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## Combined LPA / Parish Council response to examiner's questions.

May 2018.

LPA answers to examiner's questions (a co-ordinated response from Preston City Council, in consultation with Broughton Parish Council)

**Note:** The Examiner's questions are in *italics*; and the combined LPA / Parish response is red.

BROUGHTON-in-AMOUNDERNESS NEIGHBOURHOOD PLAN EXAMINATION QUESTIONS FOR PARISH COUNCIL and PRESTON CITY COUNCIL (10/5/18) POLICY RES 1 Housing Development Sites as an extension to the defined settlement boundary.

During the regulation 16 consultation two appeals were allowed at (Ref:APP/N2345/W/17/3179177) Keyfold Farm, 430 Garstang Road, Broughton, and (Ref: APP/N2345/W/17/3179105) Land off Sandygate Lane.

The planning application numbers for Keyfold Farm and Sandygate Lane are: 06/2017/0097; and 06/2016/0736, respectively.

Furthermore, I am aware of the resolution at Planning Committee on 5/4/18 to grant planning permission for up to 101 dwellings and associated works on land to the Rear of 126 Whittingham Lane, Broughton (LPA ref: 06/2017/0941).

*In this context, I wish to ask the Parish and City Councils the following questions;*

**1.City Council- Following the above recent planning decisions does the Council have a 5-year supply of housing land?**

No, The City Council accepts that it cannot currently demonstrate a five year housing supply.

**Are the residential site allocations proposed in policy RES1 now necessary to meet housing supply targets?**

No, the site allocations are not considered to be "necessary". They would be helpful in terms of the City Council meeting its housing supply targets. Allocating some small scale housing development adjoining rural settlement boundaries is encouraged (particularly in light of the proposed draft changes to the NPPF) and the Parish Council should therefore be applauded for this.

**2. City Council - What is the Council's view on whether policy RES 1 and the allocations it proposes, conforms to the following basic conditions:**

**a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,**

**b) The making of the plan contributes to sustainable development,**

**c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area**

It is the Council's opinion that the Policy RES1 complies with all the basic conditions, including those referred to above (a-c).

I am aware of the rationale used in the Committee report in relation to application (LPA ref: 06/2017/0941) relating to land south of Whittingham Lane and the City Council's position in relation to the appeals. This acknowledged the need to meet housing supply targets emphasized in the NPPF (paragraph 47) and overrode the fact the schemes did not conform to Core Strategy Policy 1 and Preston Local Plan Policy EN1.

***In particular, need to establish whether that rationale applies to policy RES1.***

The rationale applied by the Planning committee in relation to the approved planning application 06/2017/0941 does not apply / is not relevant in the context of Policy RES1 of the Broughton neighbourhood plan. Fundamentally, this is because the Council considers the Neighbourhood plan (including Policy RES1) to be in general conformity with the development plan for Preston.

It should also be noted that the two appeal decisions (applications 06/2017/0097: Keyfold Farm; and 6/2016/0736: Sandygate Lane) and the aforementioned planning committee approval (application 06/2017/0941: Rear of 126A Whittingham Lane) are significantly different to the sites put forward in the Neighbourhood plan in a number of ways. For example:-

i) The sites allocated in the Neighbourhood plan all adjoin the existing settlement boundary. Although one of the three sites (Site 1) is in open countryside, and the other two sites (Sites 2 and 3) are in both open countryside and Area of Separation, all these sites were selected based on their landscape and visual impacts, seeking to "round off" the village form. As a result of the Keyfold Farm development allowed on appeal the allocations to the south of the crossroads will have even less visual impact.

Keyfold Farm does not adjoin the existing settlement boundary, and like Sandygate Lane and 126A Whittingham Lane, cannot not be said to be "rounding off" the village form. The whole of the Keyfold Farm; Sandygate Lane; and Whittingham Lane sites (apart from the existing dwelling and garden at 126A Whittingham Lane, which would be used for access) lie within both open countryside and Area of Separation.

ii) The sites allocated in the Neighbourhood plan are small scale, modest housing proposals (the size of the allocated sites / scale of development for the three sites in the Neighbourhood plan are: 0.3 has; 1.45 has; and 0.75 has).

In comparison, Keyfold Farm is 6.90 has (proposing up to 130 dwellings); Sandygate Lane is 6.59 has (proposing up to 97 dwellings); and Whittingham Lane is 4.5 has (proposing up to 101 dwellings). These are all significantly larger in size and scale, and will have a much greater impact on the existing village settlement.

**3.Parish Council and City Council** –The appeal decisions and planning application LPA ref: 06/2017/0941) relating to land south of Whittingham Lane, will provide a significant number of new dwellings in proximity to the village.

***Does this alter your view that the development proposed on the sites in policy RES1 is warranted, in accordance with the community's desire for development to improve housing provision, support local facilities and create a better balanced or more cohesive community?***

No, the City Council does not alter its view that Policy RES1 is acceptable. Policy RES1 proposes a sustainable extension to the village, which is supported and encouraged, particularly in light of the proposed draft changes to the NPPF.

It is further noted that in reality, two of the three sites proposed in the Neighbourhood plan are already in the pipeline for development (Sites 2 and 3 in the Neighbourhood plan).

- Site 1 (the smallest site, at 0.3 has) currently looks as though it will not come forward in the foreseeable future, as the owner is extending the existing property. It is noted that the owner has no objections to its inclusion in the neighbourhood plan.
- Site 2 (Field to east of Park House and King George V Playing Fields and to south and east of Broughton district sports and social club, 1.45 has) is the subject of a current, as yet un-determined, planning application (ref 06/2017/1104). This application is currently still under consideration.
- Site 3 (Land to east and south of Broughton district sports and social club, 0.75 has) has been put forward to the local community as a potential housing site by Redrow Developments on behalf of the owner. However, to date no planning application has been submitted to the City Council, and there are currently unresolved issues in terms of achieving suitable access into the site. It is understood that LCC Highways would not be agreeable to access from the adjacent roundabout, but discussions are taking place between the developer and Broughton club about the potential to access the site from land belonging to the club.

**4.City Council and Parish Council – I need to establish that the allocated sites are viable, available and deliverable.**

*As referred to above (see response to question 3), the City Council considers that:-*

*Site 1 The owner is currently modernising and extending the property with a view to moving back into the village, but he has not ruled out developing the field, so I feel leaving it in the plan is appropriate.*

- Sites 2 and 3 are considered to be viable, available, and deliverable (provided adequate access can be achieved to Site 3). It is noted that both these sites, to the rear of Broughton district sports and social club, are supported by the club itself in its Regulation 16 submission to the City Council. Furthermore, no objections were raised by the Local Highways Authority in their Regulation 16 submission, commenting that they are “in broad agreement with the proposals presented” in the Neighbourhood plan.

**Are there any constraints to the principle of development on these sites?**

*No (apart from the availability of Site 1, and access to Site 3, as referred to above).*

I note that various statutory agencies have responded to the regulation 16 consultation with no objections. However, I would still seek the City Council’s reassurance and overview with regard to these allocations.

**In particular can the sites be adequately accessed?**

*Yes (provided adequate access can be achieved to Site 3, as referred to above).*

**Have the owners of the sites stated they are content with these allocations?**

*No objections have been raised to these allocations by the owners of any of the sites.*

- Site 1 is not likely to come forward in the immediate future (the owner has indicated this is the case) but the owner has not objected to the inclusion of the site in the Neighbourhood plan.
- Pillars Construction, on behalf of the owners of Site 2 (Park House and associated field) has a current application for development of this site. There have been no objections from the owners to the inclusion of this site in the Neighbourhood plan.
- Redrow Developments, on behalf of the owners of Site 3 (adjacent to Broughton district sports and social club) has been engaging in pre-application discussions with the local community and the Highways Authority. There have been no objections from the owners to the inclusion of this site in the Neighbourhood Plan. Furthermore, Broughton District Club has expressed its support for the inclusion of this site in its Regulation 16 submission to the City Council and is willing to engage in discussions with the developer to address concerns about access to the site.

**5.City Council and Parish Council – In the light of the appeal decisions does the settlement boundary need to be adjusted to show these sites as allocated and should the settlement boundary be adjusted to include any of them ?**

*The City Council considers that any sites outside or adjoining the existing settlement boundary on the adopted Preston Local Plan Site allocations / Policies map should be shown in the Neighbourhood plan as “commitments / allocations” and not shown*

*as an extension to the existing settlement boundary. Any consequential alterations to the settlement boundary will be considered / proposed when the Local Plan is reviewed.*

*The appeal sites referred to (Keyfold farm and Sandygate Lane) should therefore be referenced in the Neighbourhood plan as “committed” sites as well as the fields behind and 126A Whittingham Lane site.*

*The site allocations proposed in the Neighbourhood plan should be shown as site “allocations”. However the settlement boundary should not be amended.*

*Any changes to the settlement boundary on the Local Plan Site allocations / Policies map will be made at the next Local Plan review.*

### **Additional comments**

#### **Strategic Environmental Assessment Regulations**

*The Strategic Environmental Assessment and Habitats Regulations Assessment (JBA Consulting, Version 3, October 2017), which was supported by the Landscape / Visual appraisal of small-scale housing sites (JBA Consulting, Version 4, October 2017) concluded that the Broughton neighbourhood Plan does not require a SEA, or give rise to likely significant effects on European sites.*

*The City Council endorses the conclusion of this report that there would not be any significant environmental effects as a result of the Neighbourhood plan and that a full SEA is not required.*

*In reaching this decision, the City Council consulted the three statutory bodies (The Environment Agency; Natural England; and Historic England) and none of the bodies raised any objections or were of the opinion that there would be any significant environmental effects as a result of the Neighbourhood Plan.*

### **Appendices**

**Appendices 1 and 2 (below) set out the following:-**

- The response to the City Council from the Parish Council (in full); and*
- Copy of email received by the Parish Council seeking clarification in full.*

## **APPENDIX 1:**

### **Response from the Parish Council** **(in full)**

#### **Parish Council responses to Questions relating to the Neighbourhood Plan**

Since the draft plan was developed last October the situation in Broughton has changed with the opening of the bypass, and the loss of the Appeals (8.3.3 as referred to in the Neighbourhood Plan) notwithstanding conflicts with development plan policy through the inability of Preston City Council to be able to demonstrate a five year housing supply.

The Neighbourhood Plan still reflects the views of the community which was emphasised by the positive response at the Village Information Session, the presence and support at the Appeals in February and the local interest in the process reflected on the *Facebook* page and conversations in the village, at the garage and the club.

#### **Question 3**

Keyfold Farm (06/2017/0097), Sandygate Lane (06/2016/0736) & land behind 126A Whittingham Lane (06/2017/0941)

- The three schemes for 130, 97 & 101 (27 within the parish/plan area) houses outlined in the examiners questions have being given planning permission in areas that do not comply with the Preston Strategic Plan (2015) or the Central Lancashire Core Strategy (2013). All three sites are within the Area of Separation (EN4) and Countryside sites (EN1) as set out in these plans. At the time of the Inquiry and the issue of his decision, the draft Neighbourhood Plan had not been submitted to the Independent Examiner, so the Appeals Inspector could only accord its policies limited weight in determination of the 2 appeals. This created a situation in which the Appeals Inspector adjudged that the adverse impacts of granting planning permission did not significantly and demonstrably outweigh the benefits.
- 126A Whittingham Lane site: only part of this site (approx. 27 properties) around the access is within the Broughton Parish boundaries the majority is within the Parish of Whittingham who are in the early stages of their Neighbourhood Plan consultation. It is within the Area of Separation for Whittingham, Goosnargh & Grimsargh Parishes.
- The current situation is not one that the Parish Council or local community is at all happy with. It has no recourse but to accept that these developments are going ahead, but is doing so in the belief that:-
  - a) The Neighbourhood Plan will prevent further development that is contrary to the vision, objectives and policies supported by the local community, in particular further large scale housing development that would do further serious damage to its rural setting. The PC would suggest that the approval

of these housing sites be noted in the commentary and supporting plans within the plan but contrary to the views expressed by objecting developers sees no basis upon which these decisions or Preston lacking a 5 year housing supply introduce any conflict with the basic conditions against which the plan falls to be assessed.

- b) The damage to the area brought about by these developments can to a limited degree be mitigated in the detailed layout and design of the schemes. . To this end the Parish Council has actively engaged where asked, with the developers. It has also discussed how the developments might deliver benefits to the local community through developer contributions. We have recently met with Wainhomes & Emery Planning on 11<sup>th</sup> April. (Notes attached)
- c) Broughton is contributing a significant number of additional properties to the housing marketplace. In 2011 (census) Broughton parish contained 805 properties. However since then the Parish South (Eastway developments within the NW Preston Development Area) have added 75 properties with 650 properties to be completed by 2024. Within the village there are a further 11 completed and 89 properties agreed. And now we have the three developments are for a total of 308 properties (130, 97 & 101 of which 27 are within the parish/plan area). So 1133 properties will be built in Broughton an increase of around 125%.

#### **Question 4**

##### RES1 sites

The parish council has actively engaged with the owners/developers of these sites. The numbers refer to the plan on page 24 of the submitted Neighbourhood Plan

1. Land adjacent to Bungalow on Garstang road north of the crossroads: The owner Mr Eastaugh has now moved back to the village and is extending the existing house. Whilst he has no plans currently to market the wider site for development, he is aware of the designation in the plan and has no objections to its inclusion.
2. Parkhouse and associated field: Pillars Development submitted an application for the development of the full site (previous permission was given for the Park house site only) in late 2017 as yet no decision has been made as there is an impasse around the numbers of Affordable houses. The parish council is grateful for the offer of support in draining the adjacent playing field by the builders. (06/2017/1104)
3. Land adjacent to the Whittingham Lane roundabout and the bypass: This land is a proposed development by Redrow homes on behalf of the owner. The draft plans were discussed last year and publicised locally. LCC are not agreeable to access from the roundabout for the site but the adjacent Broughton Club has agreed to discuss access across their land with the developer (see letter in consultation responses). As yet the plans are still in outline and have not been submitted to PCC.

## Question 5

- The viewpoint of the Parish Council and steering group is that it acknowledges these as accepted sites but the settlement boundary not extended to include them. They can be shown as committed sites by the City Council and this can be reflected in amendments to the plans within the Neighbourhood Plan...
- The land behind 126A Whittingham Lane (06/2017/0941) is adjacent to the brownfield site (8.5.9 as referred to in the Neighbourhood Plan) as stated in the response to Question 3, this site is mainly in Whittingham Parish it is not part of the Village settlement area.

### Additional developments

#### **Site BE3**

The "Taste of Spice" site on the south corner of Garstang Road and Woodplumpton Lane has been sold and is to be developed as office/shops and supported living apartments.

The developers (Midas Land development)) have been engaged with PCC and the parish council and have offered to build a new car park on the playing field for the community as there will be no CiL income from this development. The development will include the demolition of the current building which is of no actual historic value but the site and vista are part of the Village heritage area. The replacement building will be set further back from the crossroads (which will improve site lines) and is being discussed with the city council historic buildings officer and the parish council are awaiting the final designs.

#### **Sites BE4 & BE2**

The two garages in the village have changed ownership; the agreed plans (closure of the one to the south replaced with a terrace of three house & office/shops on the southern site) have not as yet been implemented. The new owner has increased the range of goods on offer in the garage shops.

17/05/18

## **APPENDIX 2:**

Copy of email received by the Parish Council seeking clarification: in full.

I attached an emailed letter from DoC clarifying the position on the housing land supply for parishes with a NP.

"On 12 December 2016 the Planning Minister, Gavin Barwell, issued a Written Ministerial Statement ("the Statement") on Neighbourhood Plans. The Statement provides that "where communities plan for housing in their area in a neighbourhood plan, those plans should not be deemed to be out-of-date unless there is a significant lack of land supply for housing in the wider local authority area".

The NPPF provides that where Local Planning Authorities can not demonstrate a five-year housing land supply (5HLS) of deliverable housing sites policies for the supply of housing are considered to be 'out-of-date'. The Statement means that with immediate effect policies for supply of housing will not be considered 'out-of-date' in line with NPPF para 49 in areas with an adopted Neighbourhood Plan, subject to the following:

- The Statement is less than 2 years old, or the made Neighbourhood Plan is no more than 2 years old; and
- The Neighbourhood Plan allocates sites for housing; and
- The local planning authority can demonstrate a three-year supply of deliverable housing sites.

The Statement is clear that all of the above have to be met "...at the time the decision is made."

This will mean that Neighbourhood Plans in local authority areas with less than a 5HLS but more than 3 years supply will not be regarded as out of date, whereas the Local Plan will be.

Barwell also said the government is offering the chance to those communities who brought forward their plans before the publication of this statement to review their plans. These provisions seek to give strength to Neighbourhood Plans (both adopted and emerging) and "protect communities who have worked hard to produce their neighbourhood plan and find the housing supply policies are deemed to be out-of-date through no fault of their own".

The Statement has significant implications for development sites within areas with adopted Neighbourhood Plans in place where there is no 5HLS and will no doubt affect the future supply of housing, particularly in areas that need it most. As such the Statement appears at odds with the Government's pledge to help boost the supply of housing and also at odds with the NPPF.

The Statement is a result of pressure from backbench MPs who are concerned that neighbourhood plans are being ignored because of wider local plan-making shortcomings. Given that the Statement is now a material consideration in determining a planning application it will be for the decision maker to decide how much weight is to be applied to the Statement, including whether it should take precedence over the express 5 year supply requirement in the NPPF. It is anticipated that measures will be brought forward in the promised planning white paper to formalise the changes made by the Statement.

The result of the Statement therefore is more uncertainty in the planning process. Whilst the Statement may result in more neighbourhood plans allocating small sites for housing to be able to take advantage of this new policy it may also lead to a more

negative approach where plans are prepared in advance of up-to-date local plans as Parish Councils realise they only need to meet a 3-year housing supply.

The Statement is clearly intended to give fresh impetus to the Neighbourhood Plan process and will no doubt provide a level of comfort to communities with a Neighbourhood Plan in place.

The minister also announced that planning appeals involving developments of 25 homes or more in areas where a draft neighbourhood plan has been submitted for examination will continue to be recovered by the Secretary of State, for a further six months at least. This will further increase uncertainty for developers. As we have noted previously, there appears to be little consistency between decisions and it is difficult to predict with any confidence what the outcome of an appeal will be. Developers will have to plan as best they can. The advice to get involved in the Neighbourhood Plan process at an early stage has never been more appropriate"

"Posted: 3 January 2017"