

Reporting to Planning Committee Meeting to be held on: 13th February 2020	Electoral Ward Affected Preston Rural North
Report submitted by: Director of Development	
Application Number: 06/2019/0866	

1 Summary

1.1 Land to the north of, Jepps Lane, Barton, Preston

Outline planning application seeking approval for access only for residential development up to 125no. dwellings (all other matters reserved)

Applicant Story Homes

Agent PWA Planning

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

This application was considered by the Planning Committee on 5th December 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Framework states that the development plan policies most important for determining applications for new housing are out of date, hence the policies carry limited weight and requires the titled balance, set out in paragraph 11d, to apply to the consideration of those applications.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the planning application, namely Core Strategy Policies 1 and 4 and Local Plan Policy EN1, were considered to be out of date (carrying little weight) and it was considered, in applying the titled balance, that the adverse impacts of granting planning permission would not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 providing on-site affordable housing, education provision, the implementation and future management of the public open space, along with financial contributions towards improving sustainable transport provisions in the area, including the M55 Junction 1 slip road improvements, and the monitoring of the travel plan.

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.

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, have recently been protected by a provisional 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 FP1 directly to the north of the application site, through a track which forms part of Hoole Fold farm and this RoW 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).

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. 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 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.

During the application process an amended indicative layout has been provided, having taken into account the recently created provisional TPO. This amended indicative layout, as well as a separate Tree Retention Plan, shows how all trees covered by the provisional 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**

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

Designing Out Crime Officer – 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.

Parks and Street Scene (Trees) – No objections. The submitted plans show that the existing trees can be retained. A condition is recommended that the existing trees are protected during the construction process and retained.

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 conditions and informatives. Following the submission of additional information the applicant has demonstrated a safe and suitable access to the site can be achieved for all people. With regard to sustainable transport improvements and general traffic management initiatives, a financial contribution of £157,542.65 is requested in respect of slip road improvement works at the M55 Junction 1, which forms part of the wider A6 Strategy contribution. In addition it is 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.

Natural England – No objection following submission of Shadow Habitats Regulations Assessment (HRA). Initially there was concern that there is a possibility that the site, and land to the north and east, may be functionally linked to the Ribble & Alt Estuaries Special Protection Area (SPA) and Morecambe Bay & Duddon Estuary SPA, and therefore could be utilised by non-breeding pink-footed geese and other SPA species during the winter period. It was therefore advised that the authority undertakes a Habitats Regulations Assessment (HRA) to assess the possibility of SPA species utilising the site. A HRA can be undertaken on behalf of the LPA, or the LPA can adopt a developers HRA (known as a Shadow HRA) provided the LPA agrees with the assessment and its conclusion. The applicant provided a Shadow HRA, which has been reviewed by Natural England and no objection to this proposal is raised.

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. Agree with the assessment and conclusions of the Shadow HRA provided by the developer, including the mitigation measures which can be secured by condition. No objection to the authority adopting the submitted Shadow HRA.

Environmental Health – No objection. The development shall be implemented in accordance with the mitigation measures detailed within the “Conclusions and Recommendations” section of the Phase I and Phase II Geo-Environmental Site Assessment.

Lead Local Flood Authority – No objection subject to a condition requiring final sustainable drainage scheme be submitted, as well as an informative detailing how any granting of planning permission does not automatically permit connection to the ordinary watercourse.

United Utilities – No objection subject to conditions requiring the site to be drained on a separate system for foul and surface water, and a surface water drainage scheme to be submitted to, and approved in writing by, prior to the commencement of development. Additionally, UU have commented that there is a water mains in the vicinity of the proposed development site and the applicant will 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.

Ben Wallace MP has objected to the application. His comments are summarised as follows:

- The proposal is contrary to local planning policy as the site is not included in the Local Plan as a site which would be developed during the lifetime of the plan;
- The largescale nature of the proposed development will change the character of the village of Barton and extend the settlement boundary eastwards;
- Constituents value the greenspace provided by this site and will be saddened by its loss;
- The site is unsuitable for such a development and will only exacerbate traffic on the already congested A6;
- Preston City Council should note the significant ongoing developments to the north, within Wyre, and the cumulative impact of this on the A6;
- Question the safety of the junction of Jepps Lane and the A6, and whether it is suitable for the increased volume of traffic generated by the proposed development.

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

- Concern over 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;
- The Parish Council continue to work closely with LCC to develop a highway strategy for the A6 to make the road safer and recognise the increase in volume of traffic generated by existing and proposed housing developments in the area. 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. This places pressure on the Parish Council to raise funding and this is not considered to be possible or sustainable in the long term;
- 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;
- 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;
- No information provided in respect of the use of local employment or contractors;
- Extremely limited services in Barton and services in other villages are beyond acceptable walking distance;
- Lack of information provided in respect of mitigation measures to protect and enhance the environmental quality of the site;
- Substantial loss of open countryside outside the settlement boundary would lead to unacceptable visual and landscape impacts. 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.
- The submitted Landscape Visual Impact Assessment is misleading and insufficient information has been received to enable the landscape impacts of the proposal to be fully considered;
- In order for landscape impacts of this application to be fully considered the Council must ask matters of “landscaping” to be submitted with this application, or a full planning application be submitted;
- The LVIA concludes that the proposal would give rise to a moderate landscape effect and the Parish consider this to be unacceptable;
- The trees on site are subject to a provisional Tree Preservation Order;
- Impact on neighbouring residential amenity;
- Impact on views from users of adjacent 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. It is requested that this is recognised when determining this application and further time is requested to complete the Plan;
- Housing numbers in the village will have increased by 100% if all proposed and approved developments are implemented;
- No access plan has been provided;
- Submitted CIL form appears to be incomplete;
- A planning application for residential development in Broughton was refused (06/2018/297) and this application should be refused for the same reasons;
- A recent appeal for 300 dwellings in Bolton was dismissed on visual impact even though the Council could not demonstrate a 5 year housing land supply;
- The Council must not use the lack of 5 year housing land supply to “ride roughshod” over inappropriate and visually harmful developments that will have long term landscape and environmental impacts.

98 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;
- Already enough houses and developments in area;
- Inappropriate development beyond settlement boundary;
- Lack of infrastructure in village – schools, doctors, shops, pubs, jobs, leisure facilities etc;

- No proven housing need for development;
- 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
- 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 pollution as a result of vehicle movements;
- Lack of footpaths on roads;
- Bus service expensive and not suitable;
- Transport statement does not include weekends or holiday periods when the highways are well used;
- Transport statement presents lower peak trip data than a development for 62 houses in 2012;
- Cycling provision on A6 is poor;
- Access too close to existing access on opposite side of Jepps Lane;
- Nowhere for contractors to park;
- Traffic lights required at junction of Jepps Lane with A6;
- Disturbance during construction;
- No benefit to existing residents;
- The site is higher than other land in Barton, making these dwellings more visible;
- Housing density is greater than existing houses in the area;
- Question the quality of the photos included within the submitted Landscape & Visual Appraisal;
- Loss of outlook for existing residents backing onto site;
- Existing drainage and flooding issues on the site, including inadequate sewer system;
- Impact on trees, hedgerows and wildlife/ecosystems;
- Increase in noise nuisance;
- 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;
- The new Prime Minister may change policy on housing;

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 letters of support have been received raising the following:

- Will provide more family homes
- New houses will help local businesses
- As a first-time buyer the affordable homes on this site would be of interest to people that cannot afford existing larger homes in this area;

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, 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 application site is located outside of the settlement boundary of Barton and is therefore defined as open countryside. 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

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 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 a 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.

The Parish Council's and objectors comments 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 therefore 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 should the application be approved and progressed towards reserved matters, 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. 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 originally raised concerns in respect of the design and operation of the access, requesting further information from the applicant. This information has been provided, along with an amended site access plan and the County Engineer has confirmed that the revised access junction is safe and suitable for all potential users.

In respect of accessibility, sustainable transport improvements and general traffic management initiatives, the County 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 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. The applicant has 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.

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 addition to the above the County Engineer requested that if this application was 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 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 CABI (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.

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 as part of any subsequent reserved matters stage 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 the proposed development could be satisfactorily accommodated on site without having any unacceptable adverse impacts on the amenities of properties which border the site. 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 stage, 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. GMEU initially requested a condition requiring a bat emergence survey be carried out prior to the removal of the two mature field trees, however as these trees are now going to be retained this is not considered necessary. 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 to be undertaken if development is not commenced prior to 2021. In respect of this, Great Crested Newts are a European Protected Species and if they are encountered during development the applicant is required by law to contact Natural England. As such Great Crested Newts are protected under separate legislation and such a condition would not be required should planning permission be granted.

Natural England initially raised concern that there is 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 advised 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 a Shadow HRA 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, subject to a condition 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 including details of measures to reduce disturbance to potential SPA species.

GMEU have reviewed the Shadow HRA and confirmed that the assessment is acceptable subject to the mitigation measures contained within being secured by condition (Homeowners Pack and CMP). Having reviewed the Shadow HRA, also taking advice from GMEU, the authority adopts the submitted report and consider that the requirements of the Habitats Regulations have been adhered to. Furthermore, having reviewed the Shadow HRA Natural England have also confirmed that they raise no objection to the proposal.

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. If this application was to be approved conditions would be attached requiring any reserved matters application to include such biodiversity enhancement measures.

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 now subject of a provisional Tree Preservation Order (06/2019) and the proposed indicative layout has been amended to show 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 the development to be implemented in accordance with the mitigation measures detailed within the "Conclusions and Recommendations" section of the Phase I and Phase II Geo-Environmental Site Assessment, in accordance with Policy EN7 of the Adopted Local Plan and the Framework. Such a condition is 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) raises no objection subject to a condition requiring a final sustainable drainage scheme be approved prior to development commencing. United Utilities also raise no objection subject to 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. 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 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. The applicant has since confirmed that the proposed dwellings would exceed Building Regulations and subsequently conditions 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. These would be issues that are to be considered at reserved matters stage and it is therefore considered the outline application 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 towards the provision of school places, improving sustainable transport provisions in the area, including slip road improvement works at the M55 Junction 1, 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.

3.7 Value Added to the Development

Updated highways plans and details submitted to address County Highways concerns, as well as an updated indicative layout, including a tree retention plan, to demonstrate the existing trees covered by a provisional TPO can be retained.

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 presented to the Planning Committee on 5th December 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 Policy EN1, were considered to be out of date (carrying little weight), were considered to be out of date (carrying limited 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 providing on-site affordable housing, education provision, the future management of the public open space and provision for the improvement of bus services in the village.

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 titled 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. 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. 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, which accords with the Inspector's approach at paragraph 95 of her decision.

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