

STATEMENT OF COMMON GROUND

LAND WEST OF GARSTANG ROAD

DECEMBER 2023

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1. Introduction

- 1.1 This Statement of Common Ground ('SoCG') has been prepared by NJL Consulting on behalf of Hollins Strategic Land ('the Appellant') to be agreed with Preston City Council ('the Council').
- 1.2 It relates to an appeal against the Council's refusal of an outline planning application for up to 51 no. homes and associated access (all other matters reserved), on land to the West of Garstang Road, Broughton.
- 1.3 This SoCG sets out the matters of agreement between the Appellant and the Council. It includes a summary of the site location, background, proposed development and relevant planning policies.
- 1.4 The statement sets out the agreed matters of fact and agreed positions between the Council and the Appellant. The statement also summarises the areas of disagreement between the Council and the Appellant.
- 1.5 The statement is structured as follows:
 - i) The site location and background
 - ii) The proposed development
 - iii) The development plan
 - iv) Areas of agreement
 - v) Areas of disagreement

2. Matters of Fact

The Appeal Site

- 2.1 The site is located on the western side of Garstang Road, outside of the village boundary of Broughton, however, it is within the Broughton parish area. The site lies within the open countryside policy area under EN1. To the north, are the residential properties 483 and 485 Garstang Road and gardens, and a playing field associated with Broughton High School. To the south of the site is the access road to Bank Hall and Bank Hall Farm. This farm comprises three barns now converted into dwellings. Further south, is the Lancashire and Cumbria ambulance headquarters, Marriott Hotel and Broughton Primary School.
- 2.2 Further south of the site is the M55 which bisects the land between Broughton (to the North) and the wider Preston urban area to the South. The M55 provides a physical barrier between the two settlements.
- 2.3 The site has frontage along the whole of the eastern boundary onto Garstang Road. The proposed site access is also taken from Garstang Road. Opposite the site on Garstang Road is a recently consented development scheme which is under construction for 130 dwellings.
- 2.4 The western boundary would adjoin the recently consented development scheme at Sandy Gate Lane which is under construction for 97 dwellings.
- 2.5 The Guild Wheel, a designated cycle route, runs along the eastern boundary of the site and part of the northern boundary. The Guild Wheel is a circa. 20 mile long cycle way, running between Preston and Broughton, offering designated routes to cyclists to explore the wider area whilst also provide opportunities to connect to jobs, services, facilities and leisure.
- 2.6 There is a Public Right of Way (PRoW) FP0604001 directly along part of the northern boundary of the site, and the northwest corner of the site which also forms part of the Guild Wheel. The site benefits from a relatively flat topography and is located within Flood Zone 1 and is therefore considered to be at the lowest risk of flooding.
- 2.7 The site is classed as 'Subgrade 3b – moderate quality agricultural land' on the Agricultural Land Classification. The site is therefore not best and most versatile agricultural land.
- 2.8 The site is not located in a Conservation Area, nor does it contain any listed features. A number of listed buildings exist near the site. Bank Hall and Bank Hall Farm are Grade II listed. Other listed buildings include the Amounderness War Memorial, which is located close to the junction of Garstang Road and the access to Bank Hall.

The Surrounding Built Form

2.9 Broughton is a village in the borough of Preston with a parish population of 2,466 people (Census 2021). Local built form comprises predominantly residential in the form of single and two storey properties.

2.10 The following local amenities and services exist within walking distance of the site:

Amenity/Service	Walking Distance from centre of site (walking time)
Guild Wheel cycle way	55m (1 minute)
Premier Convenience Store	85m (1 minute)
Bus stops (Garstang Road north of site)	235m (3 minutes)
Maidenhead Aquatics	235m (3 minutes)
Toll Bar Cottage Café	260m (4 minutes)
Bus Stops (Garstang Road south of site)	270m (4 minutes)
Broughton Park & Playground	270m (4 minutes)
Marriott Hotel	320m (4 minutes)
Texaco Petrol Station	350m (5 minutes)
The Foot Room	380m (5 minutes)
KipMcGrath Education Centres	385m (5 minutes)
Susie Q Photography Studio	420m (5 minutes)
Royal Beauty Salon & Training Academy	450m (5 minutes)
Bella Maria Italian Restaurant	460m (5 minutes)
North West Ambulance Service NHS	460m (5 minutes)
The Broughton Inn Pub & Dining	465m (5 minutes)
Broughton & District Sports Club	500m (6 minutes)
Broughton Scout Hall	500m (6 minutes)
Co-op Convenience Store	520m (6 minutes)
Allan's Barbers	525m (6 minutes)
Kinders Service Station	550m (6 minutes)
Sota Salon	560m (6 minutes)
Parish Church of St John Baptist	600m (7 minutes)
Broughton C of E Primary School	650m (7 minutes)
Broughton High School	700m (7 minutes)
Broughton Dental Surgery	850m (8 minutes)
First Trust Hospital	1,185, (16 minutes)
Ribblesdale Garden Centre & Nurseries	1,626m (21 minutes)

2.11 A number of development proposals have recently been approved within Broughton. These are material considerations.

Strategic Policy Designations

- 2.12 The application site is designated as 'open countryside' under Policy EN1 of the Preston Local Plan and is included within an Area of Separation as outlined by Policy EN4 of the Local Plan.

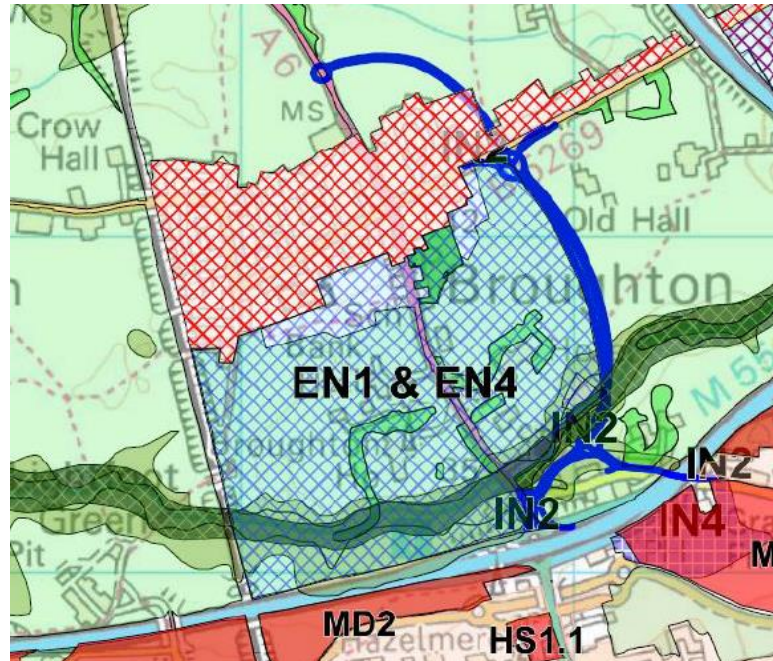


Figure 1 - Plan showing designations of EN1 and EN4

Relevant Planning History

The Site

06/2021/1104

- 2.13 Outline Planning Permission (all matters reserved except for access) was sought in respect of the site for the following:

"Outline Planning Application seeking approval for access only for residential development for up to 51no. dwellings with associated works (all other matters reserved)"

- 2.14 The OPA was refused on 6th January 2022. The first OPA sought planning permission for the same description of development as the second OPA (subject to this appeal process), albeit with an alternative type and tenure of housing. The sole RfR was as follows:

1. *The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the*

hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy RES1 of the Broughton Neighbourhood Development Plan or Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and Policy RES1 of the Broughton Neighbourhood Development Plan.

Proposed Development

- 2.15 The OPA (Reference: 06/2023/0030) was submitted via the Planning Portal on 5th January 2023, and released to Preston City Council (hereafter referred to as 'PCC') on 6th January 2023. The application was made valid by PCC on the 6th January 2023. The assigned description of development was as follows:

"Outline Planning Application seeking approval for access only for residential development for up to 51no. dwellings with associated works (all other matters reserved)"

Application Submission

- 2.1 The application was supported by the following pack of information:

Document	Author
Cover Letter	NJL Consulting
Planning Statement	NJL Consulting
Planning Application Forms and Certificates	NJL Consulting
Agricultural Land Classification Report	Soil Environment Services Limited
Statement of Community Involvement	Sedgwick Associates
Transport Statement	Stantec
Ecological Survey and Assessment	ERAP
Biodiversity Net Gain Assessment	ERAP
Landscape and Visual Appraisal	SLR
Flood Risk Assessment and Drainage Strategy	Enzygo
Phase 1 Desk Study Assessment Report	Brownfield Solutions Limited
Arboriculture Assessment	AWA Tree Consultants
Heritage Statement	Kathryn Sather & Associates

- 2.2 In addition to the above documents, the following plans formed part of the original submission:

Plan	Ref
Site Location Plan	Location Plan
Sketch Layout (Revision B)	The Urbanists
Parameter Plan	PARAM—01
Proposed Access Plan	10535/5501/001 Rev A
Proposed Cycle Connections Plan	10535/5501/001 Rev D

- 2.3 Throughout the course of the determination period, a number of additional drawings/documents were issued to the Council. These are summarised in the table below:

Plan/Document	Reference
February 2023	
Drainage Strategy	SHF.1671.006.HY.LT.001.A
Parameter Plan	PARAM-02
Sketch Layout	UG1951 – URB – UD – XX – XX – SK – (90) – 002 (Revision C)
Transport Statement	TS01C including Access Drawing (Ref: 10535/5501/001 Revision E)

- 2.4 It is agreed that the Parameter Plan (PARAM-02) can be conditioned to ensure the parameters are applied at reserved matters stage.

Reason for Refusal

- 2.5 The OPA was heard at PCC Planning Committee on 30th March 2023 with an officer recommendation to refuse. All 11no. members present voted in line with the officer recommendation. Members did not put forward any additional reasons for refusal.

- 2.6 The application was therefore given one reason for refusal which is:

“ 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. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy RES1 of the Broughton Neighbourhood development Plan or Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is

contrary to the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and Policy RES1 of the Broughton Neighbourhood Development Plan”

3. Development Plan and Supplementary Planning Documents

The Adopted Development Plan

- 3.1 For the purposes of this appeal the Development Plan comprises the following documents:
- Central Lancashire Core Strategy (July 2012)
 - The Preston Local Plan (Site Allocations and Development Management DPD) (July 2015)
 - Broughton-in-Amounderness Neighbourhood Plan (August 2018)
- 3.2 Preston City Council, Chorley Borough Council and South Ribble Borough Council prepared a Core Strategy which was adopted in July 2012. The Core Strategy sets out the spatial strategy for Central Lancashire up to 2026. The plan period is 2010-26.
- 3.3 Policy 1 of the Core Strategy is referred to in the decision notice. This policy states that growth and investment will be concentrated through a settlement hierarchy (a – f). Broughton is a settlement described at (f) of this hierarchy where it is stated that development will typically be small-scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. Policy 1 sets out development types that are typical but does not preclude development of any other types coming forward.
- 3.4 The Core Strategy sets out 24 Strategic Objectives to achieve the spatial vision and which relate very strongly to the issues that the Core Strategy seeks to address. These Strategic Objectives are relevant to the proposals.
- 3.5 It is agreed that proposals do not need to comply with every single policy in the Development Plan to be considered acceptable overall in planning terms as confirmed by the Courts.
- 3.6 It is agreed that decisions can depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed.
- 3.7 It is agreed that the evidence base underpinning the Core Strategy and Local Plan in respect of housing needs in Preston is out-of-date. Policy 4 is out-of-date. The Standard Method identifies the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. The standard method identifies a minimum annual housing need figure. It does not produce a housing requirement figure.
- 3.8 The relevant policies from the Development Plan are listed in the table below. The policies highlighted in bold are considered to be the most important in the consideration of this application with the exception of Policy AD1 (a) and (b) which the Council disagrees is relevant to the appeal proposals:

Central Lancashire Core Strategy (CLCS)	The Preston Local Plan (PLP)	Broughton Neighbourhood Plan (BNP)
<ul style="list-style-type: none"> • Policy 1 – Locating Growth • 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 16 – Heritage Assets • 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 	<ul style="list-style-type: none"> • Policy AD1(a)/(b) - Development within (or in close proximity to) the Existing Residential Area – the Council disagrees that this is relevant to the appeal site. • Policy ST1 – Parking Standards • Policy ST2 – General Transport Considerations • Policy EN1 – Development in the Open Countryside • Policy EN2 – Protection and Enhancement of Green Infrastructure • Policy EN4 – Areas of Separation • Policy EN7 – Land Quality • Policy EN8 – Development and Heritage Assets • Policy EN9 – Design of New Development • Policy EN10 – Biodiversity and Nature Conservation • Policy EN11 – Species Protection • Policy HS3 – Green Infrastructure in New Housing Developments 	<ul style="list-style-type: none"> • Policy NE2 – Visual Impact of New Development • Policy RES1 – Broughton Village – Housing Development Sites as an extension to the defined settlement boundary. • Policy RES2 – Broughton Village Housing Mix • Policy NE3 – Drainage • Policy CF1 – Guild Wheel, Public Footpaths and Bridleways

Emerging Central Lancashire Local Plan

3.9 Central Lancashire started the consultation on Part One (Preferred Options) of the new Local Plan in December 2022. The consultation closed 24th February 2023. Next stage

of consultation on the Local Plan is currently envisaged to take place towards the end of 2024 according to planning policy officers.

Other Material Considerations

3.10 Relevant material considerations to this appeal include:

1. Adopted SPDs:
 - Central Lancashire Design Guide SPD
 - Central Lancashire Affordable Housing SPD
 - Central Lancashire Open Space and Playing Pitch SPD
 - Central Lancashire Employment Skills SPD
2. National Planning Policy Framework (NPPF) (September 2023)
3. National Planning Policy Guidance (PPG)
4. PCC Housing Need and Demand Assessment (HNDA) (Arc4, December 2022)
5. Central Lancashire Housing Study (DLP Planning / Edge Analytics, September 2022)
6. PCC Housing Land Position at 31st March 2023

4. Matters Not in Dispute between the Appellant and the Council

Assessment of Development Plan Policies

- 4.1 The proposals have been refused as a result of conflict with Policy 1, Policy EN1 and Policy RES1 only as per the Council's reason for refusal.
- 4.2 The appeal proposals accord with and/or are supported by the following development plan policies which the Council alleges no conflict with:

Central Lancashire Core Strategy (CLCS)	The Preston Local Plan (PLP)	Broughton Neighbourhood Plan (BNP)
<ul style="list-style-type: none"> • 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 16 – Heritage Assets • 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 	<ul style="list-style-type: none"> • Policy ST1 – Parking Standards • Policy ST2 – General Transport Considerations • Policy EN2 – Protection and Enhancement of Green Infrastructure • Policy EN4 – Areas of Separation • Policy EN7 – Land Quality • Policy EN8 – Development and Heritage Assets • Policy EN9 – Design of New Development • Policy EN10 – Biodiversity and Nature Conservation • Policy EN11 – Species Protection • Policy HS3 – Green Infrastructure in New Housing Developments 	<ul style="list-style-type: none"> • Policy NE2 – Visual Impact of New Development • Policy NE3 – Drainage • Policy CF1 – Guild Wheel, Public Footpaths and Bridleways

- 4.3 The parties agree that planning applications (in principle) can be deemed acceptable against the development plan as a whole even with policies pulling in different directions.
- 4.4 It is agreed the supporting text to Policy 1 allows for flexibility to deal with changing circumstances – see Policy 1 supporting text paragraph 5.55 as well as paragraph 1.6-1.8 of the introduction to the Core Strategy. The Inspector of the Core Strategy made

clear that housing figures are minimum requirements, net of demolitions, that they are not absolute targets and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies.

- 4.5 Policy EN1 of the Preston Local Plan is referred to in the decision notice. This policy states that development within the Open Countryside will be limited to criteria set out at (a) to (c). It is agreed the appeal conflicts with Policy EN1 as the site is located outside the settlement boundary although there is disagreement as to the weight to be given to this conflict.
- 4.6 It is agreed that the spatial strategy does not seek to protect the open countryside for its own sake.
- 4.7 There are examples where developments have been approved by the Council despite conflict with EN1, irrespective of whether there was a five year housing land supply or not, although it is agreed there may be different reasons for each case.

Sustainability of Broughton

- 4.8 The parties agree that Broughton is not notably poorly served in terms of access to services and facilities or choice of transport modes. The appeal decisions at Sandy Gate Lane and Keyfold Farm are material considerations. Broughton has a range of services and facilities including a primary school, secondary school, bus stops, Co-op convenience store, restaurants, community café, petrol filling station and the Guild Wheel cycleway, all within walking distance of the site.
- 4.9 There is limited scope for housing with the settlement boundary of Broughton.
- 4.10 There are no brownfield sites available on the register within the settlement of Broughton.
- 4.11 The BNP allocates sites in accordance with the Core Strategy Policy 1 and EN1 which are considered 'small scale'. These include approval at Whittingham Lane for 44 dwellings and approval at Park House for 38 dwellings.
- 4.12 It is agreed that the appeal proposals would be a similar scale to the allocations of the BNP. The planning officers determining Whittingham Lane did not consider the proposals to be 'small-scale'.

Emerging Central Lancashire Local Plan

- 4.13 Central Lancashire started the consultation on Part One (Preferred Options) of the new Local Plan in December 2022. The consultation closed 24th February 2023.
- 4.14 The latest published housing needs evidence base supporting the production of the new ECLLP provides the most up-to-date picture of housing needs in the area.

- 4.15 The position set out in the Preferred Options ECLLP is that it proposed to elevate Broughton higher in the settlement hierarchy. It is agreed this does not represent the final agreed position of the Council as part of the Submission ECLLP in due course.
- 4.16 The Appellant and PCC agree that work is ongoing through the development of the new Local Plan to identify land to meet future housing needs. No decision has been reached yet on which sites this would include. Existing sites with Planning Permission in the Open Countryside (not yet developed) will be taken forward as allocations in the new Local Plan.

Impact on Spatial Strategy

- 4.17 The Appellant and PCC agree that the purpose of a spatial strategy is to guide development to sustainable locations.

Development in the Open Countryside

- 4.18 The Appellant and PCC agree that the proposals are not a type of development deemed permissible in the open countryside by Policy EN1 and Policy RES1 although there is disagreement on whether it complies with Policy 1 taking account of material considerations.
- 4.19 It is agreed the site is 'well-contained' and thus the role, function and purpose of the wider countryside would be maintained. The development would result in some of the site being lost to housing development and the rest retained for open space and biodiversity improvements.
- 4.20 It is agreed the definition of 'infill development' is a matter of planning judgement and that Policy EN1 states "development within the open countryside will be limited to ... c) infilling within groups of buildings in smaller rural settlements".

Impact on Strategic Area of Separation

- 4.21 The Appellant and PCC agree that:
- The site is located within the Strategic Area of Separation as per PLP Policy EN4;
 - The proposed development would not result in the merging of the Settlements of Broughton and the Preston Urban Area (Planning Committee Report Page 12); and
 - The proposed development would not cause harm to the effectiveness of the Area of Separation and would therefore not conflict with Policy EN4 (Planning Committee Report Page 12).
 - The allocation in Broughton at Whittingham Lane approved for housing, is also located within the Area of Separation and Open Countryside. The allocation in Broughton at Park House is partially located within the settlement boundary of Broughton and located within the Area of Separation and Open Countryside.

Impact on Landscape Character and Visual Amenity

4.22 The Appellant and PCC agree that:

- The site is not a valued landscape.
- The proposed development is located within the Lancashire and Amounderness Plain National Character Area;
- The proposed development is located on a greenfield site within the open countryside and an area of separation;
- The site is semi-enclosed due to predominantly well-established vegetation along the site's perimeter, with gaps in the hedgerows allowing for views of the suburban land uses around the site (Planning Committee Report Page 13);
- The Council's Landscape Architect does not disagree with the findings of the Landscape and Visual Appraisal submitted with the application;
- Due to the well-contained nature of the site visually, the proposals would not have a significant adverse impact on the landscape character of the area due to the site specific conditions (Planning Committee Report Page 13); and
- The harm caused in this instance can be mitigated by the site specific conditions and mitigation proposed (Planning Committee Report Page 13).
- The proposals would not lead to an over-intensification of use of the site or lead to an over-concentration of non-residential uses.

Heritage Impacts

4.23 The Appellant and PCC agree that:

- The application site sits in close proximity to three Grade II listed buildings; Bank Hall and Bank Hall Farmhouse (this is a single building subdivided and will be referred to as Bank Hall) to the southwest of site, Broughton War Memorial to the southeast and the Pinfold to the northeast of site.
- The proposal would not cause harm to setting of the War Memorial. The proposed development would not impact upon the setting of the Pinfold which is seen in the context of Garstang Road and housing development to its north.
- Bank Hall has been altered externally with its primary structural significance internal, as such its setting is only considered as a positive contributor to its significance. When taking these factors into account the loss of the limited views of the asset would have a negligible impact on the asset. The impact of the proposals is therefore considered to cause less than substantial harm to the setting of Bank Hall.
- Whilst the existing immediate rural/open setting is a positive contributor to the significance of Bank Hall its contribution to the overall value/significance of Bank Hall is

small/low. It is possible to achieve glimpses of Bank Hall from Garstang Road, looking west across the appeal site, hence the site is part of the setting of Bank Hall. The parameter plan shows a sizeable portion of public open space to the south of the appeal site, which would retain some sense of openness in this part of the site, clear from built development, hence would create new opportunities for the public to view Bank Hall. Whilst the proposed dwellings would likely impinge on the some of the glimpsed views from Garstang Road, the broad band of open space would reasonably mitigate any loss of those glimpsed views by providing a publicly accessible area in which appreciation of Bank Hall could take place. This would balance out any slight (negligible) harm caused to the setting and therefore the setting would be preserved. In this case the less than substantial harm, albeit negligible, would be balanced by the public benefit of new and closer opportunities to view Bank Hall.

- It is agreed there are no heritage reasons to dismiss the appeal and the proposals comply with Core Strategy Policy 16, Local Plan Policy EN8 and the Framework.

Housing Supply

4.24 The Appellant and PCC agree that:

- For the purposes of housing need, CLCS Policy 4 is out-of-date and the principal reference in respect of housing need (in the absence of an up-to-date local development plan policy) is the National Standard Method 2.0.
- At April 2022, the local housing need figure for Preston, calculated using Standard Method 2.0, is 266 dwellings per annum; and
- Against the Standard Method, PCC can demonstrate a 5 year housing land supply position of 12.6 years (PCC Housing Land Position Statement, 31st March 2023); and
- The 'Tilted Balance' is not engaged on housing land supply grounds.
- The parties agree that the Council will seek opportunities to maintain a minimum five year housing land supply.
- A Statement of Common Ground for Plan Making agreed between the Central Lancashire authorities dated July 2022 states that for Preston, the housing targets will be 600 dpa (2023-27), 500 dpa (2028-2032) and 400 dpa (2033-38). The Statement of Common Ground states that the authorities are committed to this intended housing requirement.
- The Council agreed to a City Deal which requires the delivery of 17,420 new homes between 2014 and 2024. There currently remains a significant shortfall of about 4,303 homes. The Appellant and PCC agree that in order to support the Government's objective of significantly boosting the supply of new homes, set out in paragraph 50 of the Framework, and the Council's commitments under City Deal, it is considered there would be considerable merit in the provision of market housing on the appeal scheme. It is agreed this is a significant benefit, separate from the provision of affordable housing.

Affordable and Special Needs Housing

4.25 The Appellant and PCC agree that:

- The provision of 20no. affordable homes (equating to 40%) provision exceeds the policy requirement of 35%, by 2no. dwellings (Committee Report Page 17);
- The HNDA (produced by Arc4 in 2022) states there is a net annual need for 377 affordable homes across Preston which is over 8 times higher than the Core Strategy requirement which represents an acute need (Planning Committee Report Page 17). The HNDA in paragraph 6.6 and 6.7 sets out that the Council is not expected to meet this need in full.
- The HNDA identifies a need in Preston for 1,070 (between 2021-38) C3 dwellings and 833 C2 dwellings/bed spaces for older persons;
- The HNDA identifies a need for 4% of new homes in Preston to be M4(3) wheelchair accessible with all other properties to be accessible and adaptable dwellings to M4(2) standard; and
- The HNDA identified a need in Preston 7.5% of new homes to be larger with 4 bedrooms, and 1.1% to have 5 or more bedrooms to meet the needs of identified larger families, particularly those from the Asian community.
- Maps 3.1 and 3.2 of the HNDA show that lower quartile house prices and median house prices in 2020 were between £200,000 and £250,000 and £250,000-£300,000 respectively within Broughton.
- It is agreed there is a need for all types of affordable housing across Preston although it is disagreed how acute this is.
- The HNDA states there is a local need of 11 dwellings per annum in Broughton.
- Core Strategic Objective 8 specifies an aim to “*significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as in more rural areas*”. The appellant considers that substantial positive weight should be applied to the provision of 40% affordable homes; the Council considers that significant weight should be applied to 40% affordable homes. The parties disagree on the separate weight given to older people's housing, larger homes for BAME communities and the provision of accessible/adaptable homes to M4(2) and M4(3) standards.
- The City of Preston Housing Need and Demand Assessment (HNDA) 2022 provides the Council with up to date evidence on housing need across all sections of the community, including Broughton, over the period 2021 to 2038, with the intention of informing future policy position for the emerging local plan. The parties agree the evidence will inform the update of the Central Lancashire joint Local Plan, other strategies, policies and decisions of the council and its partners. The evidence is a material consideration in this appeal.

- The appellant provides 10% for older people's age-restricted housing. The Core Strategy and the Preston Local Plan did not seek to meet a specific number, type or tenure of older people homes in its policies nor would it have taken account of the updated definition in the NPPF. Para 62 of the NPPF requires LPA's that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies".
- The provision of higher accessibility standards is feasible as the site is generally flat with level access to good quality footpaths on Garstang Road and no difficult inclines.
- The Appellant and PCC agree that the proposed development aims to contribute to meeting the need for affordable housing, accessible and adaptable and wheelchair dwellings and larger homes for BAME households.

Open Space Provision

4.26 The Appellant and PCC agree that:

- The proposed quantum of Public Open Space proposed is significantly in excess of with the relevant planning policies within the adopted Development Plan (Committee Report Page 19);
- The policy requirement for 51 dwellings is to provide 685 sqm of open space and the appeal proposal provides 10,700 sqm. This is over 15 times what is the requirement.
- A recent survey undertaken by the parish council showed that the provision of more open space is a priority for the community.
- The proposed Public Open Space and landscaping controlled by way of a parameters plan would provide a buffer to nearby heritage assets (Committee Report Page 19);
- The maintenance and management of the Public Open Space could be secured through a S106 Obligation (Committee Report Page 20).

Impact on Residential Amenity

4.27 The Appellant and PCC agree that:

- The proposed development will incorporate sufficient separation distances and landscape / open space mitigation measures to ensure no unacceptable impact on existing residential amenity (Committee Report Page 20).
- It is agreed the proposal would be compatible with the surrounding development and would not result in an over-intensely developed site to the detriment of residential amenity.

Traffic and Highway Safety

4.28 The Appellant and PCC agree that:

- The proposed vehicular access from Garstang Road is an appropriate arrangement and can achieve the required visibility splay (Committee Report Page 21);
- The location and form of the proposed linkages to the Guild Wheel is appropriate (Committee Report Page 21); and
- The proposed upgrades to the existing bus stops on Garstang Road to provide shelters attracts positive moderate weight in the planning balance and is a benefit for the wider public not just residents of the development and will help improve the attractiveness of using sustainable modes of transport (Committee Report Page 21);.

Ground Conditions

4.29 The Appellant and PCC agree that:

- The Phase 1 Desk Study identifies a potential for contamination at the application site and therefore a Phase 2 Geo-Environmental Site Investigation should be undertaken prior to commencement of any future development (Committee Report Page 22).

Flood Risk and Drainage

4.30 The Appellant and PCC agree that:

- The proposed drainage strategy will ensure that sufficient space can be provided on site to attenuate surface water runoff from the proposed development through a retention pond (Committee Report Page 23); and
- The proposed development is acceptable from a flood risk and drainage perspective (Committee Report Page 23).

Biodiversity

4.31 The Appellant and PCC agree that:

- There is no adopted policy requirement to provide more than 0% and the 10% requirement envisaged by Section 98 of the Environment Act 2021 has yet to be commenced.

Air Quality

4.32 The Appellant and PCC agree that:

- The proposed development will integrate electric vehicle charging points.

Energy Efficiency

4.33 The Appellant and PCC agree that:

- All new homes are required to be built to the new 2023 Part L Building Regulations (Committee Report Page 26).

Waste Management

4.34 The Appellant and PCC agree that:

- Further details regarding waste and recycling will be provided at reserved matters stage (Committee Report Page 26).

Education

4.35 The Appellant and PCC agree that:

- A reassessment of education contributions will be made at reserved matters stage due to the outline nature of the proposed development. The recalculation methodology will be secured via a Section 106 Legal Agreement.
- The parties agree that Broughton High School has an Ofsted rating of 'Outstanding' and its geographical priority area for admissions are those living in Broughton. The appeal proposals would negate the need to travel to school by car being only 700m walking distance from the site.
- The Education Contribution Assessment provided by Lancashire County Council confirms the developer contributions would mitigate the impact on education infrastructure. This will be secured by S106.

Benefits of Scheme

4.36 The Appellant and PCC agree for the purposes of this appeal that the following scale should apply to weight (applied in a high to low ordering):

- Substantial
- Significant
- Moderate
- Limited
- None

4.37 The Appellant and PCC agree that the contribution of market housing and affordable housing attracts substantial weight.

Planning Conditions and Obligations

4.38 The Appellant and the Council will work together to agree the following via a planning condition or obligation, considered to meet the relevant tests on the use of planning obligations set out in the CIL Regulations 2010 (as amended) and paragraph 57 of the Framework (2021):

- The provision of 40% affordable housing;
- The provision of 10% older people's housing for over 55s (age-restricted);
- The provision of 4% wheelchair accessible homes to M4(3) standards and the remaining 96% to be M4(2) standard;
- A proportion of larger family housing in response to needs for BAME communities – to be secured by condition with an exact mix to be agreed at reserved matters stage;
- A financial contribution towards primary and secondary school places;
- Future management and maintenance of the on-site open space;

5. Matters in Dispute between the Appellant and the Council

5.1 The following section sets out the matters of disagreement between the Appellant and the Council. This section of the document will evolve as the discussions progress between the Appellant and PCC through the appeal process.

Conflict with the Development Plan

5.2 The Appellant and PCC disagree:

- That the proposals accord with the development plan as a whole.
- That conflict with specific wording of CLCS Policy 1 automatically constitutes significant harm.
- On the conflict between the proposed development and CLCS Policy 1 and the application of the term 'typical' within the policy text.
- Whether Policy AD1(a) is relevant to the proposals by reference to the wording of the policy, supporting text and Policy Map.
- Whether the appeal site is within close proximity to the existing residential area as defined by Policy AD1(a) on the Policy Map and whether the proposals accord with said policy.
- Whether the harm arising from conflict with EN1 and RES1 is significant and whether any conflict with EN1 and RES1 arising from these specific proposals should be given significant weight.
- That Policy 1 seeks to direct growth but it does not prescribe targets, or limits, to development in specific settlements (or types of settlement). Policy 1 permits specific development types to be brought forward for different or larger scale development beyond those the policy sees as more 'typical' in such areas. In addition, the Council disagree that whilst the Core Strategy directs 8% of growth to 'Rural Local Service Centres and elsewhere' this is in the context of the housing requirement being a minimum and additional development is not automatically harmful.
- Whether the extent of any conflict with EN1 and RES1 are sufficient reasons alone to refuse development which is sustainable taking account of material considerations.
- The Council has approved housing proposals contrary to EN1 irrespective of whether there is a five year housing land supply or not.
- That the size, type and tenure of housing needs for different groups in the community has been properly assessed and reflected in adopted development plan policies (including older people and people with disabilities).

- Whether there is an identified local need in Broughton for affordable housing, older people's housing, accessible and adaptable homes, or larger homes suitable for BAME communities.
- Whether neighbourhood plan and its allocations accords with Policy 1 and whether the proposed development is small scale.
- Whether the appeal site is located within a sustainable location. whether the appeal site is a suitable location for the proposed dwelling types, as identified in the HNDA.
- Whether the scale of the proposals would significantly impact the overall distribution of development set out by the spatial strategy across the plan period.
- The appellant considers the demography of Broughton has significantly changed since 2011 and this has created a housing need in Broughton not met by the development plan; the Council disagrees.
- Whether there is a cap on housing in Broughton.
- Whether the site can be considered an SME site.

5.3 The Appellant considers limited weight should be given to the policies of the emerging Local Plan proposed at Preferred Options, whilst the Council considers no weight should be given.

Benefits of Scheme

- 5.4 The Appellant and PCC disagree on the weight to be attributed to over 55s and specialist accommodation, open space and BNG improvements.
- 5.5 The parties disagree that the Development Plan will not meet sufficient affordable housing, accessible and adaptable dwellings, and older people's housing that is identified in the HDNA and Housing Study (2022).
- 5.6 It is disagreed that the open space and biodiversity proposals would likely result in an overall improvement to the environment and amenity of the area.
- 5.7 The parties disagree on the capacity of the local schools and the relevance of this to the determination of the appeal, taking account of the Appellant providing a financial contribution towards education infrastructure.

The Planning Balance

- 5.8 The Appellant and PCC disagree on:
- The alleged fundamental conflict with development plan policy suggested by PCC. The Appellant considers that the appeal proposals are in accordance with the adopted development plan as a whole.

- Whether the appeal site and specific proposals respond positively due to the sustainability of the location and the accrued economic, social and environmental benefits.
- Whether, if it is determined that the appeal proposals do not accord with the development plan as a whole, there are material considerations which outweigh the alleged conflict with the Development Plan.
- Whether the appeal proposals can demonstrate a biodiversity net gain.
- Whether the context around the appeal site has materially changed in recent years and the site now lies within groups of residential buildings, albeit not on all sides.
- Whether the residential area of Broughton identified on the Policy Map has extended beyond the settlement boundary since the Core Strategy was adopted.
- If the Inspector considers the proposals meet a local need (as required by Policy 1) that the proposals are capable of complying with Policy 1 overall.
- There are aspirations for future growth in Broughton as documented by the Central Lancashire published Preferred Options document.
- The Appellant and PCC disagree that to meet future housing needs, development on some existing open countryside will be required.

Signed on behalf of the Appellant

A handwritten signature in black ink, appearing to read 'Mark Saunders', with a large, stylized initial 'M' and a long horizontal stroke extending to the right.

Name: Mark Saunders

Position: Director (NJL Consulting)

Date: 6/12/2023

Signed on behalf of the Council

A handwritten signature in black ink, appearing to read 'L Holden', with a large, stylized initial 'L' and the name 'Holden' written in a cursive script.

Name: Laura Holden

Position: Senior Planning Officer (Local Planning Authority)

Date: 07/12/2013

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party. Any such party relies on this report at their own risk.

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