

Reporting to Planning Committee Meeting to be held on: 10th January 2019	Electoral Ward Affected Preston Rural East
Report submitted by: Director of Development	
Application Number: 06/2018/0859	

1 Summary

1.1 A Touch Of Spice - 521 Garstang Road, Preston, PR3 5JA

Erection of three storey retirement apartments building (Class C2), and two storey office (Class B1) and retail units (Class A1) building, following demolition of existing restaurant building (Class A3) with associated landscaping and car parking and new access off Woodplumpton Lane

Applicant Midas Land Ltd

Agent PWA Planning

Case Officer Ben Sandover

2 Decision recommended

Approval with conditions

2.1 Conditions & Informatives

Conditions

1. Approved plans
2. Time limit
3. Energy efficiency
4. Contaminated land
5. Electric vehicle charging points
6. Surface water drainage scheme
7. Surface water lifetime management and maintenance plan
8. Sustainable urban drainage scheme and management and maintenance plan
9. Hard and soft landscaping scheme
10. No demolition during bird nesting season
11. Biodiversity enhancement scheme
12. Boundary treatments, including acoustic fence details
13. External plant noise levels
14. Development undertaken in accordance with submitted noise report
15. Hours of opening

16. Hours of delivery
17. Site access and off-site highway works, including closure of existing access
18. Access constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads
19. Travel plan
20. Car parking management scheme
21. Construction Environmental Management Plan, including wheel washing
22. No amalgamation of retail uses

Informatives

1. CIL
2. Lead Local Flood Authority
3. United Utilities
4. County Highways
5. Ecology

3 Information

3.1 Location

The application site comprises The Touch of Spice restaurant, a former public house, and its associated car park. The building is a locally listed non-designated heritage asset, as included on the Council's rural listing. The site lies within the village of Broughton at the junction with Woodplumpton Lane and Garstang Road, with vehicular access to the site gained off the former. The car park area recently had mature tree coverage particularly to two boundaries, however the majority of the trees and vegetation on the site have recently been cleared.

The site is identified as 'Existing Residential Areas' within the Policies Map of the Adopted Preston Local Plan 2012-26 (Site Allocations and Development Management Policies). In addition, the site is also identified within the Adopted Broughton Neighbourhood Plan as 'Land to rear of a Taste of Spice car park'. Both residential and commercial uses exist within the immediate area, and other non-designated heritage assets lie in close proximity to the site at the Broughton Inn and Arkwrights Cottages.

3.2 Proposal

The application seeks full approval for demolition of the existing building, and for construction of two buildings on site, with ancillary car parking.

The first building would measure two storeys in height and would be situated along the junction of Garstang Road and Woodplumpton Lane. Five retail units are proposed at ground floor level, with an office primarily at first floor level. The office would include ancillary facilities such as toilets, kitchen, a small gym, printing rooms, three meeting rooms and a reception area. Two of the meeting rooms and reception would be at ground floor level, with access provided internally to the first floor.

The second building would measure three storeys in height, and would be designed with the appearance of a group of buildings. Each would have a pitched roof design, and the third storey would be placed within the roof level. This would give the appearance of a building measuring two and a half storeys in height. Habitable room windows would face in each direction. This part of the proposal would involve the removal of existing ground within the car park, in order that the proposed building would be at a lower level than the existing ground. This is further detailed within the proposed site plan. This building would operate as extra care residential accommodation for older persons, with 32no. units for residents, and ancillary staff and resident facilities and a guest bedroom at ground floor level.

Car parking would be created centrally within the site, and to the rear of the latter building. This would provide parking for both facilities, and landscaping would be incorporated to the edges of the development, and within the car park.

3.3 **Relevant planning history**

06/2003/0424 - Erection of 6no two storey terraced dwellings, 1no three storey terraced dwelling, 2no two storey semi-detached dwellings, 1no first floor self-contained flat, 4no integral garages, 1no detached three car garage building with associated car parking and landscaping, and alterations to existing public house car park (retaining 33no parking spaces to serve public house) – Refused May 2014 – Appealed Dismissed October 2005

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 2: Infrastructure

Policy 3: Travel

Policy 7: Affordable Housing and Special Needs Housing

Policy 10: Employment Premises and Sites

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

Policy 16: Heritage Assets

Policy 17: Design of New Buildings

Policy 18: Green Infrastructure

Policy 22: Biodiversity and Geodiversity

Policy 25: Community Facilities

Policy 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments

Policy 29: Water Management

Policy 30: Air Quality

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

Policy AD1(a): Development within (or in close proximity to) the Existing Residential Area

Policy AD1(b): Small scale development within Existing Villages

Policy EP2: Protection of Existing Employment Areas

Policy ST1: Parking Standards

Policy ST2: General Transport Considerations

Policy EN2: Protection and Enhancement of Green Infrastructure

Policy EN3: Future Provision of Green Infrastructure

Policy EN7: Land Quality

Policy EN8: Development and Heritage Assets

Policy EN9: Design of New Development

Policy EN10: Biodiversity and Nature Conservation

Policy EN11: Species Protection

Saved Adopted Preston Local Plan 2004

Saved Policy S7: New Small Scale Retail Development within and outside Local Centres

Broughton Neighbourhood Development Plan

Policy BE: Development for Business and Employment Uses

Policy BE1: Village Centre

Policy BE3: Land to rear of a 'Taste of Spice' car park

Policy NE2: Visual Impact of New Development

Policy NE3: Drainage

Policy AI1: Heavy Goods Traffic

Policy HE: Heritage

Other Material Considerations:

Central Lancashire Supplementary Planning Document 5 (Design Guide)

Preston Shopfront Design Guide Supplementary Planning Document

National Planning Policy Framework (the Framework)

National Planning Practice Guidance

National Planning Policy for Waste

The Community Infrastructure Levy Regulations 2010 (as amended)

3.5 Consultation responses

Waste Management – Seeks clarification regarding waste storage and collection arrangements. An update will be provided at Late Changes.

Lancashire Archaeological Advisory Service (LAAS) – No objections to the proposal.

Highways England – No objections, subject to a condition requiring a travel plan to be submitted.

NATS Ltd – No objections to the proposal.

Environmental Health – No objections, subject to conditions requiring development to be undertaken in accordance with submitted noise report, opening and delivery hours to be limited, contaminated land to be undertaken in accordance with submitted information, a construction environmental management plan to be submitted and electric vehicle charging points to be provided.

Lead Local Flood Authority (LLFA) – No objections subject to conditions requiring the submission of a surface water drainage scheme, sustainable urban drainage scheme and management and maintenance plan and a surface water lifetime management and maintenance plan.

County Highways – No objections raised regarding site access, and impact of development upon surrounding highway network. Notes the sustainable location of the site and considers the level of parking provision to be acceptable.

United Utilities – No objections subject to a condition requiring submission of a surface water drainage scheme, and for foul and surface water to be drained on separate systems. Note that a public sewer crosses the site.

Parks and Street Scene (Arborist) – Notes no trees on site worthy of protection. Recommends condition requiring protection measures for trees within neighbouring gardens.

Parks and Street Scene (Landscape) – No objection in principle. Extensive advice provided regarding proposed landscaping scheme, however acknowledges that this can be dealt with by means of a planning condition.

Highways England – No objection in principle. Should planning permission be granted a condition be attached requiring the submission of a Travel Plan.

Greater Manchester Ecology Unit (GMEU) – No objections subject to a condition requiring no demolition during the bird nesting season, an informative regarding bats given the building is considered low risk, and a biodiversity enhancement plan.

Broughton Parish Council – Object to the application on the following grounds:

- Loss of The Touch of Spice building, noting it is an important non-designated heritage asset, afforded statutory protection through the development plan and the Framework;
- Proposed development is out of keeping with the village setting and surrounding development;
- The development does not fully comply with the Neighbourhood Plan.

Ben Wallace MP has objected to the application on the following grounds:

- Raised concerns regarding notification of the application to neighbouring properties, and lack of a site notice displayed close to the site;

- Removal of trees and other vegetation concerning to local residents. This should be taken into consideration when determining the application.

Councillor Cartwright has objected to the application on the following grounds:

- Would have been preferable to retain building;
- The proposed development would appear out of place with surroundings;
- The scale of development would not be appropriate.

Publicity – 131 representations objecting to the application have been received which can be summarised as follows:

- The proposal is out of character with the surroundings.
- Visual amenity of the proposals are unacceptable.
- The site would be too densely populated.
- Loss of historic building is regrettable.
- The loss of the restaurant operation is regrettable.
- Highway safety and capacity concerns.
- Parking levels would not be sufficient.
- Affordable housing should be provided for young persons.
- The proposal will unduly impact upon the amenities of surrounding properties.
- Views have been affected as a result of the development.
- The local services are already at full capacity.
- The flats should be on an affordable rent basis.
- Removal of the trees on the site has already occurred.
- It is unlikely the retail units would trade successfully due to closures over past years.
- The development is contrary to the Broughton Neighbourhood Development Plan.
- Offices are not required in Broughton.
- Heavy goods vehicles through the village would increase as a result of the proposal.
- Use classes proposed are misleading.
- Heritage statement is subjective.
- Information presented by the applicant is inaccurate.
- The development would exacerbate sewerage and drainage issues.
- The development would impact upon ecology and the environment.
- The building would be elevated above the current site level.
- Disagree that alterations to the building during early 20th century are a rebuild, as claimed within the heritage statement;
- The central section of the building should be retained and converted.

Other matters raised within the representations received are not material planning considerations.

3.6 **Analysis**

Principle of development

Core Strategy Policy 1 seeks to focus growth and investment on well-located brownfield sites and the Strategic Location of Central Preston, whilst protecting the character of suburban and rural areas. In other places, including smaller villages, development will be typically small scale and limited to appropriate infilling, conversion of buildings and

proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.

Adopted Preston Local Plan Policy AD1(a) 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 sensitive to, and in keeping with, the character and appearance of the area; there would be no adverse impact on residential amenity; the proposal would not lead to an over-concentration of non-residential uses, detrimental to residential character and amenity, and; the proposal would not lead to an over-intensification of use of the site. Local Plan Policy AD1(b) states that small scale development within existing villages (including the development of brownfield sites) will also be permitted provided that it meets with the above criteria. In all cases, favourable consideration will be given to proposals containing measures likely to result in an overall improvement to the environment and amenity of the area.

Saved Preston Local Plan Policy S7 states that proposals for retail development, outside those local shopping centres defined on the Proposals Map will be permitted provided that they contribute in level, quality or range towards meeting local shopping needs; do not adversely affect the character of the centre or the amenity of adjoining property; would not adversely affect the vitality and viability of other nearby existing centres or prejudice future investment in those centres; would be accessible to a high percentage of the potential customers from its catchment area, by a variety of realistic and alternative forms of transport other than the car; and would not increase the number and length of car journeys made overall, and be such that the road network is able to accommodate predicted traffic levels or any necessary road/traffic improvements.

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.

Paragraph 86 of the Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centre, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

The Broughton Neighbourhood Development Plan (BNDP) is a material consideration in the determination of planning applications within the area it covers. The document was adopted by the Council in December 2018, therefore forms part of the development plan and is afforded full weight. Policy BE1 of the BNDP states that within the area identified as a Village Centre, retail and café/restaurant (A3/A4) uses will be encouraged and permitted at ground floor level, subject to such development not prejudicing residential amenity or highway safety. Policy BE of the BNDP states that development for business and employment uses will be permitted on sites allocated for this purposes in the Local Plan, or on sites where it can be demonstrated that there is no detrimental impact on residential living conditions, highway safety or local environmental quality as a consequence of

associated vehicular traffic and there is conformity with other policies in the development plan including this plan.

Policy BE3 of the BNDP considers the western section of the site (Land to Rear of A Taste of Spice Car Park), and states that appropriate uses for this site, in support of neighbouring plan objectives include small scale housing development, retail, financial and professional or café/restaurant uses, or public car parking, subject to such development not prejudicing residential amenity or highway safety.

Policy 10 of the Core Strategy states that all existing employment premises last used for employment will be protected for employment use. Proposals on all employment premises for re-use or redevelopment other than B use class employment uses will ensure there would not be an unacceptable reduction on the type, quality or quantity of employment land supply; the provision and need for the proposed use; the relative suitability of the site for employment and for the alternative use; the location of the site and its relationship to other uses; whether the ability to accommodate smaller scale requirements would be compromised; and there would be a net improvement in amenity.

The proposed office and retail elements of the scheme fall within a main town centre use, as defined within the Framework. In accordance with the Framework, a sequential test would be required given the site does not lie within an identified town or local centre. Notwithstanding this, considering the BNDP is now adopted and is part of the development plan, Policy BE1 identifies the village centre, and encourages retail uses at ground floor, as proposed in this case. It is considered that the retail uses accord with the aspirations of the BNDP. Furthermore, it is considered that the proposed uses would generate employment, replacing and enhancing the employment use which would be lost through demolition of the existing public house.

Policy BE3 of the BNDP considers the western section of the site for a variety of uses, including small scale housing development, retail or public car parking amongst others. Although the proposed extra care retirement use would not strictly be considered as 'small scale' development, it would provide a specialist housing facility, and by virtue of the C2 use class it would generate some employment facility. Furthermore, car parking for use by both developments would be incorporated onto part of this site.

With regard to the proposed extra care retirement facility, the applicant proposes to provide permanent accommodation for elderly residents. The facility is proposed to fall within Use Class C2, and Article 2 of the Use Classes Order 1987 (as amended) which defines care as meaning personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder. Furthermore, Class C2 also considers personal care of children and medical care and treatment. On this basis, it is considered that it would not be necessary to restrict the development to the proposed use as a valuable facility for elderly persons, and to avoid use as private residential accommodation, given this is defined within the proposed use class for the facility.

In light of the above, it is considered that the proposed developments would be acceptable in principle, in compliance with the above policies and the Framework.

Impact upon heritage assets

Core Strategy Policy 16 states that applications will protect and seek opportunities to enhance the historic environment, heritage assets and their settings by safeguarding heritage assets from inappropriate development that would cause harm to their significances.

Policy EN8 of the Adopted Local Plan states that proposals affecting a heritage asset or its setting will be permitted where they make a positive contribution to the character and local distinctiveness through high quality new design that responds to its context, are accompanied by a satisfactory Heritage Statement that fully explains the impact of the proposal on the significance of the heritage asset and sustain, conserve and, where appropriate enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment. Proposals involving the total or substantial loss of a heritage asset or the loss of the elements that contribute to its significance will be refused. Proposals will only be granted in exceptional circumstances where they can be clearly and convincingly justified in accordance with national planning guidance on heritage assets.

Paragraph 190 of the Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy HE of the BNDP states that the heritage assets identified shall be protected in accordance with Local Plan Policies EN8 and EN9 and the Framework.

The building to be demolished, a Touch of Spice (former Golden Ball Coaching Inn) is included on the Council's local listing. Furthermore, the Broughton Inn (former Shuttleworth Arms Inn), which lies opposite the site to the north east, and Arkwrights Cottages which lie to the south of the site, are also included on the local listing.

Regarding the Touch of Spice building, it most recently operated as a restaurant, and in the past was an inn and public house. The building has several elements to it, with the principal building almost to back of pavement, with a secondary element set back from the roadside. The primary building is a two storey, three bay building with a hipped roof with eaves

overhanging and three large chimney stacks. Windows are timber framed sliding sashes set in stone arched headers, stone cills and jambs, and are likely to be mid to late 19th century.

The submitted heritage statement referred to the building as a much altered version of the original building, and that the current structure primarily dates from 1925. This initially was not convincing, given the photographic evidence which appeared to show the building to be on the same footprint, with identical fenestration pattern and the principal entrance door being in the same place. Differences shown were the parapet wall feature, removal of a chimney stack and rendering of the brickwork. It is considered that the building has landmark qualities within the local street scene on the corner of Broughton Crossroads; the building is constructed of traditional materials, proportions, scale and appearance similar to those of nearby buildings contributing to local distinctive characteristics. The building has group value contributing to the street scene and the cluster of buildings at the crossroads which together forms part of an identifiable sense of place with a clear visual relationship.

It is considered that since initial submission of the application, the proposed commercial building has undergone improvement, with the introduction of greater verticality within the design, and the manner in which the fenestration and stone detailing has been used to create pattern. Given the flat roof design, curved corner feature and continuous wrap around style of the proposed building, it is considered that this does not closely reflect the vernacular architecture of the existing building on site, and is considered of an urban style when compared against what is currently in place. It is considered that the total loss (demolition) of the Touch of Spice building would evidently cause harm to the significance of the heritage asset, however this should be balanced against the public benefits of delivering the proposed scheme. The level of harm associated with this loss is greater than a building of no merit, but less than that which would be associated with loss of a designated heritage asset. The loss of the asset is regrettable, however it should be appreciated that the proposed scheme would deliver significant public benefits through redevelopment of the site, with a mixed use retail and commercial operation, and an extra care retirement accommodation facility. The current building is not capable of conversion for the same provision as the proposed scheme. Having a balanced judgement to the identified scale of harm weighed against the public benefits which would be delivered through the scheme, as per the requirements under Paragraph 197 of the Framework, it is considered that the identified harm would be outweighed with the public benefits associated with delivery of this scheme.

With regards to the Broughton Inn (former Shuttleworth Arms Inn), which lies opposite the site to the north east, and Arkwrights Cottages which lie to the south of the site, their setting would be affected by the proposed development by virtue of its siting and modern design. However, the Broughton Inn and Arkwrights Cottages would not be altered or demolished as part of the proposed development, their overall fabric and setting would still be appreciated separate from this, and therefore it is not considered that harm would arise in this case. In addition, it is not considered that the proposed extra care retirement living building would cause harm to surrounding non-designated heritage assets.

Consultation has taken place with Lancashire Archaeological Advisory Service (LAAS), who note that extensive rebuilding occurred in the late 19th and early 20th centuries, along with demolition of the stable outbuilding by the 1930s and erection of the late 20th century rear extensions, which would have caused extensive disturbance likely to have destroyed or fragmented any below-ground evidence of earlier structures. There is slight potential for groundworks to the western part of the site to encounter archaeological remains, however this is considered unlikely given the earlier construction works to the current car park. This appears to have been in agricultural use until its incorporation into the existing site and there is no evidence of it being occupied by buildings in the 19th century. It would therefore be considered that the archaeological potential of the site is low, and not justified to require further archaeological works at the site.

In conclusion, harm has been found to one non-designated heritage asset as a result of this proposal, due to total loss. This identified harm would be outweighed through the significant public benefits which the redevelopment scheme would provide. It is therefore considered that the application accords with Policy 16 of the Core Strategy, Policy EN8 of the Adopted Local Plan and the Framework.

Design and layout

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. Core Strategy Policy 5 seeks to secure densities of development which are in keeping with local areas and which will have no detrimental impact on the character, appearance and distinctiveness of an area, whilst also making efficient use of land.

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 Broughton Neighbourhood Development Plan (BNDP) Policy NE2 states that the visual impact of new development particularly that on the edge of the defined settlement of Broughton when viewed from approaching routes should be minimised by landscape screening and tree planting.

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, and the creation of high quality buildings and places is fundamental to what

the planning and development process should achieve. Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The initially proposed scheme has been amended during submission, following negotiation with officers. The proposed building would be set back providing greater separation from Woodplumpton Lane and Downing Court than that originally proposed. The proposed building reflects the residential style of Woodplumpton Lane, with two projecting gable features and a main hipped section set back within the site, appearing as three separate buildings with two clad sections adjoining the central hipped and 'book end' gable sections. Given the substantial hipped central section fronting Woodplumpton Lane, and a hipped section of the building adjacent to both the proposed car park and Downing Court, it is considered that the prominence and mass of the building would be reduced, appearing as a two and a half-storey structure as opposed to a full three storey building. This was especially important considering the nearest building to the north along Woodplumpton Lane is a bungalow. It is considered that the style of this building is contemporary, offering visual interest with varying proposed brick and tile types, aiding the visual assumption of three buildings rather than one. The building would offer active frontage features to the Woodplumpton Lane and proposed car park elevations. The style of the building would be simple, with fenestration proposed as recessed window openings within main sections of the building, and split windows at eaves level where the roofline hips, in order to provide useable space within the third floor. With regard to layout, at ground floor a communal lounge, scooter store, office and guest bedroom would be provided; with 32no. individual residential units, spread across the ground, first and second floors of the building. Pedestrian access would be obtained from the front and rear of the building, with habitable room windows to all four sides.

With regards to the proposed mixed use unit, fronting Garstang Road and Woodplumpton Lane, this would replace the existing public house building. The present building lies at a junction, affording long range views along each road. The proposed building would be of two storey standing along each highway, at a lower level than the current building at most points. The proposed building would include large active frontages wrapping around the building from the Garstang Road to Woodplumpton Lane elevation, leading into the proposed car park, creating features and activity to the front and rear of the building which is considered positive. Although a significant amount of glazing is proposed to the frontages, these would be separated by stone pillars and recessed stonework around the glazing, as recommended within the Shopfront Design Guide Supplementary Planning Document, which states modern shopfronts should be visually interesting, and that contrasting materials and textures all add to the quality of the design.

At upper floor level, fenestration would be set into brickwork, with significant headers and cills proposed, and windows of a traditional style recessed within. The varying stonework and brickwork materials would assist in breaking up the massing of this building. The proposal would provide a taller feature to the junction, which would contain larger pillars to the entrance at ground floor level, extending above the first floor of the building. With regard to internal layout, five retail units would be provided at ground floor level, accessed

primarily from Garstang Road and Woodplumpton Lane, and an office reception, meeting rooms and entrance stairway would provide access to the first floor offices including ancillary facilities.

With regards to the proposed layout of the site, car parking would be provided to the rear of each building, with landscaped spaces separating the parking areas. A landscaped area would also be provided to the rear of the proposed extra care retirement accommodation facility for use by future occupiers. The proposed landscaping would encourage use of the space and would break up any massing of parking provision. A condition is recommended to ensure this scheme is agreed and implemented prior to first occupation. According to illustrative plans submitted by the applicant, this would be expected to provide tree planting, and landscaped areas of separation between the back of footway along Woodplumpton Lane and the proposed building, with additional planting beds at the vehicular entrance to the site.

In light of the above, it is considered that significant amendments have been made to the originally proposed scheme, particularly in relation to the proposed extra care retirement accommodation building. It is considered that the scheme, subject to materials and landscaping, would appear contemporary and high quality with good design features, and would be acceptable development. The proposal would therefore accord with the above policies and the Framework.

Impact on residential amenity

Policy 17 of the Core Strategy and Policy EN9 of the Adopted Local Plan state that 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 requires, amongst other things, that the development has no adverse impact on residential amenity. The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

With regard to the proposed extra care retirement living building, it is not considered that the proposal would unduly affect the amenities of existing surrounding neighbouring properties. In assessing the impact upon the nearest bungalow property, no. 15 Woodplumpton Lane, habitable room windows within the western elevation of the proposed building would be situated at least 14.0m from the boundary with this property. No habitable room windows within the side elevation of this property would be affected by the proposed development.

The building would be situated at least 25.0m from the front elevation of those facing properties to the north side of Woodplumpton Lane. It is therefore considered that adequate levels of privacy and amenity between the proposed building and those properties would be maintained.

The building would be situated at least 16.0m from the boundary with the nearest residential property to the south, no. 5 Downing Court, and 21m would be maintained between the proposed building and the northern elevation of this property. It is considered

that an acceptable level of separation exists between the proposed building and the surrounding residential properties, in order that adequate levels of privacy and amenity would be maintained. It is noted that a significant number of car parking spaces are proposed to be provided along the southern section of the site adjacent to the boundary with no. 5. Although this relationship is not considered to be ideal given increased traffic movements and activity within this area of the site, the application was supported by a Noise Impact Assessment, and one of the recommendations of this is to implement an acoustic barrier around the site. The Council's Environmental Health officer has reviewed the contents of this report, which also makes a number of recommendations to restrict noise levels from any externally located plant on the buildings, and to ensure glazing within the development complies with a recommended standard. It is considered that the provision of an acoustic fence in this location would ensure levels of noise, activity and light (from vehicle headlights) within the site would not unduly affect the amenities of neighbouring occupiers.

Further to the above, the Environmental Health officer, noting that the site lies within a location which has mixed uses including commercial and residential properties, recommend that proposed opening hours and delivery hours for the development are restricted, with the proposed retail and office uses not opening later than 22:00 hours or before 08:00 hours, and deliveries not taking place past 20:00 hours or before 08:00 hours. The imposition of a condition to this effect would ensure surrounding residential properties are not unduly affected by noise and disturbance, during hours in which less noise and activity are to be reasonably expected in such a location.

The proposed site plan outlines that the proposed development would be satisfactorily accommodated on site without having an unacceptable adverse impact upon the amenities of neighbouring properties which lie close to the site. A number of conditions as specified above are recommended in this regard in order to make the development acceptable, including submission of a construction environmental management plan prior to construction activity commencing on site, in order to ensure undue impacts caused by the construction process can be adequately mitigated against or avoided. The application would not conflict with the above policies or the Framework.

Highways and parking

Core Strategy Policy 2 states that the Local Planning Authority will work with infrastructure providers to establish works that will arise from or be made worse by development proposals. It further states that the Local Planning Authority will set broad priorities on the provision of the infrastructure to ensure that it is delivered in line with future growth. 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 Appendix B to the Adopted Local Plan.

Policy A11 of the BNDP states that as well as satisfying the general transport considerations in Local Plan Policy ST2, all development proposals will need to show that they are not likely to result in unnecessary additional vehicular traffic on Garstang Road (former A6), undermining the social, economic and environmental benefits to Broughton Village from construction of Broughton Bypass.

Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

County Highways consider that the site has good accessibility, within walking distance to local amenities and public transport provision. They have recommended that the proposed extra care retirement living unit be restricted to those persons close to or at retirement age, and that the apartments do not have allocated parking. Although it is considered that use of this part of the development would be self-enforcing through the C2 use class, which as mentioned above requires provision of care including that provided to elderly persons, management of the car park would be subject to a recommended condition. It is noted that the levels of car parking would fall below the City Council's maximum standards for parking provision, considering each of the proposed uses. However, it is considered that the site lies within a sustainable location, providing a retail offer within walking distance of those who reside within the village, and close to public transport links which would allow alternative transport methods to the private car. It is therefore not considered reasonable to simply restrict parking for the proposed retirement living units, and this would be controlled through a management scheme for the car park.

County Highways consider that morning peak traffic would likely be higher than that recorded within the submitted transport statement, however it is considered that this would be local traffic, and would have only a negligible impact upon highway capacity within the immediate vicinity of the site. It is considered that no objections would be raised to the proposed development, subject to the demonstration of safe and suitable access.

In addition, County Highways advise that given that the proposed buildings are to be set back from the existing road kerb line, it is considered that the visibility at the proposed access location would be good in both directions. Further works to widen the pavements are due to be undertaken within the area as part of the Broughton public realm improvements. The site access and off-site highway works proposed would be agreed prior to commencement of development, and are subject to a recommended condition.

Highways England raise no objection and consider that the highways impact of the development would not be severe. However, they note that the M55 Junction 1, lying in

relatively close proximity to the south of the site, is currently operating at or above capacity. In the interest of reducing the traffic impacts of the proposed development as far as is possible, a travel plan is recommended to be adopted for future operation of the scheme. A relevant condition is recommended.

In light of the above, it is considered that the proposed development would not have a severe impact on either the local highway network or the strategic road network and would not have an unacceptable impact on highway safety. As such, it is considered the proposed development complies with Policy 3 of the Adopted Core Strategy, Policy ST2 of the Adopted Local Plan and the Framework.

Ecology

Policy 18 of the Core Strategy seeks to manage and improve environmental resources through a Green Infrastructure approach, which includes securing mitigation measures and/or compensatory measures where development would lead to the loss of, or damage to, part of the Green Infrastructure network. Policy 22 of the Core Strategy seeks to protect and find opportunities to enhance and manage the biological and geological assets of the area through certain measures, such as promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority species and species populations; and seeking opportunities to conserve, enhance and expand ecological networks.

Policy EN10 of the Adopted Local Plan seeks to protect, conserve, restore and enhance biodiversity and ecological network resources in Preston. Policy EN11 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 agreement will be used to mitigate the impact.

Paragraph 170 of the Framework states that planning policies and decisions should, amongst other things, contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 175 of the Framework states that when determining applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles.

An ecological survey has accompanied the application. Greater Manchester Ecology Unit (GMEU) has reviewed these surveys, and note that no bat roosts were found and no bat activity was recorded around the building, concluding that the building was low risk. An informative alerting the applicant of their responsibilities under separate legislation is therefore recommended but no further information or conditions are required. An active bird nest was recorded within the building, and GMEU has advised that a condition is recommended restricting demolition to periods outside of the bird nesting season, unless further ecological information is provided.

It is noted that the site currently benefits from cleared landscaped areas, which provide habitat of low ecological value. The proposed development would incorporate buildings and landscaped areas, with extensive car parking areas. It is not considered that there would

be a net loss of biodiversity as a result of the proposed scheme, subject to a condition which would require replacement bird boxes to maintain a good level of biodiversity at the site.

The Council's Arborist noted that the site has been cleared recently, and there are no longer any trees worthy of retention on the site. It is noted however that there are mature trees in place within surrounding residential curtilages, and these should be protected during construction works. A relevant condition requiring a tree protection plan is therefore recommended.

Subject to the above mitigation measures and conditions, it is considered that the proposed development would not result in any adverse impacts on protected species and therefore complies with Policies 18 and 22 of the Adopted Core Strategy, Policies EN10 and EN11 of the Adopted Local Plan and the Framework.

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.

Paragraph 178 of the Framework states planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. After remediation, as a minimum the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Paragraph 179 goes on to state that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner.

The application is accompanied by a contamination assessment and remediation strategy. Environmental Health raise no objections to the finding of this report, and recommend that remediation works proceed in accordance with this strategy. A validation report should then be submitted for approval, which can be controlled by condition. Subject to this condition, it is considered the proposal complies with Policy EN7 of the Adopted Local Plan and the Framework.

Air quality

Policy 3 of the Core Strategy seeks to encourage the use of alternative fuels for transport purposes. Policy 30 of the Core Strategy 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.

The site does fall within the Broughton Crossroads Air Quality Management Area and Environmental Health has raised no objections to the proposed scheme in terms of its

impact on air quality, subject to the provision of electric vehicle charging points. This provision can be secured by condition.

Utilities/Drainage/Flood risk

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.

Policy NE3 of the BNDP states that sustainable drainage schemes shall be used to drain land wherever possible for development.

Paragraph 163 of the Framework states that Local Planning Authorities should ensure flood risk is not increased elsewhere (i.e. outside areas at risk of flooding) and only consider development appropriate in areas at risk of flooding where proposals are informed by a site-specific flood risk assessment.

United Utilities raise no objections to the application, subject to a condition requiring details of a surface water drainage scheme, and foul and surface water to be drained on separate systems. United Utilities do note that there is an easement affected by the proposed development and a public sewer crosses the site, and an informative is therefore recommended ensuring the applicant is made aware. Following the submission of additional information, the Lead Local Flood Authority (LLFA) raises no objections to the scheme subject to conditions requiring the submission of a surface water drainage scheme, sustainable urban drainage scheme and management and maintenance plan and a surface water lifetime management and maintenance plan. Subject to these conditions, it is considered the proposed development would be unlikely to lead to an increase in flooding and would comply with the above policies and the Framework.

Energy efficiency

Core Strategy Policy 27 requires minimum energy efficiency standards for all other (i.e. non-residential) buildings to be 'very good' or where possible, in urban areas, 'excellent', according to the Building Research Establishment's Environmental Assessment Method (BREEAM). The applicant has not indicated which status the development would achieve, and this can therefore be secured by condition to ensure the proposed development would be in accordance with Policy 27 of the Core Strategy.

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 household collection service.

No specific details of waste provision have been provided, and consultation is being undertaken with the Council's Waste Management, who have questioned whether provision for this would be adequate. An update will be provided at Late Changes.

3.7 Value Added to the Development

Scheme amended to address concerns relating to the design and layout of both of the proposed buildings.

3.8 Conclusions

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 in accordance with the plan unless material considerations indicate otherwise. Statutory consultee comments and representations have been received which have been carefully considered and taken into account as part of this planning application. The proposed uses would be acceptable in this location, and it is considered that the loss of the current employment use would be acceptable, as new employment uses would be provided. The setting of relevant non-designated heritage assets have been assessed, and it is considered that the identified harm would be outweighed by the significant public benefits to be delivered by the proposed scheme. The proposed development is also considered acceptable in terms of its impact on visual and residential amenity, highway impact, drainage, flooding, energy efficiency, air quality and ground conditions subject to the conditions imposed.

Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be granted.

3.9 Recommendation

Approval with conditions.