

# Central Lancashire Local Plan 2023-2041

THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING)  
(ENGLAND) REGULATIONS 2012



## Regulation 19 Pre-Submission Plan

### REPRESENTATION FORM

The easiest way to submit your comments is online at <https://centrallocalplan.citizenspace.com/planning/cllp-regulation-19-representation-period/>. Alternatively, you can scan the QR code on the right, using a smartphone, to be taken to the webpage. **We would encourage you to use the online form wherever possible.** Where online is not possible, you can complete this form and return it to us using the postal address on the final page.



#### Submission form

This form has two parts-

**Part A** – Personal Details: need only to be completed once. **We will not be able to accept responses where personal details are not provided.**

**Part B** – Your representation(s): Please fill in a separate sheet for each representation you wish to make relating to each individual policy.

You will be asked to give details of why you consider the policies of the Local Plan to be sound or unsound, please be as precise as possible. You will also be asked to set out the modification(s) you consider necessary to make the Local Plan policies sound in respect of any soundness matters you have identified. You will need to say why each modification will make the policy sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

#### Privacy Notice

If you have any questions about how the Central Lancashire Authorities will handle your personal data, please see our Data Protection Policy Statement or contact us via email at [centrallancashireplan@chorley.gov.uk](mailto:centrallancashireplan@chorley.gov.uk)

- Chorley Privacy Statement: <https://chorley.gov.uk/privacy>
- Preston Privacy Statement: <https://www.preston.gov.uk/article/1231/Data-protection-policy-statement>
- South Ribble Privacy Statement: <https://southribble.gov.uk/privacypolicy>

**Part A: Personal Details\***

We will not be able to accept responses where personal details are not provided.

1. Please provide your contact details.

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) in the Person Details boxes below but complete the full contact details of the agent in Agent Details.*

	Representor Personal Details	Agents Details (if applicable)
Title		Mr
First Name		Graham
Last Name		Love
Job Title (where relevant)		Director
Organisation (where relevant)	AAB Developments Ltd and Lester Developments Ltd	S&L Planning Consultants
Address Line 1		Rational House
Address Line 2		32 Winckley Square
Town		Preston
Postcode		PR1 3JJ
Telephone number		01772 965376
Email address		
What authority do you live / work in? (Chorley, Preston, or South Ribble)		n/a

**Part B: Please use a separate sheet for each representation you wish to make**

<b>Name or Organisation:</b>	<b>AAB Developments Ltd and Lester Developments Ltd</b>
------------------------------	---

**3. To which part of the Local Plan does this representation relate?**

Please provide the reference of the policy, paragraph, policies map, evidence etc that your comment relates to. Please use a separate Part B form for each element of the plan (i.e. policy, paragraph, site, document) that you wish to comment on.

If comments do not provide a reference, or are submitted on a single form and relate to multiple elements of the Plan, then the Council will assign and/or separate these points out as it considers most appropriate for submission to the Planning Inspectorate.

Comment being made against:	Reference (please provide)
Policy:	HS1
Paragraph:	
Development Site:	
Policies Map:	
Evidence:	
Other (Please state):	

**4. Do you consider the Local Plan is:**

	Please check the relevant box	
	Yes	No
1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If you check 'No', please also confirm below which of the 'tests' it fails to meet)		
a) Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (e.g., if objecting on the basis of legal compliance, please quote the specific law that the Central Lancashire Local Plan does not comply with).

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached letter and enclosures

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to attached letter and enclosures

(Continue on a separate sheet /expand box if necessary)

***Please note:*** In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

***After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues identified during the examination.***

**Part B: Please use a separate sheet for each representation you wish to make**

<b>Name or Organisation:</b>	<b>AAB Developments Ltd and Lester Developments Ltd</b>
------------------------------	---

**3. To which part of the Local Plan does this representation relate?**

Please provide the reference of the policy, paragraph, policies map, evidence etc that your comment relates to. Please use a separate Part B form for each element of the plan (i.e. policy, paragraph, site, document) that you wish to comment on.

If comments do not provide a reference, or are submitted on a single form and relate to multiple elements of the Plan, then the Council will assign and/or separate these points out as it considers most appropriate for submission to the Planning Inspectorate.

Comment being made against:	Reference (please provide)
Policy:	HS4
Paragraph:	
Development Site:	Omission of land south of Broughton Park, Whittingham Lane, Broughton
Policies Map:	
Evidence:	
Other (Please state):	

**4. Do you consider the Local Plan is:**

	Please check the relevant box	
	Yes	No
1) Legally compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Sound  (If you check 'No', please also confirm below which of the 'tests' it fails to meet)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (e.g., if objecting on the basis of legal compliance, please quote the specific law that the Central Lancashire Local Plan does not comply with).

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached letter and enclosures

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to attached letter and enclosures

(Continue on a separate sheet /expand box if necessary)

**Please note:** *In your representation, you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues identified during the examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

	Please check the relevant box
No, I do not wish to participate in hearing sessions	<input type="checkbox"/>
Yes, I wish to participate in hearing sessions	<input checked="" type="checkbox"/>

*Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.*

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The representations raise matters that our client wishes to present to the Inspector

***Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.***

Please return your completed representation form(s) by post to: Planning Policy Team, Third Floor, Town Hall, Lancaster Road, Preston, PR1 2RL by filling in this representation form.

**Forms must be received by midnight on Monday 14 April 2025.**



14<sup>th</sup> April 2025

Central Lancashire Local Plan Team  
Regulation 19 Consultation  
3rd Floor Town Hall  
Lancaster Road  
Preston PR1 2RL

**By email: [centrallancashireplan@chorley.gov.uk](mailto:centrallancashireplan@chorley.gov.uk)**



Our ref: AABD100

Dear Sir or Madam,

**REPRESENTATIONS BY AAB DEVELOPMENTS LTD AND LESTER DEVELOPMENTS LTD  
CENTRAL LANCASHIRE LOCAL PLAN 2023 - 2041 REGULATION 19 CONSULTATION**

These representations are submitted on behalf of our client AAB Developments Ltd and Lester Developments Ltd in response to the Publication Version of the Central Lancashire Local Plan 2023 - 2041 [“the draft Plan”] which was issued for consultation between February and April 2025.

The representations concern the proposed housing requirement in the draft Plan, which our client considers is not sound on the basis that it has not been positively prepared, is not justified, is not effective and is not consistent with national policy in the NPPF 2024 and PPG. In this context, our client is promoting an omission site for housing development at Broughton, Preston which it considers should be included as a modification to the draft Plan to help make it sound.

**Policy HS1**

This sets a proposed housing requirement of 23,652 net new dwellings to be delivered between 2023 and 2041. Our client is concerned that the figure has been contrived, and unnecessarily capped, as a means to comply with the transitional arrangements in the Framework (NPPF 234a) so that the draft Plan is examined under the previous version of the Framework (NPPF 235). This requires a plan to a) have reached Regulation 19 stage on or before 12<sup>th</sup> March 2025 and b) its draft housing requirement to meet at least 80% of local housing needs calculated using the standard method in the updated PPG published on 12<sup>th</sup> December 2024.

The Central Lancashire Authorities agree that the proposed housing requirement should be higher than the previous standard method figure of 944 dpa and the evidence base (Central Lancashire Housing Study Update - December 2024) recommends the employment-led growth scenario CR-1:1 requirement of 1,237 dpa.

The 1,237 dpa requirement is 77 dpa short of being 80% of the local housing need figure of 1,634 dpa using the standard method published on 12<sup>th</sup> December 2024 (80% is 1,314 dpa). The supporting text to Policy HS1 (paragraph 4.19) explains that the employment-led growth scenario CR-1:1 requirement of 1,237 dpa has simply been ‘slightly increased’, by adding 77 dpa, in order to achieve 80% of the revised local housing need figure. Our client considers that this is an arbitrary and flawed process, and is not a sound, evidence-based, approach.

Simply adding 77 dpa to the evidenced (employment-led growth scenario CR-1:1) housing requirement to achieve 80% of the revised local housing need is not what the Government envisaged when setting, and not how it expects local authorities to use, the NPPF transitional arrangements, and especially as 80% is a minimum figure. The Government set ambitious housing targets to meet the national objective of delivering 1.5 million new homes in the current parliament and that means all local authorities must plan to meet as much of their requirements as possible. This is made clear in the Written Ministerial (HCWS48) 'Building the Homes we Need' of 30<sup>th</sup> July 2024 by the Deputy Prime Minister, and her letter 'Playing your part in building the Homes we Need' issued to all local authority leaders and CEOs on the same day, whereby:

*".....local authorities will be expected to make every effort to allocate land in line with their housing need as per the standard method, and will need to demonstrate that they have done so at examination of their plan."*

The housing land supply evidence base shows that there is available supply in Central Lancashire to meet a more ambitious housing requirement than 80% of the local housing need, and without releasing Green Belt, and there is market capacity to deliver a higher figure as previous annual completion rates show, whereby an average of 1,650 dpa was delivered in Central Lancashire between 2013/14 and 2023/24, compared to 1,314 dpa proposed.

### **Housing supply headroom**

Notwithstanding that the proposed housing requirement in Policy HS1 should be set higher because there is the available, suitable and achievable land and market capacity to meet more than 80% of the local housing need, the housing requirement should also be increased to ensure that there is sufficient headroom (supply buffer) to account for slippage and non-delivery on planned sites.

The proposed headroom is just 1,927 dwellings over the plan period which is 8% (projected completions of 25,579 dwellings minus the proposed requirement of 23,652 dwellings). Eight percent does not provide sufficient flexibility for the draft Plan given its scale and complexity, and the importance of delivering growth and investment in Central Lancashire. Our client considers that an appropriate buffer is 20%, or 15% at least, and the evidence base shows that there is suitable and achievable land available to increase the supply headroom and without releasing Green Belt.

### **Required modifications to make the draft Plan sound**

To address the deficiencies our client has identified, the draft Plan should be modified so that it facilitates increased housing delivery in the plan period and is positively prepared, justified, effective and consistent with the NPPF 2024 and PPG. Policy HS1 should therefore be modified to set a higher figure than 23,652 net new dwellings and this can be achieved by allocating more land for inclusion in Policy HS4 and including our client's omission site at land south of Broughton Park, Whittingham Lane, Broughton. A plan showing our client's land is enclosed.

### **Omission site - Land south of Broughton Park, Whittingham Lane, Broughton**

Our client is proposing its land to the south of Phase 1 of the Broughton Park housing development at Whittingham Lane, Broughton for inclusion in the draft Plan as a housing site allocation.

The merit of our client's site and its availability, suitability and achievability for housing development is demonstrated in its current outline planning application (ref. 06/2025/0343) which is under consideration by Preston City Council, and also in its previous planning application 06/2018/0732 which was for the same development and was resolved for approval in accordance with an officer recommendation to grant permission subject to a s106 agreement, at the 10<sup>th</sup> January 2019 meeting of the Preston City Council Planning Committee. The committee report is enclosed with these representations.

Broughton is defined in the draft Plan settlement hierarchy as a Tier 4 Rural Local Service Centre. Policy SS2 explains that these settlements will 'accommodate limited new development, appropriate to the settlement size, to help meet local housing and employment needs and help sustain local services and facilities.' The draft Plan proposes equivalent-scale and larger housing allocations at Tier 4 settlements including:

- Eccleston                      HS2.23 and HS2.24              81 dwellings
- Hutton                            HS3.6                                    120 dwellings

It also proposes equivalent scale and larger housing allocations at lower Tier 5 settlements including:

- Charnock Richard            HS2.8                                    117 dwellings
- Mawdesley                    HS2.26 to HS2.20              122 dwellings
- Mellor Brook                    HS3.7                                    120 dwellings
- Coupe Green                    HS3.8                                    80 dwellings
- Goosnargh                      HS4.1                                    477 dwellings
- Barton                              HS4.4                                    151 dwellings

On this basis, it cannot be said that Broughton is not a suitable and sustainable location for growth and that no housing allocations are proposed at Broughton because they would not be in accordance with the spatial strategy.

Our client's planning applications have been supported by an Illustrative Layout Plan which is enclosed with these representations to show how a housing scheme can be suitably accommodated on the site. This shows the key design principle of limiting the housing development to the eastern part of the site and keeping the western part undeveloped for on-site public open space, landscaping and biodiversity net gain provision, and it shows the minimum offset from the M6 motorway. It also shows the how the development can integrate with Phase 1 of Broughton Park, Whittingham Lane at two connection points on Norshaw Crescent and to the public rights of way network.

The Illustrative Layout Plan shows a scheme of up to 100 no. dwellings within a net developable area of 3.6 hectares which is 60% of the total (gross) site area, and a mix of detached, semi-detached and terraced dwellings to provide market sale and affordable housing tenures. The undeveloped 40% western part of the site will provide landscaping and amenity public open space and footpaths for future residents. This area will also provide space for on-site biodiversity net gain habitat creation, including SuDS balancing ponds, swales and wildflower meadows and will achieve 12.23% in habitat units, 31.11% in hedgerow units and 43.36% in watercourse units. Full biodiversity net gain will be achieved on-site and no off-site provision is necessary. The public open space area will also accommodate acoustic earth mounding and/or an acoustic barrier alongside the M6 motorway.

The site adjoins the settlement boundary of Broughton and is a sustainable location which is accessible to a range of local services and facilities for day to day needs. These are accessible by walking on the footway along Whittingham Lane and by cycling. There is also a bus service along Whittingham Lane to the village centre and Preston and Longridge. On this basis, notwithstanding that there may be some dependence on the use of a private car to travel to larger settlements, and taking NPPF 83 into account, our client's land is clearly not unsustainable and is a suitable location for new housing development.

Our client's current outline planning application 06/2025/0343 and that previously resolved for approval, application 06/2018/0732, demonstrate that housing development of up to 100 dwellings was considered to be acceptable in principle and that it would not harm to the Goosnargh-Preston Area of Separation and that there are no technical and environmental constraints to development.

### **Conclusion**

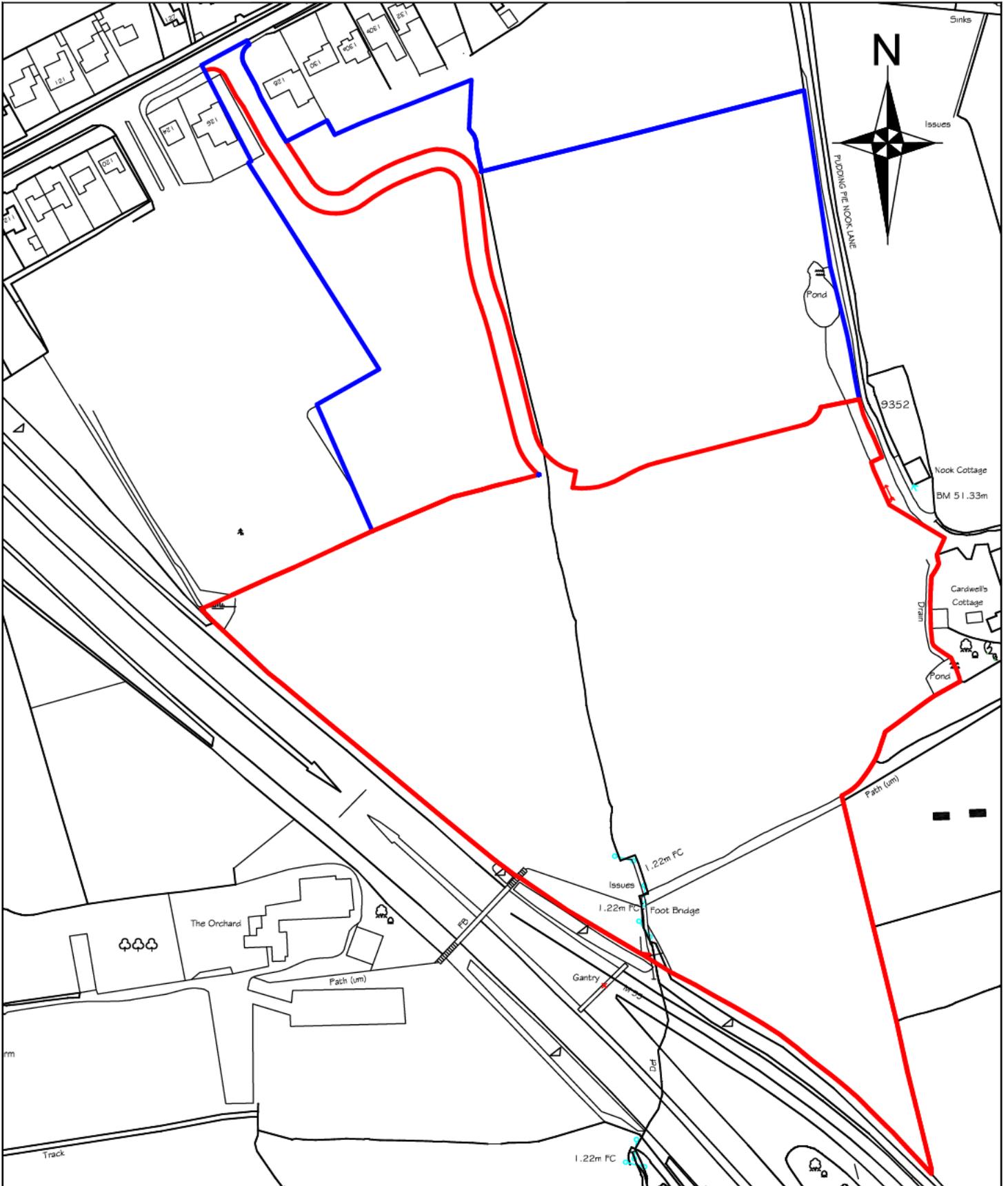
In summary, our client is fully committed to bringing its land forward for housing development at the earliest practical opportunity, and seeks a modification to Policy HS1 and Policy HS4 of the draft Plan to increase the proposed housing requirement and include its land as an additional site allocation for development of up to 100 no. dwellings.

Yours sincerely

**Graham Love MRTPI**

████████████████████

- Enc. 1 - Location Plan for land south of Broughton Park (Phase 1), Whittingham Lane, Broughton
- Enc. 2 - Illustrative Layout Plan for land south of Broughton Park (Phase 1), Whittingham Lane, Broughton
- Enc. 3 - Report to 10<sup>th</sup> January 2019 Preston City Council Planning Committee for application 06/2018/0732



**anyon** architectural  
 & planning  
 TEL: 01772 740895  
 07889320586  
 E,MAIL: n.anyon@sky.com

Location Plan  
 L28/18  
 Scale 1:2500  
 Planning Approval

Rev. A  
 Whittingham Lane  
 Grimsagh  
 PR3 5DB

# SKETCH LAYOUT



● AFFORDABLE PLOTS

Rev	Date	Revision
Project		
WHITTINGHAM LANE		
Scale	1:500@A0	Title
Date	October 2024	
Dwg No	SL-01	
COLOURED LAYOUT		

<b>Reporting to Planning Committee</b> <b>Meeting to be held on: 10<sup>th</sup> January 2019</b>	<b>Electoral Ward Affected</b> <b>Preston Rural North</b> <b>Preston Rural East</b>
<b>Report submitted by: Director of Development</b>	
<b>Application Number: 06/2018/0732</b>	

## 1 Summary

### 1.1 Land to the rear of 126A Whittingham Lane, Broughton, Preston, PR3 5DD

Outline application for up to 111 no. dwellings and associated works following demolition of 126A Whittingham Lane and with all matters reserved except for access

<b>Applicant</b>	Mr A Bradshaw
<b>Agent</b>	Mrs Helen Leggett, Emery Planning Partnership Ltd
<b>Case Officer</b>	Franc Genley

## 2 Decision recommended

1. Subject to a S106 obligation being secured providing for 35% affordable housing and management and maintenance of open space on-site and contributions for school places, travel planning and for the improvement of bus services in the village, planning permission be granted subject to conditions addressing those matters listed in paragraph 2.1 above and for travel planning, planning permission be granted subject to conditions addressing those matters listed in paragraph 2.1 above.

AND

2. In the event that a satisfactory Section 106 Agreement is not concluded 11th January 2019, or by the expiration of an agreed extension of time, delegate authority to the Director of Development to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured.

### 2.1 Conditions & Informatives

#### Conditions

1. Approved Plans
2. Reserved Matters Time Limit (3 years)
3. Reserved Matters details (Layout, Scale, Appearance, and Landscaping)

4. Electric vehicle charging points
5. Energy efficiency
6. Design of site access and off-site highway works
7. Estate roads to be constructed in line with Lancashire County Council's Specification for the Construction of Estate Roads
8. Future management and maintenance of streets within the development
9. Surface water drainage scheme
10. Surface Water Lifetime Management and Maintenance Plan
11. Sustainable Urban Drainage Scheme and Management and Maintenance Plan
12. Foul and surface water to be drained on separate systems
13. No works during bird nesting season
14. No pedestrian or vehicular access to the M55
15. Earthworks, landscaping method statement for works adjacent to the M55
16. No development adjacent to the M55 embankment
17. Means of Enclosure to M55 boundary
18. No drainage to the M55
19. No works requiring temporary closure of the M55
20. No works on Highways England land
21. Travel plan
22. Construction Environmental Management Plan including wheel washing facilities
23. Noise mitigation
24. Contaminated land site investigations
25. Works to be carried out in accordance with the Ecology Report
26. Safeguarding trees and hedgerows (subject to further survey);
27. Tree Protection measures during construction
28. The provision of pedestrian/cycles routes connecting to adjacent sites.

#### Informatives

1. CIL
2. County Highways
3. Major Hazard Pipeline advice
4. United Utilities advice
5. Public Open Space
6. Designing out Crime

### **3 Information**

#### **3.1 Location**

The application site comprises an existing agricultural field approximately 200m south of Whittingham Lane and an existing row of dwellings. The majority of the site is set outside of the Broughton village boundary, which runs along Whittingham Lane. The site does include the plot of 126a Whittingham Lane for access, which is within the village settlement. The 4.5ha area of land to the north of the application site was granted outline planning permission for up to 101 no. dwellings, abutting the rear garden boundaries of the houses fronting the southern side of Whittingham Lane.

The application site is approximately 6.5 hectares in size and mostly comprises open countryside within the Area of Separation as identified on the Policies Map of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies). Less than one third of the westernmost portion of the site falls within the Broughton Neighbourhood Development Plan (BNDP) area with the majority sitting within the neighbouring parish council area to the east.

A Grade II listed building, Pudding Pie Nook, sits approximately 80m from the closest part of the application site but is not directly visible from the curtilage of the listed building. There is a gas pipeline crossing the south eastern corner of the site comprising a Major Accident Hazard Pipeline.

### 3.2 **Proposal**

The application seeks outline planning permission for up to 111no. dwellings following demolition of 126A Whittingham Lane. Access is applied for and would be taken from Whittingham Lane through the plot of the existing dwelling. Matters of scale, layout, appearance and landscaping would be reserved. Illustrative layout drawings have been submitted to show how dwellings could be arranged alongside roadways, footpaths and connections to adjacent sites, with public open space, a play area, and planting retained and enhanced. 35% of the dwellings would be affordable units.

The indicative layout and parameters show how the site could be laid out with areas of open space. The development could comprise a mix of detached, semi-detached and mews properties, approximately two storey in height.

### 3.3 **Relevant planning history**

No relevant planning history on the application site, though relevant planning history exists on adjoining land:

*To the immediate north of the site on land to the rear of 126-136 Whittingham Lane;*

- 06/2017/0941 - Outline planning application for up to 101no. dwellings and associated works following demolition of 126A Whittingham Lane for Access (all other matters reserved) – Approved September 2018

*On land to the northeast known as Dean Farm Warehouse, Pudding Pie Nook Lane;*

- 06/2017/0174 - Outline application for residential development for up to 30no. dwellings following demolition of existing buildings (access applied for only). Withdrawn April 2017.
- 06/2016/0124 - Outline application for residential development (Class C3) of up to 24no. dwellings (access only). Refused, July 2016. Appeal dismissed July 2017.
- 06/2015/0425 - Outline planning permission for the residential development (Class C3) for up to 26no. dwellings (access only). Refused August 2015.

*And on land to the north west at 110-126 Whittingham Lane;*

- 06/2015/0816 - Erection of 61no. dwellings and associated works with access from Whittingham Lane. Approved July 2016.

### 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:**

##### Adopted 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 housing
- Policy 13: Rural Economy
- Policy 14: Education
- Policy 17: Design of new buildings
- Policy 19: Areas of separation and major open space
- Policy 21: Landscape Character Area
- Policy 22: Biodiversity and geodiversity
- Policy 27: Sustainable resources and new developments
- Policy 29: Water management
- Policy 31: Agricultural land

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

- Policy AD1(a): Development within (or in close proximity to) the existing residential area
- Policy AD1(b): Small scale development within existing villages (including the development of brownfield sites)
- Policy HS3: Green infrastructure in new housing developments
- Policy ST2: General transport considerations
- Policy EN1: Development in the open countryside
- Policy EN4: Areas of separation
- Policy EN7: Land quality
- Policy EN9: Design of new development
- Policy EN10: Biodiversity and nature conservation
- Policy EN11: Species protection

##### Broughton Neighbourhood Development Plan

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

#### **Other Material Considerations:**

##### Central Lancashire Supplementary Planning Documents (SPD)

- Affordable Housing
- Design Guide

- Open Space and Playing Pitch

#### National Planning Policy Guidance

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

#### Other Documents

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

### 3.5 **Consultation responses**

County Highways: The proposed revised access to the development is acceptable. Concerns are raised surrounding the sustainability of the site and the lack of information submitted with the application to demonstrate the highway network can strategically support the impacts of the proposal. There is inadequate capacity on the existing bus services to accommodate additional passengers and lack of pedestrian and cycle links to provide alternative modes of transport to the private car.

Highways England: No objection in principle. Location is less than sustainable but in isolation this proposal would not result in 'severe' traffic impact. There are concerns about cumulative strain being placed on Junction 1 of M55 and location of children's play area / POS adjacent to motorway. Request robust fencing conditions be attached to any approval.

County Planning (Education): Based upon an assessment in August 2018 and taking into account all approved applications, a contribution is sought for 42 primary school places. County Education will not be seeking a contribution to secondary school places. An update on this position will be provided in late changes.

Parks and Street Scene (Landscape): Requests LVIA report give more weight to :-

- Views east over site from M6 and impact on LP 'Area of Separation';
- Loss of rural setting of listed building Nook Farm and historic Almond Nook Cottage.

Issues regarding the indicative layout are identified and discussed later in this report.

Crime Reduction Officer: No objection. Crime prevention strategies should be integrated into the overall development layout and building design and any proposals should accord and be built to standards detailed within Secured By Design 'Homes 2016'.

Council for the Protection of Rural England (Lancashire): Strongly object on grounds that planning balance of proposal is entirely negative in context of local and national policy.

Greater Manchester Ecology Unit (GMEU): No objection, subject to conditions regarding:

- Great Crested newts unlikely on site but precautionary approach should be taken to prevent harm;
- When a layout is known, bat surveys should be undertaken and necessary landscaping and trees retained and enhanced;
- Protection of nesting birds; and

- A reasonable avoidance statement in respect of reptiles

Natural England: No objections to the proposal. Standing advice offered.

Environment Agency: No comments provided.

Lead Local Flood Authority (LLFA): No objection, subject to conditions relating to the agreement and on-going maintenance of a surface water drainage scheme and a limit on occupation until implementation/completion of an agreed SuDS.

United Utilities: No objections, subject to a conditions and informatives requiring the development be carried out in accordance with the principles in Flood Risk Assessment, drainage and planting plan layout in respect of any water mains extensions into the site.

Environmental Health: No objection subject to conditions requiring a detailed site investigation and verification report prior to commencement, that the development takes place in accordance with the submitted Noise Impact Assessment, that each dwelling be provided with electric vehicle charging points and that prior to construction a Construction Environmental Management Plan be submitted and agreed.

Waste Management: No objection in principle. Future roads must be constructed to adoptable standards and accommodate bins on private drives without blocking access/egress. Indicative plan shows some properties with no kerbside dwell space within their curtilage. Layout should not result in clusters of bins set away from properties.

Health & Safety Executive (HSE): Do Not Advise Against. Proposed development is within the Consultation Distance of a major hazard pipeline. HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Cadent Gas Limited: A Major Accident Hazard Pipeline crosses the south eastern corner of the site. The pipeline is laid in a legally negotiated easement to which conditions apply. It is essential that access is not restricted. There must be no obstructions within pipeline's maintenance easement strip that would limit/inhibit essential maintenance works. Building Proximity Distance for the *Walton Le Dale - Slyne* Pipeline is 8m. The onus is on applicant to contact Cadent Gas prior to any works commencing on site.

SABIC: No observations as proposal is outside of the required consultation zones.

National Air Traffic Services (NATS): No objections as the proposal does not conflict with NATS safeguarding criteria.

Goosnargh Parish Council: Object to the proposal because it fails to comply with LP Policies EN1, HS4 or CS1 and be contrary to LP policy AD1(b) because of its negative impact on:

- residential amenity
- noise
- increased traffic
- increased risk of flooding both from surface water and because of lack of capacity of

- the existing drainage system
- lack of capacity within local schools

The applicant has not sufficiently justified the 35% level of affordable housing proposed which the Parish Council consider to be significantly higher than the requirement for rural Preston. Many applications have been submitted in recent months, amounting to 2000+ new homes - the infrastructure and services to sustain these major developments does not exist within the village or wider context. Without mitigation the cumulative impact will be damaging to the surrounding communities and beyond. Many other developments in the area are unable to sell existing houses and have cancelled the next phase of building.

Whittingham Parish Council: Objects to the application on the following grounds:

- Whittingham is a rural area with limited access to schools, shops, amenities and employment opportunities. Residents will need to travel to essential services;
- Journey time to Preston by public transport is 50 minutes and the last service is at 5pm. The service is not suitable for commuting purposes. The proposal would force a reliance on the private car, increasing environmental impact and would be unsustainable, contrary to LP Policy ST2;
- Utility services are adequate for the present population, however will not be if new developments connect to the existing infrastructure without improvements. It is false to say this application is offered as a 'solution' to the current 5year supply issue;
- The 'benefit' of 'increasing' the 5 year supply through the allocation of more land in rural areas does not outweigh the loss of rural villages. The Parish Council also considers Local Plan Policies EN1, EN4 to not be out of date and the proposal be contrary to them.
- 111 houses is not small scale and is a 'major application', contrary to CS Policy 1(f).

Broughton Parish Council: Object to the planning application. Their objections can be summarised as follows:

- The application site is in the Area of Separation between Broughton and Whittingham/Haighton;
- It is not part of the "Village envelope" agreed for the Neighbourhood Plan;
- There is insufficient infrastructure in the area in terms of buses, schools and doctors;
- It is a greenfield site;
- Half of the application site is within the Broughton Neighbourhood Development Plan (BNDP), which is set to be adopted on 13th December 2018, so where a Neighbourhood Development Plan has been made the Local Planning Authority can reduce its housing supply figure to 3 years;
- The proposal is contrary to BNDP policy RES1.

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

- The site is not allocated for development in the Local Plan and sits outside the settlement boundary of Goosnargh within the open countryside and area of separation;
- The combined number of homes proposed in the village and unsustainable;
- The former Whittingham Hospital site has stalled and demonstrates there is no need for these developments;
- The applications should be delayed until housing supply targets have been

amended; and

- The applications should be delayed until the remodelling of traffic using the A6 is completed.

Councillor Lona Smith objects to the application and her concerns are summarised as follows:

- The proposed development is not on the Local Plan;
- The Whittingham Hospital site has planning permission for 750 houses, is in close proximity and still to be developed fully;
- Lack of local amenities make the site unsustainable;
- Poor public transport makes the site unsustainable; and
- There is no employment locally.

Publicity: 137 objections have been received from 107 separate households. A further 6 residents objected but did not cite an address. Summary of issues raised:

- An application for smaller development on an adjacent site was refused for reasons including unsustainable location and not constituting infill development. The appeal was dismissed;
- Not sustainable location as not within walking distance of services;
- Limited public transport and occupiers would be dependent on private transport;
- Supporting documents misleading. The site is not sustainable, not served well by public transport, local businesses referenced have closed and it is not well screened;
- This greenfield site is not a suitable location for development;
- It would impact upon the Area of Separation by merging with the adjoining site;
- It would impact upon the quiet character of Pudding Pie Nook Lane, and be highly visible from the public right of way, running alongside it;
- It is not small scale, and too large and detrimental to the size and setting of the village;
- It would be contrary to development plan policies AD1(a), AD1(b), Policy EN1, EN4, and ST2, and Core strategy Policy 1(f);
- It ignores the Broughton Neighbourhood Development Plan 2016-26;
- It would generate additional traffic on the A6 / M55 corridor / Broughton Bypass and cause a significantly adverse impact on highway capacity. Consents already threaten to overwhelm the new road capacity of the bypass;
- Concern about the safety of the proposed access for vehicles, pedestrians and cyclists (history of collisions and fatalities); it would be too close to the access of the approved adjacent development (06/2015/0816), and junction with Langley Lane;
- There is no decent bus service within the village, which runs until 5pm; houses will all have at least 2no car spaces each – the volume of private vehicles and lack of public transport will cause major problems for the road network and cause gridlock;
- Footpaths on Whittingham Lane are narrow, traffic speeds and flow are dangerous.
- There is no need for additional housing beyond what is already approved;
- The cumulative impact of 145 homes near Northgate, Churchgate and Highgate and 750 homes on former Whittingham Hospital site will swallow Goosnargh. 2189 houses are proposed within Goosnargh / Whittingham Parish, which is more than double the existing;

- The redundant Whittingham Hospital site and similar sites with existing infrastructure should be considered ahead of these open green fields;
- The accuracy of the FRA is questioned as the land has experienced flooding;
- There is concern that the existing foul sewage system is overloaded / unable to cope with proposal;
- New access would pass between Nos. 126 / 128 Whittingham Lane and isolate them;
- Traffic generated would increase noise/air pollution and disturbance to residents;
- It would fail to meet Framework 'social role' due to residential amenity impact;
- It would result in disruption to residents by way of construction noise, dirt and dust;
- The plans are inaccurate – the proposed fencing to the access road 1.3m from side of 126 Whittingham Lane but this is not accurately shown;
- It would result in loss of privacy and overlooking to neighbouring dwellings;
- NHS surgeries, Hospital and Schools are at or over capacity;
- No employment opportunities within this area;
- The nearest amenities are miles away, scheme offers no on/off site provisions;
- It would harm the setting of the Grade II listed Pudding Pie Nook Cottage;
- Green fields will be lost and wildlife will lose natural habitat;
- Numerous protected species occupy the site;
- There is evidence of protected Great Crested newts within the ponds on site;
- 126a should not be demolished, its substantial 1930s quality would not be replicated;
- The development would be on agricultural land which should be preserved;
- No consultation with the community was undertaken before submitting the application.

### 3.6 **Analysis**

#### Principle of Proposal

The application site consists of open countryside, falling outside of the defined village settlement boundary as identified on the Policies Map of the Preston Local Plan. Core Strategy (CS) Policy 1 seeks to concentrate growth and investment on well located brownfield sites in Preston, the Key Service Centres of Chorley and Leyland, and the main urban areas in South Ribble. The hierarchical sequence for locating development puts other places, such as smaller villages, substantially built up frontages and Major Developed Sites at the bottom of the hierarchy where development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need unless there are exceptional reasons for large scale redevelopment schemes. The proposed development would not constitute any of the types of development outlined in criterion (f) of Policy 1 and is therefore contrary to that policy.

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

is silent on this matter).

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

Policy 21 of the Adopted Core Strategy does not have the objective of preventing development in principle. Instead it seeks to ensure that any development that does take place is compatible with its surroundings, further stating that it should contribute positively to its conservation or restoration or the creation of appropriate new features.

The Broughton Neighbourhood Development Plan (BNDP) was approved by referendum on 18 October 2018 and in accordance with Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 became part of the Development Plan on that date. Accordingly, full weight is given to the BNDP in the determination of this planning application and others that are located within the area it covers. In this case approximately one third of the westernmost portion of the application site falls within the BNDP area and the majority of the application site sits within the neighbouring parish of Whittingham.

The BNDP does not contain any policies directly relating to this site but Policy RES1 allocates small-scale housing developments at three specific sites and states that *‘other proposed housing developments within the designated Open Countryside will be heavily restricted in accordance with Central Lancashire Core Strategy Policies 1 and 19 and Preston Local Plan Policies EN1 and EN4’*. In this case approximately one third of the proposed development fails to comply with the aims of BNDP Policy RES1 but the same policy is not applicable to the remainder of application site, hence the majority of the site does not conflict with the BNDP.

Policy 31 of the adopted Preston Local Plan also seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) to achieve the full potential of the soil. The application site is Grade 3b and would not lead to the loss of the highest value of agricultural land. The application therefore would not conflict with Policy 31 of the Adopted Core Strategy.

The principle of the development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites. The proposed development is not small scale as it would deliver up to 111no. residential units on a 6.2 hectare site adjacent to the existing village of Broughton, nor would it constitute infilling or redevelopment permitted by CS Policy 1. The proposed development is not required for any exceptional purposes set out in PLP Policy EN1, nor is it located within the defined boundaries of a small rural settlement or village. One third of the proposed development fails to comply with the aims of BNDP Policy RES1; however the majority of the site does not conflict with the BNDP. The conflict with the BNDP engages paragraph 14 of the Framework, which will be considered in the Housing Provision and Planning Balance sections of this report.

### Impact on the Area of Separation

The site is identified on the Policies Map of the Preston Local Plan as falling within an AoS, where the requirements of Core Strategy (CS) Policy 19 and Preston Local Plan (PLP) Policies EN1 and EN4 apply. CS Policy 19 and PLP Policy EN4 aim to avoid the merging of settlements and prevention of any harm to the effectiveness of the gap between settlements. Proposals that lead to a risk of settlements merging should be resisted. Policy EN4 further states that proposals will be assessed in terms of their impact upon the AoS, including any harm to the effectiveness of the gap between settlements and also the degree to which the development would compromise the function of the AoS.

The application site does not directly adjoin the eastern edge of the Broughton settlement boundary but it sits directly adjacent to the recently approved outline housing site (06/2017/0941) which is considered to be a committed scheme and a potential logical extension to the southern edge of the settlement boundary currently formed by the rear garden lines of nos. 126a – 132a Whittingham Lane. The next nearest settlement to the south of Broughton is the urban area of Preston, beyond the motorways and approximately 450m south of the site. The nearest settlement to the east of the site is Goosnargh, which is around 1.9km north east of Broughton. The Area of Separation runs between these two settlements, and also southerly and easterly of these settlements. The full extent of the AoS runs around 6km from the eastern side of the M6 towards the settlement of Longridge.

The application site is located within the very western extent of the AoS. The proposal would reduce the gap between the settlements of Broughton and Goosnargh by 80m, leaving a distance of 1.85km between the two settlements at the closest point. The outline scheme (06/2017/0941) approved to the immediate north had the same impact. The proposal would not result in the physical merger of the two settlements as there would be no point at which, as a result of the development, the gap would be closed. The built form of the proposal would abut both the motorway and (committed) housing development for a significant portion of its boundaries. A further gap exists to the west of the M6 and south of the M55 separating the Broughton Settlement and urban area of Preston. The effectiveness of the AoS gaps would therefore be maintained. It is therefore considered that the proposal would not cause harm to the effectiveness of the AoS and would not conflict with the above policies.

### Impact upon the open countryside

The aims of PLP Policy EN1 are summarised earlier. 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.

This application site would be bound to the west by the M6 motorway and to the south east by open fields with Pudding Pie Nook Lane to the east sitting outside of the settlement boundary of Broughton. The site would also be interrupted to the north east by a parcel of land at Dean Farm Warehouse which provides a gap from the majority of the application site and the settlement boundary of Broughton to the north. Considering the physical surroundings and status of land, (and having regard for the appeal decision on 06/2016/0124) the proposal is not considered to constitute infilling and the proposal would not comply with Policy EN1.

The approved development to the north (06/2017/0941) has not commenced on site but nevertheless comprises 'a committed development' for the purposes of assessing this proposal. Thus, the characteristics of the site on paper differ from those on the ground but not sufficiently to comply with Policy EN1.

#### Impact on landscape character and visual amenity

CS Policy 13 requires development to conserve and where possible enhance the character and quality of the landscape. CS Policy 21 seeks to ensure that new development is well integrated into existing settlement patterns, appropriate to the landscape type and contributes positively to its conservation or restoration or the creation of appropriate new features. The Framework says that the intrinsic character and beauty of the countryside should be recognised, with the planning system contributing to and enhancing the natural and local environment. It does not seek to protect all countryside from development; rather it concentrates on the protection of "valued" and "distinctive" landscapes, and seeks to encourage development on previously developed land.

The term "valued landscape" is not defined, but the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA) advises that 'value' can apply to areas of landscape as a whole, or to individual elements, features and aesthetic or perceptual dimensions. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The Landscape Character Assessment identifies this area as 'Undulating Lowland Farmland: Goosnargh / Whittingham'. The character of the 'Goosnargh/Whittingham' landscape tract is composed of hedgerows, irregular fields, winding lanes, a scattered settlement pattern of farm houses and cottages. The site is green field and within the open countryside and an area of separation.

The illustrative layout plan indicates how the site could be laid out following the creation of an internal access road that follows the initial route of the access and road approved in respect of the 'up to 101 unit' scheme to the north. Although the 'indicative layout plan' shows areas of Public Open Space (POS) to the edges and outer corners of the development the 'Parameters Plan' updates this by locating POS / Playspace centrally between the committed (approved) northern site and this proposed southern site.

The parameters plan indicates that hedgerows, trees and greenspaces could be retained and incorporated into the layout. The indicative layout suggests that the estate would be composed of detached, semi-detached and mews houses at a density of around 17 dwellings per hectare [dph] (including areas of open space). This would be 5 dph lower than the adjacent approval to the north. Concerns raised by the Council's landscape team in respect of the quantum and position of tree planting, soft landscaping and open space can also be satisfactorily addressed during the reserved matters stage, which can ensure that the layout and character of the proposed streets are sufficiently landscaped and softened to create an attractive and distinct development. Thus, the proposal would comply with Core Strategy Policy 13 and Policy 21 and respect the relative aims of the Framework.

#### Housing Provision

Policy 4 of the Adopted 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 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.

Although the principle of the development is not compliant with the Development Plan, the Council cannot currently demonstrate a five years supply of deliverable housing land. In view of this, development plan policies for the supply of housing are considered to be out of date and the enhanced presumption in favour of sustainable development as set out in Paragraph 11 of the Framework is engaged, which will be considered further in the Planning Balance section of the report.

As stated above, the conflict with the BNDP engages paragraph 14 of the Framework. Paragraph 14 states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least three years supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73): and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In this case all of the above apply, therefore in the Planning Balance section below the local planning authority must first engage paragraph 11 and then engage paragraph 14 before coming to a decision.

#### Affordable Housing

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

Up to 111no. dwellings are proposed and affordable housing provision is required. As the site is in a rural area the required provision would be 35%. A total of 39no. affordable units

are proposed, equating to an affordable housing provision of 35% (35.13%), This would accord with CS Policy 7, and the Affordable Housing SPD. The application states that of the 39 affordable units, it is intended that 27 would be social rented and 12 intermediate properties. The applicant has provided a planning statement which details proposals for provision of affordable housing, but it is noted that the layout is indicative at this stage. The applicant has however confirmed that the development would provide 35% affordable housing provision as required by policy, and it considered that the type, tenure and delivery of the affordable housing would be secured through a Section 106 obligation. It is therefore considered that the application complies with the Affordable Housing SPD and Core Strategy Policy 7.

### 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 application is accompanied by a Transport Assessment (TA) which states the proposed development would be served by a priority junction from Whittingham Lane with two metre wide footways provided along both sides of the access road that would link to the existing footway along Whittingham Lane. The access road would have a carriageway width of 6.75m from the junction for 13m into the site and it would then reduce to a width of 5.5m. The applicant proposes a pedestrian refuge island in the centre of Whittingham Lane approximately 140m to the west of the site access. The proposed site access off Whittingham Lane has been revised since to submission to take account of comments received from County Highways, the County Engineer has confirmed that the revised details are acceptable.

Highways England consider the location to be less than sustainable but that in isolation consider this proposal would not result in a 'severe' traffic impact (as defined by DfT Circular 02/2013). Highway England raise concerns about a cumulative strain being placed on junction 1 of M55 but no objection is raised on these grounds. As Highways England are the responsible authority for the operation and maintenance of the M55 they are seeking conditions to adequately address issues that stem from the site's proximity to the M55 boundary such as adequate fencing and substantive and widened planting areas along boundaries to prevent pedestrian intrusion onto carriageways and inhibit objects such as footballs from reaching the motorway from the public open space. Conditions are also recommended to restrict any construction works that would impact on the operation and free flow of the M55.

County Highways have reviewed the submitted information and note that the submitted TA does not include any traffic assessment either locally or across the wider highway network. Crucially, County Highways consider that the level of trips generated by the proposed development would have a minimal impact on the adjacent local highway network, therefore it is considered the impacts on the highway network in the village of Goosnargh could not be considered as severe.

County Highways consider that the submitted TA fails to demonstrate that the cumulative impacts of the proposed development (together with committed and planned development) would not have a severe impact on the existing and proposed highway infrastructure, specifically the function of the A6 corridor/Broughton Bypass and Junction 1 of the M55. County Highways consider that users of the development are likely to utilise the A6 corridor, and the strategic motorway network, and that the number, scale and location of recent developments within the city and within neighbouring districts/boroughs may cumulatively cause congestion issues for this corridor. County Highways acknowledge that significant highways infrastructure is to be provided in the future, which would have some influence on the A6 corridor but consider that this infrastructure would only satisfy demand from allocated and committed sites, some of which fund additional highway mitigation measures. County Highways consider that recently agreed mitigation to enable development to come forward in Barton, Wyre and Ribble Valley has maximised the quantum of development that can be supported on the A6 corridor.

Following their cumulative assessment analysis of the A6 corridor in December 2017 County Highways state that there are critical congestion pinch points along the A6 corridor, including at Junction 1 of the M55. Consequently County Highways consider that there will come a point where the assessed highway network cannot support further development without severe detriment, hence they are currently undertaking a modelling exercise to further investigate the network capacity of the A6 corridor and Junction 1 to the M55. Despite their concerns, County Highways have indicated that the modelling exercise may identify spare capacity that could provide opportunities for further development. However until the outcome of the modelling is known, County Highways stand by their position of concern.

As stated above, the Framework states that development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network would be severe. To date County Highways cannot evidence their concern relating to network

capacity. Furthermore, they have indicated that their investigation may reveal spare capacity that could provide opportunities for further development. In such circumstances, the Council can not substantiate a reason for refusal and there is no reason to delay the determination of the application based on currently unsubstantiated concerns that County Highways have indicated may in any event fall away.

Four sets of off-site highway works are proposed (one of which is the pedestrian refuge island referred to above). County Highways accept the principle of these works and the details will be agreed through the recommended conditions.

County Highways have raised concern that the applicant has not demonstrated that the site is accessible by foot, cycle and public transport and not proposed improvements to the existing pedestrian, cycle and public transport infrastructure. In order to reduce the impact of the proposed development and to make the development sustainable a condition is recommended to secure improved pedestrian and cycle links and County Highways request a financial contribution towards providing a more direct and frequent bus route from Goosnargh into the city centre. Such provision would be secured via a Section 106 Agreement. The applicant has agreed to pay the financial contribution to public transport. This would improve the sustainability of the site and offer the occupiers of the development with an attractive alternative to using their private cars. The proposed development complies with Core Strategy Policy 3, Policy ST2 of the Adopted Local Plan and the Framework.

In light of the above, it is considered that the proposed development would not have a severe impact on either the local highway network or the Strategic Road Network and would not have an unacceptable impact on highway safety. As such, it is considered the proposed development complies with Policy 3 of the Adopted Core Strategy, Policy ST2 of the Adopted Local Plan and the Framework.

#### Heritage Impact

Policy 16 of the Adopted Core Strategy aims to protect and seek opportunities to enhance the historic environment, heritage assets and their settings by safeguarding heritage assets from inappropriate development that would cause harm to their significance; support development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk; and identifying and adopting a local list of heritage assets.

Policy EN8 of the Adopted Local Plan 2012-26 states that proposals affecting a heritage asset or its setting will be permitted where they:

- i) Accord with national policy on the historic environment and the relevant Historic England guidance;
- i) Take full account of the information and guidance in the Council's Conservation Area Appraisals and Management Plans and other relevant policy guidance on the historic environment;
- ii) Make a positive contribution to the character and local distinctiveness through high quality new design that responds to its context;
- iii) Act as a catalyst for the regeneration of the area in accordance with the Council's

- objectives for regeneration;
- iv) Are accompanied by a satisfactory Heritage Statement that fully explains the impact of the proposal on the significance of the heritage asset; and
  - v) Sustain, conserve and, where appropriate, enhance the significance of the heritage asset itself and the surrounding historic environment and where they have consideration to the following:
    - a) The scale, layout and appearance to the heritage asset and its setting; and
    - a) The proposed use of the heritage asset being appropriate in relation to its significance.

The Framework seeks to protect the historic character of listed buildings from inappropriate development. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect the non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Pudding Pie Nook was listed as Grade II in 1986 ([List No 1165174](#)). The listed building is approximately 80m from the closest part of the application site and has no direct line of sight. The listing description describes the exterior of the late C17 “Farmhouse and attached farm buildings now integrated as one dwelling” Crucially, the listing description states the “Principal feature of interest is the interior”.

The closest part of the site to the listed building comprises a triangle set aside as peripheral public open space with indicative planting and a footpath. The gas pipeline runs beneath, precluding any development over it or within 8m of it. The pipeline easement and safety zone would result in the nearest wall of any new house being at least 130m from the closest part of the listed building. The description gives weight to the interior of the building, not the exterior, and the development is so far from the listed asset so as to have no discernible impact on its setting, historic character or heritage value.

Almond Nook Cottage is marginally closer to the development site but neither statutorily or locally listed. It is an old building but is not identified as being of any notable architectural or historic merit. The building is not considered to comprise a non-designated heritage asset but in any event, the offset and setback of new houses within the site resulting from the pipeline safety zone has the additional consequence of increasing the separation between the development and Almond Nook cottage and significantly diminishing any visual impacts that exist.

Cardwell’s Cottage, a thatched cottage stands adjacent to the east boundary of the site (south of Almond Nook Cottage) and is accessed from the private unadopted part of Pudding Pie Nook Lane. It is considered that the proposed development would not have an unacceptable or significant harmful visual impact upon the setting and historic significance of the cottage and the associated hamlet (including Almond Nook Cottage). The proposed development complies with Core Strategy Policy 16, Local Plan Policy EN8 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.

Broughton Neighbourhood Development Plan (BNDP) Policy NE2 seeks to minimise the visual impact of new development when viewed from approaching routes, particularly schemes that fall on the edge of the defined settlement of Broughton. The commentary to BNDP Policy NE2 states that a key characteristic of Broughton is 'enclosure created by mature tree cover focussed around residential areas'. The policy seeks to ensure that any housing developments on the edge of or outside the current settlement boundary should not undermine the established character of the area which is defined by substantial tree cover and planting obscuring views of development from outside.

The site is located on the outer fringe of what will visually become the edge of the settlement, bounded by the motorways. The exact number of dwellings, suitable estate layout and quantum of street trees, green connections and public open space can be resolved at the reserved matters stage to take account of the site's 'edge of settlement' location. The reserved matters process comprises an adequate regulatory procedure through which to secure a layout with increased tree planting and soft landscaping that maximises the landscape character potential, and incorporates these visual and environmental benefits into vitalised and visually softened streets. Subject to conditions to survey and retain existing trees and hedgerows and provide pedestrian connections to the motorway footbridge and Pudding Pie Nook Lane, the proposal would satisfy the aims of CS Policies 5 and 17, PLP Policy EN9, BNDP Policy NE2, the Design Guide SPD and the Framework.

### Impact on neighbouring residential amenity

CS Policy 17 and PLP Policy EN9 state that the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area. 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 aside from access, issues relating to impacts on privacy, overlooking, loss of light and overshadowing cannot be properly assessed at this stage. The indicative site layout and parameters plan seeks to demonstrate that the proposed development could be satisfactorily accommodated on site without having any unacceptable adverse impacts upon residential amenity. Given the size of the site and the number of units proposed it is considered that an acceptable layout could be achieved to satisfactorily safeguard the amenities of existing and future residents. A condition limiting building height to no more than two storeys would be appropriate.

### Open space provision

CS Policy 17 states that the provision of landscaping and open space should form an integral part of new development proposals, including enhancing the public realm. CS Policy 18 seeks to manage and improve environmental resources through the protection and enhancement of the natural environment. CS Policy 24 seeks to promote access to sport and recreation facilities, including children's play provision, through developer contributions where new development would result in a shortfall in provision.

PLP Policy HS3 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.

The Central Lancashire Open Space Study – Policy Implications and Recommendations Report 2012 confirms that there is a surplus of amenity greenspace and of active play facilities of 3.685 hectares and 0.067 hectares respectively. However, as the nearest amenity greenspace/active play area is at King Georges Field, in Broughton village centre, around 1.5km west of the site (a 10 minute adult walk), the SPD requires that the appropriate level of on-site provision is delivered. This would equate to 0.143 hectares of amenity open space and 54m<sup>2</sup> of active play space. The adjacent outline scheme (to the north) was approved with a provision of 0.131ha and 48 m<sup>2</sup> of active play space.

The supplementary parameters plan shows a revised position for the Public Open Space (POS)/ playspace in a location central to the estate alongside the southern edge of the committed northern scheme. This would enable the reserved matters layout of that committed scheme to reposition its own POS alongside to create a single larger combined

area and playground. Such a proposition would offer significant benefits to the residential amenity and character of both developments, for natural surveillance of playspace and a larger area of community recreation space. The maintenance and management of amenity greenspace and active play space would be secured by a Section 106 obligation should planning permission be granted. The applicant is supportive of investigating / providing easier and direct pedestrian connections to this space from the wider hinterlands outside the site (and Public Rights of Way) by way of footpaths linking to the motorway bridge and Pudding Pie Nook Lane. A condition can require this.

Subject to further reserved matters submissions and conditions the proposal has demonstrated a capacity to satisfy the principle of Core Strategy policies CS17, CS18, CS24 and Preston Local Plan HS3.

### Education

CS Policy 14 states that educational requirements will be provided for by enabling seeking contributions towards the provision of school places where a development would result in or worsen a lack of capacity at existing schools.

County Planning (Education) advises that taking into account all approved applications, a financial contribution would be required for the provision of 42no. primary school places. No financial contribution is currently required towards secondary school places. Any financial contribution would be secured through a Section 106 agreement. Thus, the proposal is considered to be in accordance with CS Policy 14.

### Ecology

Policy 18 of the Core Strategy seeks to manage and improve environmental resources through a Green Infrastructure approach, which includes securing mitigation measures and/or compensatory measures where development would lead to the loss of, or damage to, part of the Green Infrastructure network. Policy 22 of the Core Strategy seeks to protect and find opportunities to enhance and manage the biological and geological assets of the area through certain measures, such as promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority species and species populations; and seeking opportunities to conserve, enhance and expand ecological networks.

Policy EN10 of the Adopted Local Plan seeks to protect, conserve, restore and enhance biodiversity and ecological network resources in Preston. Policy EN11 states planning permission will not be granted for development which would have an adverse effect on a protected species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a protected species planning conditions or agreement will be used to mitigate the impact.

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

The application site is an open grazing field with landscape features limited to boundary hedges and a number of trees. The illustrative layout depicts some existing hedgerows and trees would be kept. The supplementary parameters plan indicates space for street trees and extended hedgerow retention. No landscape features are designated as protected but the imposition of appropriate conditions would ensure that existing landscaping would be adequately protected and enhanced where possible to suit the local character.

The Greater Manchester Ecology Unit (GMEU) accept the findings of the assessment in the submitted Ecological Survey and Assessment (dated June 2018) that Great Crested newts are not present and that any risk to them posed by the development would be very low. GMEU does not object to the proposal subject to conditions relating to the inclusion of mitigation measures to protect Great Crested Newts, bats, birds, reptiles and the enhancement of biodiversity. Given the above, subject to appropriate conditions, the development would be compliant with the above policies and the Framework. The footpath connections to routes outside the site should be constructed in appropriate materials and follow optimal routes.

#### 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.

A desk top study (phase 1 assessment) has been submitted with this application and the Environmental Health Officer advises that there are no objections subject to the submission and agreement of a detailed site investigation and verification plan prior to commencement of development, which can be secured by condition. The site is therefore capable of being safely developed and the proposal would comply with the above policies, the Framework and the Guidance.

#### Utilities/Drainage/Flood Risk

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

infrastructure capacity; encouraging the adoption of Sustainable Drainage Systems; and seeking to maximise the potential of Green Infrastructure to contribute to flood relief.

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 site is situated in Flood Zone 1 (low probability of river flooding i.e. less than a 1 in 1000 annual probability) where there is a low risk of flooding. The Lead Local Flood Authority has raised no objection subject to conditions requiring a surface water drainage scheme and a surface water lifetime and management plan. United Utilities has no objections subject to a condition requiring that the development is carried out in accordance with the principles set out in the Flood Risk Assessment. No response has been received from the Environment Agency and no objections have been raised. As such, the proposal would comply with the above policies and the Framework.

#### Air Quality

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

The site does not fall within an Air Quality Management Area and the Environmental Health Officer has raised no objections to the scheme in terms of its impact on air quality. To encourage the use of alternative fuels and improve the air quality of the city, it is considered a condition be attached requiring a scheme for the installation of electric vehicle charging points to be submitted. Subject to this condition, it is considered the proposal complies with Policies 3 and 30 of the Adopted Core Strategy.

#### 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 application is accompanied by a Sustainability Statement which sets out a commitment to adopting energy efficiency standards within the development to exceed Building Regulations standards. A condition securing the precise detail of this efficiency to be

demonstrated at reserved matters stage could be attached if planning permission was granted and the application would accord with Policy 27 of the Core Strategy in this regard.

### Waste management

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

Whilst no details of waste provision have been provided, the indicative site plan indicates there would be sufficient space to the rear of the proposed dwellings to accommodate waste and recycling facilities. To ensure adequate provision is made for waste and recycling, details will be required at reserved matters stage. Subject to these details, it is considered the proposal would comply with the National Planning Policy for Waste.

### Planning balance – compliance with the Framework

Paragraph 11 of the Framework sets out a ‘presumption in favour of sustainable development’ and for decision-taking this means 1) approving development proposals without delay; and 2) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- i) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Given that the Council cannot demonstrate a five year supply of deliverable housing land and Adopted Core Strategy Policy 4 is therefore considered to be out-of-date, this means that planning permission should be granted for this proposal unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development.

As stated above, the Framework supports the presumption in favour of sustainable development. Paragraph 8 of the Framework states that achieving sustainable development means the planning system has three overarching objectives: the ‘economic objective’, the ‘social objective’, and the ‘environmental objective’. This proposal is contrary to CS Policy 1, PLP Policy EN1 and one third of it is contrary to the BNDP (which engages paragraph 14 of the Framework discussed below), but the proposal would accord with CS Policies 7, 13, 21 and 31 and PLP Policy EN4 as discussed above. In terms of the three dimensions of sustainable development, as set out in the Framework, the proposal would perform an economic role as a result of the employment of construction workers to carry out the various aspects of the development. Occupation of the development would also bring inhabitants to a location with links to Broughton village centre which would

support the facilities therein and would provide community infrastructure levy receipts and new homes bonus. Importantly, the principle of housing on this site would make significant contributions to the supply of housing. In relation to the social role, the proposal would provide affordable housing on the site. In terms of the environmental role, the proposed development would result in the loss of existing fields and would introduce built development into what has been identified as open countryside. The site is not however of any notable landscape value in terms of its character and appearance. The impact of the proposal on the open countryside is therefore not considered to be significant. Subject to conditions, there would be no unacceptable impact on protected species. It would also achieve the required sustainability levels and would provide electric vehicle charging points. As a result of the development, there would be no severe impact on the operation or use of the highway. Subject to securing a Section 106 Agreement, the development would also contribute towards improving public transport, which would improve the sustainability of the site and offer the occupiers of the development with an attractive alternative to using their private cars. There would be no harm to any heritage assets near the site.

As stated above, the conflict with the BNDP engages paragraph 14 of the Framework. Paragraph 14 states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least three years supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73): and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

For Preston all of the above apply as such the Framework states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

In this case the Framework directs that planning permission should be granted for two thirds of the site, but states for one third of the site that the conflict with the BNDP is likely to significantly and demonstrably outweigh the benefits. The Framework does not provide advice or guidance for this situation, therefore it is a matter for the local planning authority to decide how much weight should apply to both relevant paragraphs of the Framework.

The application site is bound by the M6 motorway, existing development or land that benefits from planning permission. Should the planning balance weigh more in favour of paragraph 14, the application site would remain an undeveloped, greenfield site but would result in a land locked site that offers no contribution to the openness of the open countryside that Local Plan Policy EN1 and BNDP Policy RES1 seek to protect. Should the planning balance weigh more in favour of paragraph 11, the application would result in the loss of open countryside but the proposed development would provide social, economic

and environmental benefits.

Given that the Framework indicates that two thirds of the proposed development should be approved and the very limited contribution that retaining the application site as a greenfield site would make to the openness of the open countryside, it is considered that the planning balance weighs in favour of approving the proposed development.

### 3.7 Value Added to the Development

- Layout variation depicted in supplementary 'parameters' plan presents centrally located/overlooked area of public open space; and space for tree planting/hedgerow retention;
- Conditions to improve/secure better indicative pedestrian linkages in/out of the site to Public Rights of Way;
- Applicant has agreed to a financial contribution towards primary school places.

### 3.8 Conclusions

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

The objections received have been carefully considered. The application site is not identified for future provision and delivery of housing or any other development within the Central Lancashire Core Strategy and Preston Local Plan 2012-26. The proposed development would be large scale and located in the open countryside, outside the settlement boundary of the rural village of Broughton and contrary to Core Strategy Policy 1 and Local Plan Policy EN1 and partially contrary to BNDP Policy RES1.

Paragraph 73 of the Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. As stated above, given the Council cannot demonstrate a five year supply of housing land, the tilted balance, as set out in the Framework, applies to the determination of this proposal. The report demonstrates how the proposal accords with core aims of the National Planning Policy Framework and that the proposed development would fulfil economic, social and environmental objectives. Illustrative layout plans demonstrate that the site is capable of hosting up to 111no. dwellings whilst also incorporating areas of public open space and retaining / enhancing existing landscaping and having no adverse impacts upon neighbouring residential amenity or the wider Area of Separation, landscape character or local visual amenity. The proposed development is also considered acceptable in terms of its impact on heritage assets, drainage, flooding, energy efficiency, air quality, ground conditions and waste management subject to the conditions imposed. The proposed development would not have a severe impact on the operation of the road network or an unacceptable impact on highway safety. Therefore in applying the tilted balance for the determination of the proposal, it is considered that the harm of the proposed development would not significantly and demonstrably outweigh the benefits.

The conflict with the BNDP engages paragraph 14 of the Framework, however the Framework directs that two thirds of the site should be granted planning permission and given the limited benefit of applying paragraph 14 and its application to only one third of the site, it is considered that the titled balance carries more weight and that planning permission should be granted.

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

### **3.9 Recommendation**

1. Subject to a S106 obligation being secured providing for 35% affordable housing and management and maintenance of open space on-site and contributions for school places, travel planning and for the improvement of bus services in the village, planning permission be granted subject to conditions addressing those matters listed in paragraph 2.1 above and for travel planning, planning permission be granted subject to conditions addressing those matters listed in paragraph 2.1 above.

AND

2. In the event that a satisfactory Section 106 Agreement is not concluded 11th January 2019, or by the expiration of an agreed extension of time, delegate authority to the Director of Development to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured.