

APP/N2345/A/13/2202762

APPEAL BY FOX STRATEGIC LAND & PROPERTY

**OUTLINE SUBMISSION FOR A MIXED USE DEVELOPMENT
COMPRISING OF UP TO 200 RESIDENTIAL UNITS, 929 SQ METRES
OF CLASS B1 OFFICE ACCOMMODATION, TOGETHER WITH
FITNESS AND SWIMMING POOL DEVELOPMENT (CLASS D2) AND
1.3 HA OF PUBLIC OPEN SPACE**

**AT LAND NORTH AND SOUTH OF WHITTINGHAM ROAD,
LONGRIDGE, PRESTON**

PLANNING APPLICATION 06/2012/0101

POSITION STATEMENT ON BEHALF OF PRESTON CITY COUNCIL

1. INTRODUCTION

- 1.1 The purpose of this position statement is to expand upon the information contained in the Council's Rule 6 Statement explaining more fully for the benefit of the Inspector and other Inquiry parties the basis upon which Preston City Council has withdrawn its grounds of objection to the development that is the subject of this appeal.

2. CONSIDERATION OF THE APPLICATION

- 2.1 The planning application was validated on 3 February 2012 (application reference 06/2012/0101) and the description of development is as follows:

'Mixed use development including up to 200 residential units, 929 sqm of office space (Class B1), fitness facility and swimming pool (Class D2) public open space (1.3ha) on land to north of Whittingham Road (comprising of former Ridings Depot and land to the north and west of former depot) and residential apartments with care (Class C2) on land to the south of Whittingham Road and east of Green Nook Lane with accesses to Whittingham Road and associated works (outline application) (resubmission of planning application 06/2011/0344)'

- 2.1 Following notification from the Planning Inspectorate of a submitted and validated appeal, the application was reported to the City Council's Planning Committee on 30 September 2013 to ask Members to determine the decision they would have made had the appeal not been lodged.
- 2.2 A Committee Report was prepared for consideration by the Council's Planning Committee on 30th September. This assessed the proposal against the provision of the Development Plan and other material considerations (in accordance with s.38(6) Planning and Compulsory Purchase Act 2004) and recommended members conclude that, had the appeal not been lodged, they would have been minded to approve the proposal subject to a S106 Agreement.

- 2.3 The Planning Committee resolved that they would have refused the application for 2 reasons. These were:-

Reason 1: Impact upon highway network

The proposed development, due to the level of traffic flows that it would generate, would have a severe impact upon the local highway corridors between Longridge and Preston. Insufficient mitigation measures have been proposed by the applicant to relieve congestion and to mitigate the adverse impact of traffic generated by the proposed development to an acceptable level. The proposal is therefore contrary to the provisions of Adopted Preston Local Plan Policy T19, Publication Local Plan Policy ST2 and the National Planning Policy Framework as it would seriously prejudice the reliability of the local highway network and the convenience of users of the network.

Reason 2: Impact of the development upon the Area of Separation

Approximately two-thirds of the application site is located within an Area of Separation as identified within the Policies Map of the Publication Local Plan, which is supported by Adopted Core Strategy Policy 19. This designation comprises of the western part of the application on the north side of Whittingham Road and the whole of the application site on the south side of Whittingham Road. The proposed development would result in the loss of a valuable part of this Area of Separation. It would consequently have an unacceptable detrimental impact on the open countryside character of the area and on the distinctiveness of separation of Longridge and eastern Preston and would facilitate the merging of these areas. This would reduce the feeling of openness and result in the suburbanisation of this currently open area. The development would also have an unacceptably detrimental impact on the setting and rural character of the area. The proposal is therefore contrary to the provisions of Adopted Core Strategy Policy 19, Publication Local Plan Policy EN4

and the National Planning Policy Framework.

3.0 BACKGROUND TO THE CITY COUNCIL'S POSITION AT THE APPEAL

3.1 In the circumstances, the City Council looked to appoint a private consultant to defend their grounds for refusal.

3.2 As a local private consultant with extensive knowledge of the local planning context (having been employed by Preston Council 1985-1998) Mr Tim Brown was approached by the Council as to whether he could undertake this work, in respect of arguments on the Area of Separation ("AoS").

3.3 Mr Brown considered whether the putative reason for refusal based on the impact on the AoS could properly be justified. He concluded that it could not be.

3.4 Following advice from the County Highway Authority, Officers concluded that the first putative reason for refusal could adequately be addressed.

3.5 In the light of concerns that the grounds of objection could not be effectively defended at the forthcoming Inquiry the situation was referred back to the Planning Committee.

3.6 At its meetings on 4th November the Committee resolved to withdraw its objections to the development. This decision was reaffirmed at its meeting on 2nd December 2013.

4.0 BASIS OF THE CITY COUNCIL'S DECISION THAT THERE ARE NOT GROUNDS FOR OBJECTION TO THE SCHEME.

4.1 Highways Considerations

- 4.2 The Council's assessment of highway considerations is based on advice provided by Lancashire County Council as the Highway Authority.
- 4.3 This remains as set out in the Committee report presented to the Planning Committee on 30th September. Since that date the improvements to the Broughton Roundabout have been completed.
- 4.4 An identical development proposal to that which is the subject of this appeal was dismissed at appeal in 2012 Following the decision by the Inspector, County Highways advised that the network does suffer from a level of congestion with sustained queuing occurring at peak times on both the B6241 Tom Benson Way/Eastway and the A6 Corridor (including A6/M55 Junction 1 and the signalised junction at Broughton Crossroads). As such, it was judged that the transport network had reached the point where no further development (over and above that which can already be considered committed) could be accommodated at that time on the existing transport network.
- 4.5 Since the Planning Inspector's decision in August 2012, there have been a number of important and material changes in circumstances. Lancashire County Council has published the Central Lancashire Highways and Transport Masterplan (CLHTM), which was approved in March 2013. The CLHTM proposes the provision of the highway infrastructure improvements to facilitate the delivery of development including the North West Preston Strategic Location.
- 4.6 In addition, improvement works to the M55 Junction 1/A6 Broughton Roundabout commenced on 11 June 2013 and have now been completed. These works involve the complete signalisation of the Broughton Roundabout junction and are part of a larger scheme to undertake carriageway widening works at Junction 32 Northbound of the M6 Motorway. The latter works are

part of a national Pinch Point scheme programme to remove bottlenecks and keep traffic moving on England's motorways and major A roads and are expected to be completed by July 2014.

- 4.7 County Highways have considered the potential impact, at the key location of the A6 roundabout M55 Motorway Junction 1, of the development, of current committed sites (including Cottam Hall, Haydock Grange and Whittingham Hospital) and further potential development sites, including the North West Preston Strategic Location. With the delivery of the major improvement scheme at the A6 roundabout M55 Motorway Junction 1 by the end of 2013 County Highways consider that there will be adequate capacity to accommodate traffic from all committed development until 2023, at which point new highways infrastructure would be needed to accommodate further development. However, assuming that all currently committed developments are completed 2019 capacity at A6 roundabout M55 Motorway Junction 1 would once again be insufficient to meet projected traffic flows (following the build out of development), hence new highways infrastructure (such as the Preston Western Distributor Road a Broughton bypass) would be needed sooner (than 2023) to accommodate any further development. These scenarios have considered the build out rates of committed sites and proposed sites in line with the Council's phasing of housing land set out in the Publication Local Plan.
- 4.8 With regard to the timing of the delivery of the Highway Infrastructure, a City Deal for Preston and Lancashire was signed on Thursday 12th September 2013. The thrust of the City Deal is a £450 million Infrastructure Delivery Programme and Investment Fund which will accelerate the delivery of supporting infrastructure and, in turn, housing and commercial development across Preston and South Ribble. The City Deal concentrates on a number of key sites and it will provide the funding certainty to bring forward substantial additional road infrastructure, through a combination of Central Government transport funding, HCA receipts, County and City Council monies and developer contributions. A key part of the City Deal is that both housing and associated infrastructure are delivered sooner than might otherwise be the

case. The key piece of infrastructure relevant to this application is the Broughton Bypass which is now planned to be completed by 2017.

4.9 County Highways are satisfied that the impact arising from additional traffic generated from the proposed development can be adequately managed (due to the scheme at the A6 roundabout M55 Motorway Junction 1) in the interim period between the commencement of planned development and the completion of the Broughton Bypass and further infrastructure improvements in the North West Preston Strategic Location. Furthermore, the major improvement scheme at the A6 roundabout M55 Motorway Junction 1 and the future provision of the Broughton Bypass reduces the concerns of County Highways over the traffic impact of the proposed development upon the existing highway network and junctions. This approach was agreed by the Planning Inspector in his consideration of four recent appeal decisions for sites located within the North West Preston Strategic Location. (13/2192099;13/2193377;13/2196641;13/2196785)

4.10 On 30 September 2013, the Central Lancashire Community Infrastructure Levy (CIL) came into effect. The proposed development would be subject to CIL with a charge of £65 per square metre for the residential properties. The monies secured under CIL will be used towards infrastructure/development projects which are identified on the Regulation 123 list. The Broughton Bypass is included on the 123 list and as such, the CIL monies secured under this development would be made available for the Broughton Bypass. County Highways have confirmed that on this basis, the proposed development could be accommodated on the highway network in the interim period before the construction of the bypass.

4.11 It should be noted that a judicial review is being sought against the decision to implement the CIL, which will initially be considered by the High Court. As such, in the event that this legal challenge is successful, the Council would not be in a position to secure the necessary funding for the bypass. However, the appellant has agreed to enter into a planning obligation to pay a CIL equivalent

payment towards the Broughton Bypass, should the decision to implement CIL be quashed by the Court.

4.12 Therefore, on the basis that a suitable financial contribution towards the Broughton Bypass can be secured and that the bypass will be built by 2017, and in the interim the improvements to Broughton roundabout will mitigate the impact of the development on Broughton crossroads, the proposal would not conflict with Core Strategy Policy 3, Publication Local Plan Policy ST2, Local Plan Policy T19 and the Framework.

4.2 Area of Separation considerations - Core Strategy Policy 19 and Publication Local Plan Policy EN4

4.21 The appeal site is identified as open countryside within the Adopted Preston Local Plan Proposals Map. Within the Publication Local Plan Policies Map the site has now been split and part identified as a housing site – residential and partly as an Area of Separation. In terms of the housing site area, the site is identified as housing allocation site HS1.14, which measures 3.37ha on the site of the Ridings Depot. The allocation sets out that the site could accommodate approximately 90 new homes. As such, part of the proposed development complies with the proposed site allocation.

4.22 At Preferred Options stage, the Site Allocations Plan (now Publication Local Plan) identified the whole of appeal site area as a housing site – residential allocation. Following consultation of the Preferred Options, the housing allocation area has been reduced in size to 3.37ha. This was on the basis on the representations received, regarding the effect redevelopment of this site could have upon the local highway network, the character of the area and the lack of services. In addition, the reduction of the site area, together with other sites elsewhere in Preston was reduced on the grounds that an additional 44ha of land would be allocated in North West Preston to compensate for the omission.

4.23 The remaining appeal site comprises of agricultural greenfield land and the site is identified as 'Open Countryside outside the Green Belt' within the adopted Preston Local Plan Proposals Map. However, the relevant Local Plan policy (DC2) which covers this designation has not been saved. The area is also identified as being within a proposed Area of Separation within the Publication Local Plan Policies Map, which is covered by Core Strategy Policy 19 and Publication Local Plan Policy EN4.

4.24 The key principle of Adopted Core Strategy Policy 19 is to protect the identity, local distinctiveness and green infrastructure of settlements and neighbourhoods, seeking to ensure that places at greater risk of merging are protected. Emerging Publication Local Plan Policy EN4 is linked to Core Strategy 19 and states that development within the designated Areas of Separation will be assessed in terms of its impact upon the Area of Separation and that development that leads to a risk of settlements merging will be resisted. The precise boundaries of the Area of Separation are defined in the Publication Local Plan Policies Map, which has been approved by Council for publication and submission to the Secretary of State. Earlier versions of the Plan indicated a larger housing allocation but this has been reduced in size, taking into account representations made. The Plan was published in October, and the period for formal representations closed on 25th November 2013. These representations will be submitted, alongside the Plan, for consideration by a government appointed Inspector at a public Examination. It is anticipated that the boundaries of the Areas of Separation and the merits and extent of this housing allocation will be a matter for the Examination, as this issue has arisen throughout the public consultation on the Plan, including representations made by the applicant and the local community.

4.25 Adopted Core Strategy Policy 19 identifies three Areas of Separation (AoS) to be designated around the northern settlements of Broughton; Goosnargh /Whittingham; and Grimsargh. The AoS identified within the Publication Local Plan Policies Map covers the open countryside area from Grimsargh to the south, the M6 to the west, Goosnargh to the north and the boundary with Ribble Valley and Longridge to the east.

4.26 In assessing the acceptability of any development proposal upon the AoS, the potential harm of the proposal has to be considered against the benefits of the scheme. The proposed development would be set on the eastern most periphery of the AoS adjacent to the western boundary of Longridge. On the northern side of Whittingham Road, the AoS covers the area of land between the Ridings Depot site and the boundary with Longridge up to the residential properties on Halfpenny Lane, to the west.

4.27 As a result of the size and scale of the proposed development on the eastern edge of the AoS, the proposed scheme would not lead to the risk of merging settlement areas or have any significant adverse impact upon the AoS. As such, the proposal would not conflict with Core Strategy Policy 19 or Publication Local Plan Policy EN4. On the northern side of Whittingham Road, the proposed development would occupy the southern section of the AoS and include land between Longridge and Halfpenny Lane. The development of this land would result in development towards property on Halfpenny Lane. However, properties on Halfpenny Lane are not a defined settlement and the proposal would therefore not result in the merging settlement areas, which is restricted by Core Strategy Policy 19 and Publication Local Plan Policy EN4.

5.0 CONCLUSION

5.1 Consequently, PCC will not play an active role in this Inquiry save in relation to conditions and the s.106 undertaking. It will not produce further evidence except to assist the Inspector and it will not cross examine the Appellant's witnesses.