

Statement of Common Ground on behalf of Wainhomes (North West Ltd) and Preston City Council

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

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

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

Site address : Land at Cardwell Farm,
Barton, Preston, PR3 5DR

Appellant : Wainhomes (North West)
Ltd

Date : November 2020

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1. Appeal proposal

The proposed development

- 1.1 This outline planning application seeks planning permission for the erection of up to 151 dwellings and a community building on land at Cardwell Farm, Barton, Lancashire (access to be considered and all other matters reserved).
- 1.2 Primary access to the site would be via the A6, which is a change from the access from the extant consent off Woodlands Way. Indicative site layout plans (MCK Architects) are also submitted that illustrates one potential option for how the site could be developed for the quantum of residential development proposed. It indicates a mix of family-sized houses and apartments with active frontages onto the public realm. The submitted illustrative layout drawing shows that the proposed dwellings would predominantly take the form of detached houses, although there would also be some terraced houses and two blocks of apartments in the interests of the overall mix of house types.
- 1.3 The site of a community hall is proposed and would be designed to provide the local community with an indoor facility through the provision of sports provision, performances, meetings and rooms for hire for parties and events. The design would be based on the design note by Sport England titled "Village and Community Halls".
- 1.4 The indicative layout shows an area of public open space, including children's play equipment, would be created on the southern part of the site providing open space and an area of ecological and biodiversity value. The indicative layout also shows that the community hall would front onto this open space immediately adjacent to its northern boundary.
- 1.5 53 of the proposed dwellings would be affordable houses, which accords with the 35% on-site provision required by planning policy. This can be secured via a Section 106 Agreement should the appeal be allowed.

Background to the planning application process

- 1.6 The planning application was presented to Planning Committee in October 2019. Members resolved to grant planning permission at this Committee meeting subject to a Section 106 legal agreement being finalised. The October 2019 Committee Report and the Late Changes update

will be included as a Core Document for this appeal and have been submitted to PINS by the LPA with the appeal questionnaire.

- 1.7 Members resolved at the Planning Committee meeting in October 2019 that the scheme should be granted planning permission based on the 'tilted balance' at paragraph 11(d) of the Framework.
- 1.8 In December 2019, an appeal decision was issued by the Planning Inspectorate for a site in South Ribble at Chain House Lane, Whitestake (PINS ref: APP/F2360/W/19/3234070). On the basis of parts of the Inspector's findings for this appeal decision, namely that the Inspector concluded that the local housing need calculated by standard methodology was the correct starting point for monitoring housing land supply on the basis that the joint strategic housing requirement policy (CS Policy 4) was more than five years old, the local planning authority re-presented the planning application to Planning Committee again in February 2020. At this point, the Section 106 legal agreement was being negotiated. The LPA then considered that a 5-year housing land supply could be demonstrated and that the 'tilted balance' was no longer engaged. Members resolved to refuse planning permission on this basis, given the application is contrary to the development plan, which is the starting point in the determination of planning applications. The February 2020 Committee Report and the Late Changes update will be included as a Core Document for this appeal and have been submitted to PINS by the LPA with the appeal questionnaire.
- 1.9 Wainhomes (NW) Ltd (the Appellant for the Chain House Lane appeal referred to above) lodged a legal challenge in January 2020 to the appeal decision for Chain House Lane issued by the Planning Inspectorate in December 2019. A few days after the Planning Committee meeting in February 2020 for Cardwell Farm, the Secretary of State confirmed that he agreed that the Chain House Lane appeal decision should be quashed as parts of the decision were legally flawed because parts had not been adequately explained/justified by the Inspector. However, South Ribble Council subsequently resolved to defend the Secretary of State's decision and a Court hearing took place in June 2020.
- 1.10 The High Court Judgment for Chain House Lane was handed down on 21st August 2020 and Mr Justice Dove quashed the appeal decision. The Public Inquiry for Chain House Lane will now reconvene to assess the proposal again. The relevant documents relating to the appeal decision and High Court Judgment will be included as Core Documents for this appeal.

2. Site description

- 2.1 A small proportion of the appeal site is situated within the settlement boundary of Barton, between the dwellings at 630 and 638 Garstang Road, however the vast majority of the site is located within the open countryside as shown on the Policies Map of the Preston Local Plan. Sections of the appeal site's boundary adjoin the settlement boundary of Barton. The site is located approximately 5 miles north of Preston City Centre.
- 2.2 The site comprises six fields approximately 9.5ha in size. They comprise grassland and are enclosed by hedgerow, trees and fencing to the site boundaries. It is presently accessed via a gateway via Cardwell Farm and off the A6.
- 2.3 Sections of the western boundary of the site are bounded by the existing residential properties to the east of the A6 Garstang Road, including a large landscape contractors and haulage yard, known as Barton Grange Landscapes, at Cardwell Farm to the northern boundary of the Phase 1 site. To the south is a housing estate known as Woodlands Way which shares a boundary with a section of the southern boundary of the site.
- 2.4 The following services are within 1.5km of the access point into the site, Barton St Lawrence Church of England Primary School, St Mary's and St Andrew's Catholic Primary School and Barton Village Hall. A predominantly hourly and direct bus service is available along the A6, with connections to Preston city centre and smaller settlements such as Broughton, Garstang and Bilsborrow.

3. Planning history

- 3.1 There is an extant consent (06/2018/0238) on part of the site for 55 dwellings which was issued on 18th September 2018. That application was a resubmission of Application 06/2016/1207 which had been refused in July 2017 on the grounds of conflict with the development plan. The resubmission was approved at a time when the Council could not demonstrate a five-year supply of deliverable housing land, following a cojoined appeal decision elsewhere in Preston¹.
- 3.2 The Appellant resubmitted² the appeal proposal to the LPA in July 2020. An Addendum Planning Statement, and Legal Opinion of Vincent Fraser QC (Kings Chambers), was submitted to the LPA by the Appellant in August 2020 further to the Chain House Lane appeal decision being quashed and a relevant appeal decision being issued by the Planning Inspectorate for a scheme in Chorley³. The LPA presented the resubmitted application to Planning Committee in November 2020 and Members resolved to refuse planning permission. The November 2020 Committee Report and Late Changes update will be included as a Core Document for this appeal and has been submitted to PINS by the LPA with the appeal questionnaire.

¹ Appeal Ref 3179177 – Keyfold Farm, Broughton and Appeal Ref 3179105 – Land off Sandy Gate Lane, Broughton

² 06/2020/0614

³ Land at Pear Tree Lane, Euxton, Chorley – PINS ref: APP/D2320/W/20/3247136

4. Planning policy

4.1 Reference will be made to the policies of the adopted development plan. For the purposes of this appeal the development plan is the Central Lancashire Joint Core Strategy (2012) and the Preston Local Plan (Site Allocations and Development Management Policies DPD) (2015). The adopted Policies Map shows that the site falls predominantly within the designated Open Countryside, although part of the site along the site frontage onto Garstang Road falls within the settlement boundaries of Barton.

4.2 The relevant policies of the Central Lancashire Joint Core Strategy (2012) comprise the following:

- Policy 1 – Locating Growth
- Policy 2 - Infrastructure
- Policy 3 – Travel
- Policy 4 – Housing Delivery
- Policy 5 – Housing Density
- Policy 6 – Housing Quality
- Policy 7 – Affordable and Special Needs Housing
- Policy 13 – Rural Economy
- 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 – Waste Management
- Policy 31 – Agricultural Land

4.3 The relevant policies of the Preston Local Plan (2015) comprise the following:

- Policy AD1(b) – Small-scale Development within Existing Villages
- Policy HS1 – Allocation of Housing Sites
- Policy HS3 – Green Infrastructure in New Housing Developments
- 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
- Policy ST2 – General Transport Considerations

4.4 Barton Parish Council submitted an application on 30th March 2017 for the designation of the Barton Village Neighbourhood Area, and this was approved by Preston City Council on 8th September 2017. The appeal site falls within the boundaries of the neighbourhood plan area and whilst the Parish Council is advancing work on the draft neighbourhood plan, including a pre-submission consultation, the plan is not yet at a stage where it attracts weight in decision making.

4.5 The National Planning Policy Framework (the Framework) and National Planning Practice Guidance (NPPG) will also be referred to.

4.6 The Preston Affordable Housing Supplementary Planning Document (SPD) (2012), the Preston Design Guide SPD (2012), the Open Space and Playing Pitch SPD (2014) and the Rural Development SPD (2012) are also relevant to the determination of this appeal.

5. Agreed matters

- 5.1 The following matters are agreed.
- 5.2 As set out on the Decision Notice, the policies that are considered to be the most important in the determination of this appeal are Core Strategy Policies 1 and 4 and Local Plan Policies AD1 (b) and EN1.
- 5.3 Whilst both parties have a different position as to why which will be set out in evidence, they do agree that Policy 4 of the Central Lancashire Core Strategy is out of date.
- 5.4 The proposed development is contrary to Core Strategy Policy 1 and Policies AD1 (b) and EN1 of the Local Plan.

Affordable housing

- 5.5 The appeal proposal would deliver 53 affordable homes on-site, which accords with the 35% in Policy 7 of the Joint Core Strategy.

Highways

- 5.6 The proposed development would not result in any severe harm to the wider road network and would achieve a suitable means of access with no detrimental impact upon highways safety subject to conditions and contributions secured within the Section 106 Agreement.

Impact on the character of the area and wider landscape

- 5.7 It is agreed that a sensitively planned and designed scheme with carefully implemented landscaping could provide an appropriate transition from the built development to the open countryside including compensatory landscaping to offset the loss of any existing hedging and trees.
- 5.8 Matters relating to layout, scale, appearance and landscape would be determined at the reserved matters stage. It is agreed that the quantum of residential development applied for through this outline planning application could be accommodated in terms of density with due regard for the character of the surrounding area. Subject to detailed matters being agreed at reserved matters stage, there would be no conflict with Policies 5 and 17 of the Core Strategy, Policy EN9 of the adopted local plan or the Preston Design Guide SPD.

Design and Residential Amenity

- 5.9 The application was submitted in outline form and was accompanied by an indicative plan, as such, no detailed design evidence will be presented by either party and as design is not a reason for refusal, both parties agree that an acceptable design could be secured at the reserved matters stage. Notwithstanding that the proposals are in outline form only, there are no amenity impact concerns such to dismiss the appeal.

Archaeology

- 5.10 It is agreed by both parties that LCC Archaeology service raised no objection to the application subject to a suitably worded condition requiring an archaeological programme to be implemented prior to commencement of the development on site. As such both parties agree that with the imposition of a suitable condition, the scheme is acceptable in archaeological terms.

Heritage

- 5.11 It is agreed that there would be no impact on any heritage assets as a result of the appeal proposals.

Arboriculture

- 5.12 The appeal proposal will require the removal of four trees, and a section of hedgerow along the site frontage into the A6. The principle of removing these trees has already been established by the extant consent. The appeal proposal offers the opportunity for replacement planting to be provided within the development proposal to mitigate for loss, which would be secured at reserved matters stage should the appeal be allowed.
- 5.13 A section of Black Fir Wood (covered by TPO/1951/0001) encroaches into the south east corner of the site. The indicative layout shows the retention of these trees.

Ecology

- 5.14 Adequate ecological surveys have been carried out which demonstrate that there is no ecological reason to prevent development of the proposal. Both parties agree that any impact on ecology could be mitigated by conditions.

Flood Risk and Drainage

5.15 The appeal site is located within Flood Zone 1, an area at least risk from flooding. There are no objections from the Lead Local Flood Authority or United Utilities subject to the imposition of conditions. It is agreed that the proposal would not result in any unacceptable impacts upon flood risk and drainage.

Open Space

5.16 The indicative layout shows areas of the site that could be allocated for open space, consisting of semi-natural greenspace, amenity greenspace, children's play areas and a pedestrian trail. The final details of these areas would be secured within the reserved matters application and the Section 106 Agreement should the appeal be allowed.

Planning Obligations

5.17 The Appellant and the Council will work together to agree a S106/UU for the following, considered to meet the relevant tests on the use of planning obligations set out in the CIL Regulations 2010:

- The provision of 35% affordable housing.
- A financial contribution towards educational facilities in the area.
- £100,000 contribution towards sustainable transport infrastructure along the A6 Garstang Road corridor.
- A financial contribution towards monitoring of the Travel Plan.
- The provision and future management of the Community Building and areas of Public Open Space.

Other Matters

5.18 There are no technical objections from statutory consultees and the proposed development would have an acceptable impact on the following, subject to the imposition of planning conditions:

- risk of crime;
- air quality;

- contaminated land;
- agricultural land;
- energy-efficiency.

6. Matters not agreed

6.1 The following matters are not agreed:

- Whether or not the tilted planning balance is engaged and paragraph 11(d) of the Framework applies for reasons connected to housing land supply or otherwise.
- Whilst there is agreement on which are the most important policies for determining the appeal (see paragraph 5.2 above), the parties do not agree on which of these policies are out-of-date for the purposes of paragraph 11 (d) of the Framework.
- Whether the Council can demonstrate a deliverable five-year supply of housing land in accordance with paragraph 73 of the Framework (this relates to the appropriate figure to use and an assessment of the Council's supply).
- The weight to be given to the benefits of the appeal scheme.
- Whether there are material considerations that justify the grant of planning permission regardless of the engagement of the tilted planning balance in paragraph 11(d) of the Framework and the conflict with the Development Plan.

Signed on behalf of the appellant

Stephen Harris Position: Director at Emery Planning Date: 26/11/2020

Signed on behalf of local planning authority



Robert Major Position: Principal Planning Officer at Preston City Council Date: 27/11/20