

<b>Reporting to Planning Committee Meeting to be held on: 3rd December 2020</b>	<b>Electoral Ward Affected Preston Rural North</b>
<b>Report submitted by: Director of Development and Housing</b>	
<b>Application Number: 06/2020/1002</b>	

## **1 Summary**

### **1.1 Land north of Jepps Lane, Barton**

Outline planning application seeking approval for access only for residential development up to 125no. dwellings (all other matters reserved) (resubmission of 06/2019/0866)

**Applicant** Story Homes

**Agent** N/A

**Case Officer** Robert Major

## **2 Decision recommended**

Refusal

### **2.1 Reasons for Refusal**

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

### **3 Information**

#### **3.1 Location**

The application relates to an almost rectangular shaped field measuring approximately 5 hectares situated immediately to the north of Jepps Lane in Barton. Access is currently obtained off Jepps Lane via a field gate in the south east corner of the field. The existing topography of the site is relatively flat, with a slight slope up from north to south.

The field is defined by mature boundary trees and hedges, with two prominent field trees set in from the western boundary. The trees within the application site, as well as some trees in close proximity to the application site, are protected by Tree Preservation Order (TPO 06/2019). Directly to the north of the site are the buildings associated with Hoole Fold Farm and to the south runs the highway of Jepps Lane, with residential properties situated on the opposite side.

The western boundary is shared with the rear gardens of a number of residential properties on Green Drive, South Grove, St Lawrences Avenue and Long Croft, and these residential streets separate the site from the A6 (Garstang Road) which is situated further to the west. Beyond the eastern boundary of the site are open fields.

There is a Public Right of Way (PRoW) FP1 directly to the north of the application site, through a track which forms part of Hoole Fold Farm and this PRoW connects to FP2 some 300m beyond the eastern boundary of the site. The application site adjoins, but is outside the village boundary of Barton, and therefore is defined as open countryside on the Policies Map of the Preston Local Plan (PLP).

An outline planning application (06/2019/0866) for the erection of up to 125 dwellings on the same site was considered by the Planning Committee on 13th February 2020. Members resolved to refuse the application and the decision was issued in March 2020.

#### **3.2 Proposal**

This application seeks outline permission, with all matters reserved except for access, for the erection of up to 125no. dwellings on the above-mentioned land. This application is a resubmission of the previous refusal (06/2019/0866) from March 2020.

Vehicular access would be taken from Jepps Lane to the south as shown on the submitted access plan. The access plan shows how the new proposed access would be created opposite the dwelling known as Oakfield and would include a 5.5m wide access road with 2m wide footways either side. A dropped kerb crossing would be provided to support pedestrian access from the site to the footway on the opposite side of Jepps Lane. In order to facilitate this proposed access a section of hedgerow would have to be removed, however the plan shows that the existing trees to the east of the access can be retained.

The illustrative site layout provides an indication of how the site could be developed with the dwellings principally laid out in a linear formation with a number of residential streets leading off the main access road. The indicative plan shows four potential areas of Public Open Space, including an arrival green fronting onto Jepps Lane and a SuDS pond in the north west corner. The indicative layout, as well as a separate Tree Retention Plan, also

shows how all trees covered by the TPO could be retained as part of this proposal.

The Planning Statement submitted with the application indicates the proposal would provide 35% affordable units on site.

### 3.3 **Relevant planning history**

06/2019/0866 - Outline planning application seeking approval for access only for residential development up to 125no. dwellings (all other matters reserved) – Refused (March 2020)

06/2010/0436 – Change of use from agricultural land to residential curtilage (part of site) – Refused (August 2010)

### 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 16 - Heritage Assets

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 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 EN8 - Development and Heritage Assets

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

National Design Guide

The Community Infrastructure Levy Regulations 2010 (as amended)

Wildlife and Countryside Act 1981

**3.5 Consultation responses**

Waste Management – No objection in principle however concerns have been raised in respect of the indicative layout proposed as refuse crews do not access private land, private and shared driveways, or private roads and advise that the layout is revised to minimise the length of the driveways. A Waste Management Plan is also requested to be submitted at reserved matters stage and a swept path analysis is to be provided for the access point of the development.

Designing Out Crime Officer – The proposals as submitted in the Design and Access Statement regarding the potential crime impact of the development and proposed security measures are supported. The proposal should be designed to achieve Secured by Design accreditation.

Parks and Street Scene (Landscaping) – No objection. Generally agree with the submitted Landscape and Visual Appraisal, however is concerned with the development of land which is located within the open countryside. If the development of the site is considered to be acceptable existing vegetation should be retained where possible and boundary treatments carefully considered. A full and detailed scheme of landscaping will be required to consider the scheme at reserved matters stage.

Parks and Street Scene (Trees) – No comments received, any comments provided will be reported in late changes.

County Education – No objections. The development would be required to provide a financial contribution towards both primary and secondary school places which would be confirmed at the reserved matters stage.

County Public Right of Way – No comments received, any comments provided will be reported in late changes.

County Highways – No objection subject to the previously agreed financial contributions in respect of improving sustainable transport on the A6, monitoring of the Travel Plan and

upgrade of no.2 bus stops on the A6, the recommended conditions and informatives. The recommended conditions relate to the proposed access/junction, estate road and off site highway works; the construction of estate roads to LCC Specification; future management and maintenance of the proposed streets within the development; wheel cleaning of vehicles leaving the site; an inspection of the local highway network to establish the structural integrity of the highway and an Interim Travel Plan.

Natural England – No objection. Originally requested an updated Shadow Habitats Regulations Assessment (HRA) be submitted, which has been provided by the applicant. Upon receipt and review of the updated Shadow HRA, and the other details submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites.

Greater Manchester Ecology Unit – No objection. No significant ecological issues were identified within the submitted report, and issues relating to bats, nesting birds, Great Crested Newts, invasive species and landscaping can be resolved via condition and/or informative. Support the submitted Shadow Habitats Regulation Assessment.

Environmental Health – No objection subject to the recommended conditions relating to unexpected contamination, air quality and the submission of a Construction Environmental Management Plan (CEMP).

Lead Local Flood Authority – No comments received, any comments provided will be reported in late changes

United Utilities (UU) – Following review of the submitted Flood Risk Assessment and Outline Surface Water Drainage Strategy (Ref: 881531-R1(03)-FRA, Rev: 3, Dated: 01.05.19) the proposals are unacceptable in principle to United Utilities. Therefore, it is recommended the Flood Risk Assessment and Drainage Strategy is updated and until this time conditions relating to the submission of a surface water drainage scheme and separate foul and surface drainage systems are recommended. Additionally, UU has commented that there is a water mains in the vicinity of the proposed development site and the applicant should be made aware of this via an informative.

County Archaeology – No objection. Whilst the submitted information somewhat downplays the archaeological potential of the site, it is agreed that the archaeological potential of the site is not so high as to preclude any development. A programme of archaeological works to be submitted with any reserved matters application is recommended.

Barton Parish Council object to the application. The comments are summarised as follows:

- The proposed access directly opposite existing residential accesses on Jepps Lane will cause harm to occupiers of these dwellings opposite and cause severe highway issues;
- Question whether the current junction of Jepps Lane with the A6 is suitable for the volume of traffic expected, and question whether improvements are needed to accommodate the potential new traffic;
- LCC acknowledge that funding is not available at present to deliver the strategy needed to ensure A6 has capacity to support the increase in traffic from new

development. This places pressure on the Parish Council to raise funding and this is not considered to be possible or sustainable in the long term;

- LCC's highways concerns made in relation to the proposed development at Cardwell Farm in 2019 are relevant in the consideration of the application. It unreasonable that the same consideration in respect of that scheme has not been raised in this instance;
- This is not a suitable location for housing and the proposal would be contrary to Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan and the National Planning Policy Framework;
- The Preston Local Plan does not allocate any sites for housing in rural areas such as this and to allocate sites for housing in Barton would contradict the settlement hierarchy. This is an unsustainable approach to development;
- The level of house building in this area is unprecedented and not required;
- The area would benefit from additional services to support the growth of Barton. There are extremely limited services in Barton and services in other villages are beyond acceptable walking distance, no new services proposed;
- No information provided in respect of the use of local employment or contractors;
- Developments of this scale cause disruption including recent issues in Barton with damage to the road surfacing and sewerage;
- The proposal results in the creation of further development beyond the existing village boundary on agricultural field;
- Area already has an increased number of housing in the area and so this proposal offers no social benefits;
- Very little, if any, suggestion of any mitigation measures to protect and enhance the site or any habitats on it have been made;
- Investment in infrastructure in Barton has not increased or improved in line with planning permissions granted in recent years for large housing developments in Barton;
- Whilst it is acknowledged that Barton Parish Council is in receipt of CIL funding, the Parish Council alone with its CIL money cannot provide the necessary infrastructure going forward to support these housing developments in the volume and timescales in which they progress;
- No pressure is applied to developers to support and fund infrastructure for the developments that they propose and this includes provision for suitable and relevant new open space, contributions to existing open space and direct contributions to the infrastructure needs of our local schools;
- Substantial loss of open countryside outside the settlement boundary would create a major sprawl of development into the countryside. The scale of development would significantly detract from the rural character of the area and would be contrary to Policies 13 and 21 of the Core Strategy and the Framework;
- Disagree with the conclusion of the Landscape and Visual Appraisal and consider the development would give rise to major and moderate effects and in visual terms a combination of slight, moderate and major effects;
- Request that a landscaping scheme is submitted at this stage to fully assess the impact and also suggests a full planning application is submitted rather than an outline to ensure a full and true assessment is made. Insufficient information has been submitted to make a full assessment of the landscape impact;

- Impact on residential amenity;
- Insufficient information to assess the full impact on the Public Rights of Way;
- The Barton Neighbourhood Plan is in the process of being produced and this application would be counterproductive to the establishment of the Plan;
- Housing numbers in the village will have increased by 100% if all proposed and approved developments are implemented;
- A planning application for residential development in Broughton was refused (06/2018/297) and this application should be refused for the same reasons;
- Appeal decisions and High Court judgement are noted, each application must be considered on its own merits. Preston City Council have a five year housing supply, and as such this application should not be up for discussion;

Publicity – 104 objections have been received. The comments raised have been summarised as follows:

- Contrary to Local and National Policies;
- Loss and erosion of agricultural land in the open countryside and semi-rural character of the area;
- Inappropriate development beyond settlement boundary;
- Lack of infrastructure in village – schools, doctors, shops, pubs, jobs, leisure facilities etc. Existing schools are at full capacity, Increased demand on NHS;
- No proven housing need for new development, both houses of old and new remain unsold for substantial periods of time;
- This is not infill, it is expansion of the village of Barton;
- Preston must have exceeded its yearly housing figures;
- Overconcentration of houses on this site;
- Disproportionate development in relation to size of village;
- Inadequate access and dangerous location of access. Jepps Lane is narrow and unsuitable for additional vehicles;
- Junction of Jepps Lane and A6 already very busy, particularly at start and end of the school day;
- Increase in traffic, congestion, safety concerns and funds needed to implement traffic management solutions;
- Impact on trees, hedgerows and wildlife/ecosystems;
- Increase in noise, air and light pollution as a result of vehicle movements;
- Lack of footpath and cycling provision;
- Bus service expensive and not frequent enough, no train station in Barton, people will travel by car;
- Transport statement does not include weekends or holiday periods and presents lower peak trip data than a development for 62 houses in 2012;
- Access too close to existing access on opposite side of Jepps Lane;
- Traffic lights required at junction of Jepps Lane with A6;
- Existing drainage and flooding issues on the site, including inadequate sewer system;
- Loss of residential amenity to existing residents and increase in crime;
- The threat of an appeal is not a justifiable reason to approve this application;
- The payment of CIL to the Council makes the whole planning process very

- questionable;
- National housing policy may change;
  - Application should be refused for the same reason as the refusal of James Towers Way, Broughton;
  - Previous schemes refused on the site;
  - Development should be restricted to brownfield sites and not greenfield sites;
  - Disagrees with the conclusions of the submitted Landscape and Visual Appraisal;
  - Concerns over the ability to raise objections/comments in lockdown. The developers have seized an opportunity to push this through in the middle of a pandemic;
  - The development would disturb an ancient Roman Road running from Walton le Dale to Lancaster.

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

- Further creep into the green belt – (*N.B the site is not within the green belt*);
- Reduction in house values;
- If 35% of dwellings will be affordable, that means 81 units are “unaffordable”
- Loss of views;
- Barton has an aging population and many residents will struggle to adapt to the rapid change of the village;
- Trees not owned by applicant may need pruning;
- Additional dog fouling in area;
- If this application is approved the next field will be developed.

### 3.6 **Analysis**

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

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, which include smaller villages (such as Barton), substantially built up frontages and Major Developed Site, at the bottom of the hierarchy and in such locations development is expected to be small scale, and limited to appropriate infilling, the conversion of buildings and proposals that meet local need, unless there are exceptional needs for a larger scale redevelopment scheme. The application site is located outside of the settlement boundary of Barton and is located within defined as open countryside, it is not within a substantially built up frontage or Major Developed Site. The proposed development of this 5ha site for up to 125no. dwellings 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. The principle of residential development on this site would be contrary to the hierarchy of locations for focussing growth and investment, and is therefore contrary to CS Policy 1.



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

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

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

The submitted Agricultural Land Classification report identifies the whole of the application site as Grade 3b quality, 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 summary of the above, the principle of the proposed residential development at this site is contrary to Policy 1 of the Adopted Core Strategy and Policy EN1 of the Adopted Local Plan. The development would however not conflict with Policy 31 of the Adopted Core Strategy. The acceptability of the proposed development is therefore considered against material considerations which are discussed further within this report.

#### Housing provision

In July 2018 the revised Framework was published, which was subsequently updated in February 2019. The Framework, along with revised Planning Practice Guidance, introduced the standard methodology as a mechanism to calculate local housing need. Paragraph 60 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 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.

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. In using the standard methodology the Council accepts that the housing requirement contained within Policy 4 is out-of-date.

At April 2020 the local housing need figure calculated using the standard methodology is 250 dwellings per annum. Against this figure, the Council can currently demonstrate a five year supply of deliverable housing land. The Planning Balance section of this report will consider whether or not the most important policies for determining this application are out of date.

#### 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 application site is an agricultural field bounded by hedging and trees, with two field trees set in from the boundary, however it is not a protected landscape. The existing landscape is however in keeping with the wider rural countryside around Barton village. Although the development would lead to the loss of agricultural land, it would be located directly adjacent to the existing Barton village boundary, forming an extension which would not project beyond the most eastern part of the existing settlement boundary on the opposite side of Jepps Lane to the south (the residential properties on Forest Grove). As such the development of this site would represent an extension and expansion of the existing built form rather than creating an isolated and detached development within the open countryside.

Furthermore the indicative layout shows that existing landscaped features such as the protected trees would be retained, as well as potential areas of Public Open Space within the site. 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 with the inclusion of an arrival green at the southern end of the site, close to Jepps Lane, which sets the built development back from this highway to reduce the visual impact.

The application is accompanied by a Landscape and Visual Appraisal which concludes that the proposal would give rise to a few moderate and slight visual effects, as is the case with nearly all greenfield developments, however these could be overcome and mitigated through a considered landscaping scheme which could integrate the site into the wider landscape setting. This could be achieved through the retention of existing boundary vegetation, along with the supplementary planting of native species.

The submitted indicative plan shows how existing trees would be retained, and if the application was to be recommended for approval a condition would be recommended to ensure that the retained trees are protected during the construction process. Any supplementary planting would therefore form part of any subsequent reserved matters application.

Comments from the Parish Council and objectors in respect of the visual impact of the proposal have been considered, including views from the Public Right of Way. However given that the development site would be bounded by residential properties to the south on Forest Grove, Jepps Avenue and Holmeswood Crescent, to the west by the dwellings on Green Drive, South Grove, St Lawrences Avenue and Long Croft, and the existing buildings at Hoole Fold Farm to the north, it is considered that there is insufficient grounds to refuse this proposal on the grounds of visual amenity.

With specific regard to views from the Public Right of Way to the north, it is accepted that the proposal would increase the amount of built development along this footpath. Nevertheless once users of this footpath have travelled in an easterly direction through the farmstead they will be beyond the proposed development. When travelling from the alternative direction (from the east) the development site would be viewed against the backdrop of the existing residential properties and as mentioned above the application would not extend the built development beyond the most eastern part of the existing settlement boundary at Forest Grove to the south.

In summary, the application site is bound by residential development on two sides, as well as the farmstead to the north, and whilst the development of any greenfield would have a visual impact on the wider area, for the reasons detailed above it is not considered that the visual impact of the loss of this field would be sufficiently harmful to refuse an application on visual amenity grounds. The indicative plan shows that existing trees would be retained and demonstrates that a scheme could be appropriately developed to retain and provide an appropriate transition from the built development to the open countryside in accordance with Core Strategy Policies 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 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 confirms that the proposed development would provide 35% on-site affordable housing, which would equate to up to 44no. dwellings if all 125 units came forward at reserved matters stage. In respect of tenure mix, the applicant has confirmed that this would be considered at reserved matters stage, however there is a policy requirement for 70% of the affordable units to be social rented or affordable. Should the application be approved the provision of the affordable dwellings would be secured by a Section 106 Obligation. Subject to this Obligation, 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 access to be created directly off Jepps Lane. The County Engineer has raised no objection to the proposed access which is considered to be safe and suitable for all potential users.

In respect of accessibility, sustainable transport improvements and general traffic management initiatives, the County Highways Engineer has requested a financial contribution of £157,542.65 which would be put towards improving sustainable transport facilities in the area, including slip road improvement works at the M55 Junction 1 which forms part of the wider A6 Strategy contribution. In addition the County Highways Engineer has requested that the developer provide a contribution of £6,000 towards the monitoring of a Travel Plan and that the developer funds the upgrading of two bus stops on Garstang Road to quality bus stops with new shelters. As part of the previous application (06/2019/0866) the applicant agreed to all of the above contributions which could be included in the Section 106 Obligation, with the exception of the bus stop improvements which would form part of the Section 278 Agreement for off-site highway works. The applicant has however not yet been able to confirm their agreement to the above contributions on this application and an update on this matter will be provided to Members in late changes.

With regard to highway capacity, the County Highways Engineer commented on the previous application 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 was further assessed (August 2019) and the analysis indicated 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 Highways Engineer concluded that the traffic impacts of the current application would be acceptable strategically and no objection was raised. The County Highways Engineer has confirmed that their opinion on the above has not changed in the consideration of this proposal.

It is noted that Barton Parish Council have referred to previous comments provided by County Highways in relation to a separate, but nearby application at Cardwell Farm (06/2019/0752), where County Highways raised concerns with the highway capacity of the A6 corridor and M55 Junction 1. The Parish Council are questioning why County Highways are not raising similar concerns in respect of this application. With regard to this issue, the concerns originally raised by County Highways in respect of the application at Cardwell Farm have subsequently been superseded. County Highways did not object to the application at Cardwell Farm (or the subsequent resubmission – 06/2020/0614), subject to conditions and a financial contribution towards improving sustainable transport along the A6. As such it is considered that County Highways have taken a consistent approach in assessing the Cardwell Farm application(s) and this current proposal.

In addition to the above the County Highways Engineer has also requested that if this application is recommended for approval, conditions relating to the provision of a travel plan, the access and off-site highway works being undertaken in accordance with an agreed scheme, the construction of the estate roads, the submission of a construction management plan (including wheel washing) and the future management and maintenance of streets should be attached to any such approval.

In view of the above the County Highways Engineer raises no objection to this application, subject to the imposition of conditions and the financial contributions detailed above being secured within a Section 106 Obligation and Section 278 Agreement. 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. 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.

Although the application is in outline form, with landscaping, 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 and areas of open space. This indicative plan illustrates an arrival green at the southern end of the site, adjacent to Jepps Lane and the retention of existing trees within the site, including the two field trees which are considered to be of high visual amenity value.

The erection of 125no. dwellings on 5 ha of land would equate to a relatively low density of 25no. dwellings per hectare. Whilst the Framework seeks to ensure that developments make efficient use of land, 25no.dwellings per hectare is in keeping with the semi-rural character of this area which consists of detached and semi-detached properties with substantial residential curtilages. In comparison the residential estates of Jepps Avenue, Forest Grove and Holmeswood Crescent to the south have a housing density of approx. 23 dwellings per hectare, and therefore this is considered similar to the proposed development.

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, full details would be provided as part of any subsequent reserved matters application should this outline permission be approved, 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. Policy AD1(a) of the Adopted Local Plan requires, amongst other things, that the development has no adverse impact on residential amenity. The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

As the application is in outline with all matters reserved 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 a development of this scale could be satisfactorily accommodated on site without having any unacceptable adverse impacts on the amenities of properties which border the site.

In order to ensure the proposal does not have an undue impact upon residential amenity during the construction phase the Council's Environmental Health Officer has requested a condition requiring a Construction Environmental Management Plan (CEMP) be submitted for the approval of the Local Planning Authority prior to the commencement of development.

In view of the above, whilst further details would be required as part of any subsequent reserved matters application, 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 as part of any subsequent reserved matters application, the indicative site layout plan indicates four areas of the site which could be allocated for open space and potentially include some form of play equipment. The timescales for implementation, maintenance and management of the areas of Public Open Space would be secured by a Section 106 Obligations should planning permission be granted. Subject to further reserved matters submissions, any Section 106 Obligations 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 and Trees

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 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. As well as recognising the intrinsic character and beauty of the countryside, including trees and woodlands. 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 by an Ecological Survey and Assessment which concludes that the residential development of the site is acceptable in accordance with national policies and that it is possible to implement reasonable actions for the protection and long term conservation of roosting bats, nesting birds and foraging bats.

Greater Manchester Ecology Unit (GMEU) have reviewed the submitted information and raise no objection subject to the imposition of conditions and/or informatives. Whilst the two field trees are shown to be retained as part of this outline application, GMEU have requested that a condition requiring a bat emergence survey be carried out if these trees are to be removed. Additionally, whilst Great Crested Newts have not been found on site, should this application be recommended for approval GMEU have requested a condition requiring an updated Great Crested Newt survey be undertaken on all ponds within 250m of the site and submitted with a reserved matters application due to the time that will have elapsed between the carrying out of the original survey works and the submission of a reserved matters application (should outline permission be granted).

During the determination of the previous application (06/2019/0866), Natural England raised a concern that there was a possibility that the site, and land to the north and east, could be utilised by non-breeding pink-footed geese and other SPA species during the winter period. Natural England therefore requested that the authority undertake a Habitats Regulations Assessment (HRA), or request that the applicant provide a Shadow HRA to assess the possibility of SPA species utilising the site. The applicant has provided an updated Shadow HRA with this application which concludes that the project would have no significant adverse effect on the integrity and conservation objectives of the relevant identified European designated sites for nature conservation. The Shadow HRA does however recommend conditions be attached to any planning approval requiring a Homeowners Pack to be provided to all occupiers of the proposed dwellings notifying them of the potential for protected species in the area, and a section in the Construction Management Plan (CMP) including details of measures to reduce disturbance to potential SPA species.

GMEU have confirmed that the Shadow HRA is acceptable subject to the mitigation measures contained within being secured by condition (Homeowners Pack and CMP).



Natural England have reviewed the Shadow HRA submitted with this application and raise no objection to the application, commenting that the proposed development would not have a significant adverse impact on designated sites. Having reviewed the updated Shadow HRA, also taking advice from external consultees, the authority adopts the submitted report and consider that the requirements of the Habitats Regulations have been adhered to.

GMEU have also requested conditions requiring a landscape and environmental management plan, and an updated invasive species survey, being provided with a reserved matters application, as well as a condition preventing any vegetation clearance during bird breeding season, should the application be approved. In addition to the above, the submitted indicative layout plan shows four areas of Public Open Space to be provided, including a potential SuDS pond, and it is considered that these would provide an opportunity for ecological enhancements in comparison to the site's existing use as an agricultural field.

In respect of trees, as mentioned earlier there are a number of mature trees situated along the field boundaries of the site, as well as two mature field trees set in from the boundary. These trees are subject to a Tree Preservation Order (TPO) (06/2019) and the proposed indicative layout shows how the site could be developed whilst retaining these trees. The application is also accompanied by a Tree Retention Plan which shows the trees covered by the TPO would be retained. A condition would be attached to any approval requiring all retained trees to be protected in accordance with BS5837 standards.

In view of the above, and subject to conditions if this application was recommended for approval, it is considered that the proposal would comply with Policies 17, 22, EN10 and EN11, as well as 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 and Phase II Geo-Environmental Site Assessment. Environmental Health has reviewed the submission and raises no objection subject to a condition requiring a scheme for detailed investigation, risk assessment, remediation and verification being submitted to the Local Planning Authority should unexpected contamination be encountered by the developer, in accordance with Policy

EN7 of the Adopted Local Plan and the Framework. Such a condition would be recommended if planning were to be granted.

#### 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 Environmental Health has raised no objections to the scheme in terms of its impact on air quality. To encourage the use of alternative fuels and reduce car emissions, it is considered a condition be attached requiring a scheme for the installation of electric vehicle charging points to be submitted should the application be recommended for approval. 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 application includes a Flood Risk Assessment and Outline Surface Water Drainage Strategy. The report details how the proposal would follow best practice regarding site drainage to ensure that any surface water runoff from the development is managed, ensuring flood risk is not increased elsewhere. It is acknowledged that the development of this greenfield site would increase the impermeable surface area on-site, however surface water from the site would be attenuated and stored, before being discharged to the nearby watercourse to the south, subject to third party approval, at a rate which would result in a betterment of the existing scenario.

A number of objections raise concerns regarding drainage in the area both in terms of surface water flooding and capacity of the local sewer network. The Lead Local Flood Authority (LLFA) have not provided any comments on the current application, however raised no objection to the previous submission subject to a condition requiring a final sustainable drainage scheme be approved prior to development commencing. Any comments provided by the LLFA on this application will be reported in late changes. United Utilities have confirmed that the proposals contained within the submitted documents are in principle unacceptable to United Utilities as the information contained within is not in line with the most recent discussions United Utilities have had with the applicant. As such United Utilities have requested a condition requiring a surface water drainage scheme be submitted and approved prior to development commencing, and that

foul and surface water should be drained on separate systems. Subject to above conditions being attached to any approval, 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 and 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. This contribution 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 Planning Statement has a section dedicated to sustainability which states that the properties would be designed to meet the current building regulations with regards to thermal efficiency and energy consumption. However in order to comply with CS Policy 27 the development would need to be constructed with a 19% improvement in comparison to Part L1A of Building Regulations. Subsequently a condition would be attached to any approval to ensure that the proposal would comply with the requirements of 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.

No details of waste provision have been provided with this outline application and whilst Waste Management raise no in principle objection to this proposal, they have raised some concerns in respect of the indicative layout, commenting that refuse crews do not access private land, private and shared driveways, or private roads, in order to collect waste.

Waste Management have also requested that a Waste Management Plan be submitted at reserved matters stage, as well as a swept path analysis be undertaken to demonstrate that refuse vehicles can adequately and safely traverse the development site. These would all be issues that are to be considered at reserved matters stage when the detailed layout is applied for and it is therefore considered the outline application would comply with the National Planning Policy for Waste.

### Employment Skills

Policy 15 of the Core Strategy seeks to improve skills and economic inclusion and the Central Lancashire Employment Skills SPD requires all full or reserved matters applications for more than 30 dwellings to produce an Employment and Skills Plan.

As this is an outline application there was no requirement for an Employment Skills Statement to be provided at this stage. However, in order to allow for local residents to benefit from the employment and training opportunities available during the construction phase of the proposed development a condition requiring an Employment and Skills Plan to be submitted with a reserved matters application would have been added to any recommendation for approval, in accordance with Policy 15 of the CLCS and the Central Lancashire Employment Skills SPD.

### 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 towards the provision of school places, improving sustainable transport provisions in the area, including slip road improvement works at the M55 Junction 1 and the monitoring of a Travel Plan, along with the securement of on-site affordable housing and open space, are all 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 therefore 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.

### Planning Balance

The submitted Planning Statement details how the applicant considers, that regardless of Council's Housing Land Supply position, the tilted balance should be engaged by virtue of the most important policies for determining this application being out of date. The submission details that when the tilted balance was engaged in December 2019 the application was considered to be acceptable and this should now be the case for determining this application. The Council's position on this matter is detailed below:

The assessment as to whether it is appropriate to engage the tilted balance in Paragraph 11(d) of the Framework is comprised of three stages. Firstly, the most important policies for

determining the application must be identified. Secondly, those policies must be assessed to ascertain whether or not they are out-of-date. Thirdly the basket of policies must be looked at to determine if, in the round, it is out-of-date thereby engaging the tilted balance.

The most important policies for determining this planning application are considered to be:

Central Lancashire Core Strategy

Policy 1: Locating Growth

Policy 4: Housing Delivery

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

Policy EN1: Development in the Open Countryside

Core Strategy Policy 1 and Policy EN1 are relevant to the principle of the development proposed. Policy 4 is housing-related and contains the housing requirement figure for Central Lancashire. It has been accepted earlier in this report that Core Strategy Policy 4 is out of date. However, whilst the minimum housing requirement of Policy 4 is out-of-date, it does not follow that other parts of Policy 4 and other most important policies for determining the application are out-of-date. Policy 4 also seeks to ensure, in locations that are in line with Policy 1, that at least 70% of new housing developments are located on brownfield sites. Therefore whilst Policy 4 is, on the whole, considered to be out-of-date, this part of Policy 4 is not considered to be out-of-date.

Core Strategy Policy 1 promotes the spatial strategy for growth across Central Lancashire. For Preston this means focussing growth and investment in the main urban area (comprising of the Central Preston Strategic Location and adjacent inner city suburbs), the Cottam Strategic Site, the North West Preston Strategic Location and the Key Service Centre of Longridge. Policy 1 does not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. Policy 1 is therefore not out-of-date.

Policy EN1 restricts development which takes place in the open countryside to that needed for the purposes of agriculture and forestry (or other rural appropriate uses), the re-use of existing buildings and infill within groups of buildings, as well as development permissible in other policies contained within the Local Plan (namely Policies HS4 and HS5). Given the local housing need in Preston (250 net additional homes per annum) is currently substantially below the housing requirement contained in Policy 4 (507 net additional homes per annum), it is clear that more than sufficient land has been allocated in the current Local Plan to meet the local housing need. Policy EN1 does not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. As a consequence, the rural settlement boundaries do not need to be reconsidered at this time and remain relevant and up-to-date. Policy EN1 is therefore not out-of-date.

Accordingly the tilted balance is not engaged.

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 development plan is the starting point in that determination, and that determination must be in accordance with the development plan unless material

considerations indicate otherwise.

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

An updated Habitats Regulations Assessment has been provided upon the request of Natural England.

### 3.8 **Conclusions**

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

Statutory consultee comments and representations have been received which have been carefully considered and taken into account as part of this planning application. The 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. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan (including neighbourhood plans that form part of the development plan), permission should not be granted.

The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would not result in the loss of a valued or distinctive landscape and would deliver 35% on site affordable housing, include open space and provide sustainable access to local services. Subject to the imposition of conditions 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. 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, that the majority of these benefits are generic and no more than would be expected from any major housing development, and as such they attract limited positive weight.

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

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be refused.

**3.9 Recommendation**  
Refusal