

7 January 2021
Your reference:
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Ask for:

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**To: Members and Officers of
the Planning Committee**
Councillors Iqbal (Chair), Borrow (Vice-Chair), Bax, Darby, Ms Eaves,
Landless, Mein, Morgan, Moss, Shannon and Mrs Whittam

Dear Sir/Madam

Planning Committee - 7 January 2021

I am now able to enclose, for consideration at the above meeting, the following report that was unavailable when the agenda was printed.

Agenda No Item

5. Planning Applications List (Pages 1 - 10)

Report by the Director of Development and Housing is enclosed giving details of:

- (ii) late changes list (enclosed).

Yours faithfully

Jackie Wilding

Director of Resources

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**PRESTON CITY COUNCIL
PLANNING COMMITTEE meeting 7th January 2021
LATE CHANGES LIST**

Listed below are changes to the list of planning applications made as a result of additional information received since the publication of the agenda.

**Agenda Item 5a: 06/2020/0966
Address/Location – Sandy Lane
Pages 33 - 50**

Changes:

3.1 – Location

There is a typing error in the sixth line of the description of the application site location (section 3.1) in the committee report. The word 'form' should be replaced with the word 'from'. The typing error has been corrected in the description of the application site location below.

The application site is located on the west side of Sandy Lane, north of the proposed East West Link Road. The site is currently agricultural land which forms the central and south eastern section of land with planning permission for up to 230no. dwellings (06/2016/0291 outline & 06/2017/0366 reserved matters) with the outline permission granting five years to make a reserved matters application and seven years from the outline permission for works to commence or two years from the last reserved matters approval. The application site is identified as within the North West Preston Strategic Location on the policies map of the Preston Local Plan 2012-2026 (Site Allocations & Development Management Policies) (Adopted Local Plan).

No change to recommendation

**Agenda Item 5b: 06/2020/0977
Address/Location – Dean Farm Whittingham Lane
Pages 51 - 74**

Changes:

3.5 Consultation responses

County Education – No objection subject to a financial contribution to provide 12no. primary school places.

3.6 – Analysis

Education

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

County Education advise that, upon further consideration, and taking into account all approved applications, a financial contribution would be required for the provision of 12no. primary school places. No financial contribution is required towards secondary school places due to adequate provision within the area. Any financial contribution would be secured through a Section 106 Obligation should planning permission be granted. Thus, the proposal is considered to be in accordance with Policy 14 of the Core Strategy.

On 6th January 2021 the applicant's agent raised objection to the third reason for refusal, which relates to the density of the proposed development being out of character with the area. The agent argues that the committee report does not accurately reflect other applications approved in the area or the fact that affordable schemes require a higher density. They also note that details of the area assessed for the existing density is not clear.

Officer comment

The report assesses both the existing density along Whittingham Lane as well as taking account of the applications approved to the rear of 126A Whittingham Lane (06/2019/0166 & 062017/0941) which is yet to be fully constructed. As such the council is satisfied that the report provides a fair assessment of the character of the area both in terms of the existing and future character. The report acknowledges that affordable schemes require a higher density however this does not change the officer opinion that the proposed density would be out of keeping with the area. For clarity the existing area density of 7.4 dwellings per hectare was taken from the existing dwellings along Whittingham Lane to the north west of site.

No change to recommendation

Agenda Item 5c: 06/2020/0992

Address/Location – Land at Sidgreaves Lane, Cottam Way

Pages 75 - 90

Changes:

3.6 – Analysis

Utilities, Flood Risk and Drainage

Active discussions are still ongoing between the applicant and United Utilities, however as detailed in the committee report issues of drainage were considered at outline application stage and conditions relating to drainage were attached to the outline approval. The applicant is bound by the drainage conditions attached to the outline consent and working amendments to the drainage scheme can still be accepted after this reserved matters application has been determined.

No change to recommendation

Agenda Item 5d: 06/2020/1058

Address/Location – Former Baffitos, Navigation Way

Pages 91 - 110

Changes:

3.5 – Consultation responses

Parks and Street Scene (Trees) – No objection. The trees outlined for removal are generally lower quality (Category B and C) and there are no trees of significant value on this site. The species identified for removal, mainly Poplar, Aspen and Alder, are not ideally suited to this site as the docks only allow for shallow rooted trees, and from experience this results in these trees being uprooted in this area during adverse weather conditions. In respect of a potential Tree Preservation Order on this site, it is considered that the trees on site are not worthy of such protection.

3.6 – Analysis

Design and Layout

As detailed within the committee report, suggestions were made by officers to improve the visual appearance of the three storey apartment building. The applicant has provided

amended elevations showing a simplification of the roof design, including a reduction in the roof height to reduce the building's prominence. Other amendments include alterations to the window and door openings to provide more variety, the use of recessed horizontal brick detailing around a number of openings to provide depth and contrast to the elevations, a darker brick soldier course between ground and first floor level to accentuate the contrasting brick detailing at ground floor, an enhanced canopy built partly in stone and a glazed entrance to clearly identify the access point into this building and provide natural light in the entrance corridor and office. These amendments are considered to be an improvement and are considered to be acceptable.

Ecology and Trees

In addition to the comments detailed within the committee report, the Council's Arboriculture Officer has raised no objection to the removal of the trees identified on the proposed plans and has confirmed that the trees on this site are not worthy of a Tree Preservation Order.

No change to recommendation

Agenda Item 5e: 06/2020/1087

Address/Location – Garstang Road, Bilsborrow

Pages 111 - 140

Changes:

3.5 – Consultation responses

Lead Local Flood Authority (LLFA) – No objection subject to conditions requiring the applicant to provide details of the final sustainable drainage scheme; a construction phase surface water management plan; and an operation and maintenance plan and verification report of the constructed sustainable drainage system.

3.6 – Analysis

Utilities, Flood Risk and Drainage

In addition to the comments and conditions recommended by United Utilities and the Environment Agency, which are detailed within the committee report, the LLFA have raised no objection to this proposal subject to the imposition of conditions should planning permission be granted.

No change to recommendation

Agenda Item 5f: 06/2020/1136

Address/Location – Land north of Whittingham Lane, Goosnargh

Pages 141 - 166

Changes:

3.6 – Analysis

Education

The applicant has agreed to the financial contribution relating to primary school places and subsequent requirement to enter into a Section 106 Obligation should planning permission be granted. As such, the proposal complies with Policy 14 of the Core Strategy.

No change to recommendation

**Agenda Items 5g and 5h: 06/2020/1165 and 06/2020/1166
Address/Location – Harris Library Museum and Art Gallery
Pages 167-176 and 177-186**

Changes:

The applicant has provided a copy of a letter and additional information which was sent to the Victorian Society in response to their consultation response. This information sought to address the concerns raised by the Victorian Society and to demonstrate that in bringing forward the proposed scheme, the applicant had undertaken the required design appraisal. The information also provides details of the alternative options the applicant considered and how the preferred option was chosen. The chosen location for the new vertical circulation in the south east corner of the building was chosen as it would provide essential public benefit, whilst minimising any unnecessary alteration or intervention to the Grade I listed building.

The applicant sets out that one of the main benefits of the proposed scheme is for visitors with disabilities to access the building. The proposed widened access would encourage visitors to use the new vertical circulation and has been designed following public consultation with user groups who find the Harris Library unwelcoming and intimidating. The proposed lift would also improve accessibility within the building. With regards to the proposed infill loggia, this has been designed to hide the unsightly infrastructure of the new vertical circulation with a reversible and sympathetic treatment.

Victorian Society

In response to the additional information provided by the applicant, the Victorian Society has advised that following review of the information, their position remains unchanged and the objection still stands. The Victorian Society state that they appreciate that the proposals would bring some definite public benefits through the provision of a new circulation core, which would provide an evacuation lift and new escape stair, and allow easy movement of objects between the basement and the gallery levels. However, their objection remains that the specific proposal would cause harm to the architectural significance of the Grade I listed building, and that this harm has not been adequately assessed.

The Victorian Society advise that in choosing the proposed location of the new circulation core, the proposal must address why this option offers a better balance of benefits and harm than any of the other options that have been considered. Although the applicant has provided a copy of the options appraisal that was undertaken in bringing forward the chosen option, the Victorian Society remain unsatisfied that this addresses their concerns. They maintain their view that the proposed alterations would cause certain harm to the significance of the listed building through the removal of important historic fabric, most significantly the ironwork gates and the consequent erosion of a key element of the building's architectural expression. With regards to the proposed infill loggia, the Victorian Society state that the current stairway arrangements leave the loggia intact, whereas the proposed scheme represents a fundamental alteration of the spatial character of that part of the building, creating a great deal of harm to its architectural character.

Analysis

The Victorian Society, in reference to the widened access to the Lancaster Road elevation state that the question to be addressed *"is not whether or not a new entrance should be welcoming, but whether or not the benefits of the alterations, which exclusively concern the management of public perceptions, justify the harm to significance, which is clear and material"*. Officers are of the opinion that the potential harm to the significance of the Harris Library and Museum building would be low/moderate and the harm to the setting of the Market Place Conservation Area would be low. The comments from the Victorian Society have been taken into consideration, together with those from Historic England and the Local Planning Authority's heritage advisor. As set out in the committee report, the Framework requires Local Planning Authorities to weigh the level of harm that would be created against the public benefits of the proposal. It is considered that the public benefits outweigh the low/moderate harm, the proposed works are justified and would preserve the character and

setting of the heritage asset and therefore the proposal accords with the Planning (Listed Building and Conservation Areas) Act 1990 and the Framework.

No change to recommendation

Agenda Item 5i: 06/2020/0922

**Address/Location – Land at Swainson Farm, Goosnargh Lane
Pages 187 - 214**

Changes:

3.5 Consultation Responses:

Lead Local Flood Authority – No objections subject to conditions requiring the final sustainable drainage scheme and a construction phase surface water management plan to be submitted prior to the commencement of the development, and an operation and maintenance plan and verification report of the constructed sustainable drainage system to be submitted prior to the first occupation of the development.

On 4th January 2021 further correspondence was received from the applicant's agent, reaffirming the proposed benefits of the scheme, and raising concerns that they were not fully reflected in the committee report. For the avoidance of doubt, the following benefits have been highlighted by the applicant's agent in their most recent correspondence:

- The report does not adequately consider that 25% of the units across the site would be bungalows/accessible units. This is a significant benefit not considered in the planning balance;
- The report gives no consideration to the highway or residential amenity benefits to the village by removing the lawful use of the site, which at full capacity generates a significant number of HGV and agricultural vehicle movements through the village at unrestricted times of day and night, as well as noise and odour;
- The site is not an open field but substantially developed and presents an unattractive entrance to the village; and
- The village envelope has already been extended on the opposite side of Goosnargh Lane through the granting of outline planning permission for 26no. dwellings on land immediately opposite the site.

The applicant's agent considers these are not generic benefits which one would expect from any other housing scheme, as described in the committee report, and must be awarded greater weight in the planning balance exercise.

Officer comment

Whilst the commitment to provide 25% of the units across the site as bungalows or accessible units is noted and welcomed, this would only equate to up to 10no. units. Whilst this is a benefit of the proposal, it is not significant enough to outweigh the conflict with the development plan. Whilst the commitment to provide 25% (or up to 10 dwellings) across the site as bungalows would provide a greater housing mix from this major housing scheme, officers are satisfied the Planning Balance (and Tilted Balance) in the committee report accurately reflects the view of officers. Members are, however, entitled to come to a different conclusion on this point.

With regards to the highway or residential amenity benefits alluded to by the applicant's agent, whilst these are acknowledged, the site is in a lawful agricultural use and such uses are to be expected on the edges of/near rural settlements due to their rural nature. As such, any benefits of resulting in the cessation of the lawful use of the site would be purely coincidental and an unintended gain as a result of the scheme. Notwithstanding the comments made by the agent on this point, the agent also states due to the financial impact COVID-19 has had on the business which currently operates from the site, it is very unlikely

that poultry will be reared or processed on the site again leaving all the sheds and barns empty. As such the subsequent highway and residential amenity benefits alluded to by the agent in the letter could come about regardless of the outcome of this application.

In relation to the assertion by the applicant's agent that the village envelope has already been extended due to the grant of outline planning permission (06/2018/1356) on the opposite side of the road, it is the view of officers that a planning permission alone does not extend a village boundary. That permission has not been implemented and there is little or no evidence that the permission will be implemented before the end of this year. Notwithstanding this, application 06/2018/1356 was granted outline planning permission at a time when the Local Planning Authority could not demonstrate a five year supply of deliverable housing land and therefore it was considered at that time the need to significantly boost the supply of housing in the city outweighed the conflict with the development plan. The defined boundary of the village (as per the Policies Map within the Local Plan) has not been extended as a result of this permission therefore it is considered that the village boundary has not been extended.

3.6 Analysis

Utilities/Drainage/Flood risk

The Lead Local Flood Authority (LLFA) raise no objections with the Flood Risk Assessment. Should planning permission be granted, the LLFA request conditions be attached requiring the submission of the final sustainable drainage scheme, and a construction phase surface water management plan before development commences, as well as an operation and maintenance plan and verification report of the constructed sustainable drainage scheme before any of dwellings are occupied. Subject to these conditions, it is considered the proposed development would be unlikely to lead to an increase in flooding and therefore complies with Policy 29 of the Core Strategy and the Framework.

3.7 Value Added to the Development

Amend to read as follows:

The applicant revised the affordable housing offer from 35% to 45% and committed to 25% of the units across the site would be bungalows/accessibile units.

No change to recommendation

Agenda Item 5j: 06/2020/0923

Address/Location – Land north east of Swainson Farm, Goosnargh Lane

Pages 215 - 238

Changes:

3.5 Consultation Responses:

Lead Local Flood Authority – No objections subject to conditions requiring the final sustainable drainage scheme and a construction phase surface water management plan to be submitted prior to the commencement of the development, and an operation and maintenance plan and verification report of the constructed sustainable drainage system to be submitted prior to the first occupation of the development.

3.6 Analysis

Utilities/Drainage/Flood risk

The Lead Local Flood Authority (LLFA) raise no objections with the Flood Risk Assessment. Should planning permission be granted, the LLFA request conditions be attached requiring the submission of the final sustainable drainage scheme, and a construction phase surface water management plan before development commences, as well as an operation and

maintenance plan and verification report of the constructed sustainable drainage scheme before any of dwellings are occupied. Subject to these conditions, it is considered the proposed development would be unlikely to lead to an increase in flooding and therefore complies with Policy 29 of the Core Strategy and the Framework.

No change to recommendation

Agenda Item 5I: 06/2020/1141

Address/Location – Bushells Farm, Mill Lane, Preston

Pages 249 - 278

Changes:

3.5 Consultation Responses:

Lead Local Flood Authority – No objections subject to conditions requiring the final sustainable drainage scheme and a construction phase surface water management plan to be submitted prior to the commencement of the development, and an operation and maintenance plan and verification report of the constructed sustainable drainage system to be submitted prior to the first occupation of the development.

Publicity

On 4th January 2021 the applicant's agent submitted an additional advice note provided by counsel, dated 2nd December 2020, instructed by the applicant, which is summarised as follows:

- The recommendation to refuse permission notwithstanding the application of the tilted balance is flawed. The Local Planning Authority should work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible;
- Decision making should be properly informed by taking a consistent approach to similar decisions. In January 2019 the recommendation was that this application should be approved if the tilted balance was engaged. The importance of the absence of a five-year land supply is to engage that tilted balance but that the most important policies can be assessed to be out-of-date for other reasons. However, once engaged, for whatever reason, a consistent approach should be taken to that balance again;
- There is no additional harm associated with the proposals on this occasion, and the increase in affordable housing provision confers added benefit to an already significant benefit. Whilst the benefit from housing does not reduce if a five-year land supply can be shown it is obvious that the benefit from affordable housing is enhanced with the upward revision, and there is significant unmet need for affordable housing. To treat such of 'limited weight' is irrational, and not in compliance with the Core Strategy;
- It is equally obvious that benefits remain benefits, and there is no basis for arriving at a difference of view in relation to the sustainability of the location which remains unchanged;
- The presence of a five-year supply (by using the standard method) does not increase the weight to be ascribed to out-of-date policies previously found not to justify refusal under a tilted balance. This is particularly the case in the context of this application which is identified to have no material harm other than to out-of-date policies and for which various benefits are agreed.

Officer comment

The advice note predates the publication of committee report by 3 weeks and does not change the position that officers have taken, which is set out in the committee report. Officers consider that reports to the Committee have maintained consistency in decision making. Members are, however, entitled to come to different conclusions.

On 6th January 2021 the applicant's agent submitted additional representation, which is summarised as follows:

- If the Local Planning Authority were recommending approval of more than one site (surrounding Goosnargh Village), the cumulative impacts that would arise in theory could lead to a reason for refusal. However, if the Local Planning Authority are opposed to such schemes (which appears to be the case considering the recommendations on relevant items on this agenda), then when each comes forward for determination they should be considered on their own merits and not on the assumption of potential decisions at the forthcoming appeals. Assuming the impact of multiple schemes is a contradictory assessment to undertake for each of the applications, and a failure to assess the correct baseline against which to judge an application is unreasonable conduct.

Officer comment

The decision to include the second reason for refusal relating to cumulative impact is a result of the ongoing appeals against the refusals of planning permission on a number of sites surrounding Goosnargh (including at Bushells Farm), and the Planning Inspectorate's request for clarification on whether the Local Planning Authority is now seeking to defend such appeals on the grounds of cumulative impact. This is outlined in an Urgent Item report which appears elsewhere on this committee agenda and was published on 6th January 2021.

Officers consider that given that the proposals subject to appeal are all being considered at the same public inquiry and there is a prospect that an Inspector may grant planning permission simultaneously for some or all five proposals following the same conjoined inquiry, the cumulative impact of adding a significant amount of new dwellings to all edges of the rural village of Goosnargh cannot be ignored and it is therefore considered appropriate to assess the cumulative impact of all four proposals that appear on this agenda upon the adjacent village.

3.6 Analysis

Utilities/Drainage/Flood risk

The Lead Local Flood Authority (LLFA) raise no objections with the Flood Risk Assessment. Should planning permission be granted, the LLFA request conditions be attached requiring the submission of the final sustainable drainage scheme, and a construction phase surface water management plan before development commences, as well as an operation and maintenance plan and verification report of the constructed sustainable drainage scheme before any of dwellings are occupied. Subject to these conditions, it is considered the proposed development would be unlikely to lead to an increase in flooding and therefore complies with Policy 29 of the Core Strategy and the Framework.

No change to recommendation

Agenda Item 5m: 06/2020/1144

**Address/Location – A Touch of Spice, 521 Garstang Road, Preston
Pages 279 - 300**

Changes:

Section 2.1 Conditions and Informatives

Conditions

Additional condition:

24. Development to be undertaken in accordance with submitted CEMP

3.3 Relevant planning history

The reference to past application 06/2003/0424 states that the application was refused in 'May 2014'. This should read 'May 2004'.

3.5 Consultation Responses

Environmental Health – Recommends that development should proceed in accordance with the submitted Construction Environmental Management Plan (CEMP).

County Highways – Recommends that development should proceed in accordance with the submitted Construction Environmental Management Plan (CEMP).

Publicity

A further 4 representations objecting to the application have been received. The majority of the issues raised are similar to those reported in the committee report. Additional issues raised are summarised as follows:

- The proposed development would have an effect on local businesses;
- The site should alternatively be provided for public access and recreation.

3.6 Analysis

Impact on residential amenity

The submitted Construction Environmental Management Plan (CEMP) has been reviewed by the Council's Environmental Health officers, who consider it to be acceptable. A condition is recommended requiring the development to be undertaken in accordance with the CEMP, in order to ensure that undue impacts caused by the construction process can be adequately mitigated or avoided.

The impact of the development upon residential amenity is considered to be acceptable, subject to the recommended conditions, in accordance with the policies outlined in the main report.

Traffic and highway safety

The submitted Construction Environmental Management Plan (CEMP) has been reviewed by County Highways, who consider it to be acceptable. A condition is recommended requiring the development to be undertaken in accordance with the CEMP, and it is considered that this would ensure adequate wheel cleaning facilities are provided during the construction phase, as was originally requested by County Highways.

Recommendation

It is the preference of officers that the provision of on-site affordable housing be secured by Section 106 Obligation, however the applicant's agent states this would present the applicant difficulties in terms of securing grant funding from Homes England. However officers are aware that the same approach has not been taken by Homes England on other sites. Further clarity on this issue has been requested but has not been made available to officers at the time of publishing this document. This will be addressed orally at the committee meeting and may lead members to grant planning permission subject to conditions and a Planning Obligation securing affordable housing.

No change to recommendation

ADD Condition 24

Development to be undertaken in accordance with submitted CEMP

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