

<b>Reporting to Planning Committee Meeting to be held on: 12<sup>th</sup> July 2018</b>	<b>Electoral Ward Affected Preston Rural East</b>
<b>Report submitted by: Director of Development</b>	
<b>Application Number: 06/2017/1104</b>	

## **1 Summary**

### **1.1 Park House 472, Garstang Road, Preston, PR3 5JB**

30no. dwellings and conversion of existing building to 8no. apartments

**Applicant** Pillars Construction Ltd

**Agent** Pillars Construction Ltd

**Case Officer** Ben Sandover

## **2 Decision recommended**

1. Subject to a S106 obligation being secured providing for 35% affordable housing on-site and off-site, a contribution towards school places and the management and maintenance of amenity greenspace on-site, planning permission be granted subject to conditions addressing those matters listed in paragraph 2.1.

AND

2. In the event that a satisfactory Section 106 Agreement is not concluded by 20 July 2018, or by the expiration of an agreed extension of time, delegate authority to the Director of Development to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured.

### **2.1 Conditions & Informatives**

#### Conditions

1. Development carried out in accordance with the approved plans
2. Three year time limit
3. Materials of construction to be agreed prior to commencement of above ground works.
4. Boundary treatments to be agreed prior to commencement of above ground works.
5. Landscaping scheme to be agreed prior to commencement of above ground works.
6. Notwithstanding details of condition 1, details of bin store serving apartments shall be submitted to and agreed prior to occupation

7. Development carried out in accordance with ecological recommendations, mitigation and enhancement measures
8. Submission of construction environmental management plan (CEMP) prior to commencement
9. Contamination investigation, risk assessment, remediation and verification shall take place if contamination is encountered during development
10. Development carried out in accordance with the recommendations of the noise assessment
11. Tree protection during construction
12. Submission of surface water drainage scheme prior to commencement and completed in accordance with approved details, and foul and surface water to be drained on separate systems.
13. Submission of management and maintenance plan for sustainable drainage scheme
14. Energy efficiency
15. No tree felling or vegetation clearance during bird nesting season
16. Provision of electric vehicle charging points
17. Scheme for the construction of the site access and off-site highway works prior to commencement
18. Estate road to be constructed in accordance with LCC specification for construction of estate roads to base course prior to commencement
19. Scheme for the management and maintenance of streets prior to commencement
20. Wheel cleaning facilities to be submitted and agreed and provided during construction
21. Withdrawal of permitted development rights under Classes A and B of Schedule 2, Part 1 of the General Permitted Development Order 2015 (as amended) to Plots 1-4 and 13.

#### Informatives

1. CIL information
2. Waste containers information
3. United Utilities information
4. LLFA Land drainage consent information
5. Legal agreement regarding highway works
6. Section 38 highway requirements
7. Street lighting alterations

### **3 Information**

#### **3.1 Location**

The site is located to the east of Garstang Road (A6) and comprises the grounds of a former detached dwelling. Presently, the shell of buildings erected under various previous planning permissions are positioned on site (see planning history). The site is bounded by King George's Field to the south and neighbouring dwellings and businesses to the west and north. Broughton and District Tennis Club is to the east. The site is fronted to Garstang Road by a substantial boundary hedge and the remaining boundaries are significantly vegetated with mature trees, of which a considerable number are protected (under two separate Tree Preservation Orders TPO/2004/0001 and TPO/2008/0009).

The eastern section of the application site consists of open countryside outside of the defined village settlement boundary which distinguishes between the built-up elements of the village and the surrounding countryside, as identified on the Policies Map of the Preston Local Plan (PLP). The northern part of the site fronting Garstang Road and which contains the existing building to be converted and ten of the proposed dwellings lies within the Broughton village boundary, as shown on the policies map of the Preston Local Plan.

### **3.2 Proposal**

The proposal is for the erection of 30no. detached dwellinghouses, and conversion of the existing building on the site to 8no. apartments, resulting in a total of 38no. residential units. Vehicular and pedestrian access would be gained via the existing from Garstang Road, which would be widened to include footways either side. A section of the existing boundary hedge immediately north of the access would need to be removed to facilitate the improvements.

12no. of the dwelling houses would be four bedroomed (House types A and B) and 26no. dwellings would be three bedroomed (House types C and D). Of the apartments, 1no. apartment would be one bedroomed, 1no. apartment would be three bedroomed, and 6no. apartments would be two bedroomed. Four of the dwellings would be situated to the southern section of the site, orientated eastward. Two of the dwellings would be of House type A and two of House type B, two with double detached garages.

The apartment block would include habitable room windows to the north, east and south elevations. 14 car parking spaces are proposed within a court adjacent to the south of the building, and a bin store is proposed. The recently erected five bay garage would be demolished.

The remaining 32no. dwellings would be situated to the northern and eastern sections of the site. Each would front onto the proposed access road, and three would be accessed off a shared drive area. Parking would be to the front of each dwelling, aside from plot 27 which would be to the side.

One maple tree, T38, is proposed for removal within the tree survey, in order to create the access into the estate. Several other trees are to be removed, as indicated on the site plan, including overgrown conifers and hollies, in the vicinity of Plots 1 and 2. All trees to be removed are rated as Category C in the arboricultural report.

### **3.3 Relevant planning history**

06/2016/1020: Outline planning application for 4no. detached dwellings and a block of 8no. apartments (access applied for only). Approved September 2017.

06/2015/0941: Erection of 1no. dwelling and detached garage following demolition of existing dwelling (amended scheme to planning approval 06/2015/0072) (part retrospective application). Approved January 2016.

06/2015/0072: Variation of condition 1 'approved plans' attached to planning approval 06/2014/0460 to include extensions to approved garage, conservatory and additional plant room. Approved October 2015.

06/2014/0782: Variation of Condition no.1 "Approved Plans" attached to planning approval 06/2014/0460 for the erection of 1no. detached dwelling and garage following demolition of existing dwelling, garage and outbuilding. Approved December 2014.

06/2014/0460: Erection of 1no detached dwelling and garage following demolition of existing dwelling, garage and outbuilding. Approved October 2014.

### 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 2: Infrastructure

Policy 3: Travel

Policy 4: Housing Delivery

Policy 5: Housing Density

Policy 7: Affordable and Special Needs Housing

Policy 13: Rural Economy

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 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments

Policy 29: Water Management

Policy 30: Air Quality

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

Policy AD1(b): Small scale development within existing villages (including the development of brownfield sites)

Policy HS3: Green Infrastructure in New Housing Developments

Policy EN9: Design of New Development

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

**Other Material Considerations:**

Central Lancashire Supplementary Planning Documents (SPD)

Affordable Housing  
Design Guide  
Open Space and Playing Pitch

National Planning Policy Guidance

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

Other Documents

Manual for Streets  
The Conservation of Habitats and Species Regulations 2010 (as amended)  
The Wildlife and Countryside Act 1981 (as amended)  
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)  
Broughton Neighbourhood Development Plan 2016-26 (Examination Stage)

**3.5 Consultation responses**

County Highways: No objection subject to conditions and informatives.

Environmental Health: No objection in principle subject to conditions relating to contaminated land, the implementation of noise mitigation measures and the agreement of a Construction Environmental Management Plan.

Waste Management: No objection in principle. Advice is offered in relation to waste storage and collection.

County Planning (Education): Based upon the latest assessment, taking into account all approved applications, a contribution is sought for 6no. primary school places. However, no contribution is sought for secondary school places.

Lead Local Flood Authority (LLFA): No objection subject to conditions and informatives.

United Utilities: No objection, subject to conditions relating to separate drainage systems and agreement of a surface water drainage scheme.

Sport England: Proposal does not fall within statutory remit.

Natural England: Makes no comment on this application.

Greater Manchester Ecology Unit: No comments received to date.

Parks and Street Scene (Arborist): No objection subject to conditions relating to tree protection measures.

County Education: Requests s106 contribution for 6no. primary school places.

Affordable Housing Officer: Final comments awaited.

NATS: No objections.

### Publicity

6no. letters of objection have been received. The main points raised are summarised below, and the issues raised are considered within the Analysis section of this report:

- Right of way between Bramblewood and Park House was not intended to be utilised by 38 separate dwellings.
- Traffic flow on the access road will pass close to neighbouring gardens.
- Ground is unstable with trees and roots in various locations. Construction work will damage the trees and roots, and may in turn cause damage to neighbouring properties.
- Current state of site is overgrown and dangerous.
- Number of dwellings proposed goes against upgraded traffic systems for pedestrians and vehicles within the village.
- Sufficient numbers of dwellings are being constructed within the village.
- Open field has previously been used as amenity land and had been drained and developed. The scale and nature of the proposal would cause harm to the local area.
- Development would be high density which is not appropriate.
- Neighbouring social club lighting may impact upon future occupiers leading to complaints.
- Development will put pressure on local facilities and infrastructure.
- Visibility/sight lines from access road would not be achievable.

Other comments received are not material planning considerations, such as land ownership.

## 3.6 **Analysis**

### Principle of development

Core Strategy (CS) Policy 1 relates to all types of development, seeking to focus growth and investment on well located brownfield sites, identified strategic locations and other main urban areas whilst protecting suburban and rural areas. The hierarchical sequence for locating development puts other places, including smaller villages, at the bottom of the hierarchy where development is expected to be 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.

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 or other appropriate rural uses, the re-use or re-habitation of existing buildings or infilling within small groups of buildings within smaller rural settlements. The supporting text to Policy EN1 states that it is important that these areas (of open countryside) are protected from unacceptable development which would harm its open character (the actual policy wording is silent on this matter).

PLP Policy AD1(b) permits small scale development only within existing villages, including Broughton and states in the explanatory text that there are no significant growth aspirations for these villages and that limiting the scale of development within these villages serves to abide by the principles of sustainable development. The proposed development would not be small scale, as it would deliver up to 38no. residential units within the existing village. It is noted that a previous application (ref: 06/2016/1020) established the continued residential use of the site which lies within the village boundary, however this scheme would not meet the aspirations of this policy due to scale.

The National Planning Policy Framework supports the presumption in favour of sustainable development, of which there are three mutually dependent dimensions: economic role, social role and environmental role. Paragraph 7 of the National Planning Policy Framework states that the pursuit of sustainable development encompasses improvements in the quality of people's life and the built, natural and historic environment, replacing poor design with better design, widening the choice of quality homes, and improving the conditions in which people live, work, travel and take leisure.

The principle of the proposed development of the northern section of the site, within the Broughton village settlement boundary, would comply the development plan. The principle of the proposed development of the eastern section of the site would be contrary to the hierarchy of locations for focusing growth and investment at urban, brownfield and allocated sites. The proposed development as a whole is not small scale as it would deliver up to 38no. residential units adjacent to the existing village of Broughton, nor would it constitute infilling or redevelopment. The proposed development is not required for any exceptional purposes set out in Policy EN1, nor is part of the development located within the defined boundaries of a small rural settlement or village. Part of the proposal would not comply with Policy EN1 of the Adopted Preston Local Plan 2012-26. The principle of the proposal is therefore contrary to the above policies and should therefore be refused unless there are material considerations that outweigh non-compliance with the above policies, which is considered in detail in the following paragraphs.

#### Impact on the open countryside and landscape character of the area

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 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.

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 (aside from a small proportion of the site fronting Garstang Road as indicated above). In

this case the proposal would not comply with Policy EN1 of the Adopted Preston Local Plan 2012-26.

The supporting text to PLP Policy EN1 states that it is important that these areas are protected from unacceptable development which would harm its open character (the actual policy wording is silent on this matter). The Framework says that the intrinsic character and beauty of the countryside should be recognised, with the planning system contributing to and enhancing the natural and local environment. It does not seek to protect all countryside from development; rather it concentrates on the protection of “valued” and “distinctive” landscapes, and seeks to encourage development on previously developed land. CS Policy 13 requires development to conserve and where possible enhance the character and quality of the landscape. CS Policy 21 does not have the objective of preventing development in principle. Instead it seeks 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 term “valued landscape” is not defined, but the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA) (The Landscape Institute & Institute of Environmental Management & Assessment) says that landscapes or their component parts may be valued at the community, local, national or international levels and that they may be valued by stakeholders for a variety of reasons. Value can apply to areas of landscape as a whole, or to individual elements, features and aesthetic or perceptual dimensions. When assessing the value of a landscape, one may take into account such matters as landscape quality (condition), scenic quality, rarity, representativeness, conservation interests, recreation value, perceptual aspects and associations.

Given the location of the site situated within defined open countryside, bound to the south by an existing field and to the north and west by facilities utilised by Broughton and District Club, it is considered that the site is not used primarily as a route into the area of countryside spanning to the north of the site, or given the adjacent facilities is utilised primarily for views over the areas of open countryside to the north. Notwithstanding this, it is considered that the site is an open green field providing amenity value to the aesthetics of the immediate area, currently appreciated especially by residents whom live in close proximity. However, much of the area of the site is bound by mature hedgerow, which reduces further key views across the section of land in question. Also the land (Key Fold Farm) between the southern tip of the application site and Broughton Park Hotel and Country Club (Marriot) has recently been granted planning permission (under planning application 06/2017/0097, which was allowed on appeal) for residential development. Therefore the character of the land to the south will change. Taking a balanced judgement to the landscape character of the area of the site, it is considered that this would be of a low to moderate value to the qualities of the area. The proposed development does not conflict with the above policies.

#### Area of Separation

PLP Policy EN4 designates an area of separation between Broughton and Preston Urban Area, which incorporates the site in question.



The eastern part of the application site would encroach into the open countryside, which is also within the Area of Separation between Broughton and the urban area of Preston, which is approximately 730m (between the southern boundary of Broughton and Blundel Brook). There are significant clusters of buildings that fall within this Area of Separation, such as the Broughton Park Hotel and Country Club (Marriot) and St John Baptist church and primary school. The Broughton Bypass forms the eastern extent of the Area of Separation and as stated above planning permission for residential development has recently been granted at Key Fold Farm, the land between the southern tip of the application site and Broughton Park Hotel and Country Club (Marriot). The proposed development would result in an impact to the Area of Separation as part of the development would be outside of the settlement boundary. However, in this instance that part of the site within the Area of Separation is adjacent to the Keyfold Farm site, which has recently been granted planning permission. This therefore results in the application site being an isolated area of the Area of Separation and would represent a form of in-fill development. Therefore, the proposed development would not compromise the function of the Area of Separation in protecting the identity and distinctiveness of settlements and would not conflict with Policy EN4.

#### Housing Provision

CS Policy 1 aims to focus growth and investment within the urban areas of Preston. CS Policy 4 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 requirement of 507 new 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 47 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 with an additional buffer of 5% to ensure choice and competition in the market for land. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Earlier this year the Planning Inspectorate determined two appeals in Broughton (one at Sandygate Lane and Key Fold Farm, references 06/2016/0736 and 06/2017/0097 – the Key Fold Farm site is referred to above). Both appeals were allowed and planning permission has been granted. In allowing the appeals, the Inspector opined that the Council's supply of housing land lies between 3 and 3.5 years and there is therefore a very substantial shortfall.

As the Council cannot demonstrate a five year supply of housing land the tilted balance set out in the Framework applies. The contribution that this scheme would make to the boosting of the Council's supply of housing land is an important benefit and the weight to be attached to it will be considered in the planning balance section of this report.

#### Affordable housing

CS 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. A site size

threshold of 5 dwellings (or 0.15 ha) applies in rural areas. The thrust of the Policy is to achieve on-site provision of affordable housing in the first instance.

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.

The requirement on this site as above is 35% of the total number of units (38), which is 13.3. The applicant has indicated that they would provide 8no. 2 bedroom dwellings on site as affordable housing, and an off-site contribution for a further 5no. units – totalling 13 units (rounded down from 13.3). This matter is being clarified with the Council's Affordable Housing Officer, and a further update will be provided to members at the late changes stage. The type, tenure and delivery of the affordable housing would be secured through a Section 106 obligation. Subject to a satisfactory obligation the development complies with Policy 7 of the CS, the SPD and NPPF.

#### Impact on visual amenity, design and layout

CS Policy 5 seeks efficient use of land, stating that development densities should be in keeping with local areas and have no detrimental impact on the amenity, character, appearance, distinctiveness or environmental quality of an area. CS Policy 17 states that the design of new buildings is expected to take account of the character and appearance of the local area, including siting, layout, massing, scale, design, materials and landscaping. In addition, CS Policy 26 requires the reduction of crime and improvement of community safety.

PLP Policy EN9 states that applications will be approved where they accord with the principles and guidance set out in the Central Lancashire Design SPD which stresses the importance of good design and of setting out design principles and aspects of good design. The Framework states that planning should always seek to secure high quality design that responds to local character and distinctiveness.

The proposed development is situated to the north of and off Garstang Road. This section of highway is characterised by a mix of dwelling types, include a detached dwelling located to the east of the site set within a generous plot, terraced properties to the west, with a mix of detached and terraced dwellings to the south, to the opposite side of the highway. The existing development surrounding the site is a mix of materials, consisting of brick, stone and rendered properties. It is considered that the proposed development would be largely obscured from public vantage points along Garstang Road, given the limited vehicular and pedestrian opening and orientation of the proposed dwellings within the site, as well as the mature tree coverage within the site and adjacent to. Notwithstanding this, it is considered that the proposed dwellings would complement the existing development surrounding the site, providing a mix of detached dwelling types, and retention of the existing building and conversion to apartments.

Of the proposed 30no. dwellings, four house types are proposed:

- House type A provides a property type boasting a wide frontage, with twin two storey projecting 'peaked' front gables. One of these would be larger and slightly taller than the other, projecting slightly forward. The projecting gables would include both

include large window openings, and two additional windows would be provided to the central part adjacent to the front entrance door. The plans demonstrate that each of the windows would be provided with cill and lintel detailing. It is considered that this property type constitutes a good design visually, and the site layout plan notes that this property type would be positioned at the entrance to the site. This house type provides a detached double garage, with cill detailing above the garage door, and a single peaked gable within a roof slope that is otherwise consistent.

- House type B provides a property type again boasting a wide frontage, with an integral garage. This property is relatively uniform in appearance, with large window openings to the front elevation. A feature window is also proposed, running from first to ground floor with an area of separation between. This, located adjacent to the front entrance door, would provide a point of interest to the property. These property types are also proposed close to the front of the site.
- House type C provides twin two storey projecting 'peaked' front gables. Similar to the case with House type A, one of these would be larger and slightly taller than the other, projecting slightly forward. The central part of the property would provide the front entrance door and some minor stonework detailing. This house type would complement House type A in that it provides similar design features albeit on a reduced scale.
- House type D would provide a single two storey projecting 'peaked' front gable to one side of the frontage, with a sloping ground floor entrance and bay window design adjacent. It is considered that this property type would benefit from visual design features which attract interest, and would complement the other dwelling types proposed above.

The proposed dwelling houses would consist of 4no. of house types A&B to the south (front) of the site, as the site is entered off Garstang Road. These would be relatively large house types with wide frontages, set back from the proposed access road with a landscaped front garden area and driveway. Front parking for these properties would be provided. The existing building, to be converted to apartments, would then serve as a buffer between the initial four properties and the remaining 26 no. dwelling houses, which as a result would be largely obscured from the main highway. The apartments would be provided with a combined parking area, the majority of which would be obscured by the proposed plots 1-4 and associated garages. The majority of the 26no. properties would be provided with parking to the front, however two plots 27 and 28 would be provided with driveway parking (one car behind the other). Furthermore, plots 17, 18 and 19 would be provided with a small private shared area for vehicle access and parking.

It is considered that the proposed dwellings would be closely spaced, however as noted above it is not considered that the character of existing development along Garstang Road is established within particular parameters. The existing building to be converted to apartments would provide a buffer between 4no. proposed dwellings and the remaining 26no. to be located to the northern sections of the site. Those to the front of the site would be in a stepped fashion, with the first property (House type A) projecting forward and being the most visible from the main highway. The remaining 26no. properties to the north of the site would be stepped to some degree along the access road, with points of difference incorporated given the orientation of the properties and shared access area. Although the house types within this area of the site would be limited to two, these would be staggered in a random fashion along the internal access highway, and therefore would not appear unduly prominent.

A condition is recommended requiring materials to be agreed with the Local Planning Authority prior to commencement of above ground works. This would ensure that sufficient control is retained over the material palette in order that the development remains acceptable visually. In light of the above, it is considered that the design and layout of the site is acceptable. The development would accord with the above policies, Design Guide SPD and the NPPF.

#### Impact on residential amenity

Paragraph 17 of the Framework states that one of the core principles of the planning system is to seek a good standard of amenity for all existing and future occupants of land and buildings. CS Policy 17 and PLP Policy EN9 state that the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area.

With regard to the amenity of surrounding occupiers, the relationship between the proposed dwellinghouses and apartments and those existing surrounding properties would be acceptable, measuring a minimum of 21.0m between habitable room windows, and 13.0m between a habitable room and a blank wall or non-habitable window. It is not considered that the positioning or location of the proposed dwellinghouses would cause undue overlooking of surrounding properties, particularly, those properties situated to the west of the site generally benefit from generous plots and large garden areas, which would not be so susceptible to overlooking or overshadowing. In order to ensure that alterations which could be undertaken under permitted development rights do not unduly impact upon the amenity of existing neighbouring properties and those proposed – specifically under Classes A and B of the General Permitted Development Order 2015 (as amended) which allow provision of rear extensions or roof alterations (i.e. dormers) it is considered reasonable and necessary to withdraw permitted development rights of those classes which the proposed dwellings would otherwise benefit from. A rear extension or alteration to the roof of the proposed dwellings may fail to comply with the aspect distances outlined above and may cause unacceptably adverse overlooking, privacy issues or otherwise. This is only considered necessary to those properties which directly face a neighbouring property or its garden area, namely plots 1-4 and 13, and a relevant condition is recommended.

With regard to the amenity of future occupiers of the proposed development, the proposed 30no. dwelling houses would be a mix of 3no. bed and 4no. bed properties. 8no. apartments are proposed within the existing building which remains on site. No habitable room windows are proposed to the west elevation of the apartment block, and sufficient distance would be maintained between habitable room windows within this block and adjacent proposed dwellings. The majority of habitable room windows serving the proposed dwelling houses would be to the front and rear of each property, and the outlook provided to each is considered to be acceptable, not unduly affecting the privacy of other properties. Concerns have been raised with the agent with regard to the amenity provisions of some of the internal spaces, including play rooms/studies on house types A and B, where these spaces are considered as habitable rooms but would be provided with no window or an unacceptable outlook facing toward a neighbouring property. Although windows could be

obscure glazed, this would provide an unacceptable level of amenity for future occupiers. Furthermore within the apartment building, the bedroom serving apartment no.4 and the study serving apartment no. 8 would be provided with insufficient outlook and/or natural light. Officers are awaiting further justification or minor revisions to overcome these issues, and a summary will be provided in late changes. The bedroom serving apartment no.4 would directly face the lounge/dining room window serving apartment no. 3, however this relationship is considered to be acceptable, given that the latter would be provided with sufficient outlook to the north of the building via two further windows, therefore rendering the west facing window as a secondary outlook. Although the bedroom of apartment no.3 would face this wall, it would only be partially obscured and would remain of a relatively sufficient distance.

A noise report has been submitted which recommends suitable glazing and trickle ventilation, in order to attenuate the intrusion of external noise within the area. The Environmental Health officer has not raised any objections to the development on amenity grounds and have recommended this condition that the development is carried out in accordance with mitigation measures. A further condition is also recommended requiring the submission of a construction environmental management plan for approval prior to the commencement of development.

The rear garden areas to each dwelling are considered to be of an acceptable size to allow for outdoor amenity space for each property. On a minority of the proposed dwellings, the distance from the rear elevation to the rear boundary would be less than sufficient (plots 13-17, 18, 19, 30, 38), however the proposed dwellings would all be detached and of a generous size with regard to width, and as a result the cumulative size of the rear gardens are considered to be acceptable providing adequate space for future amenity. With regard to the apartments, an area of green space is proposed immediately to the north of this building, and further areas of open space would remain immediately beyond the east of the site, providing adequate outdoor amenity space within close proximity.

In light of the above, subject to minor revision it is considered that the amenity of existing and future occupiers is acceptable. The application if amended to reflect these concerns would accord with CS Policy 17 and PLP Policy EN9 and Paragraph 17 of the Framework.

#### Traffic and highway safety

CS Policy 1 and PLP EN1 seek to direct new development to the most sustainable locations, restricting development in the countryside to developments that are appropriate to its setting within the Borough. Further to this, PLP Policy ST2 requires that any development proposal shows 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 (at paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. PLP Policy ST1 requires all development proposals to achieve the Council's Parking Standards, which for three bedroom houses is two spaces and for four bedroom houses is three spaces per dwelling.

County Highways acknowledge that the development proposed within the existing village boundary would be acceptable. Commenting on the section of the scheme proposed outside of the settlement boundary (26 dwellings), they concluded that it would be difficult to demonstrate that the residual cumulative impacts of development are severe, which is the test outlined within paragraph 32 of the NPPF. In this circumstance, and given that the development would be subject to CIL, thereby contributing to wider highway infrastructure improvements, no objections are raised subject to conditions.

The conditions recommended by County Highways relate to the design and construction details of the proposed access from Garstang Road; stipulation that the access and estate road be constructed to base course prior to development taking place; wheel cleaning facilities provided for construction vehicles; details of management and maintenance of proposed streets to be submitted prior to development commencing. Three informatives are also proposed.

It is considered that the level of parking provision proposed would be acceptable for this location, noting that bus services operate along the adjacent Garstang Road, and the site lies within relatively close proximity to shops and services provided within the village. Public transport provision may therefore encourage future occupiers to utilise sustainable transport methods as an alternative to the private car.

Subject to imposition of the above conditions, it is considered that the residual cumulative impacts of development would not be severe. The development would accord with CS Policy 1, PLP EN1 and EN2, and the Framework.

#### Education

CS Policy 14 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 has been consulted as the Local Education Authority. With regard to primary school places, latest projections show there to be a shortfall of 280 places in 5 years' time. With an expected yield of 6 places from this development, this shortfall would increase to 286, and therefore a contribution of 6 places would be requested. With regard to secondary school places, latest projections show there to be 312 places available in 5 years' time. Additional planning approvals are expected to generate a demand for a further 9 places, and pending applications are expected to generate demand for a further 132 school places. With an expected pupil yield of 3 pupils from this development, a contribution in respect of secondary places would not be sought.

County Planning advises that based upon the latest assessment, taking into account all approved applications, a financial contribution is sought for the provision of 6 primary school places. The payment of this contribution would need to be secured via planning obligation. The proposal is considered to be in accordance with the above stated policy.

Based on the above projections a contribution would be sought for 6 primary school places, and no secondary school places. Based on a formula provided by the LEA, a contribution of £14,217.31 per place would be sought – a total of £85,303.86. It is noted that the

education methodology is valid at the point of assessment, but the cost per place to be used within the S106 agreement will be that within the education methodology at the point of sealing. Thus, the proposal is considered to be in accordance with CS Policy 14.

#### Open space provision

CS 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. CS Policy 18 seeks to manage and improve environmental resources through the protection and enhancement of the natural environment. CS 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.

PLP 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.

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 of active play facilities for children/young people (i.e. play equipment) would not be required as the development would be below the 100 dwelling threshold level and the financial contribution for off-site provision of play equipment would come via the Community Infrastructure Levy charge on the development.

The illustrative site plan indicates that some amenity open space could be provided in conjunction with the apartments, alongside incidental landscaped areas relating to the access driveway and retention of protected trees. The site falls immediately adjacent to the King George's Field, which according to the Central Lancashire Open Space Audit Report 2012, scores positively for both quality and value. Given the proximity, quality and level of existing open space to the site, it is not considered that an area of dedicated on-site open space would be required and therefore the level provided would be acceptable. The management and maintenance of the greenspace would be secured through a section 106 obligation. The proposal would therefore not conflict with PLP Policy HS3, CS Policies 17, 18 & 24 and the Framework.

#### Ecology and trees

CS Policy 22 and PLP Policies EN10 and EN11 seek to conserve, protect, and enhance the biological and geological assets of the area, including protected species. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and where possible providing net gains.

Consultation has taken place with the Council's Parks Department regarding the trees on the site. The Council's Arborist visited the site, and noted that the only tree outlined for removal in the tree survey is T38, a Maple, which is required in order to create the access into the estate. The tree would be of minimal loss, as it is surrounded by other trees which are all to be retained. The proposed site plan appears to indicate several other trees to be removed, and these include a number of overgrown Conifers and Hollies in the vicinity of Plots 1&2. These trees are all rated as Category C, of little arboricultural value, and therefore their removal is considered to be acceptable. No trees will be impacted upon with the creation of plots 13-38.

It is considered that the grant of planning permission would have little impact to the surrounding tree stock. The trees would require protection as per the Tree Protection Plan and the construction techniques (Protective Fencing, Cellular Confinement System and Pile & Beam Foundations) must be implemented to avoid damage. These measures would be controlled by means of a condition.

The application is supported by an Ecological Assessment, and a response from Greater Manchester Ecology Unit (GMEU) is awaiting. However, GMEU has previously provided comments for a previous development at this site in which conditions were recommended by the Ecology Unit relating to retention of boundary vegetation, vegetation clearance and a Construction Environmental Management Plan (CEMP biodiversity). Such safeguards are therefore recommended under this scheme, which would help to ensure that potential impacts upon ecological interests would be adequately mitigated. An update will be provided in Late Changes if an alternative opinion is received from GMEU.

Subject to these conditions and any further update at late changes, it is considered that the proposal would accord with the above policies and the Framework.

#### Ground conditions

CS Policy 17 and PLP 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. National Planning Practice Guidance (NPPG) also states that local authorities should use conditions to secure the adequate remediation of contaminated land.

Environmental Health has raised no objections to the general development of the site or submitted contamination report, but have recommended a condition requiring additional measures if contamination is encountered. The application thereby accords with CS Policy 17, PLP Policy EN7 and the Framework.

#### Flood risk and drainage

CS 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 where there is a low risk of flooding.



Initially, concerns were raised by the Lead Local Flood Authority (LLFA), however following the submission of further information by the applicant, the LLFA has withdrawn their objection. They have recommended imposition of a number of conditions in order that the development is acceptable, including an appropriate surface water drainage scheme to be submitted; no occupation of the development until completion of sustainable drainage scheme in accordance with submitted detail and management and maintenance plan; and a surface water lifetime management and maintenance plan. In addition, informatives are recommended.

United Utilities has raised no objections to the scheme and have recommended a condition requiring foul and surface water to be drained on separate systems, and a surface water drainage scheme to be agreed and implemented. Subject to imposition of the above recommended conditions by statutory consultees, it is considered that the development would accord with CS Policy 29 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 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.

A condition would be necessary to secure energy efficiency equivalent to Level 4 of the code. With this provision, the proposal would not be contrary to the objectives of the above Policy and the Framework.

#### Air Quality

CS 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 124 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, however Environmental Health considers that it would be appropriate for the development to have some form of mitigation against the potential increase in traffic pollution. A condition 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, is therefore recommended in order that the proposal would comply with the above policies and the Framework.

#### Waste management

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.

Consultation has taken place with the Council's Waste Technical Officers, who have raised no objections to the application in principle, but have noted that within the Waste and Refuse Statement the provision of waste containers for the apartment block would need to be revised. It is suggested that the capacity of the proposed bin store is provided with extra space to allow for further recycling bins should the actual needs of the residents exceed the minimum recommendation. This would be dealt with via a condition requiring details of the bin store to be submitted. The application thereby accords with the above.

#### Broughton Neighbourhood Development Plan

The Broughton Neighbourhood Development Plan (BDNP) is a material consideration in the determination of planning applications within the area it covers, although it can only be afforded very limited weight given that it is not yet adopted by the Council. BDNP Policy RES3 states that 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; and Policy RES1 permits small scale housing developments as an extension to the defined settlement boundary, within an extended village settlement boundary, including the disused former football field to east of Park House and King George V Playing Fields and to south and east of Broughton District Sports and Social Club, adjacent to the site in question.

#### Planning Balance - Compliance with the Framework

Having specific regard to residential developments, Paragraph 47 of the Framework requires Local Planning Authorities to 'boost significantly the supply of housing'. As stated above, given that the Council cannot demonstrate a five year supply of housing land the tilted balance, as set out at paragraph 14 of the Framework applies to the determination of the proposal.

Of particular significance, it is noted that in reaching his conclusion on the Sandygate Lane and Key Fold Farm appeals (planning application references 06/2016/0736 and 06/2017/0097), the Inspector found that both schemes conflicted with the intentions of the development plan in a number of respects (as this application does with regard to open countryside), but pointed out that that is *'not the end of the matter, bearing in mind the powerful material consideration of the Framework and, more specifically its explicit intention to boost significantly the supply of housing'*. He took the view that there were significant benefits arising from the developments, including the substantial social benefits arising from the provision of both the open market and affordable housing. He concluded that there would be no adverse impacts that would outweigh the benefits when assessed against the policies of the Framework taken as a whole or specific policies therein.

This proposal is contrary to CS Policy 1, 13 and 21 and PLP Policy EN1, as discussed above. However, in terms of the three dimensions of sustainable development, as set out at paragraph 14 of the Framework, the proposal would perform an economic role as a result of the employment of construction workers to carry out the various aspects of the development. Occupation of the development would also bring inhabitants to a location with links by public transport. It would deliver community infrastructure levy receipts and new homes bonus. The proposal would also make an important contribution to the supply

of housing. In relation to the social role, the proposal would provide affordable housing on the site. In terms of the environmental role, the proposed development would result in the loss of existing fields and would introduce built development into what has been identified as open countryside that clearly has value locally. The site is not however of any notable landscape value in terms of its character and appearance and the impact of the proposal is not therefore considered to be significant. It would also achieve energy efficiency levels equivalent to level 4 of the former CSH and electric vehicle charging points would be provided.

It is considered that there are no adverse impacts as a result of the proposed development that would significantly and demonstrably outweigh the benefits of the scheme and direct the Local Planning Authority to refuse the application. It is therefore considered that the proposal is in accordance with the Framework and that planning permission should be granted.

#### Section 106 Obligation

In addition to CIL and the New Homes Bonus this application would also generate a requirement for affordable housing and contributions towards education provision, all of which are required to be secured by a Section 106 Obligation. The Section S106 Obligation would secure the following:

- The provision of 8no. affordable dwellings to be provided on-site;
- A developer contribution for the provision of 5no. affordable dwellings off-site;
- A developer contribution to the provision of primary school places;
- Management and maintenance of greenspace.

As noted above in the corresponding sections and analysis the above contributions are considered necessary to make the development acceptable and to ensure that the development is compliant with relevant Development Plan Policy and the Framework.

### **3.7 Value Added to the Development**

The scheme has been the subject of discussion between officers and the applicant.

### **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.

Statutory consultee comments and representations have been received, which have been carefully considered and taken into account as part of this planning application.

The application site is not identified for development on the Preston Local Plan 2012-26 Policies Map for the future provision and delivery of housing or for any other development, within the Central Lancashire Core Strategy and Preston Local Plan 2012-26. As such, the proposed development would result in the loss of an area of open countryside, which would be contrary to the primary policy objectives set out in Policy 1 of the Central Lancashire Core Strategy and Policy EN1 of the Preston Local Plan. It is also considered that the proposal would have a moderate impact on landscape character and it would therefore also be contrary to CS Policies 13 and 21.

Paragraph 47 of the Framework requires Local Planning Authorities to 'boost significantly the supply of housing'. As stated above, given that the Council cannot demonstrate a five year supply of housing land, the tilted balance, as set out at paragraph 14 of the Framework, applies to the determination of the proposal. In terms of the three dimensions of sustainable development, as set out at paragraph 14 of the Framework, the proposal would perform an economic role as a result of the employment of construction workers to carry out the various aspects of the development. Occupation of the development would also bring inhabitants to a location with links by public transport. It would deliver community infrastructure levy receipts and new homes bonus. The proposal would also make an important contribution to the supply of housing. In relation to the social role, the proposal would provide affordable housing on the site. In terms of the environmental role, the proposal would improve access for future residents. Therefore in applying the titled balance for the determination of the proposal, it is considered that the harm of the proposed development would not significantly and demonstrably outweigh the benefits.

Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework planning permission should be granted.

### **3.9 Recommendation**

1. Subject to a S106 obligation being secured providing for 35% affordable housing on-site and off-site, a contribution towards school places and the management and maintenance of amenity greenspace on-site, planning permission be granted subject to conditions addressing those matters listed in paragraph 2.1.

AND

2. In the event that a satisfactory Section 106 Agreement is not concluded by 20 July 2018, or by the expiration of an agreed extension of time, delegate authority to the Director of Development to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured.