

# RVBC Core Strategy EiP: Technical Note 2



**Date** 23<sup>rd</sup> April 2014  
**Reference** 012-UA003663-UE31-01-F  
**From** D Hourd / RVBC  
**To** Mr Simon Berkeley, Planning Inspector  
**Subject** Technical Note regarding Longridge Adjustment

## Introduction and purpose of this technical note

This technical note has been produced to provide further explanation to the Inspector regarding an issue raised at the Ribble Valley Core Strategy Examination in Public on 15 January 2014. The concern raised by the Inspector relates to the Longridge adjustment and in particular, what process was undertaken by the council when deciding that the 200 units adjusted from Longridge should be reapportioned amongst the other settlements. This process is set out, as well as the proposed way forward for dealing with the Longridge adjustment.

This technical note also makes reference to the Sustainability Appraisal (SA) process. It should be noted that this does not prejudice the findings of the SA, which the Council and its independent consultants consider to be sound.

## Discussion of planning process

Within the submitted Core Strategy, the position in terms of the Longridge adjustment is that 200 units from Longridge's total housing requirement has been re-apportioned across the other defined settlements. This adjustment takes into account the development site at Whittingham Lane within the Preston City Council boundary but does not unfairly burden one settlement with these additional units. It also ensures that the population distribution approach for the key services centres is still adhered to.

Planning permission (application 06/2012/0101) for 200 dwelling units at Whittingham Lane in the Preston City Council borough, was granted by appeal (APP/N2345/A/13/2202762 on 28<sup>th</sup> January 2014). The appeal decision notice is attached as an appendix to this paper. Particular attention is drawn to paragraph 27 of this decision notice, which states that "*the site appears to be more closely associated with Longridge than with the more rural settlements to the west*". Paragraph 29 also states "*the previous Inspector<sup>1</sup> noted that the site has been identified for housing and that it would almost certainly come forward at some stage*".

When developing the preferred option, a hybrid approach which incorporated elements of option B and D was selected. The option B element sees a level of development within the other settlements, which reflects the calls to spread development more equitably and proportionally across the borough, as raised during the consultation at the Regulation 25 stage of production<sup>2</sup>. In creating the hybrid approach of the two options the distribution across the other settlements has still been applied and the population distribution approach has been applied to the key service centres. The strategic site has also been factored into the revised

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<sup>1</sup> A previous appeal was dismissed in August 2012 (APP/N2345/A/12/2169598), primarily on the impact of traffic generated by the site on highway corridors between Longridge and Preston. The most recent appeal was resubmitted on the grounds that circumstances have changed since that earlier decision.

<sup>2</sup> Further evidence of this can be seen in the document titled Summary of Representations received on Regulation 25 Consultation March 2011 (*Post 7.6*)

calculations and, due to its close proximity to the settlement of Clitheroe, was considered when calculating the distribution of housing numbers for Clitheroe, albeit still based upon a population distribution model.

As has already been discussed, the re-apportionment of the 200 units from Longridge to the Other Settlements was considered to be the most appropriate approach. It is acknowledged however that the appointed Inspector for the Examination of the Ribble Valley Core Strategy, has concerns that the re-allocation of 200 homes to all of these defined settlements is not justified. Mr Berkeley states in his letter to the Council (31<sup>st</sup> Jan 2014) that *“taking account of their varying sustainability credentials, I am of the firm view that this figure should be redistributed amongst the more sustainable settlements. The most obvious options to consider are the principal settlements and the most sustainable of the villages presently in the second tier”*.

With this in mind, the Council now proposes to re-allocate the 200 units from Longridge to the most sustainable<sup>3</sup> of the 32 defined settlements. Whilst Clitheroe and Whalley could also accommodate the units, it was considered that Clitheroe was already being asked to take a significant amount of housing through its own requirement including the Standen site and that Whalley had already seen a significant amount of development taking place and that its requirement was fair and reflected both the findings of the SA and the consultation. Apportioning the development to these other two key service centres would also have moved the spatial distribution approach away from a population percentage based approach.

We would also draw attention at this stage to the fact that as at 31<sup>st</sup> March 2014<sup>4</sup>, 3610 units have already been committed, leaving a residual of 145 units within the other defined settlements (this includes the 200 units re-apportioned from Longridge). As is illustrated within the *‘Defining the more sustainable settlements and patterns of housing development’* paper, the assessment of sustainability process has illustrated that the most appropriate way forward is to distribute the residual to the most sustainable of these defined settlements, which results in 145 units being spread across 9 settlements. However, one of these ‘more sustainable’ settlements is Barrow. It is considered that due to the significant amount of development that has been permitted/ completed in this settlement, no further residential development should be allocated to Barrow. As a result, the remaining 145 units will be distributed across 8 of the defined settlements. These are Langho, Mellor, Billington, Wilpshire, Chatburn, Gisburn, Read & Simonstone and Mellor brook. More information on the level of development proposed in these settlements can be found in the *‘Defining the more sustainable settlements and patterns of housing development’* paper. It is not considered that development is of a quantum that would adversely affect the sustainability of these settlements and can be easily accommodated, with precise locations for this development to be selected following detailed options work at site allocation stage, where further consultation and Sustainability Appraisal testing work will be undertaken.

The numerical representation of the Longridge Adjustment is set out at 15.2 of appendix 2 of the Core Strategy in the table titled ‘Residual number of houses required for each main settlement on main settlement population’. The adjustment is explained at footnote 22. This table is presented as a tool for clarity regarding the remaining level of development required within each area of the borough. The Core Strategy at policy DS1 (*Page 39 of Post 5.14*) and H2 (*page 57 of Post 5.14*) provide the strategic guidance in relation to both the overall housing requirements and the intended spatial distribution of that requirement across the borough over the plan period. During the EiP hearing sessions it was discussed, and the Council confirmed

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<sup>3</sup> The most sustainable of the defined settlements are Barrow, Langho, Mellor, Billington, Wilpshire, Chatburn, Gisburn, Read & Simonstone and Mellor brook.

<sup>4</sup> See Housing Land Availability Monitoring (March 2014)

its intention, to propose a modification to the plan to show these figures as the overall 'total' requirement for the plan period rather than a 'residual' figure as at present (*at para 4.11 of Post 5.14<sup>5</sup>*).

The policy approach is one of focusing housing development towards the main settlements of Clitheroe, Longridge and Whalley, the use of a strategic growth point at Clitheroe and a distribution of development to the most sustainable defined settlements across the borough to ensure that opportunity exists over the plan period to maintain and create sustainable communities reflecting the Council's aspirations for sustainable communities across the borough and the strongly expressed view by local communities that development should be spread as equitably as possible across the boroughs settlements. The Council has used the table at Appendix 2 of the plan to illustrate in practice the effect of development and commitments to provide information on the likely amount of development to be required at the monitored point. The table at Appendix 2 is not part of the policy itself and will remain dynamic as continued monitoring takes place and the housing continues to be delivered. The Longridge adjustment is included in the table to show how the Council will take account of the relationship and implications on housing land supply that the neighbouring site at the Whittingham Lane site in Preston City generates. In that regard, it should be noted that the "Longridge adjustment" does not form part of the Core Strategy policy itself.

### Consideration through the SA

It is a requirement of the SA that it appraises the plan (the Core Strategy) and its reasonable alternatives. It is the council's and their independent consultant's opinion that the SA has achieved this and is therefore sound.

In addition to the SA of the preferred spatial strategy (which is based upon a housing figure and distribution that includes the 200 units being spread amongst other settlements), eight strategic spatial options have been considered together with a do-minimum option. These spatial options included varying proportions of development being distributed amongst the settlements in the borough. Each of the following options included more development in the settlements listed below than the preferred option:

Option 1 – proposes a large quantum of growth in Whalley, a larger proportion than proposed the preferred spatial strategy.

Option 2 – proposes a large quantum of growth in Longridge, a larger proportion than proposed the preferred spatial strategy.

Option 3 - proposes a large quantum of growth in Ribble Valley Growth Areas. These growth areas are comparable to the 32 other settlements discussed in later stages and also includes the possibility of some larger sites within them. This quantum represents a larger proportion of growth in these areas than is proposed the preferred spatial strategy.

Option A – proposes a large quantum of growth in Clitheroe, a larger proportion than proposed the preferred spatial strategy.

Option D - proposes a large quantum of growth in a strategic site near Clitheroe (later referred to as Standen), a larger proportion than proposed the preferred spatial strategy.

Through undertaking this process, the council has a very clear understanding of the relative strengths, weaknesses and abilities to accommodate development for each of the settlement groups. In this context, the consideration of 200 units is considered to be a relatively small number – only ten per annum over the 20-year plan period. This is further reinforced by the SA of the options to increase the level of development

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<sup>5</sup> The table at para. 4.11 of the Core Strategy will be amended to present the total housing requirement for each settlement, rather than the residual as it currently shows. This proposed main modification was agreed during day 2 of the EiP Hearing sessions with the Inspector.

from an initial 4000 units to 5000 or 5600 units which, at the scale and level of detail that is appropriate for the Core Strategy and SA to consider, demonstrated relatively limited differences in findings between these options as applied to the same preferred spatial distribution. It stands to reason that the assessment of these 200 units over the plan period would not make a significant difference to the information already obtained through the spatial options process. Therefore, the council and its independent consultants consider that reasonable alternative options regarding the distribution of these 200 units have already been inherently considered in the overall options assessment process and the council has sufficient information on the relative sustainability implications for development in these areas.

A key assumption of this process was that the supporting policy framework within the Core Strategy was strong enough to ensure that inappropriate development within the other settlements would not be allowed. The SA has concluded (through the appraisal of the supporting policies such as DMG1) that the supporting policy framework is capable of achieving this. Where any uncertainties exist at this strategic level, further confidence is given through the role of monitoring of the effects going forward (through the Annual Monitoring process and the SA monitoring process) and through the fact that the SA of the forthcoming Site Allocations document will enable a considerably more detailed appraisal of specific amounts of development in settlements once sites and their reasonable alternatives are known in more detail, detail which is not available on a balanced or comparative level for all settlements at this high-level Core Strategy stage.

Furthermore, additional SA has been undertaken on each of the 32 settlements (albeit without the benefit of knowing exact site locations) and generally concludes that the council's selection of the more sustainable settlements is logical. By directing the additional 200 units towards those settlements in particular (as is now proposed in a revised DS1), greater confidence still is provided in terms of this being the most sustainable approach.

## **Appendix: Appeal Decision Notice**

Appeal Ref: APP/N2345/A/13/2202762

Daniel Platt Garage, Whittingham Road, Longridge, Preston, PR3 2AD



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# Appeal Decision

Inquiry held on 15-16 January 2014

Site visit made on 16 January 2014

**by J C Chase MCD Dip Arch RIBA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28 January 2014**

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**Appeal Ref: APP/N2345/A/13/2202762**

**Daniel Platt Garage, Whittingham Road, Longridge, Preston, PR3 2AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Fox Strategic Land and Property Ltd against Preston City Council.
  - The application Ref 06/2012/0101, is dated 3 February 2012.
  - The development proposed is mixed use Residential, B1 Commercial Offices, C2 Residential Apartments with Care, D2 Leisure Facility/Swimming Pool, Access, Public Open Space and Associated Works.
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## Decision

1. The appeal is allowed and outline planning permission is granted for mixed use Residential, B1 Commercial Offices, C2 Residential Apartments with Care, D2 Leisure Facility/Swimming Pool, Access, Public Open Space and Associated Works at Daniel Platt Garage, Whittingham Road, Longridge, Preston, PR3 2AD in accordance with the terms of the application, Ref 06/2012/0101, dated 3 February 2012, subject to the conditions in the schedule at the end of this decision.

## Procedural Matters

2. The Council initially indicated that planning permission would have been withheld because of the impact on the highway network and on an Area of Separation, but later withdrew these objections and indicated that no evidence would be entered at the Inquiry. There remains third party opposition to the proposal and the representations made at the Inquiry and in writing are taken into account in assessing the appeal.
3. The application was made in outline with all matters reserved except access, accompanied by illustrative layouts showing the distribution of uses on the site.
4. The appellants have submitted a Unilateral Undertaking, made in accordance with Section 106 of the Town and Country Planning Act 1990, which includes contributions to infrastructure made necessary by the development, but subject to the intention that the obligations should be conditional upon whether this decision determines that there is compliance with the tests in Regulation 122 of the Community Infrastructure Regulations 2010.

## **Main Issues**

5. In light of the Council's withdrawal of opposition to the scheme, the previously indicated reasons for refusal do not amount to main issues. However, an identical scheme was dismissed at appeal in August 2012 (APP/N2345/A/12/2169598, referred to hereafter as the 'previous appeal'), which is a significant material consideration. Therefore the main issue is whether changes of circumstances would lead to a different conclusion from that reached in the previous appeal, particularly with respect to the impact of the development on traffic congestion at Broughton Crossroads.

## **Reasons**

6. The main issue in the previous appeal was whether the impact of traffic generated by the site on highway corridors between Longridge and Preston would be so severe as to outweigh the agreed shortfall in the 5 year housing supply and all other benefits of the scheme. The Inspector assessed traffic conditions on the existing routes and concluded that the congestion at the Broughton Crossroads was of sufficient weight to justify dismissal of the appeal. The proposal is resubmitted on the grounds that circumstances have changed since that earlier decision.

### *Broughton Crossroads*

7. Broughton Crossroads is a lights controlled intersection at the junction of the B5269 and the A6 and, despite being at a distance of approximately 8km from the appeal site, would potentially be affected by traffic generated from the site heading in a westerly direction. It is estimated that the development would generate in the order of 42 vehicles passing through the junction at peak periods.
8. Whilst theoretical calculations submitted to the previous appeal indicated an adequate capacity to cope with the additional traffic, the Inspector's visits revealed that, in practice, the junction was incapable of handling the load placed on it during busy periods. This particularly arose because of the proximity of the roundabout at the A6/M55 junction, about 1km south, where queuing traffic built back to block the crossroads, preventing free flow in any direction. The situation amounted to extreme traffic conditions, with excessive delays and some dangerous driving practices, which would have been worsened if the appeal scheme had been allowed.
9. Measures intended to relieve congestion at Broughton Crossroads were known to the previous Inspector but, at the time, the programme of delivery was too remote and uncertain for these proposals to be given significant weight. It is now indicated that the situation has changed. In particular, reference is made to alterations to the A6/M55 roundabout to improve its capacity, and to greater certainty in the funding and programming of the construction of the Broughton by-pass, which would take traffic away from the crossroads.
10. In the previous appeal, it was noted that intended alterations to the A6/M55 roundabout would go some way to resolving the congestion at the crossroads, but that timing of delivery was not sufficiently certain. In the event, the works were completed towards the end of 2013, with the extension of traffic light control and increase in the number of lanes, and it is suggested that these improvements have enlarged the capacity of the roundabout so as to reduce the tendency of queuing traffic to back up towards the crossroads. A visit to

the area at about 17.00 hours on the day of the site visit appeared to confirm this assertion. The queues at the roundabout on the northern arm were relatively short, so that the blocking effect of the crossroads no longer occurred.

11. It was certainly true that there was traffic queuing northwards from the roundabout towards the crossroads, but this moved at a reasonable speed, with a travel time between the junctions of less than five minutes, by comparison with the much longer delays reported in the previous decision. In addition to the roundabout improvements, it is indicated that computerised control of the traffic lights has now been installed at the crossroads and, whilst this would have been of limited benefit when the junction was blocked, it would have the effect of improving free movement in other circumstances.
12. It is appreciated that one visit does not provide a complete picture of the operation of the crossroads. Nonetheless, in combination with the technical advice of the engineers acting respectively for the appellants and the County Highways Authority, along with the clear indication in the previous appeal that the problems then observed arose largely because of the transferred effect from the roundabout, there are sufficient grounds to conclude that, at least for the time being, congestion at the crossroads would no longer be a reason to reject the development of the appeal site.
13. Turning to the longer term improvement of the road system, it is proposed to construct a relief road to by-pass the Broughton Crossroads. In the earlier appeal decision the Inspector noted that the funding of this project relied, to a large extent, on contributions from the redevelopment of Whittingham Hospital, which would be unlikely to become available at an early date. In any event, this development of about 650 houses would itself generate significant traffic at the crossroads, and a substantial proportion of these houses would be occupied before the by-pass was finished.
14. The County Council now indicate that they have sufficient resources of their own to complete the northern section of the by-pass, which would partially relieve the crossroads, but it would be their preference to carry out the whole project in one operation. There have been discussions with the Homes and Communities Agency, on behalf of the Whittingham Hospital development, and an earlier release of the funds is anticipated, but no clear evidence was offered to the present Inquiry to suggest that their payment is imminent. However, since the previous appeal, Preston has been offered City Deal status, the effect of which is to provide forward funding of infrastructure projects before developer contributions are collected. Using this facility, it is intended that work on the scheme will commence in 2015, with an anticipated completion date in 2017, avoiding the uncertainty surrounding the programme for obtaining the finance identified by the previous Inspector.
15. It is recognised that this falls short of a firm commitment to complete the work in accordance with this programme, especially as the necessary land and property has not yet been fully acquired. Nonetheless, a serious impediment to progress – the timing of the availability of funds – has been relieved and there is much stronger reason to consider that the by-pass will become available in the short to medium term than was previously the case.



16. There was concern expressed at the Inquiry that too great a weight is attributed to the County Council's Transport Masterplan<sup>1</sup>, which includes a commitment to construct the by-pass. The plan has been adopted by the County Council, but there is no indication that it has the status of a development plan document. Nonetheless, the intention to provide the by-pass is referred to in the adopted Core Strategy<sup>2</sup>, including Policy 3, and it was advised at the Inquiry that there is planning permission for the work. In the circumstances, there is no clear reason to conclude that the proposal is out of keeping with, or premature to, development plan policy.
17. The officers' report on this scheme indicates that there is a prospect that the road system would prove inadequate by 2019. However, this presupposes that all the permitted development in the region would be undertaken, and that no further major road improvements are carried out. This is clearly a matter of conjecture at this stage, and substantial weight cannot be attributed to a possible outcome at some distance in the future which would be subject to a range of variable factors, especially because the scale of the appeal development would not have a decisive effect on the success, or otherwise, of the future road system.
18. Taking these matters together, there is reason to conclude that there has been a material change of circumstances since the previous appeal, and that dismissal of the scheme on the basis of the effect that it would have on traffic congestion at the Broughton Crossroads is no longer justified. In this respect the proposal complies with Policy T19 of the Preston Local Plan<sup>3</sup> which requires that new development should ensure road safety and efficient and convenient movement for all road users. Policy ST2 of the emerging Local Plan<sup>4</sup> is couched in similar terms.

#### *Other Highways Matters*

19. The previous Inspector drew attention to the B6243/B6244 route which connects Longridge with Preston City Centre, noting that it is a well used road, with a number of pinch points which slow the traffic, including the narrow carriageway at Skew Bridge. However, the evidence did not show that severe conditions arose, and the Inspector concluded that the new development would not have an unacceptable impact. Concern was expressed that extreme delays at the Broughton Crossroads might displace traffic to this route, but it follows that if the problems at the Crossroads have been eased then this possibility becomes more remote.
20. There is no clear indication of any substantial change of circumstances since this previous decision. Whilst attention was drawn to a number of housing schemes which have been permitted in the area which would increase the load on the road, these are not of such a scale as to generate traffic in excess of its capacity, and it seems that they were largely known to the previous Inspector. There are proposals for other developments, including within the adjoining planning authority, but it would not be reasonable to refuse this scheme on the basis of their possible outcome, as they will have to satisfy planning and highways requirements in their own right.

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<sup>1</sup> Lancashire County Council, Central Lancashire Highways and Transport Masterplan, March 2013

<sup>2</sup> Central Lancashire Adopted Core Strategy, Local Development Framework, July 2012

<sup>3</sup> Preston Local Plan 1996-2006, adopted 2004

<sup>4</sup> Preston Local Plan 2012-2026, Publication Version, Site Allocations and Development Management Policies DPD, July 2013

21. Other potential highways problems in the vicinity of the site are to be eased by measures forming part of the appeal application and the obligations created by the Unilateral Undertaking, including footpath and highway improvements in Whittingham Road, and alterations to the nearby Stonebridge roundabout. There is no compelling case that the development would lead to a loss of road safety or any substantial increase in traffic congestion.

*Area of Separation*

22. The Core Strategy was adopted in July 2012, between the completion of the Hearing into the previous appeal and the issue of the decision. Policy 19 refers to the designation of Areas of Separation, which are intended to protect open countryside around certain settlements to maintain their distinctive character. Such Areas are proposed around Broughton, Goosnargh/Whittingham and Grimsargh, to the north of Preston, identified on the Key Diagram. At the time of the previous appeal, the smaller part of the site, to the south of Whittingham Road, was included at the eastern end of the Area of Separation shown in the emerging development plan, but the Inspector gave this designation limited weight in view of the early stage of the plan, and that the Council had not taken issue with the loss of this land to development.
23. Since that appeal, the boundary of the proposed Area of Separation has now been formalised in the Policy Map in the publication version of the emerging Local Plan, including an extension northwards to incorporate the majority of the site. Draft Policy EN4 indicates that, within the Area of Separation, development which may lead to the merging of settlements will be resisted.
24. An appeal decision of January 2014<sup>5</sup> concerning development of up to 100 houses at The Hills in Grimsargh noted that the emerging Local Plan had not yet been to Examination, which limited the weight that might be applied to it, but that Core Strategy Policy 19 established the principle and broad location of the Area of Separation, and the scheme then under consideration was contrary to it.
25. The same development plan considerations apply in this case, but the circumstances of the site are different. Where Policy 19 and the associated Key Diagram specifically refer to Grimsargh, it is less certain that land in the vicinity of Longridge falls within its scope. There are objections to this aspect of the emerging Local Plan, which limits the weight which may be applied to it in terms of para 216 of the National Planning Policy Framework (NPPF). There are also physical differences between the sites. The Hills appeal dealt with the incursion of development into a limited gap between settlements, whereas, in this appeal, the Council acknowledged in their Position Statement that the site is at the eastern end of the Area of Separation where its development would not lead to the merging of settlements, nor have an adverse effect on the rest of the Area. The proposal would not have such a substantial effect on the emerging Local Plan as to justify dismissal on the grounds of prematurity.
26. Although there has been a change of circumstances since the previous appeal, the inclusion of the site within the Area of Separation in the emerging Local Plan is entitled to limited weight, and there is no clear indication that its development would be contrary to the objectives of Core Strategy Policy 19 with respect to the merging of settlements.

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<sup>5</sup> Reference APP/N2345/A/13/2201821, Land north The Hills, Longridge Road, Grimsargh, Preston, PR2 5BE

### *Sustainability*

27. The site occupies a rural location, but is within walking and cycling distance of the village centre, with its range of shops, schools and services. The proposal to build and improve nearby bus stops and to contribute to cycle lane development would increase the attractiveness of alternative modes of transport, and residential development would contribute to the economic and social life of the village, with employment opportunities available at the proposed care home and business space. In environmental terms, the area does not have any special landscape status, and the nature of the scheme would not be out of keeping with the present character and form of the village. In this respect, the site appears to be more closely associated with Longridge than with the more remote rural settlements to the west.
28. The findings of the Council's sustainability appraisal<sup>6</sup> are noted, in which the location achieved a D rating within a range A-E. The site is deficient in a number of criteria, including accessibility to a rail station, an A road junction and higher education establishments. On the other hand, it is well related to the range of facilities in Longridge, which is identified as a Key Service Centre in Policy 1 of the Core Strategy, and the Council have not raised a lack of sustainability as a particular defect of the scheme. On balance, there are adequate grounds to consider that the proposal would be a sustainable form of development by meeting the economic, social, and environmental objectives set out in para 7 of the NPPF.

### *Other Matters*

29. The previous Inspector noted that the site had been identified for housing and that it would almost certainly come forward at some stage. Since that time, the proposed allocation in Policy HS1 of the emerging Local Plan excludes the undeveloped parts of the site, and reduces the recommended number of houses from 280 to 90. However, the draft policy is subject to objections, which limits the weight that may be allocated to it at this stage, prior to the Examination. In any event, for the reasons set out at the end of this decision, the shortfall in meeting the five year housing supply target would render any policy relevant to the supply of housing out of date.
30. Concern is expressed about the effect of the development on local infrastructure, including schools and medical services, but the evidence falls short of proving that any shortfall would not be adequately addressed by the submitted obligations. The agricultural land is not of such quality that this aspect would be of overriding importance, and, whilst concerns about drainage and sewerage are noted, there is no indication that the site could not be satisfactorily served. Ecological surveys have not identified any particular harm to protected species which could not be adequately resolved by a habitat plan, which would be sought by planning condition. Overall, there is no indication that these, and other matters raised, would justify dismissal of the appeal.

### *Conclusions on the Main Issue*

31. The changes of circumstances with respect to the impact of the development on traffic congestion at Broughton Crossroads lead to a different conclusion from that reached in the previous appeal, and no other changes, including

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<sup>6</sup> Site Allocations and Development Management Policies DPD, Sustainability Appraisal, July 2013

those related to the designation of Areas of Separation, outweigh this conclusion.

### **Planning Obligations**

32. Development in the Local Authority area is subject to a Community Infrastructure Levy (CIL), intended to pay for a specified list of projects, including the construction of the Broughton by-pass. It is understood that the calculation of the levy is subject to legal challenge, and the Undertaking makes provision for an equivalent payment in the event that the CIL is withdrawn. Whilst the majority of the funding for the by-pass is committed, there is some shortfall and, in as much as the development of this site would generate additional use of this part of the road system, it is reasonable that a payment should be sought.
33. Contributions are made for educational provision, to overcome an identified shortfall in the supply of primary school places to meet the needs of the appeal development, and in compliance with Core Strategy Policy 14. The calculation of the costs of additional spaces is based on a methodology published by Lancashire County Council<sup>7</sup>. Core Strategy Policy 3 seeks improvement in public transport and cycling opportunities, and Policy 2 makes provision for the collection of contributions towards infrastructure projects. Whilst there is no indication that the sums provided for cycle lane and bus service improvements form part of a larger, costed programme, it is accepted that the new scheme would make additional demands on these facilities, and that the overall contribution is not disproportionate to the scale of the development. Payments are made for the monitoring of a travel plan, to encourage changes in modes of transport, in accordance with Core Strategy Policy 3. On-site open space and play facilities, along with their long term maintenance, are necessary to meet the recreational needs of the future residents.
34. The obligations contained in the submitted Unilateral Undertaking meet the tests in Regulation 122 of the CIL Regulations and are taken into account in the assessment of this appeal.

### **Conditions**

35. The suggested conditions are considered in relation to the discussion at the Inquiry and the advice in Circular 11/95. A project of this size is likely to be carried out in phases and it would be reasonable to align the operation of the conditions to the development of those phases. It is therefore necessary to require the prior submission of a scheme of phasing. A construction management plan is needed for the benefit of local amenity and highway safety, and, in light of the previous uses of the site, a programme of survey and, if necessary, remediation of ground contamination is required. Conditions are included concerning the provision of affordable housing, in order to meet the requirements of Core Strategy Policy 7; for the protection and enhancement of habitats for ecological interests; and to require highway alterations and improvements for road safety.
36. Measures are included for the benefit of the sustainability of the scheme, including submission of a travel plan, of drainage details, and the requirement to meet the Code for Sustainable Homes and BREEAM standards. Details of waste and recycling storage should be agreed to protect the appearance of the

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<sup>7</sup> Lancashire County Council, Planning Obligations in Lancashire Methodology – Update December 2012

development, and operating and delivery time controls on commercial uses are needed for residential amenity. A condition is included to ensure that the details of reserved matters generally follow the form of the submitted illustrative layout, which has been the subject of discussion with the planning authority and public consultation, and which is required to maintain the appearance and amenity of the area.

37. As this is an outline permission, and specific plans are referred to in the relevant conditions, there is no need to list the plans to which the permission relates. Control over site clearance and demolition would be adequately exercised by the construction management condition, as would the submission of details of highway access during the construction phase. Matters concerning landscaping, lighting and the protection of existing vegetation may be dealt with at reserved matters stage, as may the provision and retention of parking spaces. The site is not such a sensitive location that details of levels are essential for appearance and amenity, and those relating to drainage levels will be dealt with elsewhere.
38. With respect to the delivery of the business space, it is doubtful whether the proposed condition would adequately ensure that the buildings are constructed, and it was clear from the discussion at the Inquiry that it is not such an essential feature of the development that measures to prevent the prior occupation of residential units pending its delivery would be justified. Matters concerning tree and hedgerow removal and protection of nesting birds should be required as part of the habitat plan. The planning authority would be entitled to consider the reserved matters in relation to the submitted design and access statement, but there is no clear need for the submission of further design statements, over and above the requirement to follow the schematic layout referred to above. There is not a compelling case to include a condition to control foul drainage, which is adequately dealt with by other legislation.

### **Overall Conclusions**

39. The proposal is not clearly contrary to any adopted development plan policy drawn to the attention of this appeal. However, even if this were not the case, the Council acknowledge that they do not have a five year supply of deliverable housing sites, as required by para 47 of the NPPF, and therefore development plan policies relevant to the supply of housing are considered out of date. In these circumstances, para 14 indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Construction of new homes to help meet this shortfall of deliverable sites would be a clear benefit of the proposal, and, for the reasons set out under the main issue, there are no adverse impacts of such significance as to outweigh the presumption in favour of granting permission. For this reason, the appeal is allowed.

*John Chase*

INSPECTOR

## **SCHEDULE OF PLANNING CONDITIONS**

- 1) Details of the 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 begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin by whichever is the later of the following dates: i) the expiration of three years from the date of this permission, or ii) the expiration of two years from the date of approval of the last of the reserved matters to be approved, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 4) Prior to commencement of development a scheme outlining the phasing of development, including a site layout plan identifying land uses and associated open space and infrastructure, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing scheme.
- 5) No development of any phase shall take place, including any works of site clearance and demolition, until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction of that phase. The Statement 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 washing facilities, ix) measures to control the emission of dust and dirt during construction, x) measures to control the emission of noise.
- 6) No phase of the development approved by this planning permission shall be commenced until: i) A Site Investigation Method Statement, which shall include a risk assessment and remediation strategy, has been designed for the site using the information obtained from the Phase 1 Desk Study for land at Whittingham Road, Longridge for Fox Strategic Land & Property Limited by JPB (dated 11 October 2010; reference KB466-01/AES/HB/GP). This shall be submitted to, and approved in writing by the local planning authority prior to the works specified in the site investigation being carried out on the site; ii) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority; iii) A Method Statement and remediation strategy, based on the information obtained from ii) above has been submitted to and approved in writing by the Local Planning Authority.

Each phase of development shall then proceed in accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in iii) above, and to a timescale agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

- 7) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include: i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall be distributed throughout the development, and which shall consist of not less than 30% of the dwellings in each phase of which 70% shall be affordable rented housing and 30% intermediate housing; ii) no more than 80% of the open market dwellings in each phase shall be occupied before all of the affordable housing for that phase is completed and ready for occupation; iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no registered social landlord is involved; iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 8) No site clearance, site preparation or development work on any phase of development shall take place until a habitat creation, enhancement and management plan has been submitted to and approved in writing by the local planning authority. The plan shall include: mitigation and compensation for losses of hedgerow and trees; the timing of the removal of any trees and hedgerows, and measures to avoid nest disturbance during the course of development; maintenance and enhancement of habitat connectivity for protected and priority species; pond creation and management; and maintenance of amphibian terrestrial habitat. The plan shall not lead to any more harmful impact on

the environment than that assessed in the EDP Ecological Assessment submitted with the application and the FPCR Supplementary Ecological Information dated 10 June 2011. The development shall be carried out in accordance with the approved plan.

- 9) No development shall take place until details pursuant to the highway and access works in Whittingham Road and the Stonebridge Roundabout (including a formal pedestrian crossing and pedestrian refuges) shown on drawings 1242/10E, 12B and 25 included with the planning application have been submitted to and approved in writing by the local planning authority. The scheme shall include a programme for the implementation of the works to be undertaken and thereafter the agreed scheme shall be implemented and carried out in full in accordance with the agreed scheme and programme.
- 10) No dwelling in the development hereby approved shall be occupied until footpath widening has been completed in accordance with the scheme granted planning permission Ref 06/2013/0732, including lighting, surface treatment and signage.
- 11) No dwelling in the development hereby approved shall be occupied until a travel plan based on the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan co-ordinator, who shall be in place until 5 years after the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the approval of the local planning authority at intervals no longer than 18 months. The measures contained within the approved plan and any approved modifications shall be carried out in full.
- 12) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 13) The residential buildings in the development hereby approved shall achieve at least Level 4 of the Code for Sustainable Homes. No residential building shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 4 has been achieved.
- 14) All non-residential buildings in the development hereby approved shall achieve a post construction BREEAM rating of at least 'very good'. No non-residential building shall be occupied until a BRE Final Code Certificate has been issued for it certifying that at least BREEAM rating 'very good' has been achieved.
- 15) No development of any phase shall take place until facilities for the storage of waste and recycling have been submitted to and approved in writing by the local planning authority. No building in that phase shall be



occupied until the storage facilities have been provided in accordance with the approved details, and thereafter they shall be retained for their intended purpose.

- 16) No non-residential building in the development hereby approved shall be occupied until details of delivery and operational hours have first been submitted to and approved in writing by the local planning authority. Thereafter hours of deliveries and operation of the non-residential uses shall take place only in accordance with the approved details.
- 17) The details submitted for the approval of reserved matters shall be in general accordance with the layout indicated in Development Framework drawing No DF-01N submitted in association with the planning application.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr J Easton	Of Counsel
Accompanied by	
Mr P Cousins BSC, MCD, MRTPI	Planning Department, Preston City Council
Mr T Brown BA, MRTPI	Planning Department, Preston City Council
Mr N Stevens BEng, MSc	Strategic Highways, Lancashire County Council

### FOR THE APPELLANTS:

Mr D Manley QC	
He called	
Mr S Helme BEng, MSc, MIHT	Ashley Helme Associates
Mr T Dean MA, MRTPI	Gladman Developments Ltd

### INTERESTED PERSONS:

Cllr K Hudson	City Councillor
Mr A Clempson	On behalf of Mr B Wallace MP
Mr A Davies	On behalf of the Whittingham Countryside Campaign Group
Cllr D Hall	Parish Councillor
Cllr L Smith	City Councillor
Ms M Rigby	Local Resident

### DOCUMENTS

- 1 Statement of Common Ground between Preston City Council and Fox Strategic Land and Property Ltd
- 2 Statement of Common Ground between Lancashire County Council and Ashley Helme Associates
- 3 Statement of Common Ground between Lancashire County Council and EPDS Consultants Ltd
- 4 Correspondence between Fox Strategic Land and Property and Preston City Council dated 29 Nov, 19 and 24 Dec 2013
- 5 Statement to Inquiry by Cllr D Hall
- 6 Statement to Inquiry by Mr A Clempson on behalf of Mr B Wallace MP
- 7 Statement to Inquiry by Cllr L Smith
- 8 Statement to Inquiry on behalf of the Whittingham Countryside Campaign Group
- 9 Appeal Decision Ref APP/N2345/A/13/2201821 concerning land north of The Hills, Longridge Road, Grimsargh, Preston, PR2 5BE
- 10 Email to Councillors on behalf of Angela Harrison dated 24 Dec 2013
- 11 North West Preston Masterplan dated Jan 2014
- 12 Site sustainability appraisal

- 13 Signed and dated Unilateral Undertaking
- 14 Education Assessment for Former Ridings Depot dated 12 Dec 2013
- 15 Planning Obligations in Lancashire, Policy, adopted 2006, Transport Contributions
- 16 Planning Obligations in Lancashire, Methodology, contributions towards education places, update Dec 2012
- 17 Agreed list of suggested planning conditions
- 18 Note on payments in relation to off-site highway works, Neil Stevens, Strategic Highways Planning Manager