

Reporting to Planning Committee Meeting to be held on: 6th September 2018	Electoral Ward Affected Greyfriars
Report submitted by: Director of Development	
Application Number: 06/2018/0055	

1 Summary

1.1 Land north of Eastway, Preston

Outline planning application for the erection of 1 no. supermarket (Class A1) (up to 1800sqm), 6no. commercial units (Class A1/A3) (up to 1160sqm total), 1no. restaurant / public house (Class A3/A4) (up to 900sqm), 1no. drive-thru restaurant/cafe (Class A3/A5) (up to 200sqm) (all matters reserved except for access)

Applicant Hollins Eastway Ltd, C/O Mr Matthew Symons

Agent N/A

Case Officer Natalie Beardsworth

2 Decision recommended

Approve with conditions.

2.1 Conditions & Informatives

1. Approved plans
2. Outline time limit
3. Details of reserved matters (landscaping to include details of retention of hedgerows 1 and 2 set out in the ecology report)
4. The supermarket component shall not exceed 1,800 sq.m GIA and the net sales area of the supermarket component shall not exceed 1,260 sq.m, which represents a net sales area to gross ratio of 70 per cent
5. The total Class A1 floorspace associated with the application shall not exceed 2,960 sq.m gross
6. The six small units identified for Class A1 or Class A3 uses shall have an aggregate floorspace of no more than 1,160 sq.m GIA and none of the individual units shall exceed 280 sq.m, in line with the threshold incorporated within the Sunday Trading laws
7. The 900 sq.m unit identified as a Class A3 restaurant shall be used as a restaurant, and for no other purpose, notwithstanding the provisions of the General Permitted Development Order (as amended)
8. The total amount of 'main town centre uses' included in the application shall not

- exceed 4,060 sq.m GIA
9. Design statement to be submitted with reserved matters application
 10. Construction Environmental Management Plan (including Highways England's requirements relating to construction)
 11. Travel Plan
 12. No direct vehicular or pedestrian access to the M55 motorway
 13. No development on or adjacent to the motorway embankment
 14. No drainage shall run off into the motorway drainage system
 15. No earthworks within one metre of the motorway embankment
 16. Design details of the site access and 3m wide shared footway/cycleway across the site frontage to the roundabout to access the Phantom Winger public house and construction phasing plan for those works (prior to commencement of development)
 17. Wheel washing facilities
 18. Implementation of the measures set out in the Flood Risk Assessment
 19. Surface water drainage scheme
 20. Foul water drainage scheme
 21. Underground tanks and oil/petrol interceptors and storage (both related to the petrol filling station)
 22. Phase 2 land quality assessment (to investigate the potential for contamination)
 23. Tree and hedgerow protection
 24. Reasonable Avoidance Method Statement (prior to commencement of development) and 10m undeveloped area around the existing pond
 25. Reserved matters application to include recommendations of ecology report for biodiversity enhancement, maintenance and management
 26. Mitigation and enhancement strategy for reptiles and amphibians
 27. Avoidance of works that would affect nesting birds
 28. Scheme of external lighting (to take account of sections 5.3.1 - 5.3.4 of the ecology report)
 29. Scheme for the control of odours within the proposed A3, A 4 and A5 uses.
 30. Reserved matters to include noise assessment of plant (extraction units, air conditioning units, chiller condensers, etc) associated within the proposed uses of the site
 31. Reserved matters to include air quality mitigation measures unless air quality assessment demonstrates that there would be no air quality impact, including but not limited to electric vehicle charging points
 32. Samples of building materials
 33. Car park management scheme
 34. Reserved matters to include servicing arrangements for the relevant unit(s)
 35. BREEAM very good rating
 36. Reserved matters to include details of waste and recycling facilities for each use

Informatives

1. Requirement to enter into legal agreement with the Local Highway Authority
2. Granting of permission does not entitle applicant to obstruct a right of way
3. Travel plan support and assistance
4. Case work if protected or invasive species are discovered
5. Recommendations of the Designing Out Crime Officer
6. CIL liability note
7. The submitted layout plan is indicative only and does not form part of the outline approval

3 Information

A retail consultant has assisted the case officer with the assessment of the proposed development against retail planning policy.

3.1 Location

The application site extends to approximately 1.91 hectares, previously used for agricultural purposes and most recently used as pasture. The northern boundary of the site runs adjacent to the M55 Motorway and the western boundary is defined by a fence line with pasture land beyond (which was the subject of planning application ref: 06/2013/0195 and 06/2016/0504. The residential development approved is now under construction. Eastway runs along the southern boundary of the site and the east boundary is defined by tall hedgerows, trees and fencing. The site is generally open grassland with only isolated trees and hedgerows. A hedgerow runs north-south in the middle of the site and there is a small pond located centrally and close to the south boundary of the site. Public footpath no. 6 runs along the northern boundary from the east corner of the site and then runs diagonally down the site in a westerly direction to Eastway. The application site is within the North West Preston Strategic Location, identified as such on the policies map of the Preston Local Plan (2012-2026).

3.2 Proposal

The main vehicular access into the site would be from Eastway via a three arm signal controlled junction. Eastway would be widened along the north side to accommodate a right turn lane into the site. Toucan crossings, to provide access to the site for pedestrians and cyclists, would be provided across the entrance/exit road and across Eastway on the eastern arm of the proposed three arm junction. An indicative layout has been submitted with the application to demonstrate how the proposed development could be laid out. It shows the proposed foodstore and 4-6no. small units at the west side of the site, a unit located centrally at the rear of the site and another unit at the front of the site at the east side of the access, the remaining areas would be used for parking and landscaping.

Although scale has been reserved for determination at a later date, the Design and Access Statement reveals that the proposed buildings would be up to 12m high. Since the submission of the planning application discussions and negotiations have taken place with the applicant in relation to the impact that the proposed development would have upon the highway network. These discussions have resulted in the submission of additional information and the County Highways engineer raises no objection to the proposed development. This is discussed in further detail later in the report.

3.3 Relevant planning history

06/2014/0092: Outline planning application for erection of 1no. foodstore up to 4,000 sqm (Class A1) and ancillary petrol filling station, 1no. restaurant/drive-through up to 170sqm (Mixed Class A3/A5), 1no. public house up to 1050 sqm (Class A4) units for class A1/A3/A5 use up 475sqm, units for class D1/D2 up to 700sqm, new vehicular access from Eastway with associated landscaping, public realm areas, parking and internal road layout

(access only and all other matters reserved). Refused on 6 November 2014. Appeal lodged in January 2015. Appeal dismissed on 15 January 2016.

06/2015/0283: Outline planning application for erection of 1no. foodstore (Class A1) up to 2325 sqm, units for Class A1 use up to 2140 sqm, units for Class A1/A3/A5 use up to 465 sqm, units for mixed Class A3/A5 use up to 400 sqm, 1no. café (Class A3) up to 105 sqm, 1no. public house (Class A4) up to 1050 sqm, units for Class D1/D2 up to 700sqm, new vehicular access from Eastway with associated landscaping, public realm areas, parking and internal road layout (access only and all other matters reserved). Refused on 30 March 2015. Appeal lodged in July 2015. The applicant substituted the previous appeal scheme for this scheme. Inquiry held in November and December 2015. Appeal dismissed on 15 January 2016.

History of Cottam Brickworks (the identified site for the Cottam District Centre):

06/2009/0499: (hybrid application) full application for a Class A1 food retail superstore, of 4,366 sq.m, together with a petrol filling station, associated car parking and servicing; creation of a local nature reserve; construction of a marina; and construction of the main access/on-site roads; and outline planning application for up to 206 residential units, Class B1 offices, a restaurant/public house (Class A3/A4) and ground floor commercial uses in Use Classes A2, A3, A4, B1a and D1. Planning permission was granted on 8 March 2012 subject to a Section 106 Agreement.

The Inspector's report in respect of the 2015 application (06/2015/0283) at the current application site (appeal ref: APP/N2345/W/15/3130141) records that: *'Some parts of [the hybrid] planning permission [at Cottam] have been progressed and the full part has been implemented, although no start has been made on the foodstore'*.

06/2015/0085: Outline planning application for the redevelopment of site (5.84 hectares) to include up to 6,105 sqm of Class A1 (retail); up to 1380 sqm of Class A3/A4/A5 (food & drink); up to 2035 sqm of Class D1/D2 (health hub); a petrol filling station and associated car parking (all matters reserved except for access). Members of the Planning Committee were minded to approve the planning application subject to conditions and a Section 106 Agreement in June 2015, however there has been lack of progress in executing the agreement.

3.4 Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development plan comprises:

Central Lancashire Core Strategy

Policy 1: Locating Growth

Policy 3: Travel

Policy 11: Retail and Town Centre Uses and Business Based Tourism

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments

Policy 29: Water Management
Policy 30: Air Quality
Policy 31: Agricultural Land

Preston Local Plan 2012-2026 (Site Allocations & Development Management Policies)

Policy MD2: North West Preston
Policy AD1(a): Development within (or in close proximity to) the Existing Residential Area
Policy EP3: Cottam District Centre
Policy EP4 Local Centres
Policy ST1: Parking Standards
Policy ST2: General Transport Considerations
Policy EN7: Land Quality
Policy EN9: Design of New Development
Policy EN10: Biodiversity and Nature Conservation
Policy EN11: Species Protection

Other Material Considerations:

Central Lancashire Supplementary Planning Document 5 (Design Guide)

National Planning Policy Framework (the Framework)
National Planning Practice Guidance
National Planning Policy for Waste

3.5 Consultation responses

United Utilities (UU): No objection. A condition is suggested requiring the development be carried out in accordance with the Flood Risk Assessments submitted. UU are not responsible for advising on rates of discharge to the local watercourse system. It is recommended that the Lead Local Flood Authority comment on the proposed development.

Highways England: Recommend conditions relating to setting parameters for maintaining the safety and integrity of the M55 motorway.

County Highways: No objection. Initial concern was raised that the current application does not include the highway improvements agreed in the two previous planning applications (which included the widening of the northbound Eastway slip road to A6, to provide for 2 lane exit north onto the A6 towards the M55 roundabout) and that submitted Transport Statement does not include new traffic impact analysis for the A6 Garstang Road/Eastway junction. The applicant submitted an Addendum Transport Assessment. Based on that document and an agreement reached on sustainable transport mitigation the residual cumulative impacts of the proposed development and its traffic generation meets the acceptable traffic impact criteria of Framework.

Environmental Health: Further clarification is required on the certain issues contained within the noise report. A revised noise report has been submitted and the Environmental Health Officer has been re-consulted. An update on this will be provided in late changes. It is recommended that an air quality assessment is submitted prior to determination of the application. Based on the preliminary risk assessment submitted it is recommended that further intrusive investigations take place, which can be secured by condition. A condition is

recommended to address odour control within the proposed A3, A 4 and A5 uses.

Greater Manchester Ecology Unit (GMEU): Several surveys have been undertaken by ecological consultants in 2014 and 2017. There is no reason to doubt the findings. A condition is recommended to secure a detailed landscaping scheme prior to commencement of development to secure the retention of hedgerows classed as priority habitats. There is a pond in close proximity to the east of the site, great crested newts are absent however there are other amphibian species recorded in the pond. A 10m undeveloped area should be maintained around the pond and a reasonable avoidance method statement should be secured by condition. The site could be used for bat foraging or commuting therefore mitigation measures set in the report should be incorporated into external lighting during construction and operation of the site. The mitigation and enhancement strategy set out in the report should be carried out in full to prevent harm to reptiles. No vegetation clearance should take place during the bird nesting season. Information should be provided to the applicant in connection with avoiding the spread of invasive species and harm to protected species. The recommendations of the ecology report should be followed to enhance biodiversity on the site.

Designing Out Crime Officer: Each element of the proposed development should be developed to achieve Secured by Design accreditation. Recommendations relating to security, alarms, CCTV, lighting, parking and landscaping will be passed to the applicant as informatives.

25 representations have been received, objecting to the proposed development. The representations received can be summarised as follows:

- Impact on highway from increased traffic on existing congested roads
- Increased air and noise pollution for additional traffic
- Would create a fourth set of traffic lights within half a mile of each other on B6241 Eastway which will have an adverse impact on traffic flow
- Scheme poorly designed for blind and visually impaired people
- Would create rat runs on local roads
- Increase in littering from development
- The development would create an unacceptable level of light and noise unacceptably impacting nearby residential properties.
- Sufficient existing supermarkets, retail and pubs within the local area
- Existing derelict units in Preston should be used prior to construction of new retail units
- Will not benefit the local community
- Would harm the existing residential character of the area
- Loss of formally Green Belt land, trees and impact on the local ecology unacceptable
- Surface water drainage is a problem in the area and further development will have a negative impact.
- The area needs new schools, doctor's surgeries, housing or faith buildings and not additional retail or industrial units.
- Fast food establishment within 1 mile of a school is inappropriate

1 representation received from the owners of the site proposed for the Cottam District

Centre, which can be summarised as follows:

- The proposals will harm the viability and deliverability of the Cottam District Centre and a Main Local Centre in the North West Preston Strategic Location.

3.6 Analysis

Principle of development

Core Strategy Policy 1 seeks to concentrate growth and investment on well-located brownfield sites and in Preston, the Key Service Centres of Chorley and Leyland and the main urban areas in South Ribble. The policy further states that growth and investment will be concentrated in the northern suburbs of Preston, with greenfield development within the Cottam Strategic Site and the North West Preston Strategic Location (NWPSL). The application site is located within the NWPSL and therefore development of the application site complies with Core Strategy Policy 1.

Core Strategy Policy 31 seeks to protect the best and most versatile agricultural land (identifying Grades 1, 2 and 3a) when considering both agricultural and other forms of development.

The land within the North West Preston Strategic Location is Grade 3. Furthermore is it classed as Grade 3b which is not classified as 'the best and most versatile' agricultural land. Development of the application site would therefore not lead to the loss of the highest value of agricultural land and little weight should be given to the loss of this agricultural land for development. The principle of development of the application site complies with Core Strategy Policy 31.

Principle of the proposed development

As stated above Core Strategy Policy 1 states that growth and investment will be concentrated in the northern suburbs of Preston, with greenfield development within the Cottam Strategic Site and the NWPSL. The application site is identified as 'Housing Sites – Residential' on the policies map of the Publication Local Plan.

Core Strategy Policy 11 states that retail and other town centre uses of a scale appropriate to the retail hierarchy (set out in figure 13 of the Core Strategy) and in sustainable locations will be supported, provided that the development respects the character of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function. Core Strategy Policy 25 seeks to ensure that local communities have sufficient community facilities by working with public, private and voluntary sector providers to meet demonstrable need.

Policy MD2 identifies land for a residential-led, mixed-use development, comprising the construction of approximately 5,300 dwellings and associated local centres, together with the infrastructure to facilitate the creation of a sustainable community. Paragraph 5.47 of the Core Strategy states that the NWPSL '*...is complementary to the strategic site at Cottam and provides a rounding off of the urban form of Preston, with a clearly defined boundary of the M55 to the North, M6 to the East and the local authority boundary with Fylde to the West.*'

Paragraph 4.18 of the explanatory wording to Policy MD2 of the PLP states that: '*Residential development of the scale envisaged in the North West Preston Strategic Location will need to be accompanied by local centres. It is envisaged that there will be a*

“main” local centre. This main centre, which will include a mix of uses including health and community based services as well as retail outlets, will be supported by smaller neighbourhood centres. None of these centres will be of a scale that exceeds “Local Centre” in the retail hierarchy. The absence of such facilities could create issues related to social isolation, promoting unsustainable patterns of development within the Strategic Location. The North West Preston Masterplan provides more detail on the type of facilities likely to be required and indicative sustainable locations given the likely distribution of population within the area.’

The North West Preston Masterplan was approved by the Council ‘as guidance’ in February 2014. Figure 5 of the 2014 Masterplan does not identify the application site as being an indicative location for a Local Centre. However, further work has been undertaken on the Masterplan since the adoption of the Local Plan and in March 2017 a revised version of the Masterplan was approved as a Supplementary Planning Document (SPD). In this more recent SPD, the land to the North of Eastway, which includes the application site, is identified as being a ‘Potential additional small-scale mixed-use local centre’.

A key issue to determine in the consideration of this planning application is whether the proposed development constitutes a Local Centre, which is defined in Appendix A of the Core Strategy to ‘include a range of small shops of a local nature, serving a small catchment, typically local centres might include, amongst other shops a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot food takeaway and laundrette.’

What is defined as a Local Centre and a District Centre?

The Core Strategy defines a ‘District Centre’ as comprising ‘...groups of shops, often containing at least one supermarket and a range of non-retail services such as banks, building societies and restaurants, as well as local public facilities such as a library’. This definition contains no limit on the size of shops and no limit on the size of the catchment. Paragraph 6.46 of the Local Plan states ‘a district centre is proposed in Cottam to support both the Cottam Strategic Site and the whole of the NWPSL’.

The supporting text to Policy MD2 explains that the NWPSL itself is to be served by a ‘main’ Local Centre, supported by smaller Neighbourhood Centres, none of which are to be of a scale that exceeds a Local Centre in the retail hierarchy. Local Centres are identified as falling within Tier 4 in the Central Lancashire Retail and Leisure Review (March 2010), with the definition provided in Appendix A of the Core Strategy. As stated above the essential characteristics of Local Centres are that they should contain a range of ‘small shops of a local nature, serving a small catchment and might typically include a small supermarket, a newsagent, a sub post office, a pharmacy, a hot food takeaway and laundrette’. It can therefore be concluded that, unlike District Centres, Local Centres are defined in terms of the scale of facilities they provide and the type/size of catchment that they are intended to serve (IR31 of the appeal decision for application 06/2015/0283).

Did the appeal proposal constitute a Local Centre?

In considering the appeal proposal, on a larger site that included the application site, the Inspector compared the appeal proposal to the eight existing Local Centres in Preston, as identified under Policy EP4 of the Local Plan. Five of these are traditional shopping streets containing between 23 and 84 separate units, with three being purpose-built centres of 4 to 8 units. The Inspector identifies small supermarkets in the three purpose-built centres as being EH Booth, Nisa and Tesco Express (IR33 of the appeal decision), but not stores of the size typically operated by Aldi and Lidl.

The largest shopping street Local Centre, at Lane Ends, has a Class A1 retail floorspace of 2,893 sq.m and a total overall floorspace of 6,420 sq.m. The largest purpose-built Local Centre, at Sharoe Green, has a total Class A1 retail floorspace of 2,736 sq.m and a total overall floorspace of 2,936 sq.m (IR34 of the appeal decision).

The appeal proposal had a total Class A1 retail floorspace of 4,465 sq.m and a total overall floorspace of 7,185 sq.m and was therefore larger than any of Preston's Local Centres, both in terms of overall floorspace and Class A1 floorspace. Indeed, the appeal proposal had a total floorspace (7,185 sq.m) that was 75 per cent of the total floorspace associated with the latest application at Cottam Brickworks (06/2015/0085) proposing the Cottam District Centre (9,520 sq.m).

The Inspector determined that the definitions of District and Local Centres in the Core Strategy provide a distinction in terms of a) size of catchment area and b) whether they contain a 'supermarket' or a 'small supermarket'. His overall conclusion was that the foodstore component of the appeal proposal could not be considered to be a 'small supermarket' (IR44 of the appeal decision). The Inspector also concluded that whether a proposal amounts to a Local Centre cannot simply be determined on the basis of floor areas, or the categorisation of any foodstore it contains. It has to have regard to the type and nature of the overall provision proposed. He then reached a conclusion that the appeal foodstore would provide for 'main shopping trips' and that the non-food element would serve a 'wider than local catchment' (IR45 of the appeal decision).

The Inspector then went on to conclude that the inclusion of the non-food retail units also made the appeal proposal incompatible with the Local Centre definition (IR46 of the appeal decision). Indeed, the Inspector further concluded (IR48 of the appeal decision) that the appeal proposal would be very similar in composition to that proposed at the Cottam District Centre and would function in a broadly similar way to the Cottam District Centre, acting as a focus for main shopping trips and having a wider than local catchment. He stated, therefore, that the appeal proposal would not accord with the definition of a Local Centre as set out in the Core Strategy, and would not function as a Local Centre as envisaged in the Core Strategy and the Local Plan, especially in the context of the NWPSL (IR48 of the appeal decision). The Inspector's summary (IR53 of the appeal decision) is very clear. A Local Centre, he states '*...should contain small shops, of a local nature, serving a small catchment*'. In contrast, the definition of a District Centre, the Inspector states '*...contains no restriction on the size of shops and no limitation on the size of the catchment*'. He therefore found the appeal proposal to be more akin to a District Centre, both in terms of its composition and the area it would be likely to serve.

Does the proposed development constitute a Local Centre?

The proposed development has a total gross floorspace (4,060 sq.m) that is 57 per cent of the gross floorspace associated with the appeal proposal (7,185 sq.m). Similarly, the maximum total Class A1 retail floorspace associated with the proposed development, of 2,960 sq.m gross, is 66 per cent of the total A1 Floorspace associated with the appeal proposal. Furthermore, the proposed development has a total floorspace (4,060 sq.m gross) which is only 43 per cent of the total floorspace proposed in the most recent application (06/2015/0085) at Cottam District Centre (9,520 sq.m). There is also a clear distinction with the latest proposal at Cottam District Centre in terms of the total retail floorspace associated with the proposed development, which, at 2,960 sq.m, is only 48 per cent of that proposed for the Cottam District Centre.

The supermarket component of the proposed development has a gross floorspace (1,800

sq.m), which is 77 per cent of the size of the supermarket component of the appeal proposal (2,325 sq.m). Of crucial significance, however, is the fact that the supermarket component of the proposed development is of a size which is smaller than the largest of the supermarkets in Preston's existing local centres, which is the Booths store at Sharoe Green Local Centre. Indeed, Volume 2 of GVA's Central Lancashire Retail and Leisure Review reveals that the Booths store at Sharoe Green has an estimated convenience floorspace of 2,260 sq.m gross. This Booths store is referred to in paragraph 44 of the Inspector's report in relation to the appeal proposal, and it can be inferred (although the Inspector does not specifically say so) that a store of its size (i.e. 2,260 sq.m) is compatible with Sharoe Green's designation as a 'Local Centre'.

All of the above is summarised in the table below:

	Appeal Proposal Sq.m gross	Current Application Sq.m gross	CDC Sq.m gross	Lane Ends Local Sq.m gross	Sharoe Green Local Sq.m gross
Class A1 food	2,325	1,800	Unknown	1,203	2,260
Class A1 non-food	2,140	1,160	Unknown	1,690	276
TOTAL CLASS A1	4,465*	2,960	6,105	2,893	2,536
A3/A5 units	970	1,100	1,380		
Class A4 Pub	1,050	0	0		
Class D1/D2	700	0	2,035		
NON-CLASS A1	2,720	1,100	3,415	3,527	200
TOTAL FLOORSPACE	7,185	4,060	9,520	6,420	2,736

* Ignores the possibility of any of the small units being taken for Class A1 uses

Aside from the proposed supermarket, there are a number of further significant differences between the proposed development and the appeal proposal. The differences of most relevance are:

- i) the proposed development does not contain any large non-food units, whereas the appeal proposal sought a total non-food Class A1 floorspace of 2,140 sq.m, disaggregated into three units;
- ii) the proposed development provides for six small units, totalling 1,160 sq.m, which are to be used for Class A1 or Class A3 uses and which the Council's retail consultant advises will clearly have a highly localised pattern of trade draw;
- iii) the proposed development does not contain any D1/D2 Uses, which the applicant accepts would be more appropriately located in the 'Main Local Centre'; and
- iv) the proposed development does not contain a large pub in Class A4.

It is noted that the proposed development does however incorporate a large restaurant unit, of up to 900 sq.m, in Use Class A3.

It is the view of the Council's retail consultant, therefore, that there are three aspects of the proposed development that make it materially different to the appeal proposal considered by the Inspector; these are:

- a) the absence of any large non-food retail units, which would have a propensity to

draw in trade from residents beyond the NWPSL;

- b) the reduced size of the supermarket, which, at 1,800 sq.m GIA, would be too small for the current generation of Lidl store proposals (outside of London), with Lidl's ideal requirement being between 2,400 sq.m and 2,600 sq.m GIA, although the retail consultant accepts that a store of 1,800 sq.m GIA falls within Aldi's preferred store size range; and
- c) the absence of any health and community facilities (Class D1) and absence of any leisure facilities (Class D2), which would be more appropriately located in the Main Local Centre, which is proposed in the North-West quadrant of the intersection of Sandy Lane and the East/West Link Road.

As a consequence, the Council's retail consultant considers that the proposed development, which comprises a supermarket of 1,800 sq.m GIA and six small units suitable for Class A1 and Class A3 uses, together with a drive-thru and large restaurant, can be interpreted as representing a '*Local Centre*'. However, the retail consultant advises with caution that the proposed supermarket component, at 1,800 sq.m GIA, is at the maximum end of what he would judge to be a '*small supermarket*' and hence recommends the need for a planning condition that limits the size of the foodstore to no more than 1,800 sq.m GIA, including, for the avoidance of doubt, any mezzanine area. It is the overall conclusion of the Council's retail consultant that the proposed development is clearly 'distinguishable' from the appeal proposal. The proposed development is therefore considered to be a Local Centre in the consideration of this planning application.

Principle of the proposed development (revisited)

In the context that the proposed development is considered to be a Local Centre the following paragraphs appraise it against the land allocation and retail policy aspects of the development plan.

Policy 11 of the Core Strategy sets out the overall hierarchy of centres in Preston and it identifies Cottam as being the location for a proposed district centre and a key element in the overall hierarchy. The policy seeks to maintain, improve and control the mix of uses in such centres, so as to appropriately serve local needs and it requires that main town centre uses are focussed in the defined town centres. The Core Strategy envisages that the district centre at Cottam will serve the whole of the NWPSL.

The application site is within the NWPSL, identified as such on the policies map of the Preston Local Plan (2012-2026). Paragraph 5.47 of the Core Strategy states that the NWPSL '*is complementary to the Strategic Site at Cottam*', and Paragraph 5.48 of the Core Strategy states that '*the area will contribute up to 2,500 dwellings over the plan period (to 2026)*'. This dwelling contribution has obviously substantially increased, following the adoption of the Local Plan and Policy MD2 of which envisages the construction of around 5,300 dwellings and associated local centres.

Policy MD1 of the Local Plan identifies Cottam as being the location for a new district centre, which will provide for a range of uses appropriate to a major residential area. Policy MD2 of the Local Plan identifies NWPSL as having the capacity to accommodate approximately 5,300 new homes and associated local centres, together with the infrastructure to facilitate the creation of a sustainable community. The boundary of the NWP Masterplan area coincides with the area covered by Policy MD2. Paragraph 4.17 of the Local Plan advocates the provision of appropriate '*community centres*', where services,

such as shops, health and education, will be located, with the East-West Link Road being the primary transport distributor.

Paragraph 4.18 of the Local Plan states *'Residential development of the scale envisaged in the North West Preston Strategic Location will need to be accompanied by local centres. It is envisaged that there will be a "main" local centre. This main centre, which will include a mix of uses including health and community based services as well as retail outlets, will be supported by smaller neighbourhood centres. None of these centres will be of a scale that exceeds "Local Centre" in the retail hierarchy. The absence of such facilities could create issues related to social isolation, promoting unsustainable patterns of development within the Strategic Location. The North West Preston Masterplan provides more detail on the type of facilities likely to be required and indicative sustainable locations given the likely distribution of population within the area.'*

The North West Preston Masterplan SPD (March 2017) emphasises that *'...Cottam Brickworks is the designated district centre for this part of Preston, so it is important to ensure that the scale of new retail provision at North West Preston respects this'*. The Masterplan also specifies that the Main Local Centre is to be at the junction of the East-West Link and Sandy Lane, and that it is this Main Local Centre to which larger-scale retail facilities should be directed, albeit that *'...these should not affect the deliverability and viability of the proposed district centre within the Cottam Strategic Site'*. Thus, in order to be *'complementary'* to the Strategic Site at Cottam, it is clear that the application proposal must not be of a scale that exceeds *'Local Centre'* in the retail hierarchy.

Policy EP3 of the Local Plan identifies Cottam Brickworks as being the site for the proposed Cottam District Centre and it states that *'...mixed-use retail and commercial development that supports the role and function of a district centre will be permitted'*. The explanatory wording in Paragraph 6.46 envisages that appropriate uses within the district centre will include *'...a supermarket, food and drink, leisure uses, public and community uses and other uses complementary to local shops'*. Appendix A of the CS also elaborates on the definition of 'District Centres', and suggests that they should contain *'...at least one supermarket and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library'*.

Policy EP4 of the Local Plan identifies the eight existing Local Centres within Preston, as defined on the Policies Map, with new local centres proposed under Policy MD2 within the NWPSL. The explanatory wording in Paragraph 6.42 emphasises that Local Centres play an important role in Preston's retail hierarchy, as well as acting as social centres and places of employment, providing the function of convenience shopping, a range of services and community facilities. Paragraph 6.42 also notes that the existing Local Centres in Preston vary in size, with some having only a handful of units, whilst other are larger and support a number of local shops and basic services, meeting local residents' daily top-up shopping needs. The actual wording of Policy EP4 seeks to prevent the over-proliferation of non-retail uses, at the expense of local retail provision in the local centres, but does allow for non-retail uses, subject to the criteria set out Criteria 2(a) and 2(b) of the policy.

The Council's retail consultant advises that the proposed development can reasonably be deemed to represent a *'Local Centre'*, albeit that the size of the foodstore is at the maximum end of any reasonable definition of *'small supermarket'*. This planning judgement is accepted and it therefore follows that the current application accords with the retail policy

provisions of the development plan.

Ensuring the vitality of town centres – tests set out in the National Planning Policy Framework

Paragraphs 86 and 87 of the National Planning Policy Framework set out the sequential test that applies to planning applications for main town centre uses which are neither in an existing centre, nor in accordance with an up-to-date Plan. Paragraph 86 states that *‘Main town centre uses should be located in town centres, then in edge-of-centre locations, and only if suitable sites are not available (or expected to become available in a reasonable period) should out-of-centre sites be considered’*. In considering edge and out-of-centre proposals, Paragraph 87 states that *‘...preference should be given to accessible sites that are well-connected to the town centre’*. In applying the sequential test, Paragraph 87 also requires applicants and local planning authorities to demonstrate flexibility in relation to issues such as format and scale.

Paragraph 89 of the Framework sets out the impact tests for applications for retail and leisure development that are located outside town centres and which are not in accordance with an up-to-date Local Plan. Paragraph 89 requires applications for such development, which are over 2,500 sq.m (or a locally set threshold), to include an assessment of:

- a) *‘the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) *‘the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment.’*

Paragraph 90 of the NPPF confirms that *‘Where an application fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the considerations [in paragraph 89], it should be refused’*.

The development plan is not absent, or out-of-date. As stated above the Council’s retail consultant advises that the proposed development can reasonably be deemed to be a *‘Local Centre’*, as stated above that planning judgement is accepted and so it follows that the application accords with the retail policy aspects of the development plan. Therefore in accordance with the development plan the sequential and impact tests set out in Paragraphs 86 to 90 of the Framework do not apply.

Additional assessment of retail policy

Notwithstanding the above, and for the sake of completeness, the Council’s retail consultant has progressed his assessment of the planning application an unnecessary step further and considered the scenario that the proposed development is not a Local Centre and does not comply with the development plan. In such circumstances the sequential and impact tests set out in the Framework (detailed above) would apply to the assessment of this planning application. In this context the Council’s retail consultant, for the sequential test, considered the provisions of the Framework, the National Planning Policy Guidance and the Supreme Court Judgment in respect of *Tesco Stores Ltd (the appellant) v Dundee City Council (the respondent)* issued on 21st March 2012. He also considered whether the Cottam Brickworks site and the Main Local Centre (in the Masterplan area) would represent an available and suitable opportunity for the proposed development and whether there are any other indicative locations for Local Centres in the Masterplan area that would represent an available and suitable opportunity for the proposed development. The

Consultant found that none of the above would represent an available and suitable opportunity for the proposed development. For the impact test, the Council's retail consultant considered the likely impact on potential investment in the Cottam District Centre and the likely impact upon the vitality and viability and trading levels in the Cottam District Centre. The Consultant found that there is no clear evidence to suggest that the proposed development would have a '*significant adverse impact*' on the overall vitality and viability and trading levels in Cottam District Centre and that '*significant adverse impacts*' on investment and trading levels at the proposed Cottam District Centre, or in relation to any other local centre within the Masterplan area, are unlikely.

Traffic & Highway Safety

Core Strategy Policy 3 outlines a number of measures which are considered to constitute the best approach to planning for travel. These include reducing the need to travel, improving pedestrian facilities, improving opportunities for cycling, improving public transport, enabling travellers to change their mode of travel on trips, encouraging car sharing, managing car use and improving the road network.

Policy ST2 of the Adopted Local Plan requires development proposals to demonstrate that the efficient and convenient movement of all highway users and corridors which could be developed as future transport routes are not prejudiced, that existing pedestrian, cycle and equestrian routes are protected and extended; the needs of disabled people are fully provided for; appropriate provision is made for vehicular access, off-street servicing, vehicle parking and public transport services; and that appropriate measures are included for road safety and to facilitate access on foot and by bicycle. Adopted Local Plan Policy ST1 requires new development proposals to provide car parking and servicing space in accordance with the parking standards contained within the Appendix B to the Adopted Local Plan.

Paragraph 108 of the Framework it states that it should be ensured that opportunities to promote sustainable transport modes can be or have been taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The application is accompanied by a Transport Assessment and an Addendum Transport Assessment was submitted to address concerns raised by the County Highways engineer. Vehicular access into and out of the application site is proposed by way of a three arm traffic signal controlled junction onto Eastway. The proposed junction comprises a single lane in each direction with a right turn filter lane for traffic turning right in to the proposed development from Eastway. It is intended that this one junction would be the access point for both retail customers and service vehicle use. Toucan crossings, to provide access to the site for pedestrians and cyclists, would be provided across the entrance/exit road and across Eastway on the eastern arm of the proposed three arm junction. The County Highways engineer considers that the proposed junction in addition to catering for vehicular access will provide a quality and safe means of pedestrian/cycle access, also supporting links to the existing built environment.

In order to address the concerns of the County Highways engineer the access strategy now also provides for a new 3m wide shared footway/cycleway on Eastway across the site frontage and continuous to the roundabout to access the Phantom Winger public house. The County Highways engineer considers that these provisions would link the application

site to the A6/Garstang Road, to the local residential area and new/or potential North West Preston allocations (east and west of A6) and existing bus services. The County Highways engineer is satisfied that the proposed development would provide for a safe and adequate means of access for all modes, (motorised/non-motorised) and satisfy both highway safety and the Framework policy grounds.

In terms of traffic generation, the County Highways engineer was initially concerned that the current application does not include the highway improvements agreed in the two previous planning applications and that the submitted Transport Statement does not include new traffic impact analysis for the A6 Garstang Road/Eastway junction. To evaluate the traffic impacts of the proposed development the County Highways engineer requested that the applicant collect new traffic flow data and produce updated junction analysis for the site access and the A6 Garstang Road/Eastway junction interchange.

To address the County Highways engineer's concerns the applicant's traffic consultant produced an Addendum Transport Assessment, which included analysis based on new traffic counts undertaken in March 2018. Further to this addendum and an agreement on sustainable transport mitigation at the site access and the footway/cycleway to the Phantom Winger public house, which would be secured by condition, the County Highways engineer is satisfied that the impacts on the existing transport network arising from additional traffic generated by the proposed development can be adequately accommodated and managed on the local highway network. The County Highways engineer confirms that the residual cumulative impacts of the development and its traffic generation meets the acceptable traffic impact criteria of Framework and therefore he does not object to the principle of the development traffic on the local highway network.

The County Highways engineer advises that the construction of new buildings and the provision of new infrastructure will inevitably create new haulage traffic which could cause local problems. He considers that a programme and method of construction, including issues relating to traffic management, the possible temporary closure of any local roads, contractor parking during construction (on and off site) and the delivery of materials to the site, must be agreed with the Council prior to work starting on site. This can be secured by condition. Based on this and the above it is considered that the proposed development complies with the above policies.

Design

Core Strategy Policy 17 states the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area. Policy EN9 of the Adopted Local Plan states that all new development proposals should be designed with regard to the principles set out and explained in the Central Lancashire Design Guide SPD, which are movement and legibility; mix of uses and tenures; adaptability and resilience; resources and efficiency; architecture and townscape. The policy states applications will be approved where they accord with the Design Guide SPD, Core Strategy, national policy and CABE (Commission for Architecture and Built Environment) guidance; make a positive contribution to the character and local distinctiveness of the area; and are accompanied by a satisfactory Design and Access Statement that fully explains and justifies the design approach for the scheme. The Design Guide SPD seeks to raise the level and quality of design of new buildings, sets out a number of well-established principles of good design and how these can achieve a clear and robust design concept for site.

The application is accompanied by a Design and Access Statement (DAS). The DAS considers the characteristics of the site and its surroundings, the opportunities and constraints to developing the site, the vision and objectives for developing the site and the design evolution of the proposal and the options considered. Lastly it describes the proposal in detail, with particular regard for sustainability and accessibility. Although the application is in outline with approval sought for access only, indicative information relating to layout, appearance and scale have been submitted. The illustrative masterplan indicates how the site is likely to be laid out should outline planning permission be granted. A condition is recommended to require reserved matters applications to be accompanied by Design Statements to justify how the final layout has evolved from this outline stage. On the basis of the information submitted with the application and the amendments to the scheme negotiated with the applicant the proposed development complies with adopted Core Strategy Policy 17, Policy EN9 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies).

Amenity

Core Strategy Policy 17 states the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area. Policy AD1(a) of the Adopted Local Plan states that development within or in close proximity to the existing residential area will be permitted provided that the design and scale of development is in keeping with the surrounding area; there would be no adverse impact on residential amenity by reason of noise, general disturbance or loss of privacy, and; the proposal would not lead to an over-intensification of use of the site. The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Development has now commenced on the approved residential development to the west of the application site. Sufficient distances between the proposed foodstore and the approved dwellings would be likely to be achieved to prevent any unacceptable loss of amenity for those residents living closest to the proposed foodstore.

If planning permission were to be granted conditions would be required to control the submission and approval of an assessment to demonstrate that plant (extraction units, air conditioning units, chiller condensers, etc) associated within the proposed uses of the site would not have an unacceptable adverse noise impact upon residents in the vicinity. As the Environmental Health Officer raised concerns with the originally submitted noise report, a revised version has been submitted. The Environmental Health Officer has been consulted on the revised report and an update will be provided in late changes. A condition would also be required to control the emission of odours from the proposed uses of the site. The proposed development complies with Core Strategy Policy 17 and the Framework in this regard.

Ecology and nature conservation

Core Strategy Policy 22 seeks to conserve, protect and seek opportunities to enhance the biological and geological assets of the area.

Policy EN10 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies) seeks to protect, conserve, restore and enhance biodiversity and ecological network resources in Preston. Policy EN11 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies) states planning permission will

not be granted for development which would have an adverse effect on a protected species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a protected species planning conditions or obligations will be used to mitigate the impact.

The application is accompanied by an Ecological Survey and Assessment, which was updated in January 2018 (following previous surveys and assessments carried out to accompany previous planning applications). The assessment states that the application site comprises poor semi-improved grassland, tall-herb vegetation, bramble scrub, trees and hedgerows and there is a pond within close proximity of the east boundary of the site. The application site contains two hedgerows, which are UK BAP Priority Habitats/Habitats of Principal Importance for Conservation. The survey recommends that the hedgerows, pond and the majority of the trees and shrubs within the site are retained. It specifically recommends an undeveloped 10metre buffer be retained around the pond for the protection of amphibian species. The GMEU ecologist states that the pond outside the site supports common toads (Priority Species). He also notes that a small population of slow worm were detected on the motorway verge adjacent to the site. The GMEU ecologist recommends a condition to secure a detailed landscaping scheme prior to commencement of development to secure the retention of hedgerows classed as priority habitats and a reasonable avoidance method statement to protect amphibians. He further recommends that the mitigation measures set out in the report should be incorporated into external lighting during construction and operation of the site to prevent harm to foraging and commuting bats. He also states that the mitigation and enhancement strategy set out in the report should be carried out in full to prevent harm to reptiles; no vegetation clearance should take place during the bird nesting season and that the recommendations of the ecology report should be following to enhance biodiversity on the site. The proposed development complies with Core Strategy Policy 22 and Preston Local Plan Policies EN10 and EN11.

Utilities, Drainage & Flood Risk

Core Strategy Policy 2 states that applicants should work with infrastructure providers to establish works and/or service requirements to support the development proposals. Where a shortfall is identified, applicants shall be required to provide necessary provision by way of on-site works and/or financial contributions to facilitate necessary works.

Core Strategy Policy 29 seeks to improve water quality, water management and reduce the risk of flooding by number of measures including minimising the use of portable mains water in new developments; appraising, managing and reducing flood risk in new developments; managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity; encouraging the adoption of Sustainable Drainage Systems; and seeking to maximise the potential of Green Infrastructure to contribute to flood relief.

The application is accompanied by a Flood Risk Assessment (FRA), Drainage Statement and Utilities Statement. The FRA considers all forms of flooding in accordance with the Framework, which includes flooding from rivers, sea, land, groundwater, sewers and reservoirs, canals and other artificial sources. The application site is located within Flood Zone 1 with a low probability of flooding and is at a low risk of flooding from other sources. Existing surface water run-off from the site drains to an existing surface water culvert, which cuts across the western part of the site from Eastway and runs under the M55 Motorway to connect to Blundell Brook (north of the motorway). The applicant intends to

limit surface water run-off from the proposed development, via attenuation measures such as SUDS, to match the existing (greenfield) run-off rates before surface water is discharged into the existing culvert (which would need to be diverted as part of the proposed development).

With regards to foul water, no public sewers cross the application site. The closest public sewer is located to the south of the site, at the junction of Eastway and Lightfoot Lane. Due to the topography of the site, which falls in a northerly direction towards the motorway, a gravity connection to the existing sewer would not be possible. The applicant therefore states that a new foul pumping station would be sited along the northern boundary of the application site and full details would be discussed and agreed with United Utilities prior to the submission of a reserved matters application. A condition requiring the approval of a foul drainage scheme prior to the commencement of development is recommended. With regards to other utilities, the closest water main is located in the southern footway of Lightfoot Lane, approximately 200m to the south west of the application site. There are no electricity, gas or telecoms infrastructure serving the application site, however this infrastructure is found within the vicinity of the site and connections to the application site to serve the proposed development would be possible. The proposed development complies with Core Strategy Policies 2 and 29.

Ground Conditions

Policy EN7 of the Adopted Local Plan seeks to address existing contamination of land by appropriate mitigation measures to ensure the site is suitable for the proposed use and seeks to ensure that proposed development would not cause land to become contaminated.

A Phase 1 desk study/preliminary risk assessment was submitted with the previous application, which considered the history and environmental setting of the application site. It sought to determine the contamination position of the application site and highlight potential environmental risks that may be present on the application site. The historical records indicate that up to three ponds/small bodies of water have been present on site (the previous site was larger than the current application site), two of which appear to have been infilled around the same time of the construction of Eastway and the presence of historic and registered landfill appears on site at the same time. Whilst this should not present a significant constraint to development it will require consideration in respect to the human health of construction workers and end users, landscaped areas and utilities. The Environmental Health Manager recommends that further intrusive investigations take place, which can be secured by condition and would need to be submitted to and verified by the Council prior to development commencing on site. In view of the information submitted it is considered that the proposed development does not conflict with Preston Local Plan Policy EN7.

Air Quality

Core Strategy Policy 30 seeks 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.

No Air Quality Assessment has been submitted with the planning application. An Air Quality Assessment accompanied the previous planning application (06/2015/0283). The application site is located approximately 1.2km south-west of Air Quality Management Area

3 (AQMA 3). The previous assessment stated that once the Broughton Bypass is operational the majority of traffic generated by the proposed development would no longer travel through Broughton. As such the previous assessment stated that the impacts predicted along Garstang Road are unlikely to occur beyond Spring 2017. Now that the Broughton Bypass is open and operational, it is considered that, although not specifically modelled in an updated assessment, impacts at all receptor locations (including those previously predicted to be slight adverse) would be negligible. The installation of electric charging points can be secured by condition as well as other mitigation measures to reduce potential impacts upon air quality. It is considered that the proposed development complies with Core Strategy Policy 30.

Sustainability

Core Strategy Policy 27 requires all new all non-residential buildings to meet a minimum energy efficiency standard of 'Very Good' according to the Building Research Establishments Environmental Assessment Method (BREEAM).

A condition is recommended to ensure that buildings over 500 square metres in floor area achieve an energy efficiency rating of BREEAM 'Very Good'. As such, subject to a condition, the application accords with Policy 27 of the Core Strategy.

Safety & Security

Core Strategy Policy 26 seeks to plan for reduced levels of crime and improved community safety in different ways, including encouraging the inclusion of Secured by Design principles in new developments.

The application is accompanied by a Crime Impact Statement, which states that the typical acts of crime associated with the type of development proposed are criminal damage during the construction period, anti-social behaviour, criminal damage, robbery of customers and theft of/damage to cars. The statement confirms that the reserved matters application(s) would be designed to prevent criminal activity taking place and that future operators of the proposed units would be fully aware of the type of criminal activity that they will face and the measures that will need to be in place to deal with it. The Architectural Liaison Officer has no objection to the proposed development and considers that it should incorporate Secured by Design standards. In view of the information submitted it is considered that the proposed development does not conflict with Core Strategy Policy 26.

Waste Management

The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent waste collection service.

The application is accompanied by a Waste Management, Refuse and Recycling Statement. It is the applicant's intention that both construction and operational related waste is managed effectively, however details of this cannot be provided at outline stage. A condition is recommended to ensure that any reserved matters application includes details of waste and recycling facilities for each use. The proposed development complies with the National Planning Policy for Waste in this regard.

3.7 Value Added to the Development

A 3m wide shared footway/cycleway on Eastway across the site frontage and continuous to the roundabout to access the Phantom Winger public house.

3.8 Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions are made in accordance with the development plan unless material considerations indicate otherwise. The proposed development is considered to constitute a Local Centre, therefore the proposed development complies with the retail policies of the development plan. The applicant has agreed to fund sustainable transport mitigation to provide safe access to the site for all highway users and to link the application site to the A6 Garstang Road, to the local residential area and new/or potential NW Preston allocations (east and west of A6) and existing bus services. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

3.9 Recommendation

Approve with conditions.