

**PRESTON CITY COUNCIL
PLANNING COMMITTEE meeting 5th November 2020
LATE CHANGES LIST**

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

Agenda Item 5a: 06/2018/0732

**Address/Location – Land to the rear of 126A Whittingham Lane, Broughton, Preston
Pages 57 - 88**

Changes:

Section 3.5 Consultee Responses

A further letter in support of the application has been received from the applicant re-iterating the benefits of the scheme including the boost the development would bring to the Council's housing land supply and how the delivery of the proposed development would contribute towards the City Deal, as well as proposing a new "parameters plan", which would remove housing from the area of the site that falls within the Broughton Neighbourhood Development Plan (BNDP) area which, they argue, could be secured via a suitably worded condition. Furthermore, the applicant has also provided details of a further appeal decision in Derbyshire, in which the Inspector considered the most important policies for determining the application to be out of date and engaged the tilted balance to allow the appeal even though the Council was able to demonstrate an 8 year supply of housing land (ref. APP/R1038/W/20/3251224).

Officer comment

The submitted supporting letter, comments, plan and appeal decision are noted however as outlined in the main committee report, it is considered the benefits the scheme would provide are no more than would be expected from a development of this scale. The proposed revised parameters plan, whilst removing housing from the BNDP area, would diminish the overall benefits of the scheme and the principle of the proposal would still remain contrary to the Core Strategy and Preston Local Plan. In terms of the details contained within the appeal decision provided, the committee report has considered a scenario whereby all the most important policies for determining the application are out of date and the tilted balance is engaged, however this has not lead officers to consider that the application should be approved. The application is contrary to the Development Plan and is recommended for refusal.

No change to recommendation

Agenda Item 5c: 06/2019/0856

**Address/Location – Car Park, Avenham Street, Preston
Pages 115 - 152**

Changes:

Section 2.1 Conditions and Informatives

Conditions

24. Employment Skills Statement submitted prior to commencement of development
25. Energy Efficiency
26. Development carried out in accordance with privacy details shown on submitted plan
27. Sustainable drainage scheme to be submitted prior to commencement of development

Section 3.5 Consultee Responses

Lead Local Flood Authority – No objection subject to the inclusion of a planning condition which requires the applicant to submit the final sustainable drainage scheme for the approval of the Local Planning Authority prior to commencement of development.

Section 3.6 Analysis

Employment Skills

Policy 15 of the Core Strategy seeks to improve skills and economic inclusion and the Central Lancashire Employment Skills SPD requires all applications for more than 30 dwellings to produce an Employment and Skills Plan.

The applicant provided an Employment Skills Statement with the original submission however the Council's City Development Team has requested some additional information be provided within this document. A condition is therefore recommended which requires the applicant to submit an Employment Skills Statement, to be approved in writing by the Local Planning Authority, prior to the commencement of development.

No change to recommendation

ADD conditions 24, 25, 26 and 27

Agenda Item 5f: 2020/0652

**Address/Location – Land off Tom Benson Way, Preston PR2 1SG
Pages 203 - 222**

Changes:

Section 2.1 Conditions and Informatives

Conditions

Amend condition 10 to read:

10. Development to be carried out in accordance with the submitted Phase 2 Site Investigation.

Add condition 21:

21. Employment Skills Statement submitted prior to commencement of development

Section 3.5 Consultee Responses

Canal and River Trust – Further to the comments detailed within the Committee Report, the Canal and River Trust has reviewed the revised Construction Environmental Management Plan (CEMP) and are satisfied that it provides suitable mitigation measures. The Canal and River Trust has also reviewed the Phase 2 Site Investigation and raise no objection subject to conditions requiring the development to be carried out in accordance with the submitted CEMP and the Phase 2 Site Investigation.

Section 3.6 Analysis

Employment Skills

Policy 15 of the Core Strategy seeks to improve skills and economic inclusion and the Central Lancashire Employment Skills SPD requires all applications for more than 30 dwellings to produce an Employment and Skills Plan.

The applicant has provided an Employment Skills Statement which has been forwarded on to the relevant officers in the City Development Team for review. The City Development Team has requested some further information and therefore a condition is recommended which

requires the applicant to submit an Employment Skills Statement, to be approved in writing by the Local Planning Authority, prior to the commencement of development.

Planning Balance

This section of the committee report did not consider a scenario whereby all the most important policies for determining the application are out of date and the tilted balance is engaged, this is set out below:

Paragraph 11 of the Framework sets out a 'presumption in favour of sustainable development' and for decision-taking this means 11(c) approving development proposals that accord with an up-to-date development plan without delay; or 11(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- i. The application of policies in the 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 the Framework taken as a whole.

The analysis set out in the committee report demonstrates the proposed development complies with the development plan, therefore in accordance with paragraph 11(c) the proposed development should be approved without delay. If all the most important policies for determining this application, which in this case are deemed to be Policies 1 and 4 of the Core Strategy and Policies HS1 and EN10 of the Local Plan, were considered to be out of date and Paragraph 11(d) was engaged, there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed with regard to bullet point (i) above. In terms of bullet point (ii) above, the analysis above demonstrates that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposed development complies with the development plan and would deliver affordable housing provision either in compliance or in excess of the policy requirement (between 30-100%) and could be successfully delivered by a planning obligation. The development would not have any unacceptable adverse impacts upon residential amenity or the street scene. The proposed dwellings would be energy efficient and be supplied with electric vehicle charging points. Any harm arising to ecology and flood risk could be mitigated by condition, with impacts upon the highway network and safe and sustainable access mitigated by conditions and a planning obligation.

In summary the proposed development complies with the development plan, therefore in accordance with paragraph 11(c) the proposed development should be approved without delay and if all the most important policies for determining this application, which in this case are deemed to be Policies 1 and 4 of the Core Strategy and Policies HS1 and EN10 of the Local Plan, were considered to be out of date and Paragraph 11(d) was engaged, there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed with regard to bullet point (i) above. In terms of bullet point (ii) above, the analysis above demonstrates that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusions

The fourth paragraph of the conclusions should be replaced with the following text:

In light of the Judicial Review claim to the rMOU, the claimant's interpretation of national planning policy and guidance has been considered. If the presumption in favour of sustainable development within paragraph 11(c) of the Framework were engaged, the above analysis demonstrates the proposed development complies with the development plan, therefore in accordance with paragraph 11(c) the proposed development should be

approved without delay. If all the most important policies for determining this application, which in this case are deemed to be Policies 1 and 4 of the Core Strategy and Policies HS1 and EN10 of the Local Plan, were considered to be out of date and Paragraph 11(d) was engaged, there would be no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework taken as a whole.

No change to recommendation

AMEND condition 10 and ADD condition 21
