

**APPEAL REF: APP/N2345/W/20/3258889**

**Land at Cardwell Farm, Garstang Road, Barton, Preston PR3 5DR**

**Outline application for up to 151 dwellings with associated works**

**PRE-INQUIRY NOTE – Timetable and Information**

### **Introduction**

1. The note provides an update on the running order of the inquiry and provides some comments on the information provided in advance of the inquiry. It should be read in conjunction with my Case Management Conference Note and Directions dated 9 December 2020.

### **Inquiry timetable**

2. Based on the timings provided, a revised timetable is attached to this note as an appendix. There will be the opportunity to discuss any adjustments to the timetable during the opening session of the inquiry but timings are not exact and there will be some flexibility in terms of the length of sessions.

### **Main issues**

3. The main issues are:
  - a. Whether the proposal would accord with the development plan strategy for the area;
  - b. The effect on the character and appearance of the area;
  - c. Whether the Council can demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston; and,
  - d. Whether paragraph 11. d) ii. of the National Planning Policy Framework (the tilted balance) is engaged either by reason of a lack of a five-year supply or because the most important policies for determining the appeal are out-of-date.
4. The inquiry will also look at any benefits to be weighed in the planning balance.

### **Update on evidence and documentation**

5. Highway Network  
Appendix 1 to the Proof of Evidence of Mr Harris (Technical Note by SCP) indicates at para 10 that the Garstang Road north approach to the Garstang Road/James Towers Way roundabout will not operate within practical capacity. This reflects paragraph 8.7 of the Transport Assessment. What are the practical implications of this on road conditions during peak periods?

6. Planning Obligation – A final draft agreement under Section 106 of the Planning Act (s106) has been submitted in electronic form (Document L1). The s106 will need to be in a completed form by the close of the inquiry. A Community Infrastructure Levy (CIL) Compliance Statement has also been provided (CD B6). In terms of the draft S106 I have the following comments at this stage:
- It is assumed that the Council is satisfied with the title of the freeholders;
  - I could not see any conditionality ('blue pencil') clauses in the s106 agreement. Please confirm that this is the case.
  - The Primary Education Contribution is dealt with by the Definitions and Schedule 9 Clause 1.3. Why do these not include the St Mary & St Andrew's Catholic Primary School which is nearest to the site?
7. With regard to the CIL Compliance Statement, the section on affordable housing deals with the Core Strategy Policy 7 requirement for 35% affordable housing. However, there is no reference to any policy or guidance to support the tenure split obligations contained within the s106 agreement, that at least 70% of the affordable homes are rented units (either affordable rent or social rent). Please could clarification be provided.
8. Planning Conditions – A list of possible conditions as been provided (CD B5). These will form the basis for discussion at the session on conditions. I will aim to provide any detailed comments on the conditions before that session.
9. At this stage I have the following comments:
- Ideally the conditions should be ordered and separated by sub-headings reflecting advice in the PPG - paragraph 21a-024-20140306. I would recommend the following structure:
    - a. Time limits for submission of reserved matters and commencement and drawings subject to the permission (nos. 1 & 2);
    - b. Conditions dealing with reserved matters – the normal reserved matters condition (nos. 3, 4, 5, 7, 8, 10) and others;
    - c. Any other pre-commencement conditions (6, 9;11, 13, 14, 16, 17, 21, 22, 23);
    - d. Any pre-occupancy or other early stage conditions (12, 15, 18, 19, 20; and,
    - e. Conditions relating to post-occupancy monitoring and management.
  - Any '*pre-commencement conditions should only be used where there is a clear justification, which is likely to be mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission*<sup>1</sup>. As part of the discussion on conditions, the Council should be prepared to provide a clear justification for the pre-commencement conditions

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<sup>1</sup> PPG paragraph 21a-007-20180615

recommended.

10. Housing Delivery Test

On 19 January 2021 the Government published the 2020 Housing Delivery Test (HDT) results. If you wish to comment on any implications for this appeal from the HDT results you should do so in the Examination in Chief of the housing supply witness, albeit that it is noted that Mr Blackburn deals with this matter at paragraph 4.2 of his rebuttal proof.

11. Consultation on draft revised National Planning Policy Framework

On 29 January 2021 the Government published a consultation on changes to the National Planning Policy Framework and the proposal for a National Model Design Code. However, this is a consultation, the suggestions are in draft and they may be subject to change before the final documents are published. Although the documents are capable of being a material consideration, it is likely that in most circumstances they are likely to carry limited weight. That said, if the parties wish to comment on any implications for this appeal they should do so in the Examinations in Chief of their witnesses.

12. Appendix M to Robert Major's Proof

This document is helpful in showing other existing and proposed developments in Barton. Does the document show the full extent of future development in Barton e.g. are there any allocations proposed in the relevant development plans e.g. Wyre Local Plan, which are not now commitments? If any sites are not included an updated Appendix M showing these would be helpful.

13. Inquiry website

It is noted that Core Documents F1 and F2 on the website are application plans not the relevant appeal decisions for Chorley and South Ribble: <https://www.preston.gov.uk/cardwellinquiry>  
Please could this be attended to as soon as possible.

*Mark Dakeyne*

INSPECTOR

4 February 2021

Appendix: Inquiry Timetable