will successfully separate the site from existing buildings. The features within the public open space should complement the existing facilities on the King George V playing fields to the north east of the site. The need for the community pavilion is questioned. A detailed soft and hard landscaping scheme will be required at reserved matters stage should permission be granted.

Waste Management: No objection, however the Council do not send waste crew or vehicles to collect from private land, private roads or driveways. Occupiers should not have to move waste containers a distance of more than 25 metres. A Waste Management Plan should be submitted with any reserved matters application to demonstrate that the Council's largest 8x4 chassis refuse vehicle can adequately and safely traverse and turn within the proposed development.

Broughton Parish Council: Object to the proposed development. The comments received can be summarised as follows:

- The site is not designated in the Broughton Neighbourhood Plan;
- The site is within the current “area of separation” – an area that Preston City Council have submitted for the revised Central Lancashire Core Strategy to be retained;
- The site crosses the Guild Wheel/Garstang Road cycle track;
- The proposed development will add traffic to Garstang Road that was narrowed and had a 20mph speed limit (currently unenforceable) when the bypass was built. The village centre has major parking issues already, and this will only exacerbate the issues;
- The site is open countryside;
- The adjoining sites off Sandy Gate Lane and opposite on Keyfold Farm were only granted planning permission on appeal as Preston City Council could not demonstrate a 5 year land supply – which they now can.

Right Honourable Ben Wallace MP: Objects to the proposed development, details of which can be summarised as follows:

- The site is contrary to the Local Plan and the Broughton Neighbourhood Plan;
- The site is not allocated for development;
- The site is within the open countryside and Area of Separation; and
- The open countryside/Area of Separation designation is important to ensuring the character of the village is maintained and not subsumed within north Preston.

Publicity: 10 letters of objection have been received, details of which can be summarised as follows:

- The proposal is contrary to the Broughton Neighbourhood Plan, Local Plan and Core Strategy;
- The development would remove the last open space between Broughton and Fulwood;
- No need for more housing in Broughton;
- Loss of hedgerows and subsequent impact on wildlife;
- Impact on highway safety, in particular users of the Guild Wheel;
- Increase in traffic generation along Garstang Road;
- Impact on nearby heritage assets;
- The proposal fails to take into account the drainage culvert on the site;
- Detrimental impact on residential and visual amenity; and
- Lack of amenities within the village to cater for more residents.

3.6 Analysis

Principle of Proposal

Core Strategy Policy 1 seeks to concentrate growth and investment on well-located brownfield sites in Preston and adjacent to the Key Service Centres. The policy further states that in other places, including smaller villages and substantially built up frontages, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet a local need.

The application proposes up to 51no. dwellings on a greenfield site outside of the village boundary of Broughton. The application site is not a well located brownfield site, an identified strategic location, within a Key Service Centre or main urban area. Other places, being open countryside locations, such as the application site, are at the bottom of the hierarchy, where Policy 1(f) directs development 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 scheme. The application does not propose any of the development listed in Policy 1(f) therefore it is considered the development would be contrary to Policy 1 of the Core Strategy.

Policy EN1 of the Local Plan, along with Core Strategy Policy 1 forms the spatial strategy for growth in Preston. The policy, along with the accompanying Rural Development SPD seek to direct development towards appropriate locations by protecting areas of open countryside from development which fails to meet the criteria in the policy i.e. that which is needed for the purposes of agriculture or forestry or other appropriate rural use, the re-use or re-habitation of existing buildings or infilling within small groups of buildings within smaller rural settlements. Policy EN1 also permits development which accords with either Policy HS4 or HS5 of the Local Plan. A consequence of applying the spatial strategy in Policy 1 of the Core Strategy and Policy EN1 of the Local Plan is that by restricting development in the open countryside to these exceptions the open and rural character of the open countryside is maintained. Whilst this is a consequence of applying the spatial strategy, it is not the purpose of it, the spatial strategy does not seek to protect the open countryside for its own sake.

The location of development is not within a village or settlement boundary and therefore Policy EN1 of the Local Plan applies. Policy EN1 of the Local Plan states that in locations such as those relevant to the application site, development will be limited to that needed for agricultural or forestry purposes (including proposals which help diversify the rural economy), that which is infill, or the re-use or re-habitation of existing buildings. The proposal fails to comply with any of the exceptions stated in Policy EN1, and is not a proposal which accords with Policy HS4 or Policy HS5, as such the proposed application fails to comply with Policy EN1.

Policy RES1 of the Broughton Neighbourhood Development Plan allocates small-scale housing developments at three specific sites and states that “other proposed housing developments within the designated Open Countryside will be heavily restricted in accordance with Central Lancashire Core Strategy Policies 1 and 19 and Preston Local Plan Policies EN1 and EN4”.

The site is not allocated within the Broughton Neighbourhood Development Plan for housing development. As stated above the proposed development is not the type of development permissible under Core Strategy Policy 1 or Local Plan Policy EN1 and so therefore, the development conflicts with Policy RES1 of the Broughton Neighbourhood Development Plan.

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.

Conclusion on principle of proposal

The proposed development does not comply with Core Strategy Policy 1, Local Plan Policy EN1 and Broughton Neighbourhood Development Plan Policy RES1. A consequence of applying the spatial strategy in Policy 1 of the Core Strategy and Policy EN1 of the Local Plan ensures that by restricting development in the open countryside to the exceptions permitted by those policies, the open and rural character of the open countryside is maintained. Whilst this is a consequence of applying the spatial strategy, it is not the purpose of it, the spatial strategy does not seek to protect the open countryside for its own sake, in that appropriate development is permitted. The proposed development would not conflict with policy 31. The conflict with Core Strategy Policy 1, Local Plan Policy EN1 and RES1 of the Broughton Neighbourhood Development Plan must be given significant weight. Material considerations that may weigh in favour of the development against the conflict will be considered later in the report.

Housing Provision

In July 2018 the revised Framework was first published, with subsequent updated versions published in February 2019 and July 2021. The Framework, along with revised Planning Practice Guidance, introduced the standard methodology as a mechanism to calculate local housing need. Paragraph 61 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 74 of the Framework (2021) 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(a), 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(a) 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, which sets a requirement of 507 dwellings per annum for Preston. Up to January 2020 the Council used the Core Strategy housing requirement to assess its housing land supply. However, following continued monitoring of the situation in the period of time following publication of the revised Framework in 2018 and 2019, the Council stopped using the figure in Policy 4(a) of the Core Strategy in January 2020, as it was considered the introduction of the standard methodology represented a significant change in circumstances rendering the figures in Policy 4(a) out of date.

At April 2021 the local housing need figure calculated using the standard methodology is 254 dwellings per annum. Against this figure, at April 2021 the Council can demonstrate a 15.3 year supply of deliverable housing land.

The Council's reliance on the standard methodology has been contested by applicants and on 9 March 2021 the Planning Inspectorate issued its decision in relation to an appeal into a proposal for 151no. dwellings at Cardwell Farm, Barton. The Inspector allowed the appeal and in doing so determined that Core Strategy Policy 4(a) had been reviewed in

2017, and should be considered as up to date. In doing so he rejected the Council's argument that it was entitled to rely upon a 13.6 year supply of deliverable housing land (at that time) using the standard methodology. Having rejected the Council's primary argument, he accepted the common position of the main parties to the inquiry that should the housing requirement in Policy 4(a) of the Core Strategy be up to date, the Council could only demonstrate a 4.95 year supply of deliverable housing land (at that time) and therefore the 'tilted balance' was engaged.

The Council considers in making his decision, the Inspector failed to deal with material considerations which were raised by the Council during the inquiry and which were of considerable importance to the Council's case, in particular whether the introduction of the standard method for calculating housing need represented a significant change in circumstances since the 2017 review of the housing requirements in Policy 4(a) of the Central Lancashire Core Strategy, which justified the use of local housing need to assess housing land supply in Preston. Consequently, the Council has decided to challenge the decision in the Planning Court. On 10th November 2021 the High Court (the Honourable Mr Justice Dove) granted permission, to the Council, to apply for a Statutory Review against the Secretary of State's decision to grant planning permission on Cardwell Farm. Furthermore, the Council maintains its position in relying upon the standard methodology and has presented a case on that basis at a recent hearing of 7 appeals in Goosnargh/Longridge. The decisions on these appeals are awaited.

Whilst, the Inspector's decision at Cardwell Farm is lawful until it is set aside and is a material consideration, there has been another appeal decision recently issued in connection with a site in South Ribble, Chain House Lane, where a similar argument to that rejected at Cardwell Farm was run. Here the Inspector accepted the argument and concluded that for the purposes of that appeal, it was appropriate to calculate the housing requirement against local housing need using the standard methodology due to the significant difference between the local housing need figure and that of Policy 4(a) amounting to a significant change in circumstances which renders policy 4(a) out of date. However, the Chain House Lane decision has also been challenged in the Planning Court though, as above, it is a lawful decision and remains a material consideration until set aside.

The Council considers that the most appropriate figure to use in assessing housing land supply is the local housing need figure and not the Core Strategy Policy 4(a) housing requirement.

As such, the Council maintains its position that by using the standard methodology it can demonstrate a 15.3 year supply of deliverable housing land. For completeness, however, and in view of the conflict surrounding this point, if the Core Strategy Policy 4(a) housing requirement is used to assess housing land supply, as at April 2021 the Council can demonstrate a 6.1 year supply of deliverable housing land.

The tilted balance is therefore not engaged on housing land supply grounds.

Impact on the Area of Separation (AoS)

Policy 19 of the Core Strategy seeks to protect the identity, local distinctiveness and green infrastructure of certain settlements and neighbourhoods by the designation of Areas of Separation and Major Open Space, to ensure that those places at greatest risk of merging

are protected and environmental/ open space resources are safeguarded. In Preston, AoS are designated around Broughton, Goosnargh/Whittingham and Grimsargh. Policy EN4 of the Local Plan 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 is located 140m south of the southern boundary of Broughton. The next nearest settlement to the south is the Preston urban area approximately 0.65km away. The Area of Separation runs between these two settlements, and it is not considered the proposed scheme would result in the merging of the Settlements of Broughton and the Preston urban area. As such, it is considered the effectiveness of the AoS gap would be maintained and the identity and distinctiveness of the village preserved. 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. The proposal not conflicting with these policies does not, however, diminish the conflict with Core Strategy Policy 1 and Local Plan Policy EN1, as those policies set out the spatial strategy for growth in Preston.

Impact on Landscape Character and Visual Amenity

The spatial strategy set out in Core Strategy Policy 1 and Local Plan Policy EN1 does not seek to protect the open countryside for its own sake, nor do these policies require an assessment of visual impact. 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 Core Strategy 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. The Framework (2021) 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.

Policy NE2 of the Broughton Neighbourhood Plan seeks to ensure the visual impact of new development particularly that on the edge of the defined settlement of Broughton when viewed from approaching routes should be minimised by landscape screening and tree planting.

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 within the Lancashire and Amounderness Plain National Character Area, a landscape tract that is composed of a rich patchwork of pasture, arable fields and drainage ditches, on a relatively flat to gently undulating coastal landscape. The site is green field and within the open countryside and an area of separation.

The application is accompanied by a Landscape and Visual Appraisal (LVA) which aims to identify any potential landscape and visual effects of the proposed development within the site's context. The Landscape Appraisal states that the site is comprised of a single arable field and the landscape in which the application site lies is largely influenced by suburban land uses. The site is semi-enclosed due to the predominantly well-established vegetation along the site's perimeter, however gaps in the hedgerows allow for views of the suburban land uses around the site. The LVA states that due to the influence of Garstang Road to the east, and existing and consented residential development along all four boundaries, the application site holds a typical settlement edge agricultural field character; with influences of urban edge characteristics. The LVA concludes that overall, the landscape effects resulting from the proposed development would be highly localised, no higher than moderate/negative, and limited to the site itself. All other effects, outside of the site, would be neutral in nature. The LVA proposes mitigation measures including: retention of existing trees and hedgerows where possible; reinforcement of boundary vegetation with new native shrub planting where there are existing gaps and native trees; proposed native trees, mixed native hedgerow planting and species-rich grassland within the public open space to the south and west.

The submitted parameters plan and indicative layout plan shows where the built development and public open space would potentially be positioned and how the site could be laid out following the creation of a central internal access road. The parameters plan indicates that hedgerows and trees could be retained and incorporated into the layout. The indicative layout suggests that the estate would have a density of development of around 19 dwellings per hectare [dph], increasing to 31 dph when open space is excluded. The Council's Landscape Architect does not disagree with the findings of the LVA, but indicates that the following objectives should be achieved, should planning permission be granted, through any future application for reserved matters: respecting the setting of the Grade II listed building to the south of the site; delivering significant biodiversity enhancements; providing public open space; accommodating sustainable urban drainage; retention of existing trees and hedgerow on all boundaries as far as possible (other than those affected by access); and providing connectivity to the Guild Wheel. The rural edge/leafy character of Broughton should be protected by protecting and widening the existing green frontage of the site, which would also respect the setting of heritage assets and protect the value of the land as a wildlife corridor. The Council's Landscape Architect considers the open space at the southern edge of the site would successfully separate the site from existing buildings and the features within the public open space should complement the existing facilities on the King George V playing fields to the north east of the site. A detailed soft and hard landscaping scheme will be required to be submitted with any future reserved matters submission, should permission be granted.

Taking the conclusions of the applicant's LVA into consideration, it is considered that whilst the proposed development would result in the loss of pasture, the site is well-contained visually and would not have a significant adverse impact on the landscape character of the area due to the site-specific conditions identified in the LVA. Residential development on a greenfield site within the open countryside, regardless of site-specifics, must, by definition cause "harm" but in this instance, that harm would be mitigated by the site-specific conditions and mitigation proposed. As such, it is considered the proposal would not conflict with Core Strategy Policy 13 and Policy 21, Broughton Neighbourhood

Development Plan Policy NE2 and respect the relative aims of the Framework. The proposal not conflicting with these policies does not diminish the conflict with Core Strategy Policy 1, Local Plan Policy EN1 and Broughton Neighbourhood Development Plan Policy RES1, as these policies set out the spatial strategy for growth in Preston.

Heritage Impacts

Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 (LBCA Act) relates specifically to listed buildings and states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The Framework (2021) states that heritage “...assets are an irreplaceable resource, and should be conserved in manner appropriate to their significances, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

Paragraph 194 of the Framework (2021) requires an applicant to describe the heritage assets affected by a proposal, and that the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

When determining planning applications involving heritage assets, paragraph 197 states that LPAs should take account of:

- a) The desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets’ conservation. The more important the asset, the greater weight should be applied, and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to state that any harm to, or loss of, a heritage asset requires clear and convincing justification, and substantial harm to grade II listed buildings should be exceptional, and substantial harm to a scheduled monument should be wholly exceptional.

In terms of Local Policies, Policy 16 (Heritage Assets) of the Core Strategy seeks to protect and enhance the historic environment by:

- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significance; and
- b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.

Policy EN8 (Development and Heritage Assets) of the Preston Local Plan states that proposals affecting a heritage asset or its setting will be permitted where they make a positive contribution to the character and local distinctiveness through high quality new design that responds to its context, are accompanied by a satisfactory Heritage Statement that fully explains the impact of the proposal on the significance of the heritage asset and sustain, conserve and, where appropriate enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment.

The application site sits in close proximity to three Grade II listed buildings; Bank Hall and Bank Hall Farmhouse (this is a single building subdivided and will be referred to as Bank Hall) to the southwest of site, Broughton War Memorial to the southeast and the Pinfold to the northeast of site. A Heritage Statement prepared by Kathryn Sather & Associates Heritage Conservation Consultants was submitted with the application. The report identifies that Bank Hall dates from the medieval period with the listing description identifying the special interest of the building as internal; the medieval timber structure and the later inglenook fireplace. The northern property within Bank Hall is currently undergoing extensive building works, including a large extension, (approved under applications 06/2019/1084 & 06/2019/1085); it is proposed to use the front garden as car parking. The applicant's Heritage Statement concludes that the Bank Hall structure is of national significant as whilst it has undergone extensive external alteration, much of the internal timber-framed structure has been retained, despite the later sub-division of the building. It is historically significant due to the association with the Singleton Family and the Catholic Church during 16th to 18th century and contributed to the physical sub-division of the building and would have a medium level of significance.

The Broughton War Memorial was constructed after the Great War and was designed as a tall wheel-head stone cross set above a flight of stone steps and surrounded by iron railings. This was added to following the Second World War with an area of paving, railings and behind it a sandstone altar, on either side of this were panels for the names of those who had died in the Second World War. Additionally, a 'bench of contemplation' was provided on the opposite side of Garstang Road. Since this time, and the construction of the Broughton by-pass, traffic-calming works have been added to the Garstang Road between the two. The report concludes that this has the additional consequence of visually linking the two parts. The report finds the memorial has both architectural and historic significance, particularly given the associated archival evidence and would have a medium level of significance.

The Pinfold probably dates from and is associated with the turnpiking of the road from Preston to Lancaster, approved by an Act of Parliament in 1751. It is a rectangular stone enclosure, approximately 8 x 10 metres, built to a height of about 1.5 metres of roughly-squared sandstone blocks with rounded copings. There is a gate in the northwest corner with slab sides and a stone lintel which might suggest that it was predominantly for sheep, but there is also an opening in the southeast corner without a lintel. The statement notes that the 1847 OS refers to a Pound (Pinfold) some 100m to the north of the site, showing a small circular structure on the east side of the road adjacent to the Toll Cottage. The 1893 OS map shows a rectangular structure in the current position and nothing to the north. It is possible that either the 1847 map was wrong or the Pinfold was relocated and rebuilt

between 1847 and 1893. The statement concludes that the structure is an example of a virtually intact later example of the declining built form associated with animal welfare and its regulation within a settlement and which would have a medium level of significance.

The statement identifies that Bank Hall is located at the end of a cul-de-sac and cannot be appreciated from Garstang Road and regardless the significance is primarily internal. The War Memorial is visible along Garstang Road but due to greenery and a bend in the road it does not form part of longer views. The Pinfold is visible from Garstang road but obscured by housing to the north and hedging to the south.

The statement assesses the indicative layout which includes significant greenspace to the south and western edges of the application site and concludes that this would preserve the setting of Bank Hall whilst the retention of hedging and trees to the boundary with Garstang Road would avoid harm to the visually important views of the other heritage assets. The report concludes that the proposed development will not physically or visually isolate the heritage assets, although the report notes the layout is indicative and would be dealt with at reserved matters stage. In terms of the wider effects the proposal would change the agricultural field to residential development, but notes this would form part of wider development to the south of the village (residential development approved on land off Sandy Gate Lane and land previously known as Key Fold Farm). It notes that the significance of the heritage assets is not dependent on the use of the application site. The views of the three heritage assets will remain unaltered by the proposed works. The development will not impact upon the ways in which the assets are experienced. The report finds that the proposed development would have a neutral impact on the setting of the heritage assets.

Following the initial review of the application the Local Planning Authority (LPA) had concerns that an insufficient level of detail had been provided to properly assess the impact of the proposal on the heritage assets, although the submitted Heritage Statement was suitably detailed. Subsequently a request was made for matters of appearance, layout and scale to be submitted as part of this application to allow a full assessment of impact rather than one based on an indicative plan which cannot be conditioned. The applicant did not want to submit this additional level of information and as such provided a parameters plan to detail the areas of built development and public open space. This plan also included indicative landscaping arrangements to the edges of site so that they can be conditioned at outline with precise details provided at reserved matters should permission be granted.

The submitted parameters plan sets out the areas of site that would be built out with housing, and would be public open space and confirms the minimum off set, which would be achieved between the area of built development and each of the listed buildings. The War Memorial is seen in the context of Garstang Road with limited wider visibility, its importance is not derived from its setting adjacent to undeveloped land, with views intended to be from the bench of contemplation on the opposite side of Garstang Road, and as such the development of the site would not harm its setting or importance. The proposed development would not impact upon the setting of the Pinfold which is seen in the context of Garstang Road and housing development to its north. Additionally, development has commenced at Key Fold Farm on the opposite side of Garstang Road to

the application site and south of the Pinfold, as such its setting is characterised by residential development. Bank Hall was historically associated with farming and as such the neighbouring open land does form part of the buildings setting, however as the building is set back from Garstang Road only limited glimpses of the building are available across the application site. As noted in the submitted Heritage Statement the building has been altered externally with its primary structural significance internal, as such its setting is only considered as a positive contributor to its significance. When taking these factors into account the loss of the limited views would have a negligible impact on the asset. The impact of the proposals is therefore considered to cause less than substantial harm in accordance with paragraph 199 of the Framework.

Paragraph 202 of the Framework (2021) states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the existing immediate rural/open setting is a positive contributor to the significance of Bank Hall its contribution to the overall value/significance of Bank Hall is small/low. It is possible to achieve glimpses of Bank Hall from Garstang Road, looking west across the application site, hence the site is part of the setting of Bank Hall. The parameter plan shows a sizeable portion of public open space to the south of the application site, which would retain some sense of openness in this part of the site, clear from built development, hence would create new opportunities for the public to view Bank Hall. Whilst the proposed dwellings would likely impinge on the some of the glimpsed views from Garstang Road, the broad band of open space would reasonably mitigate any loss of those glimpsed views by providing a publically accessible area in which appreciation of Bank Hall could take place. This would balance out any slight (negligible) harm caused to the setting. In this case the less than substantial harm, albeit negligible, would be balanced by the public benefit of new and closer opportunities to view Bank Hall. In the event of an approval, the development should be carried out in accordance with the parameters plan, which can be secured by condition, to ensure the open space is delivered and the public benefit achieved.

Subject to the conditioning of the parameters plan, the proposed scheme would comply with Core Strategy Policy 16, Local Plan Policy EN8 and the Framework. Furthermore, in the consideration of this application the Council has had special regard to its duty in preserving the setting of the nearby heritage assets in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 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.

Up to 51no. dwellings are proposed and affordable housing provision is required. As the site is within a rural area the required provision would be 35%. A total of 18no. affordable dwellings are proposed, equating to an affordable housing provision of 35%. This would accord with CS Policy 7 and the Affordable Housing SPD. The applicant has confirmed that the development would provide 35% affordable housing provision as required by policy, and it is considered that the type, tenure and delivery of the affordable housing would 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 Core Strategy Policy 7.

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 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 a site.

Policy NE2 of the Broughton Neighbourhood Development Plan states that the visual impact of new development particularly that on the edge of the defined settlement of Broughton when viewed from approaching routes should be minimised by landscape screening and tree planting.

Policy RES2 of the Broughton Neighbourhood Development Plan requires residential development of more than 10 dwellings shall provide a range of housing to meet local needs as identified in the latest objective assessment of local housing needs.

Paragraph 126 of the Framework (2021) 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 134 of the Framework (2021) 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.

The application is outline with access applied for and design, scale, layout and landscaping to be dealt with at reserved matters. As such these matters would be assessed as part of the relevant reserved matters application(s) which would require the proposed development to fit in with its setting, complementing the existing pattern and style of

development in the area. The submitted Design and Access Statement includes an indicative site layout plan which demonstrates that 51no. dwellings could be comfortably constructed on site with required infrastructure and greenspace. House designs have not been provided, but the indicative plan includes a range of dwelling types and sizes and there is no reason why a suitable range of styles could not be achieved at reserved matters stage. As such in principle and subject to a suitable reserved matters application the proposal can comply with the requirements of the above policies and 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. Policy 18 of the Core Strategy 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 be required as the development would be over the 100 dwelling threshold level.

Paragraph 98 of the Framework (2021) states access to high quality open spaces and opportunities for sport and physical activity make an important contribution to the health and well-being of communities. Paragraph 100 also advises that Local Planning Authorities should seek to protect and enhance public rights of way and access.

The submitted parameters plan show that the Public Open Space (POS) would be located to the south of the site to provide a buffer to the nearby listed buildings. Such a proposition would offer generic benefits that would be expected from any major housing development of this size. The maintenance and management of amenity greenspace would be secured by a Section 106 Obligation should planning permission be granted. Subject to further reserved matters submissions and conditions the proposal has demonstrated a capacity to satisfy the principle of Core Strategy policies 17, 18, 24 and Preston Local Plan Policy HS3.

Impact on Residential Amenity

Policy 17 of the Core Strategy and Policy EN9 of the Local Plan 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.

Paragraph 180 of the Framework (2021) seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

As the application is in outline with all matters reserved except access, issues relating to impacts on privacy, overlooking, loss of light and overshadowing cannot be fully 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 on the amenities of neighbouring residents. There are existing properties to the north and southwest with ongoing residential development to the west and east. The indicative layout demonstrates that a suitable layout can be provided to ensure the required off set from the new residential development to the west and east could be achieved.

To the north lies no.483 Garstang Road which is located 24m at its closest point from the northern edge of the application site which is sufficient to prevent any unacceptable harm in terms of amenity. To the southwest of the application site is a cluster of properties around Bank Hall, with the closest dwelling a converted barn north of Bank Hall, which is a minimum of 6m from the boundary with application site. The parameters plan proposes landscaping and open space within the application site in this area and as such would allow an appropriate offset to be maintained to avoid any unacceptable impact to the dwellings south west of the application site

The Council's Environmental Health Officer recommends that a condition requiring a Construction Environmental Management Plan in relation to noise, dust and air quality is attached to any future permission granted, to ensure neighbouring amenity is not unacceptably impacted during construction. It is therefore considered that the proposal would not conflict with the above policies.

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 Adopted 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. Adopted 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 to the Adopted Local Plan.

Paragraph 111 of the Framework (2021) 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.

The initial submission included a Proposed Site Access plan, which proposed a single access on to Garstang Road, and a Transport Statement. The statement concludes that Personal Injury Collision data over a 5 year period does not indicate any inherent safety issues with the existing highway network. The proposed access would be a simple priority junction and that suitable visibility splays can be achieved. Swept path analysis shows that larger refuse vehicles can safely enter and exit the site. The site is accessible by foot, cycle and public transport. The application proposal is expected to generate 30 trips in the morning and 35 trips in the evening which the statement concludes would have no material impact on the local highway network.

County Highways initially objected to the scheme as the proposals failed to demonstrate a safe and suitable access to site for all people. They also considered insufficient technical information was submitted to show that the cumulative impact of the development on the A6 corridor would not be unacceptably detrimental. The applicant subsequently provided a response and amended plan. County Highways raise no objection to the proposed vehicular or pedestrian/cycle access onto Garstang Road but request radii curbs be added to the northern proposed access. This has been provided and comments from County Highways are awaited. An update will be provided in late changes.

National Highways note that the expected trip generation within the submitted Transport Statement is not anticipated to have a traffic impact on the strategic road network (SRN) that could be considered severe. They note that there are a number of planning approvals within the area and cumulatively this could impact upon the SRN and this should be considered. They however, raise no objection subject to a condition requiring a travel plan to be in place should approval be granted.

Subject to no further objection from County Highways the proposals would be acceptable in accordance with the above policies and the Framework.

Ground Conditions

Policy EN7 of the Adopted 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 183 of the Framework (2021) 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 184 of the Framework (2021) 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.

The application is accompanied by a Phase 1 Desk Study prepared by Brownfield Solutions Ltd. The study identifies a potential for contamination at the application site with infilled ponds, an electrical substation and a pump within and in the vicinity of site with the study recommending further investigation. The Council's Environmental Health Officer states as per the recommendations of the Phase 1 Desk Study Assessment, an intrusive Phase 2 Geo-Environmental Site Investigation should be undertaken, which could be secured by condition should planning permission be granted. Subject to said condition the scheme would be acceptable in accordance with the above policy and the Framework.

Flood Risk and Drainage

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.

The BNDP Policy NE3 states that Sustainable drainage schemes shall be used to drain land wherever possible:-

1. for development
2. waterlogging is an obstacle to use of public open spaces or to enjoyment and use of public rights of way
3. to provide wildlife areas.

Paragraph 167 of the Framework (2021) 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 application included a Flood Risk Assessment prepared by Enzygo Limited which includes an assessment of surface water drainage requirements and details the flood risk and how this can be managed. The assessment identifies the application site as being located in Flood Zone 1 which has the lowest probability of flooding. The site has low infiltration potential due to clayey soils. Mapping indicates a land drain is orientated north to south along the western boundary but does not indicate it's connectivity to the wider watercourse network. The assessment finds that overall, the risk of flooding is negligible although there is a potential for ponding of surface water and a higher risk of flooding adjacent to the land drain. The assessment advises that the flood risk can be managed by: providing an easement to the land drain; maintenance of the land drain; setting floor levels above external levels; and adoption of a surface water management strategy. The assessment recommends that surface water can be managed, such that flood risk to and from the application site following development would not increase by an appropriately sized attention basin with a restricted discharge rate. Water could be discharged to either the drainage network serving the adjacent/western development (land off Sandy Gate Lane) or culverted watercourse beneath Garstang Road serving the adjacent/eastern

development (land previously known as Key Fold Farm).

The Lead Local Flood Authority raises no objection subject to conditions requiring a final sustainable drainage scheme, construction phase surface water management plan and operation and maintenance plan and verification report of the installed drainage system. They also recommend an informative advising that if granted the planning permission would not approve any connection to the land drain at site.

United Utilities note that the site overlies a Groundwater Source Protection Zone 2 and 3. They state the applicant should follow best practice on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction. They draw attention to advice in The Environment Agency's Approach to Groundwater Protection, which can be added as an informative should the application be approved. In the event of an approval they recommend conditions requiring approval of any penetrative foundation designs, surface water drainage scheme based on the hierarchy of drainage and separate foul and surface water drainage.

Subject to the inclusion of the above conditions the application proposals are considered acceptable in accordance with the above policies and the Framework.

Ecology

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 17 seeks to ensure that all developments protect existing landscape features and natural assets, habitat creation and provide open space.

Policy EN10 of the Adopted 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 obligation will be used to mitigate the impact.

Paragraph 174 of the Framework (2021) 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 180 of the Framework (2021) states that when determining applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying a number of principles. Where development would result in significant harm to biodiversity, which cannot be mitigated, or the development would result in the loss or deterioration of irreplaceable habitats without exceptional reasons, planning permission should be refused.

The application is accompanied by an Ecological Survey and Assessment and an Assessment of Biodiversity Net Gain Report. The Ecological Survey concludes that the site supports habitats within the site that are of only local, and in part, limited value to

biodiversity. The survey goes on to list features of value present on the site, which includes hedgerows, a pond, and bands of scrub to the site boundaries. Great crested newts were recorded in the onsite pond in 2015, however the survey indicates a recent test for great crested newts has come back negative. In terms of biodiversity net gain, the report makes recommendations in respect of biodiversity enhancement as guided by the Framework, in the form of bat and bird boxes.

The Greater Manchester Ecology Unit (GMEU) Ecologist agrees with the findings of both reports, and recommends a suite of conditions be attached, should planning permission be granted, to ensure the development has no adverse impact on protected species and achieves biodiversity net gain. These conditions include:

- The development proceeds in accordance with the recommendations and ecological enhancements measures set out in the Ecology Survey;
- Implementation of protection measures for retained trees, hedgerows and scrub;
- Design of the external lighting scheme for construction and operation;
- Any removal of trees marked as retained should include a further assessment of their suitability to support roosting bats;
- Reasonable Avoidance Measures should be followed during site clearance;
- Boundary treatments should allow provision for small mammal/amphibian gaps; and
- A full landscaping specification should be submitted at reserved matters stage including the features shown within the indicative layout proposing ecological enhancements.

The GMEU ecologist also requests a condition requiring vegetation clearance to avoid the bird nesting season (March-August), however as this is covered by separate legislation, such advice would be attached as an informative. Subject to the above, remaining conditions, if planning permission is granted, it is considered the proposed development would not have an adverse impact on protected species. As such, the proposal complies with the above policies and the Framework in this regard.

Air Quality

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. Policy 3 of the Core Strategy seeks to encourage the use of alternative fuels for transport purposes.

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, should planning permission be granted, requiring a scheme for the installation of electric vehicle charging points to be submitted. Subject to this condition, 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. A condition securing the precise detail of this efficiency to be demonstrated at reserved matters stage could be attached if planning permission was granted and the application would accord with Policy 27 of the Core Strategy in this regard.

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 Council's Waste Technical Officer has suggested that although only an indicative site layout has been provided at this stage, the lengths of some of the shared driveways appear excessive and occupiers should not have to move waste containers a distance of more than 25 metres. This will be addressed at reserved matters stage. Furthermore, the Council's Waste Technical Officer recommends a Waste Management Plan should be submitted with a reserved matters application to demonstrate that the Council's largest 8x4 chassis refuse vehicle can adequately and safely traverse and turn within the proposed development. To ensure adequate provision is made for waste and recycling, should planning permission be granted, the above further details would be required at reserved matters stage. Subject to these details, it is considered the proposal would comply with the National Planning Policy for Waste.

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 have made a claim for the applicant to financially contribute to the provision of 19 primary school places (318,249.24) and 8 secondary school places (184,494.00), based on the assumption that all of the proposed 51no. dwellings would have 4 bedrooms. Should this not be the case a reassessment will be required at reserved matters stage and could result in a reduced claim for school places. Should planning permission be granted the section 106 obligation shall include a methodology for recalculating the claim for education based on the number of bedrooms per dwelling.

Planning Contributions

Regulation 111(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the Framework (2021) 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 primary and secondary school places is considered to comply with the tests set out above as it would mitigate the education impacts of the proposed development which would otherwise not be provided. The level of on-site affordable housing provision is considered to comply with the tests set out in Regulation 122(2) and the Framework as it would represent 35% of the total number of dwellings on the site, with the remaining 65% of the housing being made available to purchase on a normal open market basis. The requirement to secure the future management and maintenance of the open space is considered to comply with the above tests as it would be directly related to the on-site public open space and would secure its long-term management to allow the space to be used by future residents.

Tilted Balance

A lack of housing land supply is not the only reason why the tilted balance could be engaged, it can also be engaged if the most important policies for determining the application are in the round out-of-date. The assessment as to whether it is appropriate to engage the tilted balance in Paragraph 11(d) of the Framework (2021) 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

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

Policy EN1: Development in the Open Countryside

Broughton Neighbourhood Development Plan

Policy RES1: Broughton Village – Housing Development sites as an extension to the settlement boundary

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 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 (254 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.

BNDP Policy RES1 allocates small-scale housing developments at three specific sites within the plan area. BNDP Policy RES1 does not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. BNDP Policy RES1 is therefore not out of date.

As three of the four most important policies for determining this application are not out of date, the basket of most important policies is not out of date and accordingly the tilted balance is not engaged.

3.7 Value Added to the Development

Additional plans and information submitted to address heritage and highways matters.

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 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, 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 Local Plan Policy EN1 and the loss

of open countryside for the development proposed is therefore contrary to this policy. Furthermore, the proposal does not comply with Policy RES1 of the Broughton Neighbourhood Development Plan. The proposal is, therefore, not acceptable in principle and the conflict with the development plan is given significant weight in the planning balance.

It is considered that whilst the proposed development would result in the loss of pasture, the site is well-contained visually and would not have a significant adverse impact on the landscape character of the area due to the site-specific conditions identified in the LVA. Also, the proposed development would not cause resultant harm on the effectiveness of the gap between settlements and would comply with the relevant, up-to-date policies of the Development Plan in this regard. Notwithstanding these matters, however, the location of the site and the lack of visual harm does not diminish the fundamental conflict with the development plan.

The proposal is not considered to impact on the settings of the grade II listed Broughton War Memorial or the Pinfold. There would be harm to the significance of the settings of the grade II listed Bank Hall but this would be less than substantial and would be balanced by the positive benefit of improved visibility, which would be provided from the proposed public open space. In the consideration of this application the Council has had special regard to its duty to preserve the setting of the nearby heritage assets in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Statutory consultee comments and representations have been received which have been carefully considered and taken into account as part of assessing 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 cause harm to the effectiveness of the Area of Separation and would not result in an adverse impact on the character and appearance of the open countryside. There would be no unacceptable harm to 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. Additionally, the proposed development would deliver a minimum of 35% on site affordable housing. An education contribution is required, and this could be secured by planning obligation. It would comply with the National Planning Policy for Waste. The proposal would be energy efficient and electric vehicle charging points could be secured by way of planning condition. However, these 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.

Whilst the improved visibility of Bank Hall from the proposed public open space within the application site would be a public benefit that would balance out any slight (negligible) less than substantial harm caused to the setting of the listed building, and this benefit is not considered to be a generic benefit, it does not however carry sufficient beneficial weight to outweigh the fundamental conflict with the development plan.

Paragraph 12 of the Framework (2021) 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 Core Strategy Policy 1, Local Plan Policy EN1, BNDP Policy RES1 and the Framework. 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 attract limited positive weight in the balance against the conflict with the development plan and therefore planning permission should be refused.

3.9 Recommendation

Refusal for the reason set out in paragraph 2.1