

# PRESTON CITY COUNCIL



## TOWN AND COUNTRY PLANNING ACT 1990

### STATEMENT OF CASE SUBMITTED ON BEHALF OF THE LOCAL PLANNING AUTHORITY

**Appeal Site:** Dean Farm, 150 Whittingham Lane, Broughton, Preston, PR3 2JL

**Appeal Proposal:** Outline planning application seeking approval for access only for residential development for up to 32no. dwellings (all other matters reserved)

**Appeal By:** Community Gateway Association Ltd

**Planning Inspectorate Ref:** APP/N2345/W/21/3278556

**Preston City Council Ref:** 06/2020/0977

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## Contents

1. INTRODUCTION .....	2
2. APPEAL SITE AND SURROUNDING CONTEXT .....	5
3. THE PROPOSED DEVELOPMENT .....	7
4. RELEVANT PLANNING POLICY & GUIDANCE .....	8
4.2. National Planning Policy Framework.....	8
4.3. Central Lancashire Core Strategy .....	8
4.4. Preston Local Plan .....	10
4.5. Other Material Considerations.....	11
5. CASE FOR THE APPELLANT.....	12
6. CASE FOR THE LOCAL PLANNING AUTHORITY.....	15
6.2. Reason for refusal 1 – Location .....	15
6.3. Reason for refusal 2 – Accessibility .....	26
7. PLANNING BALANCE.....	27
7.1. Development Plan Compliance .....	27
7.2. The Planning Balance .....	28
7.3. The Tilted Balance .....	32
8. CONCLUSION.....	34
APPENDIX A – LIST OF SUGGESTED CONDITIONS .....	36

## Tables

Table 1 – Application Benefit Analysis .....	29
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## **1. INTRODUCTION**

1.1.1. This Statement of Case is submitted by Preston City Council in respect of the appeal lodged by Community Gateway Association (CGA) against the Council's decision to refuse outline planning permission for up to 32no. dwellings at a site known as Dean Farm. All matters were reserved except for means of access.

1.1.2. The Council's Planning Committee resolved to refuse the above planning application at the meeting on 7<sup>th</sup> January 2021 for the following reasons:

- i) The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy, which seeks to limit development to small scale, infill development. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. Moreover, whilst it is acknowledged that the proposal comprises 100% entry-level homes, the need for such homes is already being met within the authority's area,

hence the proposal fails to accord with paragraph 71<sup>1</sup> of the National Planning Policy Framework. The proposed development is contrary to Policy 1 of the Central Lancashire Core Strategy and Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

- ii) The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). Due to lack of access to public transport and distance to local amenities, the proposed development would result in future residents being heavily reliant on private motor vehicles to access day to day amenities, which would not represent sustainable development. The need to promote sustainable development, set out in paragraph 8 of the Framework, involves bringing forward land of the right type in the right place with accessible services. By virtue of the location of application site, the proposed development would demonstrably fail to do this. The proposed development is contrary to Policy 3 of the Central Lancashire Core Strategy and the National Planning Policy Framework.
- iii) The indicative layout plan suggests the proposed development could achieve a density of around 32 dwellings per hectare. The existing density within the area is approximately 7.4 dwellings per hectare. The proposed density of the development would be substantially higher than that of the surrounding area and would result in a development that is incongruous

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<sup>1</sup> Paragraph 72 of the National Planning Policy Framework as amended July 2021

in this rural area due to its suburban appearance. The proposed development is contrary to Policy 5 of the Central Lancashire Core Strategy and the National Planning Policy Framework.

- 1.1.3. After reviewing its case as part of the process of preparing for the Appeal the Council has determined that it will not seek to make a case based on the third reason for refusal. As such reason iii) detailed above should be considered formally withdrawn. For the avoidance of any doubt, the Council will continue to defend reasons i) and ii) detailed above.
- 1.1.4. The Council's evidence will set out that the proposal conflicts with the development plan as a whole and specifically the Central Lancashire Core Strategy (Core Strategy) Policy 1 and Preston Local Plan (Local Plan) Policy EN1 resulting in development that fails to provide growth and investment in the right location by being located in the open countryside and by not being the type of development deemed permissible in the open countryside. Furthermore, the evidence will demonstrate that the need for entry level homes is already being met within the authority area, hence the proposal fails to accord with paragraph 72 of the Framework. In addition to this the evidence will demonstrate that the proposed site is not sustainably located, and future residents would be heavily reliant on private motor vehicles to access day to day amenities contrary to Core Strategy Policy 3 and Paragraph 8 of the Framework.

## **2. APPEAL SITE AND SURROUNDING CONTEXT**

- 2.1.1. The appeal relates to an area of 0.99ha of agricultural land located on the east side of Pudding Pie Nook Lane, south of the junction with Whittingham Lane, behind a property known as Dean Farm. Access to the appeal site would be taken from an existing access track to the land which runs from Pudding Pie Nook Lane between Dean Farm to the north and the former Oak Nursery site to the south (buildings have been demolished, but areas of hardstanding and boundary treatments remain), which forms part of development approved under planning application 06/2018/0700 for a distribution centre, which is under construction. The site of Oak Nursery is conditioned to be landscaped as part of the above approval. The appeal site is irregular in shape with the access projecting off the western corner of the site to connect to Pudding Pie Nook Lane, with the western edge of Pudding Pie Nook Lane up to the junction with Whittingham Lane included within the red edge. Dean Farm and land to the north and east of the appeal site are included within the blue edge. The appeal site is covered by an existing yard and sand paddock in the west of site with the remaining area a field.
- 2.1.2. The appeal site is located within the open countryside and area of separation as defined by the Policies Map of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies). The scheme also falls outside the village boundary of Broughton and proposes development on agricultural land.
- 2.1.3. The appeal site is situated approximately 75m from the eastern edge of the settlement boundary of the village of Broughton, which ends at the eastern

edge of no.138 Whittingham Lane. The north western edge of the appeal site is bound by Dean Farm, an area of trees bound the north and east edges of the appeal site, which include a surface water course to the north and a pond to the southeast. The south western edge of the appeal site adjoins the access route for the distribution centre (approved under planning application 06/2018/0700).

2.1.4. The following planning applications, which border the appeal site, have been submitted/approved in recent years:

- i) In September 2018 outline planning permission, under planning application 06/2017/0941, was granted on land to the southwest side of Pudding Pie Nook Lane for up to 101no. dwellings. At the time, the Council could not demonstrate a five year supply of deliverable housing land. In 2019 a subsequent reserved matters application (reference 06/2019/0166) was granted for 98no. dwellings which provides a development with a density of 22dph. Construction on phase 1 started in 2020 and is accessed from Whittingham Lane.
- ii) In April 2018 outline planning permission, under planning application 06/2017/1387, was granted on land to the northwest side of Pudding Pie Nook Lane for up to 6no. dwellings. At the time, the Council could not demonstrate a five year supply of deliverable housing land. In 2021 a subsequent reserved matters application (reference 06/2021/0448) was granted for 6no dwellings which provides a development with a density of 4.65dph. At the time of writing this statement development has not commenced.

### **3. THE PROPOSED DEVELOPMENT**

- 3.1.1. Preston City Council validated the planning application that is subject to this appeal on 14<sup>th</sup> September 2020.
- 3.1.2. Outline planning permission was sought, with all matters reserved except for access, for the erection of up to 32no. dwellings on land to the rear of Dean Farm. Vehicular access would be taken from the existing access off Pudding Pie Nook Lane. The submitted “Proposed Site Access and Indicative Lane Improvements” plan (drawing ref. VN91463-D100 Rev. B) details the access arrangements.
- 3.1.3. Whilst in outline form the application was accompanied by an ‘Illustrative layout’ plan (drawing ref. 1320-PL03F) which illustrates how a development of 32no dwellings could come forward on site including retaining an offset from a gas main which crosses the east of the site in roughly a north to south direction.
- 3.1.4. The Planning Statement also indicated that 100% of the proposed dwellings would be affordable in accordance with the definition within the Glossary set out in NPPF Annex 2 and that the development was considered to constitute an Entry Level Exception Site provided for in paragraph 72 of the Framework (July 2021).
- 3.1.5. As previously mentioned, the Council’s Planning Committee resolved to refuse the application on 7<sup>th</sup> January 2021 for the reasons set out in paragraph 1.1.2 above, and the decision notice was issued on 8<sup>th</sup> January 2021. As outlined in paragraph 1.1.3, the Council now seeks to only defend reasons for refusal i) and ii) as set out in paragraph 1.1.2.



#### **4. RELEVANT PLANNING POLICY & GUIDANCE**

4.1.1. The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF), revised in July 2021, and at a local level by The Central Lancashire Core Strategy (adopted July 2012) and The Preston Local Plan 2012-26 (Site Allocations and Development Management Policies DPD) (adopted July 2015).

#### **4.2. National Planning Policy Framework**

4.2.1. The Council's evidence will consider the appeal proposal against the policy guidance contained in the NPPF, and whether the proposals represent sustainable development (paragraphs 7 to 14) and the policy guidance given in the NPPF regarding the supply of housing (paragraphs 60 to 77).

4.2.2. The Council's evidence will also consider the appeal proposal against whether it meets the definition of an entry-level exception site (paragraph 72) and is suitably accessible to local services and public transport and maintains the prevailing character of the area (paragraph 124).

4.2.3. The Council will also refer to the National Planning Policy Guidance (PPG) which supplements the above.

#### **4.3. Central Lancashire Core Strategy**

4.3.1. The Central Lancashire Core Strategy was formally adopted in July 2012. The Council's evidence will address the extent to which the appeal proposal does or does not comply with the relevant policies within the adopted Core Strategy. The evidence will explain why it is considered that the proposal does not

comply with those policies identified in the reasons for refusal. The Council will also refer to supplementary planning documents (SPDs) which supplement the above policies.

4.3.2. The following policies within the Core Strategy are considered relevant to the proposal (however the Policies highlighted in bold type are considered to be most important in the consideration of this appeal):

- **Policy 1 – Locating growth**
- Policy 2 – Infrastructure
- **Policy 3 – Travel**
- **Policy 4 - Housing delivery**
- Policy 5 – Housing density
- Policy 6 – Housing quality
- **Policy 7 – Affordable and special needs housing**
- Policy 14 – Education
- Policy 17 – Design of new buildings
- Policy 18 – Green infrastructure
- **Policy 19 – Areas of separation and major open space**
- Policy 21 – Landscape character areas
- Policy 22 – Biodiversity and geodiversity
- Policy 26 – Crime and community safety
- Policy 27 – Sustainable resources and new developments
- Policy 29 – Water management
- Policy 30 – Air quality
- Policy 31 – Agricultural land

#### **4.4. Preston Local Plan**

4.4.1. The Preston Local Plan was formally adopted in July 2015. The Council's evidence will address the extent to which the appeal proposal does or does not comply with the relevant policies within the adopted Local Plan. The evidence will explain why it is considered that the proposal does not comply with those policies identified in the reasons for refusal. The Council will also refer to supplementary planning documents (SPDs) which supplement the above policies.

4.4.2. The following policies within the Local Plan are considered relevant to the proposal (however the Policies highlighted in bold type are considered to be most important in the consideration of this appeal):

- Policy HS3 – Green infrastructure in new housing developments
- **Policy HS4 – Rural Exception Affordable Housing**
- Policy ST1 – Parking standards
- Policy ST2 – General transport considerations
- **Policy EN1 – Development in the open countryside**
- Policy EN3 – Future provision of green infrastructure
- **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

#### **4.5. Other Material Considerations**

4.5.1. Other material considerations in the consideration of these appeals include the following Supplementary Planning Documents:

- Affordable Housing (adopted 2012);
- Design Guide (adopted 2012);
- Open Space and Playing Pitch (adopted 2014);
- Rural Development SPD (adopted 2012).

## **5. CASE FOR THE APPELLANT**

- 5.1.1. The appellant acknowledges their proposal conflicts with Core Strategy Policy 1 and Local Plan Policy EN1. However, the appellant contends that the policies which are most important for determining this application are out-of-date and should be afforded reduced weight due to their datedness or inconsistency with the Framework. Furthermore, the appellant argues that the need for Entry Level Exception Sites (ELES) is not being met in the area and as such the proposal can meet the requirements of paragraph 72 of the Framework. As such they believe that the first reason for refusal is unjustified.
- 5.1.2. With regards to the second reason for refusal, sustainability of the location, the appellant disagrees with the LPA conclusion as the detailed Transport Statement submitted with the application demonstrates that the appeal site is accessible on foot, bicycle and by public transport. Furthermore, the appellant also states it should be carefully borne in mind that the intention of paragraph 72 of the Framework is that such sites will come forward as an exception to the generality of sites and on the edge of settlements. As such the appellant considers the site's relationship to the services and facilities are what one would expect to see from a peripheral site to the settlement.
- 5.1.3. Lastly the appellant argues that the density of the development is compliant with Paragraph 72 of the Framework. Whilst they acknowledge that this compliance does not override the provisions of the Development Plan, they argue that the policies most important for determination of the application are considered out of date. Furthermore, they consider the density is consistent with other nearby developments off Whittingham Lane. They conclude

therefore that the development will have no harmful impact on, amenity character, appearance, distinctiveness and the environmental quality of the area and that the benefit of a 100% affordable housing scheme would outweigh any conflict with the Local Plan, as well as making efficient use of the land in line with Core Strategy Policy 5.

- 5.1.4. The appellant notes that the Preston, South Ribble and Lancashire City Deal was agreed in 2013 to increase the delivery of dwellings. Under the City Deal they argue that the Council has committed to facilitating delivery of 17,420 new homes between 1st April 2014 and 31st March 2024, in order to receive funding of infrastructure from government. They argue that there is a significant shortfall in the number of dwellings provided to date and that this is therefore a consideration of some significance.
- 5.1.5. The appellant acknowledges that there is a legal challenge to the LPA's recent Cardwell Farm appeal decision (Planning Inspectorate reference: 3258889) as well as a number of appeal decisions due within the Central Lancashire area and how the Preston's housing land supply should be considered, either by the Standard Methodology or Core Strategy Policy 4, is in question. They acknowledge the Council's current position as of 31st March 2021 is that it has a 15.3 year housing land supply based on the Standard Methodology or 6.1 year housing land supply based on Core Strategy Policy 4.
- 5.1.6. The appellants therefore consider that their proposal represents a high-quality development in a sustainable location which would deliver a range of social, economic and environmental benefits in accordance with paragraph 8 of the NPPF and, therefore, regardless of whether or not the tilted balance is

engaged the significant benefits of the appeal proposal would not be significantly and demonstrably outweighed by the harm.

## **6. CASE FOR THE LOCAL PLANNING AUTHORITY**

6.1.1. The Council will demonstrate that the reasons for refusal are justified as well as addressing whether or not the most important policies for determining the application are out-of-date and whether or not the “tilted balance” is engaged, which has been raised by the appellant in their submission.

### **6.2. Reason for refusal 1 – Location**

6.2.1. In line with the statutory test in section 38(6) of the Planning and Compulsory Purchase Act, the appeal must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council considers that the proposal is contrary to Core Strategy Policy 1 and Local Plan Policy EN1 as it would result in a development that fails to provide growth and investment in the right location. As Core Strategy Policy 1 and Local Plan Policy EN1 form the spatial strategy for growth and investment in Preston, this conflict is a fundamental conflict not only with the aforementioned policies, but with the Development Plan taken as a whole. The appellant accepts the proposal is contrary to Core Strategy Policy 1 and Local Plan Policy EN1 within their Statement of Case.

6.2.2. The most important policies for determining these applications are Core Strategy Policies 1, 3, 4, 7 and 19 and Local Plan Policies EN1, EN4 and HS4. The Council considers that these most important policies for determining this application, save for Core Strategy Policy 4(a) (relating to the housing requirement) and Local Plan Policy HS4 (relating to rural exception affordable housing), are not out of date. As a result, the basket of the most important policies for determining the application is not out of date. As the Council can



demonstrate a five year supply of housing land, against both the local housing need figure calculated using the standard methodology and the Development Plan housing requirement contained in Core Strategy Policy 4, the Council contends the “tilted balance” is not engaged and there are no other material considerations that outweigh the clear conflict with the Development Plan.

6.2.3. Paragraph 74 of the Framework states that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against the housing requirement set out in adopted development plan policies, or against their local housing need (calculated using the standard methodology) where those development plan policies are more than five years old, unless those policies have been reviewed and found not to require updating.

6.2.4. In October 2017 the Central Lancashire authorities entered into a Memorandum of Understanding (MOU1) following the publication of a Central Lancashire Strategic Housing Market Assessment (SHMA) in September 2017. Based on the Objectively Assessed Need (OAN) set out in the SHMA, MOU1 confirmed a commitment from the Central Lancashire Authorities to continue to meet the housing requirement, and distribution, set out in Core Strategy Policy 4 until a full review of the development plan had taken place. The agreement contained within MOU1 also provided for a review, within three years of its approval (October 2020), to account for any change in circumstances prior to the full review of the development plan. It was therefore (i) time limited; and (ii) likely to be superseded by any subsequent review,

undertaken in the light of a change in circumstances e.g. a significant change to national planning policy.

- 6.2.5. Whilst MOU1 pre-dates the first iteration of the revised Framework, in July 2018, the Council acknowledge that the process the Central Lancashire authorities undertook in entering into MOU1 could be considered a 'review' of Core Strategy Policy 4, as described in Paragraph 74 and footnote 39 of the Framework.
- 6.2.6. Following publication of the second iteration Framework, in February 2019, a very significant change in circumstance has taken place with respect to the way local housing need is calculated. The application of the lower local housing need figure in Preston as a result of the introduction of the standard methodology represents a fundamentally different approach and one which cannot be ignored. The Framework still seeks to boost significantly the supply of housing. But it is now the standard methodology which is the means to deliver such a significant boost. The Local Housing Need is calculated on an authority basis.
- 6.2.7. The Council asserts that Core Strategy Policy 4, and specifically part (a) of the policy, is out-of-date, regardless of having been subject to a 'review' in October 2017. The housing requirement contained in Core Strategy Policy 4(a) is founded in the evidence base which underpinned the, now defunct, North West Regional Spatial Strategy. This evidence dates back to a baseline of 2003, some 17 years ago.
- 6.2.8. On 9 March 2021 the Planning Inspectorate issued its decision regarding an appeal on Land at Cardwell Farm, Garstang Road, Barton, Preston following

a public inquiry held between 9 and 12 February 2021. The appeal was allowed, and outline planning permission was granted for 151no. dwellings and a community building.

6.2.9. The Council's argument at the inquiry was that whilst there had been a 'review' of the Core Strategy Policy 4 housing requirement figures in 2017; MOU1; and that this 'review' amounted to a 'review' for the purposes of Paragraph 73 and Footnote 37 (now 74 and 39 respectively) of the Framework this had been overtaken by a significant change in circumstances since the review, namely, the emergence of the concept of local housing need calculated by the standard methodology and consequentially the significant change in a) methodology, b) overall numbers and c) distribution across the Central Lancashire authorities. Specifically, the Council pointed toward the significant difference between the Core Strategy Policy 4(a) housing requirement for Preston and the local housing need for Preston calculated by way the standard methodology as being a significant change in circumstances which rendered Core Strategy Policy 4(a) out of date. The Inspector was therefore required to exercise a planning judgment on whether Core Strategy Policy 4(a) was out of date, considering all material considerations.

6.2.10. However, the Council's position is that, having recognised the point, the Inspector does not address it or deal with it in the appeal decision. The Inspector does not address and/or reach a conclusion on whether there has been a significant change of circumstances since 2017. He does not, therefore, exercise a planning judgment on whether Core Strategy Policy 4(a) is out of date as a result. Reading the decision letter fairly and in full, there is

nothing to suggest this issue has been addressed and/or what the conclusion on this issue may be. Consequently, the Council has challenged the decision in the Planning Courts. The challenge is being resisted by the Secretary of State and the Appellant in that case.

6.2.11. As such, the Council continues to consider that Core Strategy Policy 4(a) is out of date and the solus standard methodology local housing need figure is the most appropriate figure to monitor and assess housing land supply in Preston. At present the standard methodology used to determine local housing need produces a minimum figure of 254 net additional homes per annum and against this the Council can currently demonstrate a 15.3 year supply of deliverable housing land. Furthermore, even if the Council were to assess its housing land supply position against the housing requirement contained in Core Strategy Policy 4(a), in spite of it being out of date, the Council can currently demonstrate a 6.1 year supply of deliverable housing land. The “tilted balance” is therefore not engaged for housing land supply reasons whichever of the two potential housing ‘requirement’ figures are used. However the Council’s position is clearly that the solus standard methodology local housing need figure is the most appropriate figure to monitor and assess housing land supply in Preston.

6.2.12. The Council notes that this position has been supported unequivocally in a recent (June 2021) appeal decision relating to land at Chain House Lane (Inspectorate reference: 3234070) within the borough of South Ribble where Core Strategy Policy 4(a) applies in the same way as it does in Preston. In making his decision and considering the same circumstances as set out

above, the Inspector concluded that the housing requirement contained in Core Strategy Policy 4(a) is out of date, and that the most appropriate way for South Ribble to assess its housing land supply position is against the local housing need figure. The Inspector concluded this taking account of a number of material considerations and counter-arguments which are of equal relevance in Preston, because of the significant difference between the housing requirement figure for South Ribble contained in Core Strategy Policy 4(a) and the local housing need figure for South Ribble, which constitutes a significant change in circumstances rendering Core Strategy Policy 4(a) out of date.

6.2.13. In South Ribble the Core Strategy Policy 4(a) housing requirement is 417 net additional homes per annum and the local housing need was 191 net additional homes per annum (at April 2020 and as presented to the Chain House Lane inquiry). The difference between the two therefore being 226 net additional homes per annum. In Preston the Core Strategy Policy 4(a) housing requirement is 507 net additional homes per annum and the local housing need is 254 net additional homes per annum, the difference between the two therefore being 253 net additional homes per annum. The Inspector's conclusions in the Chain House Lane decision fully support the Council's position that an, at least equivalent, significant change in circumstances has occurred in Preston which renders Core Strategy Policy 4(a) out of date and supports the use of the local housing need figure to assess housing land supply. This was also the position of the Council at a recent conjoined inquiry relating to seven appeal sites in Goosnargh and Longridge, the Council awaits a decision from the Planning Inspectorate for these appeals. The Chain House

Lane decision has been challenged by the appellant, however it is a lawful decision until it is set aside and therefore remains a material consideration.

6.2.14. Whilst the local housing need figure of 254 net additional homes per annum is significantly lower than the housing requirement figure for Preston contained in Core Strategy Policy 4(a) (507 dwellings per annum), it does not follow that as a result all the other most important development plan policies for determining this appeal are out of date. On the contrary, the spatial strategy and settlement hierarchy, together with the protection of the open countryside and travel, remain up to date (see Core Strategy Policy 1, 3, 7 and 19 and Local Plan Policy EN1 and EN4). Local Plan Policy HS4 is superseded by paragraph 72 of the Framework and is therefore considered out of date.

6.2.15. The Council therefore contends that though Core Strategy Policy 4(a) and Local Plan Policy HS4 are out of date this does not engage the tilted balance as all the other most important policies (Core Strategy Policy 1, 3, 7 and 19 and Local Plan Policy EN1 and EN4) are not out of date.

#### Core Strategy Policy 1

6.2.16. Core Strategy Policy 1 deals with the spatial strategy for growth in Central Lancashire, prioritising new development within the Preston urban area, strategic sites and locations and adjacent to the Key Service Centre of Longridge. The policy seeks to constrain housing in the open countryside. This policy is considered to be up to date, in the light of the new housing 'requirement' contained in NPPF (2021) which employs the standard method. Policy 1 does not, in itself, define settlement boundaries and would not constrain the delivery of housing to meet the Council's local housing need

figure. Additionally, it is not considered that the settlement boundaries are out of date as these were drawn to provide sufficient land to accommodate a housing requirement of 507 dwellings per annum. Given that the housing requirement has significantly reduced since the settlement boundaries were drawn it is not considered that the settlement boundaries are out of date or need to be redrawn to encompass more land in order to achieve the Council's revised local housing need of 254 dwellings per annum.

6.2.17. Indeed, if the Core Strategy Policy 4 housing requirement were to be applicable, based on the cumulative undersupply at April 2021 and the remaining plan period requirement, it is plainly clear that, in housing terms, plan period growth will be achieved by the end date of the Local Plan in 2026 based on the deliverable housing land supply the Council will present to this inquiry. In either scenario therefore, Core Strategy Policy 1 is not out of date and continues to provide a robust basis upon which the Council can plan for sustainable plan-led growth.

#### Local Plan Policy EN1

6.2.18. Whilst Local Plan Policy EN1 restricts development which takes place in areas of open countryside, the nature of the policy does not give rise to any conflict with a specific part of the Framework, or the Framework when taken as a whole. This is consistent with Core Strategy Policy 1. Given the local housing need in Preston is substantially below the housing requirement contained in Core Strategy Policy 4(a), as detailed above it is clear that more than sufficient land has been allocated for housing development to meet the local housing need. The protective policies in the Local Plan, which are consistent with the

spatial strategy, are not therefore constraining the release of land for housing development and seek to prevent large scale developments within rural settlements and the open countryside, which would in turn be contrary to the Council's aspirations to locate growth and investment in the urban areas of Preston and strategic sites and locations. As such, there is no justification for concluding that Policy EN1 is out of date, or should be deemed to be out of date because of the Council's revised local housing need of a minimum 254 dwellings per annum. The Council therefore contends that Policy EN1 of the Local Plan is not out of date and attracts full weight in the determination of planning applications.

6.2.19. Again, if the Core Strategy Policy 4(a) housing requirement were to be applicable, given the Council can currently demonstrate in excess of a five year supply against that requirement, the same conclusion would be arrived at for Local Plan Policy EN1 as described for Core Strategy Policy 1 in paragraph 6.3.2 of this statement.

#### Core Strategy Policy 19 and Local Plan Policy EN4

6.2.20. Core Strategy Policy 19 seeks to protect the identity, local distinctiveness and green infrastructure of rural settlements by resisting development which would place those rural settlements at risk of merging. Policy EN4 designates the boundaries of the Areas of Separation as introduced by Policy 19, and provides further clarification on the purpose of the policy to assess development based on the resultant harm on the effectiveness of the gap between settlements. Given the local housing need in Preston is substantially below the housing requirement contained in Core Strategy Policy 4, as



detailed above it is clear that more than sufficient land has been allocated for housing development to meet the local housing need. The protective policies in the Local Plan, which are consistent with the spatial strategy, are not therefore constraining the release of land for housing development and seek to prevent large scale developments within rural settlements and the open countryside, which would in turn be contrary to the Council's aspirations to locate growth and investment in the urban areas of Preston and strategic sites and locations. As such, there is no justification for concluding that Policies 19 and EN4 are out of date, or should be deemed to be out of date because of the Council's revised local housing need of a minimum 254 dwellings per annum. The Council therefore contends that Policy 19 of the Core Strategy and EN4 of the Local Plan are not out of date and attract full weight in the determination of planning applications

6.2.21. Again, if the Core Strategy Policy 4(a) housing requirement were to be applicable, given the Council can currently demonstrate in excess of a five year supply against that requirement, the same conclusion would be arrived at for Core Strategy Policy 19 and Local Plan Policy EN4 as described for Core Strategy Policy 1 in paragraph 6.3.2 of this statement.

#### Local Plan Policy HS4

6.2.22. Policy HS4 facilitates the provision of new affordable housing development adjoining the village boundaries of Barton, Broughton, Goosnargh, Grimsargh, Lea Town and Woodplumpton. Policy HS4 is considered to be out of date because it is inconsistent with the Framework.

6.2.23. Paragraph 72 of the Framework states that local planning authorities should support the development of entry-level exception sites suitable for first time buyers on land not allocated for housing provided such sites are adjacent to existing settlements and the proposal is proportionate in size to the existing settlement. Paragraph 78 of the Framework states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

6.2.24. Policy HS4 is therefore in conflict with specific parts of the Framework. Whilst the aspiration of the policy to provide affordable housing in rural areas to meet local need is supported by the Framework, the mechanism by which this can be achieved is different.

6.2.25. The appellant states in paragraph 5.3 of their Statement of Case that they will provide evidence that there is a need for affordable housing and that paragraph 72 can be engaged. This information was requested by the LPA in providing pre-application advice and during the consideration of the application, however it was not provided. If the appellant has this evidence, it should have been provided much sooner as part of the Council's consideration of the application.

### Core Strategy Policy 3

6.2.26. Policy 3 seeks to promote 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. Paragraph 104 of the Framework states that transport issues should be considered as part of development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 105 of the Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. As such there is considered to be no conflict between this policy and the Framework, and Core Strategy Policy 3 is therefore not out of date.

### **6.3. Reason for refusal 2 – Accessibility**

- 6.3.1. The LPA's evidence will demonstrate that local amenities and public transport nodes (bus stops) are located a significant distance from the site and cannot be relied upon to provide day to day access. Furthermore, the LPA evidence will also demonstrate that concerns connected to the significant distance is compounded by the absence of a dedicated cycle path and the impractical, unsuitable and inconsistent nature of footpath provision between the site and the centre of Broughton. These combining factors would be enough to dissuade future residents for walking and cycling to and from Broughton thus heavily increasing reliance on the private car. Hence the LPA evidence will demonstrate that the proposed development fails to comply with core strategy Policy 3 and Paragraph 8 of the Framework.

## **7. PLANNING BALANCE**

### **7.1. Development Plan Compliance**

7.1.1. The NPPF at paragraph 11 states that at the heart of it is a presumption in favour of sustainable development for plan-making and decision-taking. For decision-taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.1.2. The Council can demonstrate a 15.3 year supply of deliverable housing land against the local housing need figure, and a 6.1 year supply against the Core Strategy Policy 4 housing requirement and, as set out in this Statement of Case, whilst Core Strategy Policy 4(a) is out of date, the basket of most important policies for determining this appeal is not considered to be out of

date for housing land supply reasons or otherwise. As such, the Council contends that the tilted balance, or presumption in favour of sustainable development is not engaged.

## **7.2. The Planning Balance**

- 7.2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the development plan is the starting point in that determination, and that determination must be in accordance with the development plan unless material considerations indicate otherwise.
- 7.2.2. In the event the “tilted balance” is engaged, the process for determining this is comprised three distinct steps, as set down by Mr Justice Dove in the High Court judgment in *Wavendon Properties Limited and the Secretary of State for Housing Communities and Local Government and Milton Keynes Council*. This briefly comprises of 1) one must establish which the policies most important for determining the appeal are; 2) each policy must be examined in relation to the question of whether or not they are out of date, by reference to the Framework; and 3) an overall judgement must be formed as to whether or not, taken as a whole, these policies are to be regarded as out of date for the purpose of the decision (the “basket”). The tilted balance is discussed in more detail in section 7.3 of this Statement of Case below.
- 7.2.3. The policies of the Development Plan and the Framework taken as a whole provide clear and justifiable reasons for refusing the development proposed.

The appeal scheme is contrary to Core Strategy Policy 1 and Local Plan Policy EN1 as it represents a significant intrusion into the open countryside. The proposal is also contrary to Core Strategy Policy 3 as the site is not well located in terms of access to public transport and distance to local amenities for walking and cycling purposes meaning the development would not represent sustainable development.

7.2.4. It is recognised the appeal proposal would deliver some benefits. These benefits, along with the relevant weight the Council would give to these benefits in the planning balance, are listed below:

**Table 1 – Application Benefit Analysis**

<b>Benefit</b>	<b>Weight</b>
Affordable housing	Moderate to significant weight
Economic benefits	Moderate weight
Open space/biodiversity enhancement	Limited weight
Energy efficient homes	Limited weight
Electric vehicle charging points	Limited weight
Education contribution	No positive weight – mitigation measure
Highways improvements to Pudding Pie Nook Lane	No positive weight – mitigation measure

7.2.5. The appeal proposal would provide 100% on site affordable housing as well as energy efficient homes and electric vehicle charging points. It is acknowledged the appeal scheme would make a contribution towards education provision within the city, however this is seen as mitigation measures for the extra pressure such a development would have on the existing services in the city. Finally improvement works to Pudding Pie Nook

Lane would be provided however this is seen as mitigation measures to address highway safety issues for future residents.

7.2.6. In terms of the harm identified as a result of the appeal proposal coming forward, the appeal site is on land contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield, allocated sites, site within key service centres and other defined places, as defined by Core Strategy Policy 1. The appeal scheme is not the type of development permissible under Local Plan Policy EN1 and the identified loss of open countryside is therefore contrary to this policy. Although the appellant indicates the development would be an Entry Level Exception Site in accordance with paragraph 72 of the Framework the appellant has failed to demonstrate a need for affordable dwellings as required by the Framework. Given that the Council can demonstrate a 15.3 year supply, it is more than providing for new housing across the city, which will meet the demand for affordable housing need. It is therefore considered, in the context of paragraph 72 of the Framework, that the need for entry-level exception sites (suitable for first time buyers) is already met within the authority's area. As such the appeal scheme does not accord with paragraph 72 and as such it does not weigh in favour of the proposal. The development is therefore contrary to the development plan. The harm identified is striking at the heart of the Development Plan spatial strategy for growth. The appeal site is in direct conflict with that spatial strategy for growth, that conflict is not a 'technical' breach of planning policy, it is a fundamental conflict with the Development Plan when taken as a whole. The harm identified therefore attracts significant weight in the determination of the appeal.

- 7.2.7. The appeal site is also not well located in terms of access to public transport or access to local services via foot or cycling and as such is contrary to Core Strategy Policy 3.
- 7.2.8. Whilst the benefits associated with the appeal scheme are acknowledged in respect of the contribution the proposal would make to housing land supply and affordable housing, along with the economic benefits from employment opportunities during the construction phase, these benefits are considered to be generic and no more than would be expected from any major housing development anywhere within the borough and must, therefore, be considered in the light of the 15.3 year housing supply against the local housing need figure, and 6.1 year supply against the Core Strategy Policy 4 housing requirement. The overwhelming benefit of the appeal proposal is the contribution towards housing land supply and affordable housing provision. In the context of the Council's published housing land supply position, in either a local housing need or Core Strategy Policy 4 scenario, it would be perverse for these benefits to significantly and demonstrably outweigh the clear conflict with the Development Plan.
- 7.2.9. Given that the Council can demonstrate a five year supply of housing land the benefits of the appeal proposal do not outweigh the conflict with the Development Plan strategy. The Development Plan strategy is considered to be relevant and up to date and, given the Council's five year housing land supply position, the most important policies for determining the appeal proposal attract significant weight in decision-taking.



### **7.3. The Tilted Balance**

7.3.1. If, which is strongly denied, the tilted balance applies for reasons not connected to five year supply, planning permission should still be refused. The appeal site is located within the open countryside, outside of the village boundary of Broughton on land which is not allocated for housing. Even if such policies are out of date, they should be afforded significant weight in the application of the tilted balance. Accordingly, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. Indeed, the Council can currently demonstrate a 15.3 (or 6.1) year supply of deliverable housing land, has more than sufficient land identified for housing growth to meet the standard methodology local housing need and is consistently performing well with regards the Government's Housing Delivery Test (HDT)<sup>2</sup>.

7.3.2. It is therefore considered that the appeal proposal is contrary to the Development Plan, and, as set out in this Statement of Case there are no material considerations which outweigh this conflict and indicate that the Development Plan should not be followed. The benefits to the appeal proposal do not outweigh the conflict with the Development Plan and in the context of paragraph 11(d)(ii) of the Framework the adverse impacts of allowing the appeal proposals significantly and demonstrably outweighs the benefits.

7.3.3. Again, this approach is supported by the recent appeal decision at Chain House Lane. Here the Inspector concluded that with a housing land supply position between 10.1 and 12.7 years the 'tilted balance' was nevertheless

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<sup>2</sup> HDT 2018 (252%), HDT 2019 (313%), HDT 2020 (339%)

engaged for reasons not connected to housing land supply. The Inspector, in dismissing the appeal, continued to attribute significant weight to the most important policies which were considered out of date because '*there is no housing need requirement to justify its (the appeal site's) development now*'.

## **8. CONCLUSION**

8.1.1. The Local Planning Authority considers that, even if the necessary contributions and other matters are secured via a completed planning obligation, any benefits that would arise from allowing the appeal would not outweigh the conflict with the Central Lancashire Core Strategy and the Preston Local Plan, and that the conflict with these policies is such that it will not be outweighed by other material considerations.

8.1.2. Therefore, the Inspector is respectfully requested to dismiss the appeal.

8.1.3. If the Inspector is minded to allow the appeal, the Council asks that consideration is given to attaching conditions listed at Appendix 1 of this statement.

**LIST OF DOCUMENTS TO BE REFERRED TO:**

(Submitted with the Local Planning Authority's Questionnaire)

Document 1 – National Planning Policy Framework

Document 2 – Central Lancashire Core Strategy

Document 3 – Preston Local Plan

Document 4 – Affordable Housing Supplementary Planning Document

Document 5 – Design Guide Supplementary Planning Document

Document 6 – Open Space and Playing Pitch Supplementary Planning Document

Document 7 – Rural Development Supplementary Planning Document

## **APPENDIX A – LIST OF SUGGESTED CONDITIONS**

### **Time Limit and Plans**

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

**Reason:** Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

**Reason:** Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall only be implemented in accordance with the approved plans. This approval relates to drawing numbers:

Location Plan reference 1320-PL01G

Proposed Site Access and Indicative Lane Improvements reference VN91463-D100 Rev B

**Reason:** To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

### **Details for Reserved Matters**

- 4) Before any development is commenced approval shall be obtained from the Local Planning Authority with respect to the reserved matters, namely, the layout, scale, appearance and landscaping. The landscaping proposals shall

be carried out before any of the buildings are occupied or at such time as the approved proposals may provide.

**Reason:** The permission is an outline planning permission.

- 5) Any application for approval of reserved matters for layout, scale and/or appearance shall include details of all the means of enclosure on the site including the acoustic barrier detailed within the Noise Assessment Report undertaken by Martin Environmental Solutions (Report reference 1873-3, February 2020). The means of enclosure shall be submitted to and approved by the Local Planning Authority. Thereafter, the means of enclosure shall be provided in accordance with the approved details before the development permitted is brought into use and shall be retained thereafter.

**Reason:** To secure a satisfactory detailed development and in the interests of visual amenity in accordance with Policy EN9 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

- 6) Any submission for the approval of one or more reserved matters shall include a waste management plan showing full details of the means of storage and disposal of refuse and recycling bins. Thereafter the development shall be carried out in accordance with the approved details and implemented prior to first occupation.

**Reason:** To ensure satisfactory provision for waste and recycling facilities is provided in accordance with the National Planning Policy for Waste.

- 7) As part of any reserved matters submission the building and trees will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the Local Planning Authority.

**Reason:** In order to adopt a precautionary measure to ensure the protection of European Protected Species in accordance with Policies EN10 and EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

- 8) As part of any reserved matters submission an updated barn owl survey and the relocation site for the barn owl box will be provided to and agreed in writing by the Local Planning Authority.

**Reason:** To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policies EN10 and EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies), the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2010.

- 9) As part of any reserved matters submission a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam should be supplied to and agreed in writing by the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full.

**Reason:** Details are required in order to ensure the removal/check to the spread of species that are listed as invasive non-native species under the Wildlife and Countryside Act 1981, in order to safeguard the biodiversity of the



site and its surroundings, in accordance with Policy 22 of the Adopted Central Lancashire Core Strategy.

### **Pre-commencement Conditions**

- 10) Prior to the commencement of the development hereby approved, a scheme shall be submitted and approved in writing by the Local Planning Authority to demonstrate that all dwellings shall achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations. The development shall thereafter be carried out in accordance with the approved scheme.

**Reason:** To ensure that the development contributes to a reduction in carbon emissions, in accordance with Policy 27 of the Central Lancashire Core Strategy. The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be properly carried out at the appropriate stage of construction.

- 11) Prior to the commencement of development hereby approved, a detailed Habitat Management Plan, based on the Outline Habitat Management Plan provided within Technical Note prepared by CSC&A, dated 16th November 2020, shall be submitted to and agreed in writing with the Local Planning Authority.

**Reason:** Details are required prior to the commencement of the development to ensure the protection of wildlife and supporting habitat during the construction phase, and to secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policies EN10 and

EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies), the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2010.

- 12) Prior to the commencement of development hereby approved, an intrusive Phase 2 Geo-Environmental Site Investigation shall be undertaken, in accordance with the recommendations of the submitted Phase 1 preliminary risk assessment, shall be submitted to and agreed in writing with the Local Planning Authority. Dependent on the recommendations of the Site Investigation, a Method Statement, Remediation Strategy and Validation Report may also need to be submitted to verify that the site has been effectively remediated.

**Reason:** Details are required prior to the commencement of development in order to identify all previous site uses, potential contaminants that might reasonably be expected given those uses, and the source of contamination, pathways and receptors; to enable a risk assessment to be undertaken, refinement of the conceptual model, and the development of a Method Statement and Remediation Strategy; to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site; to ensure that the potential effects of ground contamination are known about and adequately mitigated in accordance with the Policy EN7 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

- 13) Prior to the commencement of development hereby approved, a construction and environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for: (i) The means of highway access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel methods for construction workers, (ii) loading and unloading of plant and materials, (iii) storage of plant and materials used in constructing the development, (iv) storage, disposal and removal of spoil and waste arising out of the construction works, (v) hours of working and access, (vi) site security arrangements, including hoardings and other means of enclosure, (vii) piling methods, if used, (viii) wheel cleaning facilities, (ix) measures to control the emission of dust and dirt during construction, (x) measures to control the emission of noise. The approved CEMP shall be adhered to throughout the construction phase of the development.

**Reason:** Details are required prior to the commencement of the development in order to maintain the operation of the local and strategic highway networks and to protect to amenities of neighbouring residents in accordance with Adopted Central Lancashire Core Strategy Policy 3 and Policies ST2 and AD1(a) of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

- 14) Prior to the commencement of the development hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in

accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

**Reason:** To ensure highways are properly maintained in the interests of traffic and highway safety in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies)..

- 15) Prior to the commencement of the development hereby approved, a detailed, final surface water sustainable drainage scheme for the site shall be submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public sewer, directly or indirectly. Those details shall include, as a minimum:

- a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, finished floor levels in AOD with adjacent ground levels. Final sustainable longitudinal sections plan appropriately labelled to include all pipe/structure references, dimensions, design levels, discharge rates, with adjacent ground levels. Cross section drawings of flow control manhole, attenuation tank and watercourse outfall.

- b) Cross section drawings of the watercourse are required 10m downstream of the outfall and 10m upstream of the watercourse including actual water levels.
- c) Plan showing all culverted watercourses crossing the site. Detailed plans and longitudinal section drawings are required for any alterations or diversion of the culverted watercourse.
- d) The drainage scheme shall be in accordance with the principles of the Reford Dean Farm, Whittingham Lane, Preston Flood Risk Assessment and Outline Drainage Strategy dated August 2020 and should demonstrate that the surface water run-off and volume shall not exceed the greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- e) Sustainable drainage flow calculations (1 in 1, 1 in 2, 1 in 30 and 1 in 100 + climate change).
- f) Plan identifying areas contributing to the drainage network.
- g) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
- h) A plan to show overland flow routes and flood water exceedance routes and flood extents.
- i) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.

- j) Breakdown of attenuation in pipes, manholes and attenuation tank.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings and shall ensure that no surface water will be permitted to drain directly or indirectly into the public sewer.

**Reason:** Details are required prior to the commencement of the development in order to ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 16) Prior to the commencement of the development hereby approved, details of how surface water and pollution prevention will be managed during each construction phase shall be submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:
- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
  - b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

**Reason:** Details are required prior to the commencement of the development in order to ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

### **Pre-occupation Conditions**

- 17) Pudding Pie Nook Lane between Whittingham Lane and the proposed site access shall be widened in accordance with the approved plans and constructed to at least base course level before any development takes place within the site. The widening scheme shall include suitable provision to prevent the discharge of surface water onto the highway. The approved development shall not be first occupied until the widened part of Pudding Pie Nook Lane and the proposed site access and estate road have been surfaced with a sealed surface and a footway with street lighting provision completed as required.

**Reason:** In the interests of traffic and highway safety in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

- 18) Prior to the first occupation of any dwelling, the associated car parking spaces shall be constructed, drained, surfaced and made available for use in accordance with details of surfacing materials to be first submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall thereafter be retained at all times in the future.

**Reason:** In the interests of traffic and highway safety in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

- 19) Prior to the first occupation of any dwelling, that dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

**Reason:** To enable the use of alternative fuels for transport purposes such as electric vehicle charging stations in order that sustainable travel alternatives need are supported and promoted within the development in accordance with Policy 3 of the Adopted Central Lancashire Core Strategy.

- 20) Prior to the first occupation of any dwelling, that dwelling shall be provided with secure covered cycle storage facilities for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained and remain available at all times in the future.

**Reason:** To ensure that adequate and satisfactory provision is made for bicycle parking in accordance with Policies ST1 and ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

- 21) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.



The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

### **Compliance/Management Conditions**

- 22) The new estate road/access shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

**Reason:** To prevent loose surface materials from being carried onto the public highway, thus causing a potential danger to other road users in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

- 23) The development hereby approved, shall be carried out in accordance with the Reasonable Avoidance Measures in respect of Great Crested Newts set out within the Technical Note prepared by CSC&A, dated 16<sup>th</sup> November 2020 and submitted with the application.

**Reason:** In order to adopt a precautionary measure to ensure the protection of European Protected Species in accordance with Policies EN10 and EN11 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

- 24) The development hereby approved, shall be carried out in accordance with the mitigation measures recommended in the Noise Assessment Report undertaken by Martin Environmental Solutions (Report reference 1873-3, February 2020).

**Reason:** In order to ensure that the amenities of the future occupants of the proposed properties are not adversely impacted by noise from [INSERT] in accordance with Policy AD1(a) Adopted Preston Local Plan (Site Allocations and Development Management Policies) and the National Planning Policy Framework.