

PRESTON CITY COUNCIL



TOWN AND COUNTRY PLANNING ACT 1990

STATEMENT OF CASE SUBMITTED ON BEHALF OF THE LOCAL PLANNING AUTHORITY

Appeal Site: Land at Cardwell Farm, Garstang Road, Preston, Barton, PR3 5DR

Appeal Proposal: Outline planning application for up to 151no. dwellings and community building with associated works (access applied for only)

Appeal By: Wainhomes (North West) Limited

Inspectorate Ref: APP/N2345/W/20/3258889

Preston City Council Ref: 06/2019/0752

1. INTRODUCTION

- 1.1 This Statement of Case is submitted by Preston City Council in respect of the appeal lodged by Wainhomes (North West) Limited against the Council's decision to refuse outline planning permission for the erection of up to 151no. dwellings and a community building, with associated works and access off Garstang Road (A6), Barton. All matters were reserved except for means of access.
- 1.2 The Council's Planning Committee resolved to refuse the planning application at the meeting on 13th February 2020 for the following reason:

With the exception of the proposed vehicular access, the application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy and consequently it would lead to the unplanned expansion of a rural village. The proposed development for 151 dwellings and a community building is not considered to be 'small scale' and as such the proposal is also contrary to PLP Policy AD1(b) of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). Furthermore the proposed development is not the type of development deemed

permissible in the open countryside under Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to Policy 1 of the Central Lancashire Core Strategy and Policies EN1 and AD1(b) of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

- 1.3 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 Policy 1 and Preston Local Plan Policies EN1 and AD1(b), resulting in a development that fails to provide growth and investment in the right location, is not small-scale, would lead to the unplanned expansion of a rural settlement and result in the loss of a significant area of open countryside. It is considered that the significant harm identified cannot be made acceptable by virtue of planning conditions or obligations.

2 APPEAL SITE AND SURROUNDING CONTEXT

- 2.1 The appeal relates to six fields, covering a total area of approximately 9.5ha. adjoining the south, east and northern boundaries of Cardwell's Farm, Barton.

- 2.2 The A6 (Garstang Road), along with the residential properties fronting this highway, forms the western boundary, with open fields situated to the north and east. To the south are the residential properties on Woodlands Way and

Woodlands Crescent. The site has an irregular shape with hedgerows and sporadic trees forming the site's field boundaries. A more substantive group of trees and hedgerow forms the site's frontage onto Garstang Road. At the southern end of the site a section of Black Fir Wood encroaches into the site with the trees within covered by a Tree Preservation Order (TPO 1951). To the south of the site runs Public Footpath 20 which connects to Bridleway 23 which runs to the east in a northerly direction.

2.3 Where the application site adjoins the A6, between the dwellings at 630 and 638 Garstang Road, a small proportion is situated within the settlement boundary of Barton, however the remaining area of the site is located within the open countryside as shown on the Policies Map of the Preston Local Plan (PLP).

2.4 In 2018 outline planning consent (06/2018/0238) was granted for the erection of 55 dwellings on a section of the application site from Garstang Road to the rear of Woodlands Crescent, with the main vehicular access to these approved dwellings to be taken from Woodlands Way to the south, as well as a vehicular access point directly off the A6 serving two dwellings fronting this highway.

3. THE PROPOSED DEVELOPMENT

3.1 Preston City Council validated the planning application that is subject of this appeal on 20th June 2019.

3.2 Outline permission was sought, with all matters reserved except for access, for the erection of up to 151no. dwellings and a community building on land at

Cardwell's Farm. Vehicular access would be taken directly from the A6, between the dwellings at 630 and 638 Garstang Road. In order to facilitate this proposed access a section of hedgerow and three trees would have to be removed and an existing pedestrian refuge relocated on the highway. The submitted "Site Access Proposed Ghost Island Arrangement (ref: SCP/18295/SK05 Rev A)" details the off-site highway works.

3.3 Whilst in outline form the application was accompanied by an indicative plan "Proposed Site Layout Phases 1 & 2 (ref: 0003)" which shows the dwellings principally laid out along a main estate road, with a number of tributary side roads providing access to small clusters of properties. A potential pedestrian footpath link is proposed connecting to Woodlands Way to the south, and the plan shows a pedestrian trail flanked by vegetation along the northern, eastern and southern boundaries of the site.

3.4 The indicative plan also showed the potential siting of the community building with the submitted Planning Statement commenting that this would be provided within phase two of the development. In addition to this community building, and the above mentioned pedestrian trail, the illustrative plan shows the provision of two children's play areas and various other areas of other informal public open space across the site, as well as new tree planting throughout and retention of existing trees where possible.

3.5 The Planning Statement indicated that there would be 53no. affordable dwellings equating to 35% on site provision and that the residential development would be implemented in two phases.

3.6 As mentioned earlier the Council's Planning Committee resolved to refuse the application at the meeting on 13th February 2020 for the reason detailed above, and the decision notice containing the refusal was issued on 6th March 2020.

4 PLANNING HISTORY AND BACKGROUND

4.1 06/2020/0614 - Outline application for up to 151no. dwellings and community building with associated works (access applied for only) (re-submission of outline application 06/2019/0752) – Refused November 2020

4.2 06/2018/0238 – Outline planning application for 55no. dwellings and associated works (access applied for only) (resubmission of 06/2016/1207) – Approved September 2018

4.3 06/2016/1207 – Outline planning application for 55no. dwellings and associated works (access applied for only) – Refused July 2017 – Appeal withdrawn

5 RELEVANT PLANNING POLICY & GUIDANCE

5.1 The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF) 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).

5.2 National Planning Policy Framework

5.2.1 The Council's evidence will consider the appeal proposal against the policy guidance contained in the National Planning Policy Framework (NPPF), and in particular whether the site represents sustainable development (paragraphs 7 to 14) and the policy guidance given in the NPPF regarding the supply of housing (paragraphs 59 to 76).

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

5.3 Central Lancashire Core Strategy

5.3.1 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. In particular the evidence will explain why it is considered that the proposals do not comply with those policies identified in the reason for refusal. The Council will also refer to supplementary planning documents (SPDs) which supplement the above policies.

5.3.2 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 7 - Affordable and special needs housing
- Policy 14 - Education
- Policy 17 - Design of new buildings
- Policy 21 – Landscape character areas
- Policy 22 - Biodiversity and geodiversity
- Policy 27 - Sustainable resources and new developments
- Policy 29 - Water management
- Policy 31 - Agricultural land

5.4 Preston Local Plan

5.4.1 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. In particular the evidence will explain why it is considered that the proposals do not comply with those policies identified in the reason for

refusal. The Council will also refer to supplementary planning documents (SPDs) which supplement the above policies.

5.4.2 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 AD1(b) - Small scale development within existing villages (including the development of brownfield sites)**
- Policy HS1 - Allocation of housing sites
- Policy HS3 - Green infrastructure in new housing developments
- Policy ST1 - Parking standards
- Policy ST2 - General transport considerations
- **Policy EN1 - Development in the open countryside**
- Policy EN7 - Land quality
- Policy EN9 - Design of new development
- Policy EN10 - Biodiversity and nature conservation
- Policy EN11 - Species protection

5.5 Other Material Considerations

5.5.1 Other material considerations in the consideration of this appeal include the following Supplementary Planning Documents:

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

6. CASE FOR THE APPELLANT

6.1 The appellant contends that the policies which are most important for determining the application are out-of-date and the tilted planning balance is engaged for any of the following scenarios:

- The Council cannot demonstrate a 5-year housing land supply when assessed on the basis of Core Strategy Policy 4;
- If the 5-year housing land supply is assessed on the basis of Local Housing Need then Core Strategy Policy 4 and Local Plan Policy EN1 are both out of date;
- The application of local housing need results in a radical change to the distribution of development across the housing market area as set out in Core Strategy Policy 4.

6.2 In addition, the appellant considers that the 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, when the tilted balance is engaged the significant benefits of the appeal proposal would not be significantly and demonstrably outweighed by the harm.

6.3 Furthermore, the appellant states that in the scenario where the tilted balance is not engaged, whilst the proposal would be contrary to Core Strategy Policy 1 and Policies AD1(b) and EN1 of the Local Plan, they consider the limited harm

arising from the proposed development would be outweighed by the benefits of the scheme and planning permission should be granted based on the general planning balance exercise as per Section 38 of the Planning and Compulsory Purchase Act 2004.

7 CASE FOR THE LOCAL PLANNING AUTHORITY

7.1 The Council will provide the following case in support of the reason for refusal, as well as addressing the matter of whether 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.

7.2 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 asserts that the proposal is contrary to Central Lancashire Core Strategy Policy 1 and Preston Local Plan Policies EN1 and AD1(b), as it would result in a development that fails to provide growth and investment in the right location, is not small-scale, would lead to the unplanned expansion of a rural settlement and result in the loss of a significant area of open countryside. The proposal being contrary to Core Strategy Policy 1 and Policies AD1(b) and EN1 of the Local Plan is accepted by the appellant at paragraph 6.40 within their Statement of Case.

- 7.3 The most important policies for determining this application are Central Lancashire Core Strategy Policies 1 and 4, and Preston Local Plan Policies EN1 and AD1(b). The Council asserts that these most important policies for determining this application, save for CS Policy 4, are not out of date. As a result, the most important policies for determining the application are not out of date and as the Council can demonstrate a five year supply of housing land the Council contends the “tilted balance” is not engaged and there are no other material considerations that outweigh the clear departure from the Development Plan.
- 7.4 Paragraph 73 of the Framework states that Local Planning Authorities (Preston, Chorley and South Ribble) 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.
- 7.5 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 CS 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, to account for any change in circumstances prior to the full review of the development plan.

- 7.6 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 CS Policy 4, as described in Paragraph 73 and footnote 37 of the Framework.
- 7.7 Following publication of the revised Framework a very significant change in circumstance has taken place with respect to the way local housing need is calculated. The introduction of the standard methodology represents a fundamentally different approach, and one which cannot be ignored.
- 7.8 The Council asserts that CS Policy 4 is out-of-date, regardless of having been subject to a 'review' in October 2017. The housing requirement contained in CS Policy 4 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.
- 7.9 In acknowledgement of the situation, the Central Lancashire authorities undertook a review of MOU1, to fully account for the implications of the introduction of the standard methodology. The Central Lancashire authorities commissioned the Central Lancashire Housing Study in order to assess whether a) the standard methodology was the correct starting point for

determining local housing need in Central Lancashire, and, b) what the most sustainable distribution of the aggregate local housing need across Central Lancashire would be.

7.10 Subsequently the Central Lancashire authorities entered into a second MOU (MOU2) in April 2020. At this point MOU1 was superseded and became redundant. However, following the outcome of an appeal in the borough of Chorley (Pear Tree Lane, App Ref: APP/D2320/W/20/3247136) in which the Inspector gave 'limited weight' to MOU2 and determined that the solus standard methodology represented the local housing need in Chorley, the Council has disregarded it for decision making processes following a decision by the Council's Cabinet on 4 November 2020 to authorise the Council's immediate withdrawal from MOU2.

7.11 As such the Council contends that CS Policy 4 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 April 2020 the standard methodology used to determine local housing need produces a minimum figure of 250 net additional homes per annum and against this the Council can currently demonstrate a 13.8 year supply of deliverable housing land. This figure of 250 net additional homes per annum is significantly lower than the housing requirement figure for Preston contained in Core Strategy Policy 4 (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.

- 7.12 The Council contends that Policy 4 being out of date does not engage the tilted balance as all the other most important policies (Core Strategy Policy 1, Local Plan Policies EN1 and AD1(b)) are not out of date.
- 7.13 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 (2018) 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 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 250 dwellings per annum.
- 7.14 Whilst Policies EN1 and AD1(b) of the Local Plan restrict development which takes place in areas of open countryside and within village boundaries respectively, the nature of those policies 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 CS Policy 1. Given the local housing need in Preston is

substantially below the housing requirement contained in CS 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 Council's aspirations to locate growth and investment in the urban areas of Preston and strategic sites and locations right locations. As such, there is no justification for concluding that those policies 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 250 dwellings per annum. The Council therefore contends that Policies EN1 and AD1(b) of the Local Plan are not out of date and attract significant weight in the determination of planning applications.

7.15 As the Council can demonstrate a five year supply of housing against the standard methodology local housing need, it is considered that all other relevant policies (i.e. this means all policies except for Core Strategy Policy 4) within the Core Strategy and Local Plan, accord with the Framework, are not out of date and therefore the tilted balance in paragraph 11(d) of the Framework is not engaged.

7.16 The NPPF at paragraph 11 states that at the heart of it is a presumption in favour of sustainable development, which should be seen as a golden thread

running through both 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.

7.17 In respect of the first bullet point, Preston City Council can demonstrate a 13.8 year supply of housing and therefore the basket of most important policies for determining this application is not considered to be out of date for housing land supply reasons or otherwise. As such, the policies of the Development Plan and the Framework taken as a whole provide clear and justifiable reasons for refusing the development proposed.

7.18 In respect of the second bullet point the Council can demonstrate a 13.8 year supply of deliverable housing and in accordance with paragraph 73 of the NPPF

the Council have identified in excess of 5 years supply of housing. The appeal proposal would represent a significant intrusion into the open countryside and a major, unplanned, expansion of an existing rural village. In this context the resultant harm arising from the conflict with the Development Plan and the Framework when taken as a whole would be compelling.

7.19 The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise and the proposed development, predominantly located within the open countryside is clearly contrary to Core Strategy Policy 1 and Policies AD1(b) and EN1 of the Local Plan, a statement that is accepted by the appellant at paragraph 6.40 within their Statement of Case. The proposal would fail to accord with the fundamental aspirations of the development plan to manage growth and investment in the urban areas of Preston and strategic sites and locations and would lead to the unplanned expansion of a rural village, as well as resulting in a loss of an area of land designated as open countryside.

7.20 Whilst the benefits of the appeal development are acknowledged in respect of the contribution the proposal will make to housing land supply and affordable housing, along with the economic benefits from employment opportunities during the construction phase. However, given that the Council can demonstrate a healthy housing land supply (13.8 years), these benefits are considered to be generic and no more than would be expected from any major housing development anywhere within the borough, and thus do not outweigh the conflict with the development plan strategy.

7.21 It is considered that only limited weight can be given to the proposed community building as the applicant has not identified any specific need for this facility given that the village of Barton already has a Village Hall, it is not known exactly how this facility will operate, and being located within the open countryside the principle of the community building in this location is in itself contrary to Core Strategy Policy 1 and Local Plan Policy EN1.

8 CONCLUSION

8.1 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 Policies, and that the conflict with these policies is such that it will not be outweighed by other material considerations.

8.2 Therefore, the inspector is respectfully requested to dismiss the appeal.

8.3 If the Inspector is minded to allow the appeal the Council asks that consideration is given to attaching conditions listed at appendix 1 (below) of this statement.

9 ACCESS TO APPEAL DOCUMENTS

- 9.1 All appeal documents are currently accessible electronically within the planning application details page on the Council's website (please see link: <https://selfservice.preston.gov.uk/service/planning/ApplicationView.aspx?AppNo=06/2019/0752&Id1=2020112516374553d8be595ee51eb4>). The Council is currently in the process of setting up a dedicated page for this appeal and its associated documents. Once this separate page is operational a link from the above planning application details page will be provided.
- 9.2 Unfortunately due to national Covid-19 restrictions, Preston City Council's Offices are not currently open to the public and therefore it is not possible for interested parties to inspect hard copies of the documents at the present time. If this situation changes an update will be provided on the aforementioned webpage.

LIST OF DOCUMENTS TO BE REFERRED TO:

Document 1 – National Planning Policy Framework

Document 2 – Central Lancashire Core Strategy (*relevant policies already sent to PINS with appeal questionnaire*)

Document 3 – Preston Local Plan (*relevant policies already sent to PINS with appeal questionnaire*)

- Document 4 – Affordable Housing Supplementary Planning Document (*already sent to PINS with appeal questionnaire*)
- Document 5 – Design Guide Supplementary Planning Document (*already sent to PINS with appeal questionnaire*)
- Document 6 – Open Space and Playing Pitch Supplementary Planning Document (*already sent to PINS with appeal questionnaire*)
- Document 7 – Rural economy Supplementary Planning Document (*already sent to PINS with appeal questionnaire*)
- Document 8 – Wainhomes NW Ltd vs. SoS for CLG and South Ribble (2020)
- Document 9 – Land at Pear Tree Lane, Euxton Appeal Decision (Appeal Ref:3247136)
- Document 10 – Preston City Council Housing Land Position October 2020
- Document 11 – Preston Local Plan Policies Map
- Document 12 – Extract from Preston Local Plan Map showing settlement boundary of Barton

Appendix 1 – list of recommended conditions

1. The development shall be limited to no more than 150 units and shall be carried out in accordance with the following plans:

16-154 LP01 – Location Plan

SCP/18205/SK05 Rev A – Site access proposed ghost island arrangement

16-154 TR01 – Tree removal plan (access)

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

2. Details of the access, other than that shown on drawing SCP/18205/SK05 Rev A, appearance, landscaping, layout and scale, (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: The permission is an outline planning permission.

3. The application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

- (a) The expiration of five years from the date of this permission; or
- (b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

4. Any application for approval of reserved matters for layout, scale and/or design shall be accompanied by full details of existing and proposed ground levels and proposed building finish floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on the previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual and residential amenities and in accordance with Policy AD1(a) of the Preston

Local Plan (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

5. Any application for approval of reserved matters for layout, scale and/or design shall include a noise survey, and any required mitigation measures, in respect of the proposed community building and its relationship with residential uses.

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

6. Any application for approval of reserved matters for layout, scale and/or design shall include details of a scheme for any external building or ground lighting/illumination. Such details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution. The submitted details shall also demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated. External lighting shall only be provided in accordance with the approved scheme(s) and shall thereafter be retained as approved.

Reason: In order to ensure that the amenities of the future occupants of the proposed properties and wildlife are not adversely impacted by external lighting in accordance with Policies AD1(a), EN10 and EN11 of the Preston Local Plan (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

7. Any application for approval of reserved matters for layout shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within the development site and within falling distance of the development site. The assessment shall include details of all root protection measures which shall accord with BS5837 "Trees in Relation to Demolition,

Design and Construction". The development shall be carried out in strict accordance with the approved assessment.

Reason: To ensure that existing trees of visual amenity value are retained and adequately protected during construction in the interests of the visual amenity of the area in accordance with Policy EN10 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

8. Any application for approval of reserved matters for landscaping shall include details of a Landscape/Habitat Management Plan to include long-term design objectives, timings of works, habitat creation, enhancement management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens). The requirements of the Landscape/Habitat Management Plan shall be informed by the submitted Ecological Appraisal (dated August 2018) and the recommended measures shall be carried out in accordance with the approved Plan.

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 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. Any application for approval of reserved matters for landscaping shall be accompanied by a method statement outlining preventative measures to ensure protection of amphibians. The duly approved method statement shall then be adhered to throughout the construction phase.

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.

10. Any application for approval of reserved matters for landscaping shall include an updated survey to demonstrate that all the trees have been re-surveyed for the presence of bats/bat roosts and a mitigation report produced if required. Any mitigation measures subsequently identified in relation to the parcel concerned shall be implemented in full in accordance with the findings of the mitigation report.

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.

11. 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.

12. 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.

13. Further to the recommendations of the Phase 1 preliminary risk assessment, an intrusive Phase II Site Investigation should be undertaken and submitted to Local Planning Authority for verification prior to commencement of development on site. In the event that further remediation is required, a Method Statement and Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: 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.

14. All trees identified to be retained on the approved plans, and within the submitted tree report (Iain Tavendale Arboricultural Consultant), shall be enclosed with temporary protective fencing in accordance with BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To ensure that existing trees are adequately protected during construction in the interests of the visual amenity of the area in accordance with Policy EN10 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

15. No development shall take place (including demolition, ground works, and vegetation clearance) until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following.

- a) Description and evaluation of existing habitats to be retained and enhanced including areas of grassland and wetland and length of hedgerows;
- b) Description of habitats proposed for creation including areas or length as applicable;
- c) Aims and objectives for habitats in terms of habitat value and condition (as defined under DEFRA biodiversity off-setting guidance);
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: Details are required prior to the commencement of development in order to ensure that any impact on the environment and the amenity of neighbouring residents is minimised, in accordance with Policy 22 of the

Adopted Central Lancashire Core Strategy and the National Planning Policy Framework.

16. No development (including clearance of site vegetation) shall take place until a repeat survey for the presence of badgers has been undertaken. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the local planning authority in consultation with specialist advisors. Any necessary and approved measures for the protection of badgers shall thereafter be implemented in full.

Reason: In order to adopt a precautionary measure to ensure the protection of 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.

17. There shall be no tree felling, vegetation clearance works, or other works that may affect nesting birds on the development site or off-site habitat creation areas, between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that ground nesting birds are not unacceptably affected, 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.

18. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: This information is required prior to the commencement of development to ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy 16 of the Central Lancashire Core Strategy, Policy EN8 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

19.No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels.
- b) Proposed ground levels along the boundaries with nos.620-630, 654-666 Garstang Road, Barton, nos.18, 20 & 22 Woodlands Crescent, Barton and nos.22 and 23 Woodlands Way, Barton are required.
- c) The drainage strategy should be in accordance with the principles of the Betts Hydro Land at Cardwell Farm, Garstang Road, Barton Flood Risk Assessment & Drainage Management Strategy ref.HYD345_CARDWELL.FARM_FRA&DMS revision 1.0 dated 17th June 2019 and demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. No surface water will be permitted to drain directly or indirectly into the public sewer and any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall subsequently be implemented in

accordance with the approved details before the development is completed.

- d) Sustainable drainage flow calculations (1 in 1, 1 in 2, 1 in 30 and 1 in 100 + climate change).
- e) Plan identifying areas contributing to the drainage network
- f) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses,
- g) A plan to show overland flow routes and flood water exceedance routes and flood extents.
- h) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- i) Breakdown of attenuation volume in pipes, manholes and attenuation ponds.
- j) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, both on and off site, details of which are required prior to the commencement of development in order to ensure the development is carried out in accordance with the agreed details, in

accordance with Adopted Central Lancashire Core Strategy Policy 29 and the National Planning Policy Framework.

20. No more than 50 dwellings shall be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be implemented and operated in accordance with the timetable contained therein.

Reason: To ensure the development provides sustainable transport options in accordance with Adopted Central Lancashire Core Strategy Policy 3 and Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

21. No part of the development shall be occupied until the new site access junction to Garstang Road (based on, but not restrictive to Drawing No. SCP/18205/SK05 Rev A) has been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The highway junction scheme shall include the provision of a pedestrian refuge north of the junction and the upgrade of the northbound bus stop in the vicinity of no 709, to full mobility standard with shelter.

Reason: To ensure that satisfactory vehicular and pedestrian access is provided to the site before the development hereby permitted becomes occupied in accordance with adopted Central Lancashire Policy 3 and Policy ST2 of the adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

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 ensure that satisfactory access is provided to the site to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Policy ST2 of the Adopted Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies).

23. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been 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 an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In order to secure satisfactory final details of the highway scheme/works. This information is required prior to the commencement of development in the interests of the safety of all highway users in accordance with Adopted Central Lancashire Core Strategy Policy 3 and Policy ST2 of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

24. Prior to commencement of development a construction and environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction of that phase. 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.

Reason: To maintain the operation of the local and strategic highway networks and to protect to amenities of neighbouring residents prior to work commencing on site 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).

25. Prior to the commencement of development hereby approved, an Employment and Skills Plan that is tailored to the development and will set out the employment and skills training opportunities for the construction phase of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved Employment and Skills Plan.

Reason: Information required prior to the commencement of development in order to improve local skills and economic inclusion in accordance with Policy 15 of the Central Lancashire Core Strategy and the Central Lancashire Employment Skills SPD.

Informatives:

- You are advised that as of 30th September 2013, the Central Lancashire Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL applies to all applicable planning permissions granted on or after this date. The development has been assessed and it is the Council's view that it is CIL LIABLE. Full details are available on the CIL liability notice which you will receive within the next 10 working days of this decision notice. Further details are available on the Council's website www.preston.gov.uk/CIL
- The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Highways Team at Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston PR5 6BJ in the first instance to ascertain the details of such an agreement and the information to be provided.
- The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 1, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.
- The applicant is advised that to discharge condition 3* the Local Planning Authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980, or the

constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
- This consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that highway surface water drainage system must not be used for the storage of any flood waters from the adoptable United Utility surface water system, or any private surface water drainage system.
- United Utilities water mains will need extending to serve any development on this site and the applicant may be required to pay a contribution.
- The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with United Utilities 'Standard Conditions for Works Adjacent to Pipelines'. United utilities provide this information to support the applicant in identifying the potential impacts from all construction activities on United Utilities infrastructure and to identify mitigation measures to protect and prevent any damage to this infrastructure.
- United Utilities standard conditions document includes details of trees and shrubbery suitable for planting in the vicinity of a water main. The applicant should consult this document to ensure their landscaping proposals meet with the advice provided in the document. We also recommend the use of root barriers to afford additional protection to the water main.
- It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

- It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.
- For the avoidance of doubt, this response does not grant the applicant permission to make connections to the ordinary watercourses and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council **before** starting any works on site.
- In order to keep people safe and feeling safe, it is recommended that the applicant develops these 151 new dwellings to achieve Secured by Design accreditation. Details regarding the Secured by Design New Homes 2019 scheme can be found at www.securedbydesign.com
- In order to comply with the requirements of Building Regulation ADQ, doors and windows must be certified to a recognised security standard such as PAS 24/2016 or LPS 1175. By developing the scheme as a Secured by Design New Homes 2019 Silver award, the requirements of ADQ will be met as well as further security measures for the residents.