

<b>Reporting to Planning Committee Meeting to be held on: 13th February 2020</b>	<b>Electoral Ward Affected Preston Rural North</b>
<b>Report submitted by: Director of Development</b>	
<b>Application Number: 06/2019/0752</b>	

## 1 Summary

### 1.1 Land at Cardwell Farm, Garstang Road, Preston, Barton, PR3 5DR

Outline planning application for up to 151 no. dwellings and community building with associated works (access applied for only)

**Applicant** Wainhomes (North West) Limited

**Agent** Emery Planning Partnership Ltd

**Case Officer** Robert Major

## 2 Decision recommended

Refusal

### 2.1 Reasons for Refusal

1. With the exception of the proposed vehicular access, the application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy and consequently it would lead to the unplanned expansion of a rural village. The proposed development for 151 dwellings and a community building is not considered to be 'small scale' and as such the proposal is also contrary to PLP Policy AD1(b) of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). Furthermore the proposed development is not the type of development deemed permissible in the open countryside under Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to Policy 1 of the Central Lancashire Core Strategy and Policies EN1 and AD1(b) of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

### 3 Information

This application was considered by the Planning Committee on 3rd October 2019, recommended for approval. At that time the application was recommended for approval because the Council could not demonstrate a five year supply of deliverable housing land. In such circumstances the National Planning Policy Framework states that the development plan policies most important for determining applications for new housing are out of date, hence the policies carry limited weight and requires the titled balance, set out in paragraph 11d, to apply to the consideration of those applications. In this case the policies most important for determining the planning application, namely Core Strategy Policies 1 and 4 and Local Plan Policies EN1 and AD1(b), were considered to be out of date and it was considered, in applying the titled balance, that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development. The Committee resolved to approve the application subject to conditions, and a Section 106 Obligation being secured for financial contributions towards the provision of school places and improving sustainable forms of transport in the area, including the monitoring of the Travel Plan, provision of affordable housing on-site, and securing the future management and maintenance of the on-site open space and proposed community building. Since the resolution made by the Planning Committee the Council have been working to finalise the Section 106 Obligation.

On 13th December 2019 the Planning Inspectorate issued its decision in relation to an outline planning application for up to 100no. dwellings at 'Land to the South of Chain House Lane, Whitestake, Preston' (Appeal Ref: APP/F2360/W/19/3234070) within the administrative area of South Ribble. The Inspector dismissed the appeal, and, in doing so, undertook a comprehensive analysis of the housing land supply position in South Ribble. Given the nature of the joint strategic plan-making arrangement within Central Lancashire, the Inspector undertook this analysis mindful of the fact that the conclusions drawn *'may have consequences for decision making by neighbouring authorities'* - Preston being one of them.

At paragraph 37 of the decision the Inspector indicates "having regard to paragraphs 33, 73 (and footnote 37) and 212-213 of the Framework, as well as paragraph 062 (Reference ID: 61-062-20190315) of Planning Practice Guidance, the housing requirement contained within Core Strategy Policy 4 is out of date on several counts, as follows;

- i. The policy is over five years old.
- ii. The 2017 Memorandum of Understanding (and the Strategic Housing Market Assessment leading up to it) did not properly constitute a review of Policy 4.
- iii. The significant change resulting from the introduction of the standard method in the 2018 Framework.

The Inspector goes on to conclude, at paragraph 37 of the appeal decision, that the standard method of calculating local housing need should be used for the purposes of the appeal. The Inspector also indicates, at paragraph 33 of the appeal decision, she was satisfied that if Preston applied the standard method to its housing need now, it too would be able to demonstrate a five year supply. Paragraph 004 (Reference ID: 68-004-20190722) of Planning Practice Guidance states for decision-taking purposes, an authority will need to be able to demonstrate a 5 year housing land supply when dealing with

applications and appeals. They can do this in one of two ways:

- using the latest available evidence such as a Strategic Housing Land Availability Assessment (SHLAA), Housing and Economic Land Availability Assessment (HELAA), or an Authority Monitoring Report (AMR);
- 'confirming' the 5 year land supply using a recently adopted plan or through a subsequent annual position statement (as set out in paragraph 74 of the National Planning Policy Framework).

Using the latest available evidence based on the standard method of calculating local housing need the Council considers that the minimum annual local housing need figure for Preston would be 241 dwellings per annum. Against this minimum requirement, the Council is satisfied that it can currently demonstrate a five year supply of deliverable housing land when account is taken of completions and planning permission granted up to 1 April 2019.

In view of the above rationale, it is considered the Committee should consider the planning application afresh before a decision is issued because the policies of the development plan most important for determining the application need not be considered to be out-of-date, hence the titled balance referred to above would not apply. This committee report reconsiders the proposed development in view of the above changes.

Since the application was considered at Committee the Council and the applicant have not been able to come to an agreement in respect of the securing the future of the community building within the Section 106 Obligation. The Council have made it clear to the applicant that they would be unwilling to take on the future responsibilities of managing and operating this building. As such the applicant has been advised to provide further information clearly detailing their intentions regarding the proposed committee building, including but not limited to, timescales for its delivery, details of its use, size, management, future ownership.

### 3.1 **Location**

The application relates to six fields, covering a total area of approximately 9.5ha. adjoining the south, east and northern boundaries of Cardwell's Farm, Barton. The A6 (Garstang Road), along with the residential properties fronting this highway, forms the western boundary, with open fields situated to the north and east. To the south are the residential properties on Woodlands Way and Woodlands Crescent. The site has an irregular shape with hedgerows and sporadic trees forming the site's field boundaries. A more substantive group of trees and hedgerow forms the site's frontage onto Garstang Road. At the southern end of the site a section of Black Fir Wood encroaches into the site with the trees within covered by a Tree Preservation Order (TPO 1951). To the south of the site runs Public Footpath 20 which connects to Bridleway 23 which runs to the east in a northerly direction.

Where the application site adjoins the A6, between the dwellings at 630 and 638 Garstang Road, a small proportion is situated within the settlement boundary of Barton, however the remaining area of the site is located within the open countryside as shown on the Policies Map of the Preston Local Plan (PLP).

In 2018 outline planning consent (06/2018/0238) was granted for the erection of 55 dwellings on a section of the application site from Garstang Road to the rear of Woodlands Crescent, with the main vehicular access to these approved dwellings to be taken from Woodlands Way to the south, as well as a vehicular access point directly off the A6 serving two dwellings fronting this highway.

### 3.2 **Proposal**

This application seeks outline consent, with all matters reserved except for access, for the erection of up to 151no. dwellings and a community building on the above-mentioned land. Vehicular access would be taken directly from the A6, between the dwellings at 630 and 638 Garstang Road. In order to facilitate this proposed access a section of hedgerow and three trees would have to be removed and an existing pedestrian refuge relocated on the highway.

The illustrative site layout provides an indication of how the site could be developed with the dwellings principally laid out along a main estate road, with a number of tributary side roads providing access to small clusters of properties. A potential pedestrian footpath link is proposed connecting to Woodlands Way to the south, and the plan shows a pedestrian trail flanked by vegetation along the northern, eastern and southern boundaries of the site.

The Planning Statement submitted with the application indicates there would be 53no. affordable dwellings equating to 35% on site provision and that the residential development would be implemented in two phases.

The submitted application includes the provision of a community building and its potential location is shown on the illustrative plan, and the Planning Statement comments that this would be provided within phase two of the development. In addition to this community building, and the above mentioned pedestrian trail, the illustrative plan shows the provision of two children's play areas and various other areas of other informal public open space across the site, as well as new tree planting throughout and retention of existing trees where possible.

### 3.3 **Relevant planning history**

06/2018/0238 – Outline planning application for 55no. dwellings and associated works (access applied for only) (resubmission of 06/2016/1207) – Approved September 2018

06/2016/1207 – Outline planning application for 55no. dwellings and associated works (access applied for only) – Refused July 2017 – Appeal withdrawn

### 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 14 - Education  
Policy 17 - Design of new buildings  
Policy 21 – Landscape character areas  
Policy 22 - Biodiversity and geodiversity  
Policy 27 - Sustainable resources and new developments  
Policy 29 - Water management  
Policy 31 - Agricultural land

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

Policy AD1(b) - Small scale development within existing villages (including the development of brownfield sites)  
Policy HS1 - Allocation of housing sites  
Policy HS3 - Green infrastructure in new housing developments  
Policy ST1 - Parking standards  
Policy ST2 - General transport considerations  
Policy EN1 - Development in the open countryside  
Policy 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

**3.5 Consultation responses**

Waste Management – No objection in principle but note that crews do not access private land, private and shared driveways or private roads.

SABIC UK Petrochemicals Ltd – No objection.

National Air Traffic Services – No objection.

Designing Out Crime Officer – Should be designed to achieve Secured by Design accreditation.

Parks and Street Scene (Landscaping) – The proposal would be harmful to the character of the open countryside and result in the loss of mature trees/hedgerow along the A6 frontage.

Parks and Street Scene (Trees) – No objection. It is unclear which trees/hedges are being removed. The potential removal of a relatively high volume of hedgerows and trees could have an adverse impact on the surrounding area. It is therefore recommended as many of the Category A and B trees are retained where possible. It is however noted that the proposed Landscaping Plans show extensive planting throughout the site in order to compensate for the tree/ hedgerow loss.

County Education – The development would be required to provide a financial contribution towards school places which would be confirmed at the reserved matters stage.

County Highways – No objection. Following the submission of additional information the applicant has demonstrated a safe and suitable access to the site can be achieved for all people, and sustainable means of transport to support the NPPF. Conditions and financial contributions in respect of improving sustainable forms of transport in the area, monitoring of a Travel Plan and upgrading of the northbound bus stop (in the vicinity of 709 Garstang Road) are required.

Greater Manchester Ecology Unit – no objection, recommend conditions covering Reasonable Avoidance Measures (RAMs) for amphibians, inspection of any trees for bats prior to works, badger protection measures, tree protection in accordance with BS 5837:2012, biodiversity enhancement and works to trees and hedges are undertaken outside of bird nesting season.

Environmental Health – No objection. As per the recommendations of the Phase I Land Contamination Assessment a condition requiring that an intrusive Phase II Site Investigation should be undertaken. In respect of noise, any reserved matters application should include a noise impact assessment to ensure that the proposed community building shares an acceptable relationship with nearby residents.

Lead Local Flood Authority – No objection subject to condition requiring final sustainable drainage scheme be submitted.

United Utilities – No objection subject to conditions requiring development in accordance with the submitted flood risk assessment and for a management and maintenance plan.

County Archaeology – No objection. An historic Roman road runs through site and a condition requiring a programme of archaeological work has been recommended prior to commencement of works at site.

Ben Wallace MP has objected to the application on the following grounds:

- The site is not allocated for development and lies outside the defined settlement boundary of Barton on land recognised and protected as open countryside in the Local Plan;
- The development of this site for 151no. dwellings would have a greater detrimental

impact on the rural character of the village, than the previously approved 55no. dwellings, and result in the loss of open countryside;

- Extending the settlement boundary would create a sprawl of development in this area;
- The proposal would have an unacceptable impact on the safety of vehicles using the A6 corridor, given the existing issues of speeding through the village;
- There are no exceptional circumstances which should allow the Local Plan to be disregarded and its provisions should be upheld.

Barton Parish Council object on the following grounds:

- Insufficient highway capacity on the A6 for the additional vehicle movements associated with this development;
- Suitability of the proposed junction onto the A6;
- Loss of open countryside would detract from rural character of the village and landscape, contrary to Policies 13 and 21 of the Core Strategy;
- Unsustainable location with low accessibility to jobs, shops and services;
- A Landscape Visual Impact Assessment should have been submitted;
- Barton is a rural village and the development of this site for 151no. dwellings is contrary to Core Strategy Policy 1 and Local Plan Policy EN1;
- The Barton Village Neighbourhood Plan Group are in the process of producing a neighbourhood plan and more time is required to develop this plan so that development can be directed to where it is needed;
- Scheme does not provide benefits in terms of paragraph 11 of the NPPF;
- Topography of land raises questions as to whether sections of the site can be developed;
- A similar application was refused for residential development in Broughton (ref:06/2018/1297) by the Council on the grounds that the development of the site was considered contrary to the Core Strategy, the Local Plan and Broughton Neighbourhood Development Plan.

49 objections have been received. The comments raised can be summarised as follows:

- Lack of local amenities to accommodate an additional 151no. dwellings;
- Impact on highway safety, including increased congestion and addition of a new junction on the A6;
- Over development/ inappropriate expansion of the village impacting on its character
- Concern over creation of dust and dirt during development;
- Impact on surrounding countryside, loss of greenfield land;
- Air pollution from additional cars;
- Impact on local wildlife and ecology, survey submitted undertaken at wrong time of year;
- Loss of trees;
- Noise impact;
- Use of green field land rather than brownfield;
- Light pollution;
- Safety and security impact on existing residents;
- Increased flood risk, topography inappropriate for drainage, proposals build over

- land capable of soaking up rain water;
- No sewer capacity;
- Impact on neighbouring amenity;
- Community facility proposed in wrong location;
- Proposals do not accord with Core Strategy Policies 1, 13 and 21 and Preston Local Plan Policy EN1;
- Cumulative impacts of this and other developments on Barton;
- Lack of school provision;
- Lack of industry or jobs;
- Any development must provide pedestrian/cycle access between south and north of the village;
- Development should be either affordable homes or single storey dwellings for the elderly;
- Apartment blocks would be inappropriate at this site;
- Blocks of apartments would be out of keeping with the existing neighbourhood.

The following objections were also raised but are not material planning considerations and as such will not be considered further:

- Application is opportunistic and speculative;
- The applicant already have a number of local unfinished sites with unsold homes, and therefore there is no demand for additional housing;
- Existing development should be completed and their impacts understood prior to further development being approved;
- Homes remaining unsold, no demand for housing;
- Application is counterproductive to the establishment of a Barton Neighbourhood Plan;
- Loss of views of countryside for existing residents;
- Loss of views from local footpaths;
- Would affect existing property values;
- Access for 151no. dwellings from Woodlands Way is not suitable (NB access from Woodlands Way is not proposed as part of this application).

5 letters of support have been received raising the following:

- Improved access over approved scheme;
- Provision of a community centre;
- Boost to housing supply;
- This location holds a lot of potential to cycle or take the bus to work;
- Indicative layout plan includes plenty of open space.

The applicant has submitted representations to this planning applications, which require careful consideration. This will take place in the lead up to the committee meeting on 13th February 2020. The representations received will be considered and addressed in late changes, to ensure that the comments received have been given due consideration before a decision is made.



### 3.6 Analysis

#### Principle of development and impact on the Open Countryside

The vast majority of the application site is defined as open countryside, falling outside but adjacent to the defined village boundary of Barton. The purpose of the village boundaries is to distinguish between the built-up elements of the village and the surrounding countryside, as identified on the Policies Map of the Adopted Preston Local Plan.

Core Strategy (CS) Policy 1 relates to all types of development and seeks to focus growth and investment on well located brownfield sites, identified strategic locations and other main urban areas, and other defined places, whilst protecting suburban and rural areas. The hierarchical sequence for locating development puts other places, including smaller villages (such as Barton), at the bottom of the hierarchy and in such locations development is expected to be small scale and limited to appropriate infilling, the conversion of buildings and proposals that meet local need, unless there are exceptional needs for a larger scale redevelopment scheme. The vast majority of the application site is located within the open countryside, with the exception of a small section where the access would be created of the A6 which is within the settlement boundary of Barton, and the proposed development of this site for up to 151no. dwellings, including a community building, is not considered to be small scale in the context of the neighbouring Barton village, would not represent an infill development and would not constitute redevelopment, conversion or development that meets a local need. Whilst the area east of the proposed entrance, and to the north of existing dwellings on Woodlands Way and Woodlands Crescent, has outline permission for 55no. residential units, the principle of a residential led development on the application site would be contrary to the hierarchy of locations for focussing growth and investment, and is therefore contrary to CS Policy 1.

Preston Local Plan (PLP) Policy EN1 seeks to protect areas of open countryside from unacceptable development which would harm its open and rural character, and limits development to that which is needed for the purposes of agriculture or forestry, other appropriate rural uses, the re-use or re-habitation of existing buildings or infilling within small groups of buildings within smaller rural settlements. The supporting text to Policy EN1 states that it is important that these areas (of open countryside) are protected from unacceptable development which would harm its open character.

As mentioned above, the majority of the application site is defined as of open countryside, with the exception of a small section of the site fronting Garstang Road (where the proposed access is to be created) which falls within the Barton village boundary. 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, or represent infilling. As such the proposal would not comply with Policy EN1 of the Adopted Preston Local Plan 2012-26.

PLP Policy AD1(b) permits small scale development only within existing villages, including Barton, 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. Whilst the vast majority of the application site is located within the open countryside, a small section where the access

would be created off the A6 is within the settlement boundary of Barton and therefore this policy is considered relevant. However, the proposed development for 151 dwellings and a community building is not considered to be 'small scale' and as such the proposal is also contrary to PLP Policy AD1(b).

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

The submitted agricultural report identifies the application site as predominantly Grade 3b quality, with small areas of Grade 4 and possible limited areas of 3a, and therefore the site is only considered to be of moderate quality and would not lead to the loss of the highest value of agricultural land. The application would not therefore conflict with CS Policy 31.

In specific respect of the proposed community building, whilst its siting on land within the open countryside is also contrary to Policy 1 of the Adopted Core Strategy and Policy EN1, Policy 25 of the Core Strategy seeks to ensure that local communities have sufficient community facilities provision and the sub text within the CS states that community centres act as a focus of community activity and contribute towards community cohesion. The submitted Planning Statement details how the proposed community building would provide opportunities for both existing residents of Barton, and the proposed residents of this development, to access additional community facilities such as indoor sports provision, performances, meetings and rooms for hire for parties and events.

It is acknowledged that there may also be potential commercial benefits for the applicant in providing such a community facility on site, including potential income from renting out the building and also making the proposed dwellings more marketable with such a facility in the vicinity. However there are also potential benefits to the community that will be able to use this facility, both potential residents of this development and also existing residents in the area.

Nevertheless, it is considered that no weight can be given to the benefits of the proposed community building when considering this application as the submission does not identify a specified need for such a community building in this location. Furthermore, whilst the siting, design and hours of use of the proposed community building could be dealt with at reserved matters stage, a lack of information has been provided at this stage in respect of the size of the building, its specific use, when the community building will be built, who will manage/own the building, how it will be potentially transferred to a new owner/tenant etc... It is accepted that some of these issues could be secured as part of a Section 106 Obligation, however since the application was recommended for approval by Members in October 2019 the Council and the applicant have not been able to come to an agreement in respect of the securing the future of the community building within the Section 106 Obligation and the Council have advised the applicant to provide further information in respect of this as the Council would not be willing to take on the future responsibilities of managing and operating this Community Building.

In summary of the above, the principle of the proposed development at this site would be contrary to Policy 1 of the Adopted Core Strategy and Policies EN1 and AD1(b) of the Adopted Local Plan. The development would however not conflict with Policy 31 of the

Adopted Core Strategy. The acceptability of the proposed development is therefore considered against material considerations which are discussed further within this report.

### Housing provision

Policy 4 of the Core Strategy seeks to deliver a total of 22,158 new dwellings across the three Central Lancashire districts during the plan period of 2010-2026. The policy sets the minimum of 507 dwellings per annum for Preston. Policy 4 also seeks to ensure that at least 70% of new housing developments are located on brownfield sites. Paragraph 73 of the Framework states that local planning authorities should identify a supply of specific deliverable sites to provide five years' worth of housing against their housing requirements set out in adopted strategic policies, such as Policy 4, or against local housing need where the strategic policies are more than five years old (unless the strategic policies have been reviewed and found not to require updating) with an additional buffer of 5% to ensure choice and competition in the market for land. Paragraph 11 of the Framework states that the presumption in favour of sustainable development means local planning authorities should approve development proposals that accord with the development plan without delay.

In December 2019 the Planning Inspectorate issued its decision in relation to an outline planning application for a housing development within the administrative area of South Ribble (Appeal Ref: APP/F2360/W/19/3234070). The Inspector dismissed the appeal, and, in doing so, undertook a comprehensive analysis of the housing land supply position in South Ribble, which applies equally to Preston.

The Inspector's conclusions on housing land supply are clear. At paragraph 37 of the decision she indicates, having regard to paragraphs 33, 73 (and footnote 37) and 212-213 of the Framework, as well as paragraph 062 (Reference ID: 61-062-20190315) of Planning Practice Guidance, the housing requirement contained within Policy 4 is out of date on several counts, as follows;

- I. The policy is over five years old.
- II. The 2017 Memorandum of Understanding (and the Strategic Housing Market Assessment leading up to it) did not properly constitute a review of Policy 4.
- III. The significant change resulting from the introduction of the standard method in the 2018 Framework.

The Inspector goes on to conclude, at paragraph 39 of the decision, that the standard method of calculating local housing need should be used for the purposes of the appeal. The Inspector also indicates, at paragraph 33 of the decision, she was satisfied that if Preston applied the standard method to its housing requirement now, it too would be able to demonstrate a five year supply. Officers agree that if this Council applied the standard method the minimum annual local housing need figure for Preston would 241 dwellings per annum. Against this minimum annual local housing need figure, the Council can currently demonstrate a five year supply of deliverable housing land when account is taken of completions and planning permission granted up to 1 April 2019.

In view of this, the development plan policies which are most important for determining the application can be afforded full weight. For decision taking this means (in accordance with paragraph 11c) of the Framework) approving development proposals that accord with an

up-to-date development plan without delay. Paragraph 12 of the Framework states where a planning application conflicts with an up-to-date development plan (including neighbourhood plans that form part of the development plan), permission should not be granted.

#### Impact on landscape character and visual amenity

The Framework states that the intrinsic character and beauty of the countryside should be recognised, with the planning system contributing to and enhancing the natural and local environment. However the NPPF does not seek to protect all countryside from development; rather it concentrates on the protection of “valued” and “distinctive” landscapes and seeks to encourage development on previously developed land.

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

The proposed site is made up of agricultural fields bounded by hedging with a few dispersed trees and is not a protected landscape. The existing landscape is however in keeping with the wider rural countryside around Barton Village and although the development would lead to the loss of agricultural land it would be located directly adjacent to existing Barton village boundary, forming an extension which would project eastwards a similar distance to the most eastern part of the existing settlement boundary to the north (almost in line with residential properties on Forest Grove). As such the development of this site would represent an extension of the existing built form rather than creating an isolated and detached development within the open countryside.

The submitted Planning Statement states that the site is “unremarkable” in landscape terms, being relatively flat with no significant tree coverage as a result of its agricultural use. It is also noted that the site itself does not include any public rights of way and therefore public access to the site is limited. There are public rights of way to the south and east of the site, however as a result of existing vegetation situated along field boundaries and within Black Fir Wood, it is considered that views of the application site from these rights of way are fairly limited. Whilst landscape details are not being applied for at this stage, the indicative layout shows landscaping buffers along the northern and eastern boundaries where the development site adjoins fields. Whilst the layout is for illustrative purposes only it does indicate that a transition can be provided between the development site and the rural land beyond and additional planting along the boundary edges of the development site to provide screening could be considered at reserved matters stage. The Council’s Landscape Architect has raised concerns with this proposal, commenting that the site forms part of the ‘Undulating Lowland Farmland’ landscape and this would be impacted by the proposal. The Landscape Architect also comments that a number of mature trees and established hedgerows would be lost along A6 frontage to allow for the access.

In respect of the above, whilst the site is in agricultural use, it comprises six fields with a number of these having boundary trees and hedges. As the application is in outline form the final layout and landscaping scheme is yet to be decided and this would be considered

at any subsequent reserved matters application, as well as exactly which trees and hedging would be retained within the site. Nevertheless it is acknowledged that some sections of trees and hedging within the site would need to be removed in order to provide access through the site. The indicative plans shows that sections of existing vegetation can be retained, as well as the provision of formal and informal public open space, ponds and significant scope for new tree planting throughout the site to compensate for any loss, particularly within the landscaped buffer areas on the edge, and this would form part of any reserved matters application.

In order to provide the proposed access off the A6 a section of hedgerow and some trees along this frontage would need to be removed. The proposed access plan details how three trees along this frontage would be retained (2 x B category and 1 x C category) and four trees would have to be removed (1 x category B and 3 x category U), as well as a section of the hedgerow. The loss of a category B tree would not normally be supported, however the extant permission for 55no. dwellings includes a vehicular access for two dwellings onto the A6 and this extant permission would also result in the loss of the same four trees that would be removed as part of this application. As such the principle of removing these trees has been established as part of the previous approval. Furthermore, it is not considered that the trees to be removed are worthy of protection under a TPO and as mentioned earlier there is scope for new planting within the development to mitigate for their loss. Should this application be recommended for approval a condition would be added requiring the trees shown to be retained on the access plan be enclosed with protective fencing prior to and during construction works.

A section of Black Fir Wood encroaches into the south eastern corner of the site and the trees within this woodland are covered by a Tree Preservation Order (TPO/1951/0001). The indicative proposals show the retention of this wooded area.

In summary, the indicative layout proposes landscaping buffers adjacent to the neighbouring agricultural land and although some existing trees and hedging would inevitably be lost, this could be dealt with at reserved matters stage and the indicative submission demonstrates that a scheme could be appropriately developed to retain and provide an appropriate transition from the built development to the open countryside, including compensatory landscaping to offset the loss of any existing hedging and trees in accordance with Core Strategy Policy 13 and 21.

#### Affordable housing

Policy 7 of the Adopted Core Strategy seeks to ensure on-site affordable housing provision of 30% within urban areas and of 35% in rural areas subject to such matters as financial viability and contributions to community services. The threshold for that provision is 15 dwellings in the urban parts of Preston and 5 dwellings in rural areas. The Central Lancashire Supplementary Planning Document 1: Affordable Housing states that where an element of affordable housing is required, at least 70% of the units shall be social rented or affordable rented, unless the Council is satisfied that an alternative mix meets an independently assessed proven need and agrees to such alternative provision. The SPD goes on to say that affordable properties within residential developments should be dispersed to promote integration, mixed communities and to minimise social exclusion.

The application is accompanied by a Planning Statement that includes an Affordable Housing Statement which states that the proposed development would provide 35% on-site affordable housing, which would equate to up to 53no. dwellings. In respect of tenure mix, the applicant has confirmed that once matters progress towards reserved matters, in the event that outline permission is granted by the Council, they will approach Registered Providers on the basis that 70% of the affordable units would be social rented or affordable rented in the accordance with Council Policies. The provision of the affordable dwellings would be secured by a Section 106 Obligation. Subject to this agreement, it is considered the application would accord with Policy 7 of the Core Strategy and the Affordable Housing SPD.

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

The proposed development would be served by a new priority junction from the A6, with a right turn lane, and this would require the existing pedestrian refuge island to be relocated north of this new junction. This information is provided on the amended access plan and the County Engineer is satisfied that the geometry and design of this junction is safe and suitable for all potential users.

With regard to highway capacity, the County Engineer has commented that there are ongoing concerns in respect of the A6 corridor and the Local Highway Authority undertook reviews (January 2019) of previous junction modelling and traffic growth forecasts following highway improvement works in the area. This review has been further assessed (August 2019) and the analysis indicates that the level of traffic associated with this development could be accommodated within the delivery of the Preston Western Distributor (M55 Jct. 2) and consequently the development would be acceptable. As such the County Engineer

concludes that the traffic impacts of the current application would be acceptable strategically and no objection is raised.

In respect of accessibility and sustainability, the County Engineer has commented that most of the development site is located within 400m walking distance of the bus stops on Garstang Road, which provide regular services to Preston, Garstang, Blackpool and Lancaster, therefore offering a sustainable form of travel. The County Engineer has requested that the developer make a financial contribution towards the upgrade of the northbound bus stop (in the vicinity of no. 709 Garstang Road) to full mobility standard, including a shelter, in order to encourage use of the bus service. The applicant has agreed to this.

In terms of walking and cycling, the County Engineer states that the local area is not particularly well served, with sections along the A6 where the footway provision is poor with few crossing facilities, and advisory cycle lanes on the A6 are intermittent and fail to provide continuous routes to secondary school and employment destinations. As part of A6 corridor study by the Highway Authority, infrastructure and development improvements have been identified in respect of cycling and walking in this area, and the developer has agreed to provide a financial contribution of £100,000 towards sustainable transport infrastructure on the A6 corridor within Barton, and towards Broughton. This contribution would be used to improve/extend cycle lanes, footways and crossings as a way to make walking and cycling a realistic choice for residents of this development site, and thereby encouraging more sustainable forms of transport to reduce the need to travel by car.

The County Engineer has also requested the development provide a Full Travel Plan, which could be secured by condition, and a commitment from the developer to ensure appropriate funding is available to support measures and targets within the agreed Travel Plan. The developer has confirmed their acceptance of this which would be incorporated into the Section 106 Obligation.

In view of the above the County Engineer raises no objection to this application, subject to the imposition of conditions and the financial contributions detailed above being secured within the Section 106 Obligation if this application was to be recommended for approval. The proposal is therefore considered to accord with the requirements of CS Policies 2 and 3, as well as PLP Policy ST2 and the Framework.

### Design and layout

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

Policy EN9 of the Adopted Local Plan states that all new development proposals should be designed with regard to the principles set out and explained in the Central Lancashire Design Guide SPD, which are movement and legibility; mix of uses and tenures; adaptability and resilience; resources and efficiency; architecture and townscape. The policy states applications will be approved where they accord with the Design Guide SPD, Core Strategy, national policy and CABE (Commission for Architecture and Built

Environment) guidance; make a positive contribution to the character and local distinctiveness of the area; and are accompanied by a satisfactory Design and Access Statement that fully explains and justifies the design approach for the scheme.

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

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, and the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Although the application is in outline form, with design, appearance, layout and scale reserved for later consideration, the basic design principles can at this stage be appropriately assessed. The application is accompanied by a Planning Statement and an indicative layout plan showing the potential siting of the proposed dwellings, community building and areas of open space (formal and informal). This indicative plan illustrates a strong green edge to the development along boundaries with neighbouring fields and whilst the provision of 151 no. dwellings on 9.5 ha of land would equate to a low density of approx. 16no. dwellings per hectare, this is in keeping with the semi-rural character of this area which consists of detached and semi-detached properties with substantial residential curtilages. Furthermore the relatively low density of development does not take into account the provision of the community building and its surrounding car parking and play areas on the site.

Overall the submitted information in respect of the proposed layout demonstrates that the level of development proposed could be accommodated on this site, subject to a reserved matters application which would develop this layout and design for further consideration. As such, whilst full details would be provided at reserved matters stage, it is considered that the details provided comply with Policies 5 and 17 of the CS and Policy EN9 of the LP.

#### Impact on residential amenity

Policy 17 of the Core Strategy and Policy EN9 of the Adopted 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 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

As the application is in outline form with all matters reserved except access, issues relating to impacts on privacy, overlooking, loss of light and overshadowing cannot be fully assessed at this stage. The indicative plan demonstrates that the proposed development could be satisfactorily accommodated on site without having any unacceptable adverse impacts on the amenities of properties which border the site. On this basis, it is considered the proposed development would not conflict with the above policies or the Framework.



The Council's Environmental Health Officer has raised no objection to this proposal, however does advise any reserved matters application include a noise impact assessment to establish measures to be put in place to ensure that the use of the proposed community building shares an acceptable relationship with nearby residents. In view of the above, whilst further details would be required at reserved matters stage, it is considered that the details provided comply with Policy 17 of the CS and Policy EN9 of the LP.

#### 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 seeks to manage and improve environmental resources through the protection and enhancement of the natural environment. 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.

Policy HS3 of the Adopted 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 states 'access to high quality open spaces and opportunities for sport and recreation make an important contribution to the health and well-being of communities'. It advises that Local Planning Authorities should seek to protect and enhance public rights of way.

Whilst final details of open space provision would be secured at reserved matters stage, the indicative site layout plan indicates substantial areas of the site could be allocated for open space consisting of semi-natural greenspace, amenity greenspace, community facilities including children's play areas and the aforementioned pedestrian trail around the north, south and eastern boundaries of the site adjacent to neighbouring agricultural land.

The timescales for implementation, maintenance and management of the areas of public open space could be secured by a Section 106 Obligation should planning permission be granted. Subject to further reserved matters submissions and conditions the proposal has demonstrated a capacity to satisfy the principle of Policies 17, 18 and 24 of the Core Strategy and Policy HS3 of the Adopted Local Plan.

#### 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 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 agreement will be used to mitigate the impact.

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

The application is accompanied an Ecological Impact Assessment which establishes the ecological conditions on Phase 1 (site covered by previous approval) and Phase 2 (additional land included within this application) of the site. The application site is an open grazing field with landscape features limited to boundary hawthorn hedges, a small number of trees across the site with an area of woodland in the south east and five ponds. The report indicates that the majority of site is of low ecological value with the trees and hedges providing greater value than the improved grassland fields. The reports note that the development would retain most of the boundary hedgerows and trees except where the access is proposed in the west. The submitted report, and indicative site layout plan, reference a continuous wildlife buffer zone around the edges of the site, which would connect off-site woodland blocks, retain and enhance existing ponds, and potentially providing greater species-diversity than what is currently present, by the creation of wildflower grasslands, scrub planting and new native trees.

Greater Manchester Ecology Unit have reviewed the submitted information and whilst noting some of the surveys were conducted in 2017 and 2018 are satisfied that the information is sufficiently up-to-date. The potential impact upon Great Crested Newts, amphibians, bats, badgers and nesting birds is noted, however any potential harm could be mitigated through appropriate conditions. As such subject to conditions the proposals would be acceptable in accordance with the above policies and the Framework.

#### Ground conditions

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

Paragraph 178 of the Framework states planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. After remediation, as a minimum the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

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

The application is accompanied by a Phase I Geoenvironmental Assessment which establishes a Phase II Geoenvironmental Assessment will be required at the appropriate stage. The Environmental Health Officer agrees to the findings of the report and raises no objections to the proposal subject to a condition requiring an intrusive ground investigation to be undertaken. The results and recommendations of this report would then be submitted to the Local Planning Authority for approval prior to commencement of development and dependant on the recommendations of this assessment, a Method Statement, Remediation Strategy and Validation Report may also need to be submitted to verify that the site has been effectively remediated. This could be controlled by condition in accordance with Policy EN7 of the Adopted Local Plan and the Framework.

#### Air quality

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

The site does not fall within an Air Quality Management Area and the Environmental Health Officer has raised no objections to the scheme in terms of its impact on air quality. To encourage the use of alternative fuels and improving the air quality of the city, it is considered a condition could 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 Adopted Core Strategy.

#### Utilities, flood risk and drainage

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

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

The application site is located in Flood Zone 1 which is identified as within the lowest risk of flooding. The applicant has submitted a Flood Risk Assessment and Drainage Management Strategy prepared by Betts Hydro Consulting Engineers. The submitted report identifies the site as being at 'very low' to 'low' flood risk from the sources of flooding reviewed. The primary source of flood risk is considered to be from surface water where the risk varies from 'very low' to 'medium'. The report concludes that the risk post-development from surface water will be effectively managed through implementation of suitable surface water management infrastructure. To minimise flood risk from surface water it is recommended that natural drainage routes through the site be maintained within the proposals including the existing Ordinary Watercourse.

A number of objections raise concerns regarding drainage in the area both in terms of surface water flood and capacity of the local sewer network. The Lead Local Flood Authority (LLFA) raises no objection subject to a condition requiring a final sustainable drainage scheme prior to development. United Utilities also raise no objection subject to a condition requiring implementation of drainage in accordance with the submitted Floor Risk Assessment and that no surface water should be drained directly or indirectly into the public sewer. Subject to above conditions the scheme would be acceptable in accordance with the above policy and the Framework.

#### Education

Policy 14 of the Adopted 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 based upon the latest assessment, taking into account all approved applications, an education contribution would be required towards primary school places but not secondary school places. As the application is in outline, the precise figure required would be determined at reserved matters stage following the submission of detailed bedroom information becoming available. The applicant has confirmed their agreement to providing the contribution, which would be secured through a Section 106 Obligation should planning permission be granted. As such, the proposal complies with the above policies.

#### Energy efficiency

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

The applicant's submission does not include any details on the energy performance which would be achieved by future development, this however could be controlled by condition in order to comply with Core Strategy Policy 27.

#### Waste management

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

Whilst no details of waste provision have been provided, the indicative site plan indicates there would be sufficient space to the rear of the proposed dwellings to accommodate

waste and recycling facilities. To ensure adequate provision is made for waste and recycling, details will be required at reserved matters stage. Subject to these details, it is considered the proposal would comply with the National Planning Policy for Waste.

#### Planning obligations

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

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

The financial contributions toward the provision of school places, bus stop improvements, improving sustainable transport provisions in the vicinity, monitoring of a Travel Plan, the delivery of on-site affordable housing and open space are considered to be necessary to make the development acceptable in planning terms, are all directly related to the development and are fairly and reasonably related in scale and kind to the development. The obligations meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended). Should the application be recommended for approval the applicant would need to enter into a Section 106 Obligation in respect of the above.

As mentioned earlier in this report the size, use, timescales for implementation and future management and potential transfer of the community building would also need to be secured as part of any legal agreement.

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

Updated highways plans and details submitted to address County Highways concerns, and details of trees to be retained along A6 frontage.

### **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.

This application was considered by the Planning Committee on 3rd October 2019, recommended for approval. At that time the application was recommended for approval because the Council could not demonstrate a five year supply of deliverable housing land. In this case the policies most important for determining the planning application, namely Core Strategy Policies 1 and 4 and Local Plan Policies EN1 and AD1(b), were considered to be out of date (carrying little weight) and it was considered, in applying the titled balance, that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development. The Committee resolved to approve the application subject to conditions, and a Section 106 Obligation being secured for financial contributions towards the provision of school places and improving sustainable forms of transport in the area, including the monitoring of the Travel Plan, provision of affordable housing on-site, and securing the future management and

maintenance of the on-site open space and proposed community building.

Following an appeal decision on 13th December 2019 in the administrative area of South Ribble, a Council which shares its housing supply policy, being Core Strategy Policy 4, with Preston and Chorley, the Council is satisfied that it can apply the standard method to its local housing need, meaning that it can demonstrate a five year supply of deliverable housing land. In view of this, it is considered the Committee should consider the planning application afresh before a decision is issued because the policies of the development plan most important for determining the application need not be considered to be out-of-date and therefore carry full weight, hence the tilted balance referred to above would not apply. The planning application has been reconsidered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which is a standard planning balance.

Statutory consultee comments and representations have been received which have been carefully considered and taken into account as part of this planning application. The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield, allocated sites, sites within key service centres and other defined places, contrary to Core Strategy Policy 1. The proposed development is not the type of development deemed permissible under Policy EN1 and the loss of open countryside for the development proposed is therefore contrary to this policy. As a small section of the site is located within the settlement boundary of Barton Policy AD1(b) is also relevant, however the proposed development is not considered to be small scale and therefore conflicts with this policy. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan (including neighbourhood plans that form part of the development plan), permission should not be granted.

With the exception of the vehicular access the application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would not result in the loss of a valued or distinctive landscape and would deliver 35% on site affordable housing, include open space and provide sustainable access to local services. The proposed dwellings would be energy efficient and be supplied with electric vehicle charging points. There would be no unacceptable harm to protected species and their habitats due to mitigation measures that could be secured by condition, and the proposal would potentially help to improve biodiversity. Any harm arising from potential contamination and flood risk could be mitigated by condition. Furthermore, the education and highways impacts of the proposed development could be successfully mitigated by conditions and/or planning obligation. Whilst these are considered to be benefits resulting from the proposed development, the majority of these benefits are generic and no more than would be expected from any major housing development, and as such they attract limited positive weight, which accords with the Inspector's approach at paragraph 95 of her decision.

No weight can be given to the potential community building. The applicant has not identified any specific need for this facility in this location. Furthermore there can be no guarantee that this community building will be provided, as the Council and the applicant

have not been able to reach an agreement in respect of the securing the future of the community building within the Section 106 Obligation since the application was recommended for approval in October 2019.

Whilst the above demonstrates that the proposed development could achieve some of the three overarching objectives of sustainable development (Paragraph 8 of the Framework), they are not criteria against which every decision can or should be judged. Paragraph 10 of the Framework states that at the heart of the Framework is a presumption in favour of sustainable development. However paragraph 12 of the Framework states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. As stated above the planning application conflicts with the Council's up-to-date development plan, in such circumstances permission should not be granted. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be refused.

### **3.9 Recommendation**

Refusal