

SOUTH RIBBLE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990

Appeal Site: Pickerings Farm Site, Flag Lane, Penwortham

Appeal By: Taylor Wimpey UK Ltd and Homes England

Inspectorate Ref: APP/F2360/W/22/3295498 and

APP/F2360/W/22/3295502

SRBC Ref: 07/2021/00886/ORM and

07/2021/00887/ORM

STATEMENT BY SOUTH RIBBLE BOROUGH COUNCIL

1.0 Introduction

1.1 Two appeals have been lodged by Taylor Wimpey UK Ltd and Homes England following the refusal of planning permission by South Ribble Borough Council of:

Application a) 07/2021/00886/ORM Outline planning application with all matters reserved except for the principal means of access for a residential-led mixed-use development of up to 920 dwellings (Use Classes C3 and C2), a local centre including retail, employment and community uses (Use Classes E and Sui Generis), a two form entry primary school (Use Class F), green infrastructure, and associated infrastructure following the demolition of certain existing buildings

and

Application b) 07/2021/00887/ORM Outline planning application with all matters reserved except for the principal means of access for a residential development of up to 180 dwellings (Use Classes C3 and C2), green infrastructure and associated infrastructure

2.0 Appeal Sites and Surrounding Area

2.1 The appeal sites are part of the allocated housing development site known as Pickering's Farm which is approximately 79 ha in size and is bounded by the A582

Penwortham Way to the west; immediately to the north by the Kingsfold area of Penwortham; to the east lies the West Coast mainline with Lostock Hall beyond and to the south is an area of Safeguarded Lane with Chain House Lane beyond.

2.2 The sites are currently occupied by a number of individual properties in private ownership, the majority of which are accessed via Bee Lane, Flag Lane, Lords Lane, Moss Lane and Nib Lane which bisect the site.

2.3 These outline planning applications relate to parcels within the wider Pickering's Farm site that are within the applicants' control. These include the majority of land to the western side of the wider site and to the southern part of the site. Within these areas, the land excluded is mainly existing residential properties and their boundaries, together with farms such as Crooks Farm, Balshaw Fam on Bee Lane; Holme Farm and Proctors Farm on Moss Lane. There are large parcels of land to the north and south of Bee Lane to the eastern side of the site which are also excluded from the outline boundary.

3.0 Site History

3.1 07/2018/8539/SCO Scoping Request to determine the scope of an Environmental Impact Assessment for a residential-led mixed-use development and Cross Borough Link Road (CBLR) on land to the east of Penwortham Way was determined on 13 December 2018

3.2 The Lanes Masterplan was submitted in January 2020 and was considered by planning committee at its 17th September 2020 meeting. The committee refused the Masterplan on the following grounds:

'That the application be refused as a result of concerns regarding highways; green infrastructure; ecology; drainage provisions; impact on air quality; lack of appropriate and necessary infrastructure; inappropriate mix of housing; and the impact on the residential amenity of the wider community'

3.3 07/2020/00014/FUL for the proposed cross borough link road connecting the A582 Penwortham Way and the B5254 Leyland Road was withdrawn.

3.4 Outline application 07/2020/00015/ORM with access only applied for was for a residential development of up to 1100 dwellings (C2 and C3), a local centre including retail, employment and community uses (A1, A2, A3, A4, B1 and D1), a primary school (D1), a community building (D2) to be used as an employment and skills centre (D1), green infrastructure, large extent of cross borough link road extension on land controlled by

developers and associated infrastructure following demolition of existing buildings. This application was withdrawn

4.0 Appeal Schemes

4.1 Application a) 07/2021/00886/ORM - Outline planning application with all matters reserved except for the principal means of access for a residential-led mixed-use development of up to 920 dwellings (Use Classes C3 and C2), a local centre including retail, employment and community uses (Use Classes E and Sui Generis), a two form entry primary school (Use Class F), green infrastructure, and associated infrastructure following the demolition of certain existing buildings. Two access points are proposed, as follows:

- Proposed Site Access Arrangement (Single Carriageway Approach) Plan Ref: VN211918-D103. This is to serve the majority of the development and will be a traffic signal controlled junction
- Proposed Site Access Arrangement (Bee Lane) Plan Ref: VN211918-D105. A limited number of dwellings will access via Bee Lane (circa 40 homes) with no vehicular link onto the Spine Road or Penwortham Way.

4.2 Application b) - 07/2021/00887/ORM Outline planning application with all matters reserved except for the principal means of access for a residential development of up to 180 dwellings (Use Classes C3 and C2), green infrastructure and associated infrastructure. This site would be accessed from the main development proposed under Application a) 07/2021/00886/ORM

4.3 These outline applications also propose a site for a new two form entry primary school, a local centre and a spine road through the site which it is proposed could form part of the future Cross Borough Link Road required by Policy C1

5.0 Reasons for Refusal

5.1 The applications were both refused by planning committee at an Extraordinary Meeting on 29th November 2021 for 11 reasons, as follows:

1. It has not been demonstrated that the modelling methodology applied within the submitted Transport Assessment is acceptable. As such it has not been demonstrated that the proposed development would not have a severe adverse impact on the local highway network. The proposal is therefore contrary to the requirements of para. 111 of the NPPF, Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan.

2. It has not been demonstrated that the scoping and composition of technical supporting evidence of the submitted Transport Assessment is acceptable. As such it has not been

demonstrated that the proposed development would not have a severe adverse impact on the local highway network. The proposal is therefore contrary to the requirements of para. 111 of the NPPF, Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan.

3. The proposed improvements to the Bee Lane bridge are not considered to be sufficient for the additional traffic, as well as increased number of pedestrians and cyclists resulting from the development, prejudicing highway safety and pedestrian safety. The proposal is therefore contrary to the requirements of para. 111 of the NPPF, Policy 17 of the Core Strategy and Policy G17 of the South Ribble Local Plan.

4. The application fails to provide adequate certainty that the section of the Cross-Borough Link Road within the site, together with the necessary physical upgrading works to the Bee Lane bridge, will be delivered. The proposal is therefore contrary to the requirements of Policy A2 of the South Ribble Local Plan.

5. Policy C1 of the South Ribble Local Plan requires an agreed masterplan and design code for the comprehensive development of the site. The masterplan has not been formally agreed by South Ribble Council and the version submitted with the two applications does not meet the policy requirements.

6. Policy C1 of the South Ribble Local Plan requires the submission of a phasing and infrastructure delivery schedule and an agreed programme of implementation. The submitted documentation provides insufficient detail on how the site will be delivered and no detailed phasing plan has been submitted and no programme of implementation has been agreed. Therefore, the scheme is contrary to Policy C1.

7. Policy A2 of the South Ribble Local Plan seeks to ensure delivery of the Cross-Borough Link Road through the major development site at Pickering's Farm. The two applications together with the Masterplan do not provide a firm commitment for the delivery of this key piece of infrastructure necessary to support the scale of development proposed. The scheme is therefore contrary to Policy A2

8. Inadequate information has been provided to address air quality impacts and insufficient mitigation has been identified to make the development acceptable. The proposal is therefore contrary to Paragraphs 185 and 186 of the NPPF and Policy 30 of the Core Strategy

9. The proposals will generate additional demand for sporting provision, and it is not clear how this would be addressed in the current planning applications. Nor is it clear how the concept of active design would be achieved in the scheme to deliver an active, healthy

community and is therefore contrary to Policies G10 and G11 in the South Ribble Local Plan and Paragraph 100 of the NPPF

10. Due to the lack of an agreed Masterplan and commitment to providing the cross-borough link road, the proposals do not follow the 'proper planning approach' or represent good planning for the area as required by the NPPF paragraphs 126 and 132.

11. No viability evidence has been submitted to enable an assessment of whether necessary infrastructure can be provided to support this important housing land allocation. As such the proposals are contrary to Policies A1 and C1 in the South Ribble Local Plan

6.0 Policy Considerations

6.1 National Planning Policy Framework 2021 (NPPF)

6.2 National Planning Practice Guidance (NPPG) - Sections considered relevant to this appeal are Air quality; Climate change; Community Infrastructure Levy; Consultation and pre-decision matters; Determining a planning application; Effective use of land; Environmental Impact Assessment; Flood risk and coastal change; Healthy and safe communities; Housing and economic needs assessment; Housing needs of different groups; Housing for older and disabled people; Housing supply and delivery; Natural environment; Noise; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Strategic environmental assessment and sustainability appraisal; Travel Plans, Transport Assessments and Statements; Tree Preservation Orders; Use of planning conditions; Viability; Waste; Water supply, wastewater and water quality

6.3 The National Model Design Code which forms part of the government's Planning Practice Guidance and part of the **National Design Guide**

6.4 Central Lancashire Core Strategy

Policy 1: Locating Growth – Focusses growth and investment in the main urban areas of South Ribble and at criteria a) point (iii) identifies 'some greenfield development at the South of Penwortham and North of Farington Strategic Location (the Pickering's Farm site).

Policy 2: Infrastructure – recognises the need to work with infrastructure providers to establish works and/or service requirements that will arise from or be made worse by development proposals and determine what could be met through developer contributions, having taken account of other likely funding sources. If a funding shortfall in needed infrastructure provision is identified, secure, through developer contributions, that new development meets the on and off-site infrastructure requirements necessary to support development and mitigate any impact of that development on existing community interests.

Developer contributions will be in the form of actual provision of infrastructure, works or facilities and/or financial contributions. This will ensure that all such development makes an appropriate and reasonable contribution to the costs of provision after taking account of economic viability considerations.

Policy 3: Travel – recognises that the best approach to planning for travel will involve a series of measures, including (relevant to this proposed development):

- (b) Improving pedestrian facilities
- (c) Improving opportunities for cycling
- (d) Improving public transport
- (e) Enabling travellers to change their mode of travel on trips
- (g) Managing car use
- (h) Improving the road network

Policy 4: Housing Delivery – sets out the annual requirement of 417 dwelling per annum for South Ribble. However, recognising the Core Strategy was adopted in 2012, Central Lancashire will now apply the standard method formula to calculate the aggregate minimum number of homes needed across the area in accordance with the National Planning Policy Framework and National Planning Practice Guidance.

Policy 5: Housing Density – seeks to ensure the densities of development is in keeping with the local areas and have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area. It also recognises the need to make efficient use of land.

Policy 6: Housing Quality- aims to improve the quality of housing and at criteria c) aims to facilitate the greater provision of accessible housing and neighbourhoods and use of higher standards of construction.

Policy 7: Affordable and Special Needs Housing seeks to enable sufficient provision of affordable and special housing to meet needs in the following ways:

- (a) Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of South Ribble;

(c) Where robustly justified, off-site provision or financial contributions of a broadly equivalent value instead of on-site provision will be acceptable where the site or location is unsustainable for affordable or special housing.

(d) Special needs housing including extra care accommodation will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be sought to be affordable subject to such site and development considerations as financial viability and contributions to community services.

(e) Special needs housing including extra care accommodation will be required to be well located in communities in terms of reducing the need to travel to care and other service provision and a proportion of these properties will be required to be affordable.

(f) An accompanying Supplementary Planning Document will establish the following:

i. The cost at and below which housing is considered to be affordable.

ii. The proportions of socially rented and shared ownership housing that will typically be sought across Central Lancashire.

iii. Specific spatial variations in the level and types of affordable housing need in particular localities.

iv. How the prevailing market conditions will affect what and how much affordable housing will be sought.

Policy 14: Education – requires developers to contribute towards the provision of school places where their development would result in or worsen a lack of capacity at existing schools. It also required partnership working with the education authority in any modernisation programme requiring school closure or new construction.

Policy 15: Skills and Economic Inclusion aims to improve Skills and Economic Inclusion through a number of measures:

(a) Working with existing and incoming employers to identify skills shortages.

(b) Liaising with colleges, training agencies and major local employers to develop courses and life-long learning and increase access to training, particularly in local communities that are the most deprived in this respect.

(c) Encouraging knowledge-based businesses and creative industries associated with the University of Central Lancashire to enable graduate retention.

Policy 17: Design of New Buildings – expects the design of new buildings to take account of the character and appearance of the local area, including the following:

- (a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.
- (c) being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area.
- (d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.
- (e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.
- (f) minimising opportunity for crime and maximising natural surveillance.
- (g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, and enhancing the public realm.
- (h) including public art in appropriate circumstances.
- (j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.
- (k) promoting designs that will be adaptable to climate change, and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and
- (l) achieving Building for Life rating of ‘Silver’ or ‘Gold’ for new residential developments.
- (m) ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.

Policy 18: Green Infrastructure – aims to manage and improve environmental resources through a Green Infrastructure approach to protect and enhance the natural environment where it already provides economic, social and environmental benefits and invest in and improve the natural environment, particularly where it contributes to the creation of green wedges and the utilisation of other green open spaces that can provide natural extensions into the countryside.

Policy 21: Landscape Character Areas - New Development will be required to be well integrated into existing settlement patterns, appropriate to the landscape character type and

designation within which it is situated and contribute positively to its conservation, enhancement or restoration or the creation of appropriate new features.

Policy 22: Biodiversity and Geodiversity – seeks to conserve, protect and seek opportunities

to enhance and manage the biological and geological assets of the area, through the following measures:

- (a) Promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority habitats and species populations;
- (b) Seeking opportunities to conserve, enhance and expand ecological networks;
- (c) Safeguarding geological assets that are of strategic and local importance

Policy 23: Health – aims to integrate public health principles and planning, and help to reduce health inequalities by, among others:

- (c) Seeking contributions towards new or enhanced facilities from developers where new housing results in a shortfall or worsening of provision.
- (d) Requiring Health Impact Assessment on all strategic development proposals on Strategic Sites and Locations.
- (f) Safeguarding and encouraging the role of allotments; garden plots within developments; small scale agriculture and farmers markets in providing access to healthy, affordable locally produced food options.

Policy 24: Sport and Recreation – seeks to ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities (including children’s play) by, among others, devising robust minimum local standards based on quantified needs, accessibility and qualitative factors, through seeking developer contributions (either in the form of new provision or

financial payment in lieu) where new development would result in a shortfall in provision.

Policy 25: Community Facilities – seeks to ensure that local communities have sufficient community facilities provision through a number of measures, including criteria (d) Assessing all development proposals for new housing in terms of their contribution to providing access to a range of core services including education and basic health and care facilities.

Policy 26: Crime and Community Safety – aims to reduced levels of crime and improved community safety through a number of measures, including the inclusion of Secured by Design principles in new developments.

Policy 27: Sustainable Resources and New Developments - requires new dwellings to be built to Code for Sustainable Homes Level 4. However, following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. As Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

Policy 29: Water Management – seeks to improve water quality, water management and reduce the risk of flooding through a number of measures, including

(d) Appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas particularly in Croston, Penwortham, Walton-le-Dale and southwest Preston;

(f) Managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity;

(g) Encouraging the adoption of Sustainable Drainage Systems;

(h) Seeking to maximise the potential of Green Infrastructure to contribute to flood relief.

Policy 30: Air Quality – aims to improve air quality through delivery of Green Infrastructure initiatives and through taking account of air quality when prioritising measures to reduce road traffic congestion.

6.5 South Ribble Local Plan

Policy A1 – Developer Contributions expects new development to contribute to mitigate its impact on infrastructure, services and the environment and to contribute to the requirements of the community. This may be secured as a planning obligation through a Section 106 agreement and through the Community Infrastructure Levy (CIL)

Policy A2 – Cross Borough Link Road (Development Link Road) protects land from physical development for the delivery of the Cross-Borough Link Road. At criteria b) it specifies that a road is to be constructed through the major development site at Pickering's Farm.

Policy C1 – Pickering's Farm, Penwortham specifies that planning permission will only

be granted for the development of the Pickering's Farm site subject to the submission of:

- a) an agreed Masterplan for the comprehensive development of the site. The Masterplan must include the wider area of the Pickering's Farm site which includes the safeguarded land to Coote Lane as shown on the Policies Map, and make provision for a range of land uses to include residential, employment and commercial uses, Green Infrastructure and community facilities;
- b) a phasing and infrastructure delivery schedule;
- c) an agreed programme of implementation in accordance with the Masterplan and agreed design code.

Policy G8 – Green Infrastructure and Networks – Future Provision requires all new developments to provide appropriate landscape enhancements; conservation of important environmental assets, natural resources, biodiversity and geodiversity; provide for the long-term use and management of these areas; and provide access to well-designed cycleways, bridleways and footways (both off and on road), to help link local services and facilities

Policy G10 – Green Infrastructure Provision in Residential Developments is required for all new residential development resulting in a net gain of five dwellings or more to meet the recreational needs of the development, in accordance with the adopted standards

Green Infrastructure should normally be provided on-site. Off-site provision will be at the Council's discretion delivered by developer contributions.

Policy G11 – Playing Pitch Provision is required for all new residential development resulting in a net gain of five dwellings or more at a standard provision of 1.14 ha per 1000 population. Contributions will also be sought to fund or improve associated facilities.

Policy G12 – Green Corridors/Green Wedges advises that new development should provide new green corridors to the existing/neighbouring communities and built-up area. Green corridors can be in the form of linear areas of Green Infrastructure, such as footpaths and cycle ways, with the appropriate landscaping features such as trees, hedges and woodland.

Policy G13 – Trees, Woodlands and Development has a presumption in favour of the retention and enhancement of existing tree, woodland and hedgerow cover on a site. Where there is an unavoidable loss of trees on site, replacement trees will be required to be planted on site, where appropriate, at a rate of two new trees for each tree lost. The policy requires that tree survey information is submitted with all planning applications, where trees are present on site. The tree survey information should include protection, mitigation and management measures. Appropriate management measures will also be

required to be implemented to protect newly planted and existing trees, woodlands and/or hedgerows.

Policy G16 – Biodiversity and Nature Conservation seeks to protect, conserve and enhance the Boroughs Biological and Ecological Network resources. This policy requires that, where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, planning applications must be accompanied by a survey undertaken by an appropriate qualified professional. Where the benefits for development in social or economic terms is considered to outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation of an equal or greater area will be required through planning conditions and/or planning obligations.

Policy G17 – Design Criteria for New Development permits new development, including extensions and free-standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect; the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area; the development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard; the proposal would sustain, conserve and where appropriate enhance the significance, appearance, character and setting of a heritage asset itself and the surrounding historic environment. Where a proposed development would lead to substantial harm or loss of significance of a designated heritage asset, planning permission will only be granted where it can be demonstrated that the substantial public benefits of the proposal outweigh the harm or loss to the asset; and the proposal would not have a detrimental impact on landscape features such as mature trees, hedgerows, ponds and watercourses. In some circumstances where, on balance, it is considered acceptable to remove one or more of these features, then mitigation measures to replace the feature/s will be required either on or off-site.

Policy H1 – Protection of Health, Education and Other Community Services and Facilities advises that proposals and schemes, for all developments especially major sites for housing should ensure appropriate health, cultural, recreational, sport and education facilities are provided either on site or in the surrounding area through CIL and/or developer contributions.

6.6 **Supplementary Planning Documents (SPDs)** provide further detail and guidance in relation to policies and proposals within the development plan. Those considered relevant to this application are:

Affordable Housing

Design Guide

Open Space and Playing Pitch

Renewable and Low Carbon Energy

Biodiversity and Nature Conservation

Employment Skills

6.7 **South Ribble Borough Council Air Quality Action Plan 2018** has the following objectives;

- To improve air quality across the borough of South Ribble.
- To promote awareness of Air Quality and actions that individuals, companies, and organisations can take to reduce their impact on the environment.
- To fulfil the legal responsibilities of South Ribble Borough Council, Lancashire County Council and other partner Organisations.
- To embed Low emission behaviours into our organisation by 2024.

Any development which contributes to increase levels of particulate is by its nature having an adverse impact on the locality and in line with national planning guidance mitigation measures are required to reduce this negative impact. Measures include Electric Vehicle Charging Points; Encourage the reduced reliance on private vehicles and increased use of cycling, public transport and walking to travel for home, work, and leisure; Infrastructure; Alternative travel infrastructure; Travel Choice and Education

Tardy Gate, Lostock Hall AQMA stretches along Leyland Road/Watkin Lane from Fir Trees Road to the north to St James Close taking in the main junctions of Cote Lane, Brownedge Road and Jubilee Road (Croston Road)

6.8 Penwortham Neighbourhood Development Plan (NDP)

Policy 2: Requirements for new large-scale residential development

The phased delivery of allocated large-scale residential sites, such that each phase has a distinctive character of its own, will be supported.

Policy 3: Types of Residential property

On development sites where affordable housing is provided, the provision of 10% of units specifically for occupation by older people will be supported. On all residential developments, the provision of 10% of units as single storey properties suitable for use by older people will be supported.

Policy 5: New Sporting Facilities

The provision of new sporting facilities adjacent to Penwortham Community Centre will be supported.

Policy 6: Penwortham Community Centre

The extension of Penwortham Community Centre, to include the provision of a multi-use hall and cafeteria, will be supported.

Policy 7: Penwortham Cycle and Walking Route

The route shown on the plan below will be safeguarded for a dedicated circular route for cyclists and walkers. Proposals for development within the Neighbourhood Area that would prejudice the delivery of the route will be resisted.

Policy 4: Types of Residential Property

In addition to the requirements of Policy 7 of the Central Lancashire Core Strategy, new residential developments in Penwortham, in complying with Policy 3, should provide 10% of the affordable housing, as required by Policy 7 of the Central Lancashire Core Strategy, to be specifically for occupation by older people; and 10% of each development as single storey property suitable for use by older people.

Policy 8: Penwortham Cycle and Walking Route

Penwortham Town Council, working with Lancashire County Council, South Ribble Borough Council, the developers of Pickering's Farm and local groups will protect from any form of development that would prejudice the delivery of, a dedicated circular route for cyclists and walkers.

6.9 **City Deal** is a ten-year infrastructure delivery programme, funded through local and national private and public sector resources. The private sector contributes through Community Infrastructure Levy (“CIL”) and other developer contributions.

The City Deal will see investment pumped into South Ribble, resulting in new roads, better public transport, improved public spaces and reduced congestion. Required infrastructure to support population growth, such as new schools and health centres, will also be provided.

A City Deal Infrastructure Delivery Programme and City Deal Investment Fund have been established by the City Deal Partners which together are worth £450m over the lifetime of the Deal.

6.10 **Central Lancashire Highways and Transport Masterplan (CLHTM)** represents LCC’s priorities for future investment in highways and transport across central Lancashire and the start of a delivery programme for the next 13 years which will see new road space built, public transport prioritised along key corridors into Preston and between Leyland and Chorley, and public realm improvements in city, town and local centres. Four major road schemes are presented in the CLHTM, to be delivered in the period to 2026. Two of these roads have direct relevance to the site due to their proximity and connection to the site.

The CLHTM refers to the upgrading of the A582 South Ribble Western Distributor and the B5253 Flensburg Way to improve capacity between Moss Side, Cuerden and Preston City Centre, and support delivery of housing along this corridor and the completion of Penwortham bypass between the Broad Oak roundabout and Howick Cross.

7.0 Grounds of Appeal

7.1 The appellant has submitted a Statement of Case which sets out the sites’ background; the background to the appeals; the Development Plan Framework and the appeal proposals compliance with the Development Plan and at Section 5 sets out the Appellants’ Case.

7.2 It states that they will bring forward evidence relating to the following:

Transport Assessment (Reasons for refusal 1 & 2)

Bee Lane Bridge (Reason for refusal 3)

Spine Road and Movement Corridor (Reason for refusal 4 & 7)

Masterplan and Design Code (Reason for refusal 5)

Phasing and Infrastructure Delivery (Reason for refusal 6)

Air Quality Impacts (Reason for refusal 8)

Sporting Provision and Active Design (reason for refusal 9)

“Proper Planning Approach” (reason for refusal 10)

Viability (Reason for refusal no. 11)

Other Matters Raised by Third Parties

8.0 Council’s Case

Reasons for Refusal 1 and 2

8.1 In respect of Reasons for Refusal 1 and 2, the Council will demonstrate that the modelling methodology applied within the submitted Transport Assessment is not acceptable and therefore does not demonstrate that the appeal schemes would not have a severe adverse impact on the local highway network. Additionally, the scoping and composition of technical supporting evidence of the submitted Transport Assessment is not acceptable and therefore also does not demonstrate that the proposed development would not have a severe adverse impact on the local highway network.

8.2 During consideration of the appeal schemes, Lancashire County Council Highways advised that, based on the submitted documents, there were several matters they were unable to conclude due to lack of acceptable information. In addition, there were other matters which, as presented, could not be supported, as the following excerpt from the Committee Report advised:

LCC Highways’ initial review and supporting correspondence dated 28th September highlighted a number of concerns with the approach presented being. These comments are intended to complement those provided by National Highways.

‘Masterplan – LCC Highways consider the masterplan Principles and Mobility Strategy as presented does not demonstrate the delivery of the infrastructure necessary to support the scale of development proposed.

*Transport Assessment – Unfortunately with **this** application unlike the previous, no detailed pre-application discussions have taken place in advance of submission, as such LCC Highways dispute the wording used in para 1.17-19 for this proposal. The approach used in the TA is **not agreed** at this stage, as that presented is not an assessment of impact that can be scrutinised by all.*

‘Vision and Validate’ – the approach as presented is aspirational. While LCC Highways support proposals that will deliver significant modal shift, these must be realistic and deliver the

necessary access to all modes of transport that will be required to support development proposals. Any vision presented must be evidence based.

Reason for Refusal 3

8.3 The Council will further demonstrate that the proposed improvements to the Bee Lane bridge are not sufficient for the additional traffic the appeal schemes would generate in addition to an increased number of pedestrians and cyclists using the bridge. The Council consider this will prejudice highway safety and pedestrian safety and will provide evidence to support this view.

8.4 A fundamental issue that needs to be addressed is the consideration of the Bee Lane bridge and how this is proposed to be operated. LCC Highways clearly consider that this bridge is not suitable for two-way traffic movement, and that the proposed 'Pedestrian Clear Zone' cannot be incorporated without modification and the use of the Bee Lane bridge for access to an additional 40 dwellings and an increase in pedestrian and cyclists is unsuitable without physical improvements.

Reason for Refusal 4

8.5 Local Plan Policy A2 requires the provision of the Cross-Borough Link Road from Leyland Road through the Pickering's Farm site to join the A582. The submitted masterplan and refused planning applications subject to these appeals failed to provide adequate certainty that the CBLR or the necessary physical upgrading works to the Bee Lane bridge will be delivered, thereby prejudicing highway and pedestrian safety.

8.6 The Illustrative Masterplan at Section 9.0 of the submitted Masterplan document demonstrates visually how a link road could be provided through the site and refers to it as the Spine Road. The text within Section 5: Access and Movement of the Masterplan document refers to ***"a route will be protected by designing the Central Spine road to accommodate such a route if required in the future."***

8.7 Clearly, this is not a firm commitment to delivering the section of the Cross Borough Link Road as specified in Policy C1, seen as a key piece of infrastructure that will need to be delivered but merely reiterates the requirement of Policy A2 to protect the land.

8.8 In their consultation response to these appeal applications, LCC Highways confirmed that the Principles and Mobility Strategy as presented does not demonstrate the delivery of the infrastructure, including the CBLR, necessary to support the scale of development proposed.

Reasons for Refusal 5 and 6

8.9 Local Plan Policy C1 requires an agreed masterplan for the comprehensive development of the site together with a phasing plan and infrastructure delivery schedule and an agreed programme of implementation. There is no agreed masterplan in place and that submitted in support of the appeal applications is not considered by the Council to meet the policy requirements. The submitted documentation provided insufficient detail on how the site will be delivered; the phasing plan does not provide any detail and no programme of implementation has been agreed. As a result, this will cause harm by prejudicing the proper planning of the wider allocated site.

8.10 With the appeal applications, the Masterplan was submitted as a supporting document rather than a stand-alone document. The reasoning is set out in the Supporting Planning Statement which advised that the revised Masterplan *provides a clear framework to guide the future development of the Strategic Site, setting the visions, range of uses, access and movement strategy and associated infrastructure.*

8.11 The Masterplan comprises of 2 documents, the Masterplan and the Design Code. The purpose of the Masterplan is to demonstrate that, in addition to delivering a substantial part of the development plan allocation, the development of the sites subject to the two planning applications will not prejudice the remainder of the allocation or the safeguarded land from coming forward in a comprehensive manner in the future. The Masterplan sets out a series of land uses, development parameters, a movement strategy and design principles across the allocated site which are aimed to ensure that all uses covered by the Local Plan allocation are accommodated.

8.12 The Council considers that, although the Masterplan covers the safeguarded land extending to Coote Lane, the land uses in this part of the site are not identified so it is not possible to assess if the Masterplan in its entirety meets the necessary requirements in respect of, for example, public open space.

8.13 Additionally, LCC Highways consider a Masterplan should give clear detail that can be scrutinised by all on matters such as scale, form, location deliverability, satisfying policy, detail on highway (satisfying design criteria) within and their suitability including CBLR as well as connectivity, how existing properties will be connected into the development and how they access the wider network. The TA refers to active travel connections 'which will be retained and improved (where required and within the application sites). It is considered that, as there is no agreed Masterplan in place, the proposals within the two appeal applications are contrary to Policy C1.

Reason for Refusal 7

8.14 The two appeal schemes together with the Masterplan do not provide a firm and adequate commitment for the delivery of the Cross-Borough Link Road, a key piece of infrastructure necessary to support the scale of development proposed. The Council will provide evidence to demonstrate the harm that would arise from this.

8.15 The applicant has suggested that the proposed improvements to the Bee Lane bridge are sufficient to serve the development that they are proposing, and that any future developer or/and the highway authority would be responsible for any further required improvements to the crossing over the West Coast mainline. It is the Council's view that by the applicant not taking a holistic approach to considering the required highway improvements to serve the wider, allocated site, this would prejudice the ability for some allocated parcels of land outside of the sites subject to this appeal to be delivered.

Reason for Refusal 8

8.16 The Council will demonstrate that there is inadequate information to address air quality impacts and insufficient mitigation has been identified to make the development acceptable and prevent harm to the wider area in terms of air quality.

8.17 During consideration of the appeal scheme, Environmental Health considered the Air Quality Assessment and advised: *"The submitted air quality assessment methodology has been undertaken in line with the Councils low emissions strategy methodology. This has identified a damage cost on air quality for the development of £252,046. Some mitigation measures have been suggested but these include standard requirements for all developments, and some measures that are required by other regimes e.g. by the Highways authority. Double counting measures is not acceptable.*

No detail has been provided as to the potential 'improvement' suggested within the mitigation measures for example improved pedestrian links to public transport stops – what improvements above the norm are being suggested? No suggested costs associated with these works have been identified and therefore it is impossible to say how much of the £252,046 damage costs have been mitigated.

While the air quality report methodology and conclusion are acceptable, the report as a whole is not as sufficient mitigation has not been identified to make the development acceptable."

8.18 As the report failed to address the damage to be caused to air quality, it failed to meet the requirements of the NPPF, through mitigating harmful impacts.

Reason for Refusal 9

8.19 Due to the number of new dwellings proposed within the appeal schemes, these will generate additional demand for sporting provision, and the Council will demonstrate that it is not clear how this would be addressed in the appeal schemes and the resultant harm this would create.

8.20 Sport England objected to the appeal scheme, advising they were not compliant with the NPPF. However, they did outline that the objection could be overcome if the appellant provided:

- *details of any off-site outdoor sport and indoor sport enhancements/new provision to meet the additional demand arising from the development. Sport England's Strategic Planning Tools show this development will generate additional demand equating to just over 2 ½ pitch equivalents, 43 additional visits per week to Artificial Grass Pitches, 178 additional visits per week to sports halls and additional 140 visits per week to swimming pools.*
- *Incorporate the Ten principles of Active Design into the overall design of the development*

Reason for Refusal 10

8.21 The Council will demonstrate that the lack of an agreed Masterplan and commitment to providing the cross-borough link road result in a scheme which does not represent good and effective planning for the area as required by the NPPF and Development Plan, which will cause harm by prejudicing the proper planning of the wider allocated site.

Reason for Refusal 11

8.22 Finally, no viability evidence has been submitted to enable an assessment of whether necessary infrastructure can be provided to support this important housing land allocation. As such the proposals are contrary to Policies A1 and C1 in the South Ribble Local Plan

9. Conclusion

9.1 It is the Council's view that a significant amount of information and supporting evidence would be required to demonstrate the acceptability of the two appeal schemes and this was not submitted or provided during the consideration of the two appeal applications. The schemes do not meet important policy requirements of the Development Plan.

9.2 Lancashire County Council Highways and National Highways were also quite clear within their consultation responses to the planning applications subject of these appeals where the evidence fell short and resulted in the grounds of refusal on highway matters.