

Reporting to Planning Committee Meeting to be held on: 7th July 2022	Electoral Ward Affected Preston Rural East
Report submitted by: Director of Development and Housing	
Application Number: 06/2022/0018	

1 Summary

1.1 Land off Whittingham Lane, Broughton, Preston, PR3 5DA

44no. dwellings with associated works

Applicant Wainhomes (NW) Ltd

Agent Emery Planning

Case Officer James Mercer

2 Decision recommended

1. Subject to a Section 106 obligation being secured for a financial contribution towards the monitoring of the Employment and Skills Plan, primary and secondary school provision, the future management of the public open space and 35% on-site affordable housing, planning permission be granted subject to conditions addressing those matters in paragraph 2.1.

AND

2. In the event that a satisfactory Section 106 obligation is not concluded by 15th July 2022, or other agreed extension of time, delegate authority to the Director of Development and Housing 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

Approved plans and time limit

1. Approved plans
2. Time limit

Pre-commencement conditions

3. Final sustainable drainage strategy (foul and surface water)
4. Construction Surface Water Management Plan
5. Intrusive Phase 2 site investigation

6. Scheme for the construction of the site access and other highway works
7. Future management and maintenance of streets
8. Construction Environmental Management Plan (Amenity)
9. Employment Skills Statement and Action Plan
10. Reasonable Avoidance Measures Method Statement
11. Construction Environmental Management Plan (Biodiversity)
12. Lighting design strategy for biodiversity
13. Landscape and Ecological Management Plan

Pre-occupation and construction stage conditions

14. Sustainable drainage system operation and maintenance manual
15. Verification report of constructed sustainable drainage system
16. Landscaping scheme
17. Electric vehicle charging points
18. Materials details
19. Means of enclosure details
20. Noise mitigation measures to be provided prior to first occupation
21. Estate road to be constructed to base course level before any other development takes place
22. Parking and servicing areas to be provided prior to first occupation
23. Cycle storage facilities to be provided prior to first occupation
24. Footpath link to Key Fold Farm provided prior to the first occupation of plots 34-37

Post-occupancy monitoring and management conditions

25. Development in accordance with the submitted Flood Risk Assessment and Surface Water Sustainable Drainage Strategy
26. Landscaping implementation

Informatives

1. CIL
2. County Highways
3. Electricity North West
4. Lead Local Flood Authority
5. Cadent Gas
6. Secured By Design
7. Greater Manchester Ecology Unit

3 Information

3.1 Location

The application site comprises of one field to the south of Whittingham Lane and to the east of Broughton & District Club. Land known as Park House is located to the south-west of the site, which benefits from planning permission for 32no. dwellings (06/2020/1438), with Key Fold Farm, which also benefits from planning permission for 129no. dwellings (06/2017/0097 and 06/2019/0040), to the south. The whole of the application site lies within the Broughton Neighbourhood Development Plan area, and is allocated for residential development under Policy RES1.

3.2 **Proposal**

The application seeks full planning permission for 44no. dwellings. The site would contain a mixture of detached and semi-detached bungalows and two storey dwellings. There would be 12no. two bed dwellings of two different house types, 15no. three bed dwellings of four different house types and 17no. four bed dwellings of five different house types. 35% on-site affordable housing is proposed made up of the two and three bed dwellings and would be spread across the site. Vehicular access would be taken directly from Whittingham Lane via a new priority T-junction. The proposed access road would be 6.4m wide at the junction with a refuge island in the middle, before narrowing to 5.5m wide 20m into the site. A 3m wide shared cycle/footway would be provided on both sides of the access, before narrowing to 2m wide on the western side of the estate road. No footpath is proposed on the eastern side of the estate road. A footpath link through to the approved housing development on land at Key Fold Farm (Pinfold Manor) is also proposed in the south west corner of the site.

Dependent on street layout, residents' parking is either off-street adjacent to the dwellings; off-street in front of the dwelling; or grouped in small clusters close to dwelling entrances accessed from private driveways. A number of dwellings would be provided with either integral or standalone garages. Those without garages would be provided with cycle stores in rear gardens.

Whilst the submission does not provide precise materials details, the scheme proposes dwellings would be constructed from facing brick and tiled roofs to complement the existing properties within the surrounding area. Landscaping would be included across the site with tree planting along the roads as well as in front gardens. A strip of landscaping would also be provided along the eastern boundary of the site, whilst landscaping provided as part of the works to construct the Broughton Bypass would be retained along the Whittingham Lane boundary.

3.3 **Relevant planning history**

06/2021/0423 – Outline planning application seeking approval for access only for residential development for up to 81no. dwellings with associated works (all other matters reserved) – Refused October 2021.

Relevant applications on neighbouring land:

Park House

06/2017/1104 – 30no. dwellings and conversion of existing building to 8no. apartments – Approved March 2019.

06/2020/1438 – Variation of condition 1 (Approved plans) and removal of condition 6 (Waste and recycling facilities for the previous apartments) of planning permission 06/2017/1104 for 30no. dwellings and conversion of existing building to 2no. dwellings – Approved May 2022.

Key Fold Farm

06/2017/0097 – Outline application for residential development for up to 130 houses with access considered – Refused June 2017. Allowed on appeal April 2018.

06/2019/0040 – Reserved matters application (namely appearance, landscaping, layout and scale), pursuant to outline application 06/2017/0097 for 129no. dwellings – Approved

October 2019.

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 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 EN1 – Development in the Open Countryside
- Policy EN2 – Protection and Enhancement of Green Infrastructure
- 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
- Policy ST1 – Parking Standards
- Policy ST2 – General Transport Considerations
- 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

County Highways – Following the receipt of amended plans, no objection subject to conditions requiring: the submission of a scheme for the proposed access and highway works; submission of details relating to the future management and maintenance of streets within the development; the new estate roads to be constructed to in accordance with Lancashire County Council's Specification for the Construction of Estate Roads; the parking and servicing spaces to be provided prior to first occupation; provision of electric vehicle charging points; provision of cycle parking; wheel cleaning facilities for the duration of the construction period; and the submission of a Construction Environmental Management Plan.

Lead Local Flood Authority – No objection subject to conditions requiring: the development to be carried out in accordance with the submitted Flood Risk Assessment and Surface Water Sustainable Drainage Strategy; the submission of the final surface water sustainable drainage strategy; submission of a Construction Surface Water Management Plan; submission of a sustainable drainage system Operation and Maintenance Manual; and submission of a Verification Report of the constructed sustainable drainage system.

County Education – A financial contribution towards 10 primary school places (£167,499.60) and four secondary school places (£92,247.00) is required.

County Mineral Safeguarding – No objection.

Environmental Health – No objection subject to conditions required an intrusive Phase 2 site investigation and the development to be constructed in accordance with the mitigation measures as recommended in the Noise Impact Assessment, and provided prior to first occupation. Further information is required to ascertain whether the amenity of future residents would be adversely impacted by the floodlighting at the adjacent tennis courts. This has been communicated to the applicant and an update will be provided in late changes.

Parks and Streetscene (Arborist) – No comments received.

Parks and Streetscene (Landscape) – No objection, the proposed plans are acceptable in terms of site layout and content. A condition is recommended to secure a detailed landscaping scheme.

Waste Management – An amended Swept Path Analysis is required to demonstrate a refuse collection vehicle can safely turn in the turning head. An amended plan has been provided and an update will be provided in late changes.

Environment Agency – No response received.

United Utilities – No objection subject to a condition requiring submission of a sustainable surface water drainage scheme and a foul water drainage scheme.

Electricity North West (ENW) – Comments provided relating to the proximity of the proposed development to ENW assets or operational land.

Cadent Gas – No objection. Comments provided relating to Cadent Gas infrastructure within the vicinity of the site.

Greater Manchester Ecology Unit – Further information is required relating to how biodiversity net-gain will be achieved on the site. Notwithstanding this, the comments and conditions provided on application 06/2021/0423 remain relevant which indicate no objection in principle subject to conditions requiring the submission of: a Reasonable Avoidance Measures Method Statement (RAMMS) for the site clearance and construction; a Construction Environmental Management Plan; a lighting design strategy for biodiversity; a detailed design and landscape plan; and a Landscape and Ecological Management Plan

Designing Out Crime – All dwellings should be developed to Secured By Design Homes 2019 standards.

NATS Ltd – No safeguarding objection.

SABIC – No observations to make.

Council for the Protection of Rural England – No response received.

Natural England – No comments to make.

Broughton Parish Council – No response received.

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

- There are already enough housing developments in Broughton;
- The land should be left free for a possible extension of recreation facilities at Broughton and District Club;
- The site is too close to the tennis courts and is not suitable for housing;
- The proposed access is too close to the James Towers Way roundabout and is potentially dangerous;
- Inadequate drainage information has been submitted;
- Loss of green space and habitat for wildlife;

- Inadequate car parking proposed; and
- Increase in traffic and pollution.

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.

Policy RES1 of the Broughton Neighbourhood Development Plan (BNDP) 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 application site is not a well-located brownfield site or adjacent to a Key Service Centre. Furthermore, the proposed development cannot be considered small-scale or appropriate infilling and is not the conversion of an existing building. However, a neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need, it can therefore be assumed that through the examination process, prior to the adoption of the neighbourhood plan, that a local need for additional housing in Broughton was identified. As such, the BNDP has identified land to fulfil a need in the village for new housing. The proposal therefore complies with Policy 1 of the Core Strategy, insofar that the proposal would meet an identified local need.

As the application site is allocated in the BNDP for residential development the principle of the proposed development is considered acceptable and accords with Policy 1 of the Core Strategy, Policy RES1 of the BNDP and the Framework.

Loss of Agricultural Land

Policy 31 of the Core Strategy 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.

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 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 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 and application of the standard methodology represented a significant change in circumstances in Preston, rendering the housing requirement figure in Policy 4, as well as the evidence base which underpinned it, 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 appellants at a number of public inquiries during 2021, and on 3 February 2022 the Planning Inspectorate issued its decisions relating to six appeal sites adjacent to the village of Goosnargh, one appeal site close to Longridge and one appeal site adjacent to the village of Barton. On the specific issue of housing land supply and the calculation of it, the appeal decisions relating to sites at Goosnargh and Longridge are of particular relevance.

In determining the appeals the Inspector observed that:

- (i) The evidence which supported the housing requirement in Policy 4 was based on housing and demographic trends from the period 1998 – 2003 and the methodology for calculating housing need has changed materially since this time.
- (ii) The practical implementation of the standard methodology in Preston almost halves the housing requirement for Preston when compared to that contained in Policy 4.

As a result the Inspector determined that a significant change in circumstances has occurred and this renders Policy 4 out of date, and that this conclusion is supported by the Framework and Planning Practice Guidance when read as a whole.

Consequently 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, it is worth noting that if the Policy 4 housing requirement were to be 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.

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.

As 44no. dwellings are proposed, on-site affordable housing provision is required. As the site is not within the main urban area of Preston the required provision would be 35%. A total of 15no. 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. It is therefore considered that the application complies with the Affordable Housing SPD and Core Strategy Policy 7.

Impact on 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 close to the eastern boundary of Broughton. The next nearest settlement to the south is the Preston urban area approximately 0.92km 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 gaps 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.

Impact on Landscape Character and Visual Amenity

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 submitted Design and Access Statement states the existing site is unremarkable in landscape terms and there are no public rights of way extending through or adjacent to it. Furthermore the Design and Access Statement states that the submitted layout plan shows that the development would be set beyond the landscape works being carried out by Lancashire County Council (LCC) for the Broughton Bypass scheme. The Design and Access Statement states that the proposed development would relate well to the surrounding built form and due to the neighbourhood plan allocation the site has already been accepted as appropriate in landscape terms for this part of the site and that the site would be viewed as a “logical extension” to the urban form of Broughton.

It is accepted that the application site is, on two sides, bound by existing and proposed housing, existing built development and road infrastructure and whilst the site is currently an open field the proposed development would not significantly harm the landscape character of the area and would comply with the relevant, up-to-date policies of the Development Plan in this regard.

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 accompanied by a Design and Access Statement (DAS) which states that the proposed development would relate well to the surrounding built form and the scheme would be viewed as a logical extension to the urban form of Broughton. The topography of the site is flat and enclosed by built development beyond Whittingham Lane to the northern boundary and to the western boundary. The DAS states that the eastern boundary is a relatively small open field that abuts the Broughton Bypass. The DAS goes on to say that the site is at the urban fringe of Broughton and there is no overall cohesive characteristic in the surrounding built form. Furthermore, the DAS states that there would be limited landscape harm and that the scheme would complement the character and appearance of the surrounding area.

The submitted site layout shows how the site could be laid out whilst retaining the tree and woodland planting being carried out by Lancashire County Council to the site frontage along Whittingham Lane. The proposed development would extend the built development from the existing Broughton and District Club and dwellings to the west 46m to the east, whilst linking in with the approved developments at Park House and Key Fold Farm. The DAS indicates all dwellings would be no higher than two storeys, reflecting the character and appearance of the surrounding area, which is considered acceptable. The proposed development would incorporate a satisfactory amount of green space and the approximate density proposed at 28 dwellings per hectare is considered acceptable.

The development proposes 11 different house types containing a mix of two, three and four bed dwellings. 10 house types would be two storeys in height, whilst one house type would be single storey. All dwellings would be constructed from facing brick and roof tiles. Whilst precise details of the brick and roof tiles have not been provided, these can be secured by condition. A range of boundary treatments are also proposed however again, no precise details have been provided. These details could also be secured by condition.

It is therefore considered, subject to the above conditions, the design, appearance, layout and range of house types proposed is therefore considered to be acceptable and complies with Policies 5 and 17 of the Core Strategy, Policy EN9 of the Adopted Local Plan, Policy RES2 of the BNDP, the Design Guide SPD 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.

The Framework (2021) states 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities'. It advises that Local Planning Authorities should seek to protect and enhance public rights of way.

Due to the constraints of the site, open space is to be provided along the full length of the eastern boundary, retaining existing trees and hedgerows. Whilst the provision of open space on this site would not come forward in the traditional sense, i.e as a large area of green space in the centre of the site, it is compliant with the size requirements set out in the Local Plan and the proposed strip of open space would be seen in the context of the adjacent open fields providing a balanced transition between the built development to the west and the open fields to the east. The width of the open space would vary between 7m and 11m along its entire length, therefore it is considered the proposed provision would still be considered usable open space. Furthermore, the application site is located within close proximity to the existing playing fields within Broughton village, which could be accessed via the adjacent development at Key Fold Farm.

The site layout therefore demonstrates that adequate open space can be provided within the application site. The management and maintenance of the open space will be secured by way of a Section 106 obligation. The proposal has therefore demonstrated a capacity to satisfy the requirements of Core Strategy policies 17, 18, 24 and Preston Local Plan Policy HS3.

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

Noise impact

The application is accompanied by a Noise Impact Assessment (NIA) which assesses the impact the adjacent sports and social club would have on the amenities of the future occupiers of the proposed dwellings, namely the impact from the existing tennis courts and events held within the sports hall/club house. The NIA states that given there is a wide variation in activity and subsequent noise levels at the site, it is not possible to determine what a representative level of noise would be. As such, a "worst case" has been modelled for both the use of the tennis courts and for an event in the sports hall. The NIA concludes that through mitigation measures, such as mechanical ventilation for plots 1-6, and 2-2.5m acoustic fencing for plots 1-13, the amenities of the futures occupiers of these dwellings would not be adversely impacted by way of noise. The Environmental Health Officer agrees

with the findings of the NIA and raises no objections subject to a condition requiring the mitigation measures referenced in the report be installed prior to first occupation. Subject to this condition, it is considered the amenities of the future occupiers of the dwellings would not be adversely impacted by way of noise.

Lighting impact

The application is accompanied by lighting calculations to demonstrate light spill from the floodlights on the tennis courts would not have an adverse impact on the future occupiers of plots 1-13. The Environmental Health Officer cannot be sure the proposed levels of light spill would be acceptable, therefore they have requested further information from the applicant to demonstrate there would be no adverse impact on residential amenity by way of light pollution. The applicant is preparing an updated lighting report and an update will be provided in late changes.

Overlooking/overshadowing

The submitted site layout indicates that the proposed 44no. dwellings could comfortably fit on the site without leading to any potential adverse impacts on the amenities of existing residents to the north or proposed residents of the Park House development to the west of the site. Furthermore, the proposed layout would achieve interfacing distances between dwellings which would be acceptable and would not compromise the amenities of future occupiers. All of the proposed dwellings would have sufficient private amenity space to the rear. As such, it is considered the proposal would not have an adverse impact on residential amenity by way of overshadowing or overlooking.

Conclusion on residential amenity

Notwithstanding the outstanding information relating to light spill, it is considered that, subject to the recommended conditions, the proposed development would not have an adverse impact on the amenities of either existing or proposed residents by way of noise, overshadowing or overlooking. As such, the proposal complies with the above policies and the Framework in this regard.

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 application is accompanied by a Transport Assessment (TA) which appraises the site in terms of the likely transport implications of the development on the local highway network. The TA also assesses the suitability of the site for access by sustainable means, namely walking, cycling and public transport. The TA states that access would be taken directly from Whittingham Lane via a new priority T-junction. The proposed access road would be 6.4m wide at the junction with a refuge island in the middle, before narrowing to 5.5m wide 20m into the site. A 3m wide shared cycle/footway would be provided on both sides of the access, before narrowing to 2m wide on the western side of the estate road. No footpath is proposed on the eastern side of the estate road. In locational terms, the TA concludes that the site is sustainable when considering access to and from the site by sustainable transport modes and that the proposed development could be accommodated on the local highway network

Traffic impact

The TA states that an assessment of the trips generated by the development has been undertaken and advises the development is predicted to generate some 26 and 29 two-way vehicle trips in the morning and evening peak hours respectively based trip rates provided by County Highways. The TA concludes that the volume of traffic generated by the scheme and its distribution is unlikely to result in a significant impact on the operation of the adjacent highway network which has been implemented to accommodate future traffic growth in the local area. County Highways have raised no objections to the findings within this report and so it is not considered the proposal would have a severe impact on the highway network in terms of trip generation.

Site layout/access/sustainability

The proposed site layout demonstrates connectivity to the adjacent highway network by way of pedestrian and cycle links both to the north (onto Whittingham Lane) and to the south west (through to Key Fold Farm). County Highways raise no objections in principle to the scheme or the proposed access point subject to detailed designs being secured at construction stage. Such designs could be secured via condition and through an appropriate legal agreement with the County Council as the Local Highway Authority.

The site has good accessibility to the local built environment, and it is considered that for this location there are realistic sustainable transport choices for residents to employment or wider services. Furthermore, the submitted layout plan indicates a pedestrian access to connect to Key Fold Farm to the south west which is supported by the County Highways Engineer. In order to ensure the footpath connection is delivered, it is recommended a condition be attached requiring the footpath to be constructed prior to the occupation of the adjacent dwellings. The County Highways Engineer agrees with the submitted Transport Assessment that the proposed development complies with the requirement of the Framework in this regard that new developments should be accessible by sustainable transport.

Parking provision

The submitted Transport Statement advises that car parking for the development will be provided in accordance with the requirements set out in Appendix B of Preston's Local Plan in "Area C" locations. The submitted layout plan indicates all dwellings would be provided with adequate off-street parking, either via traditional driveway parking, parking spaces in front of dwellings or in detached or integral garages. Dedicated cycle parking is also proposed within the rear gardens of those properties without garages which is considered acceptable. County Highways raise no objections to the level of parking provision proposed and as such, is considered acceptable. County Highways recommend conditions be attached ensuring the proposed parking and servicing areas, as well as the cycle storage provision, are provided prior to first occupation of the dwellings.

Conclusion on traffic and highway safety

Taking the above into consideration, it is considered that the proposed development would not have a severe impact on either the local highway network or the Strategic Road Network. Furthermore, the development would not have an unacceptable impact on highway or pedestrian safety. Subject to the suggested conditions, adequate parking provision would be provided on the site prior to first occupation. As such, it is considered the proposed development complies with Policy 3 of the Adopted Core Strategy, Policies ST1 and ST2 of the Local Plan 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 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 an updated Phase I Preliminary Risk Assessment produced by REFA Consulting Engineers which establishes low potential risks in terms of contamination relating to the proposed development but recommends limited ground investigation should be undertaken. The Environmental Health Officer agrees with the findings of the report and raises no objections to the proposal subject to a condition requiring an intrusive ground investigation be undertaken before any development commences, which can be controlled by condition. Subject to this condition, it is considered the proposal complies with Policy EN7 of the Adopted Local Plan and the Framework.

Utilities/Drainage/Flood Risk

Core Strategy Policy 29 seeks to improve water quality, water management and reduce the risk of flooding by number of measures including minimising the use of portable mains water in new developments; appraising, managing and reducing flood risk in new

developments; managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity; encouraging the adoption of Sustainable Drainage Systems; and seeking to maximise the potential of Green Infrastructure to contribute to flood relief.

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 site is located in Flood Zone 1 which is within an area at the lowest risk of flooding. The Flood Risk Assessment (FRA) submitted with the application states that surface water flood risk is designated as very low risk across the majority of the site, with two small areas of low to medium risk towards the centre and eastern corner of the site. Surface water would be managed via a sustainable drainage system and foul water would be discharged into the existing public sewer network within Whittingham Lane via a new connection.

The Lead Local Flood Authority (LLFA) initially objected to the proposal, however following the submission of further information, raise no objection to the proposal and recommend conditions that require the submission of a final sustainable drainage scheme, a Construction Phase Surface Water Management Plan, Operation and Maintenance Plan & Verification Report of Constructed Sustainable Drainage System. United Utilities (UU) raise no objection to the principle of the proposal and recommend a condition requiring the submission of the final foul and surface water drainage scheme. Subject to the aforementioned conditions, it is considered the proposal would comply with the above policies.

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 175 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. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

Great Crested Newts

There are two ponds which are located within or directly adjacent to the application site and several more are present within 250m of the application site. The submitted Great Crested Newt Survey undertaken in 2019 did not record any great crested newts, however Greater Manchester Ecology Unit (GMEU) hold previous records of great crested newts in ponds 4 and 5 (as labelled in the GCN survey) and the submitted Great Crested Newt Survey also reports a positive record from 2017 in pond 8. GMEU has records of great crested newts in the ponds to the east of Broughton Bypass, which would have been connected to these ponds prior to the construction of the bypass. The 2019 survey submitted states the findings of the survey are valid for 2 years, and although the 2020 survey of the site examined the ponds, no additional great crested newt surveys were undertaken. GMEU advise that there is evidence to suggest a reasonable likelihood that a small population of great crested newts could be present either within the ponds in the application site, or within 250m of the site. As one of the ponds will be lost as a result of the proposals and the majority of the terrestrial habitat will also be lost, a further survey was requested from the applicant, to establish the status of great crested newts.

The latest Great Crested Newt Survey (2021) concluded that there was no evidence of great crested newts found in any of the ponds within 250m of the site. GMEU advise that sufficient survey effort has been undertaken. As other amphibian species (frog and smooth newt) were recorded in the ponds, GMEU recommend that a condition is attached to secure a Reasonable Avoidance Measures Method Statement (RAMMS) for the site clearance and construction, to protect any amphibians which may be present on the site and must include details of pond draw down methodology as well as protective measures during site clearance and construction works, for example. Alternatively, these measures can be incorporated into a Construction Environmental Management Plans (Biodiversity) which can be secured by condition.

Bats

The trees on the site have been assessed for their potential to support roosting bats and those with bat roost features have been further inspected (aerial inspection with an endoscope) by a licensed bat ecologist. The majority of the features identified from the ground were not suitable for roosting bats as the cavities were shallow for example, and one tree was identified as having negligible potential for roosting bats. GMEU have advised that no further survey work in relation to bats in trees is required however, a condition is required for the submission of a lighting plan, including light spill, to demonstrate that wooded boundaries of the site will not be negatively impacted upon by new lighting. An informative relating to the discovery of protected species on the site is be advised.

Biodiversity Net Gain

GMEU have advised that further information is required in relation to biodiversity net gain. This has been provided by the applicant and is currently being reviewed by GMEU. An update will be provided in late changes.

Conclusion on ecology

Notwithstanding the outstanding issue relating to biodiversity net gain, it is considered that subject to the above conditions, the proposed development would not have an adverse effect on protected species and therefore complies with the above policies and the Framework.

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 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

In December 2021 the Government published a new Part L of the Building Regulations with an implementation date of 15 June 2022. Under the new Part L all new homes will be expected to produce 31% less CO2 emissions than is acceptable in the 2013 version of Part L of the Building Regulations. All building work approved under the 2013 Part L will need to be commenced before June 2023 so long as plans or notices were submitted prior to 15 June 2022 to a Building Control Body. The Government has stated a further update to Part L is currently due to be issued in 2025, which will demand new homes produce at least 75% less carbon emissions than the 2013 regulations.

Core Strategy Policy 27 seeks to secure energy performance standards that exceed the 2013 Building Regulations, i.e. lower carbon emissions than the 2013 Part L. As the new Approved Part L 2021 of the Building Regulations requires even lower carbon emissions in all new homes, it is unnecessary for the Local Planning Authority to continue to apply Core Strategy Policy 27, and in this regard Core Strategy Policy 27 is considered to be out of date for new residential developments.

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.

The submitted site plan indicates there would be sufficient space to the rear of the proposed dwellings to accommodate waste and recycling facilities. Furthermore, bin collection points have been identified at the end of private driveways to enable residents to present their bins on collection days. The Council's Waste Technical Officer raises no objections to the principle of the development however has requested an updated swept path analysis (SPA) to ensure the Council's largest waste collection vehicles and adequately turn within the site. The applicant has provided the updated SPA and an update on its suitability will be provided in late changes. Notwithstanding this, provision is made for waste and recycling, and 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 advises that taking into account all approved applications, a financial contribution would be required for the provision of 10no. primary school places and 4no. secondary school places. This would be secured through a Section 106 Obligation which the applicant has agreed to. Thus, the proposal is considered to be in accordance with Policy 14 of the Core Strategy.

Employment Skills

Policy 15 of the Core Strategy seeks to improve skills and economic inclusion and the Central Lancashire Employment Skills SPD requires all major applications proposing or including commercial floorspace of 1000 sqm or more to produce an Employment and Skills Statement and Action Plan.

The application is accompanied by an Employment Skills Statement (ESS) which outlines how the applicant will comply with the requirements of the Employment Skills SPD. Calico have advised that the submitted ESS is unacceptable at this stage as the applicant is unable to fully commit to measurable ESS outcomes. Therefore, it is recommended that should the application be approved the ESS should be further developed and submitted to include all the measurable outcomes. This can be secured by way of planning condition. The addendum to the Employment Skills SPD sets out the monitoring contribution required for developments, with those proposing 30-60 dwellings required to provide a financial contribution of £6,000 towards monitoring the outcomes of the approved ESS. This requirement has been communicated to the applicant and a response to whether they are agreeable to paying the monitoring fee or not is awaited. An update will be provided in late changes. Subject to this agreement and the suggested condition, the proposed development would comply with the Policy 15 of the Core Strategy, the Employment Skills SPD and Employment Skills addendum.

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. The contribution towards monitoring an Employment Skills Statement Action Plan is considered to comply with the tests set out in Regulation 122(2) and the Framework as it would ensure the development improves economic inclusion for local people during the construction and operation phases of the proposed development in accordance with Core Strategy Policy 15.

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

Broughton Neighbourhood Development Plan

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

Core Strategy Policy 1 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.

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 two of the three 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

Amended plans have been submitted to address concerns relating to the proposed access, site layout, design of dwellings, landscaping and impact on ecology.

3.8 Conclusions

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

The proposed development would be situated on a site allocated within the Broughton Neighbourhood Development Plan for residential development to meet a local need, in accordance with Policy 1 of the Core Strategy and Policy RES1 of the Broughton Neighbourhood Development Plan. Paragraph 11 of the Framework states that the presumption in favour of sustainable development means local planning authorities should approve development proposals that accord with the development plan without delay.

The application site is also located within an Area of Separation, as defined by the Policies Map within the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies). Core Strategy Policy 19 and Local Plan Policy EN4 which seeks to resist development which would place those rural settlements at risk of merging and would cause resultant harm on the effectiveness of the gap between settlements. The proposed development does not conflict with these policies.

The proposed development would not significantly harm the landscape character of the area and would comply with the relevant, up-to-date policies of the Development Plan in this regard. 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.

Statutory consultee comments and representations have been received which have been carefully considered and taken into account as part of assessing this planning application. 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. A footpath link would be created linking the proposed development to Key Fold Farm, improving the sustainability and connectivity of the site. There would be no unacceptable impact on highway or pedestrian safety, and the impact on the operation of the road network would not be severe. The development would also secure a financial contribution towards primary and secondary school places to mitigate its impact on the education system in the city. In addition, the creation of jobs and apprenticeships could be secured by way of a planning condition requiring the submission of an Employment Skills Statement and Action Plan.

As such, the proposal would comply with the relevant provisions of the Central Lancashire Core Strategy, the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies) and the Broughton Neighbourhood Development Plan and there are no material considerations which outweigh this finding. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

3.9 Recommendation

1. Subject to a Section 106 obligation being secured for a financial contribution towards the monitoring of the Employment and Skills Plan, primary and secondary school provision, the future management of the public open space and 35% on-site affordable housing, planning permission be granted subject to conditions addressing those matters in paragraph 2.1.

AND

2. In the event that a satisfactory Section 106 obligation is not concluded by 15th July 2022, or other agreed extension of time, delegate authority to the Director of Development and Housing to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured.