

APP/F2360/W/19/3234070

Chain House Lane Public Inquiry

**Outline Application for a Residential Development of 100 Dwellings
by Wainhomes (North West) Ltd.**

Planning application Ref. 07/2018/9316/OUT

PINS Reference No: APP/F2360/W/19/3234070

**COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS
AMENDED)**

**SECTION 106 AGREEMENT STATEMENT OF COMPLIANCE WITH
CIL REGULATIONS**

November 2019

1.0 Introduction

1.1 This Statement relates to the Public Inquiry (convened under Section 78 of the Town and Country Planning Act 1990) concerning the outline planning application for Residential Development at Chain House Lane, New Longton (Application reference 07/2018/9316/OUT PINS Reference No: APP/F2360/W/19/3234070)

1.2. It has been jointly prepared by the Appellant (Wainhomes (North West Ltd.)) and South Ribble Borough Council and outlines the manner in which each of the proposed obligations comprised in the Section 106 Agreement would comply with the tests set down in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) (“the Regulations”).

1.3 Section 122(2) of the Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

These ‘tests’ are repeated in national policy at Paragraph 56 of the revised National Planning Policy Framework (July 2018).

1.4 South Ribble Borough Council is the local planning authority in respect of this application. The Council is the ‘charging authority’ for the purposes of the Regulations and has an adopted CIL Charging Schedule, adopted 2nd September 2013.

1.5 This Statement therefore considers compliance in respect of each of the obligations proposed in the Section 106 Agreement agreed between the Appellant and South Ribble Borough Council. The obligations are considered in the order as set down in the First Schedule of the Section 106 Agreement.

2.0 Section 106 Principle Planning Obligation Compliance Schedule

2.1 Affordable Housing

The provision of 30% affordable housing units as part of the proposed development. The mix of units is as described in the application submissions and the Officer’s report to the Planning Committee (i.e. 70% Affordable Rent and 30% Intermediate tenures).

2.2 Bus service

The Section 106 Agreement set out the financial requirement of £150,000 to fund improvements to the existing Bus Service.

2.3 Cycle Contribution

The section 106 agreement sets out the financial requirement of £6,000 for the provision of a cycle contribution to be used to improve, enhance and maintain cycle parking at Lostock Hall train station.

2.4 On-Site Public Open Space

The Section 106 agreement requires the submission and approval of an Open Space Scheme detailing areas of Public Open Space to be provided on-site and the requirement for a management company to be established or appointed to manage the on-site Public Open Space.

2.5 Playing Pitch Contribution and Off-site Play Space Contribution

The Section 106 agreement sets out the financial requirement of £1,507 per market dwelling for improvements to the local pitch provision comprising drainage improvements works to an

existing football pitches at Chapel Lane (New Longton), St Cuthbert's Playing Field (Lostock Hall) and Worden Park Football Pitches (Leyland)

Planning Obligation	Test 1 – necessity	Test 2 – directly related to the proposed development	Test 3 – fair and reasonable in terms of scale and kind
Affordable Housing	<p>The provision of affordable housing is required for the proposal to comply with the provisions of Policy A1 of the South Ribble Local Plan and Policy 7 of the Central Lancashire Core Strategy.</p> <p>Without a planning obligation securing the provision of an adequate proportion and mix of affordable housing, the proposal would fail to meet the housing needs of the borough and therefore would be contrary to the provisions of Chapter 5 of the Revised National Planning Policy Framework.</p>	<p>The provision of affordable housing as a proportion of the housing development means the obligation is directly related to the proposed development.</p>	<p>The level of affordable housing proposed has been agreed between the appellant and the LPA.</p> <p>The provision of 30% affordable housing is considered to be fair and reasonable.</p>
Bus Service Contribution	<p>It is important to ensure that measures are in place to promote and maximise sustainable modes of transport and ensure the proposed development minimises the need to travel by car</p>	<p>By virtue of its scale and location, the proposed development will have an impact on travel within the local highway network and therefore the provision of an improved bus service is directly related to the development</p>	<p>The sum of £150,000 for the provision of an improved Bus Service has been agreed with the appellants</p>

Planning Obligation	Test 1 – necessity	Test 2 – directly related to the proposed development	Test 3 – fair and reasonable in terms of scale and kind
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Cycle Contribution	It is important to ensure that measures are in place to promote and maximise sustainable modes of transport and ensure the proposed development minimises the need to travel by car	By virtue of its scale and location, the proposed development will have an impact on travel within the local highway network and therefore the provision of improved cycle facilities at the nearest railway station to the site directly relates to the development	The sum of £6,000 to improve, enhance and maintain cycle parking at Lostock Hall train station has been agreed with the appellants
On-Site Public Open Space.	<p>The submitted illustrative Masterplan details the provision of on-site amenity public open space, the precise detail and size of which would be determined so as to be commensurate to the size of the development as part of any Reserved Matters application applying for the matter of 'Layout'.</p> <p>The provision of Public Open Space on-site is necessary in order to make the development acceptable in planning terms in accordance with Policy G10 of the SRLP.</p>	<p>The on-site provision is required to provide an amenity area/s for the future occupants of the development and is therefore directly related to the development.</p> <p>The management company will directly manage and maintain the on-site public open space to serve the development</p>	Securing this contribution has been acknowledged as reasonable by the appellant and would secure an appropriate provision of on-site public open space.
Planning Obligation	Test 1 – necessity	Test 2 – directly related to the proposed development	Test 3 – fair and reasonable in terms of scale and kind

Playing Pitch/Off-Site Play Space Contribution	<p>The proposed development would generate a demand for formal sport and leisure facilities and is necessary.</p> <p>The provision of these are required in order to make the development acceptable in planning terms in accordance with Policy G11 of the SRLP.</p>	<p>The development will result in an increase in local population and demand on existing sports and leisure facilities.</p> <p>The contribution is necessary to ensure that such facilities are available to meet that demand; it relates specifically to the proposed development and to the increase in the local population.</p>	<p>The contribution is related to the number of dwellings proposed on the site; is agreed by the appellant to be fair and reasonable for the size and scale of the development.</p>
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3.0 Relevant Policies

3.1 The Revised National Planning Policy Framework

At the heart of the revised NPPF is the presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The three objectives are economic, social and environmental.

3.2 Central Lancashire Core Strategy

Policy 1: Locating Growth focusses growth and investment on well-located brownfield sites, the strategic location of Preston, Key Centres of Chorley and Leyland and other main urban areas in South Ribble.

Policy 3: Travel seeks to reduce the need to travel, manage car use, promote more sustainable modes of transport and improve the road network.

Policy 4: Housing Delivery provides for and manages the delivery of new housing. For South Ribble this amounts to 417 dwellings per year.

Policy 5: Housing Density requires the densities of new development to be in keeping with the local area and which have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of the area.

Policy 6: Housing Quality seeks to improve the quality of housing by facilitating the greater provision of accessible housing and neighbourhoods and use of higher standards of construction.

Policy 7: Affordable and Special Needs Housing seeks to ensure a sufficient provision of affordable and special housing to meet needs through a number of measures.

Policy 17: Design of New Building requires new development to take account of the character and appearance of the local area.

Policy 22: Biodiversity and Geodiversity aims to conserve, protect and seek opportunities to enhance and manage the biological assets of an area.

Policy 26: Crime and Community Safety aims to reduce levels of crime and improve community safety. In relation to residential development, the policy encourages the inclusion of Secured by Design principles.

Policy 27: Sustainable Resources and New Developments requires new development to meet Level 4 of the Code for Sustainable Homes.

Policy 29: Water Management requires new development to improve water quality, water management and reduce the risk of flooding.

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

3.3 Central Lancashire Supplementary Planning Document

The **Design Guide** SPD sets out the design principles that the Council will employ when considering development proposals.

The **Affordable Housing** SPD provides advice on how the Council's affordable housing policy is implemented and includes guidance on the standards and mechanisms required to deliver a range of affordable housing to meet local needs.

The **Open Space and Playing Pitch** SPD provides advice on how the Council's open space and playing pitch policies are to be implemented.

3.4 The South Ribble Local 2012-2026 adopted July 2015

Policy A1: Developer Contributions expects new development to contribute to mitigating its impact on infrastructure, services and the environment. Contributions would be secured as a planning obligation through a Section 106 agreement, and through the charging schedule associated with the Community Infrastructure Levy.

Policy F1: Parking Standards requires all development proposals to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site. The parking standards should be seen as a guide for developers and any variation from these standards should be supported by local evidence in the form of a transport statement. Where appropriate, some flexibility will be factored into the standards in relation to the specific local circumstances.

Appendix 4 provides details of the parking provision for the different use classes. For C3 residential development it sets the standard of 1 spaces for 1 bed dwellings, 2 spaces for 2-3 bed dwellings and 3 spaces for 4 plus bed dwellings.

Policy G3: Safeguarded Land for Future Development allocates areas of land to remain safeguarded, and not designated for any specific purpose, within the Plan period.

Policy G8: Green Infrastructure (provision in new developments) requires development to provide appropriate Green Infrastructure and landscaping including green corridors to join up the Borough's green and built up areas.

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

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

Policy G16 Biodiversity and Nature Conservation seeks to protect, conserve and enhance the Biodiversity and ecological network.

Policy G17: Design Criteria for New Development considers design in general terms, and impact of the development upon highway safety, the extended locale and the natural environment.

3.5 South Ribble Supplementary Planning Document

Central Lancashire Design Guide SPD provides an overview of the design principles that are employed throughout the three Central Lancashire authorities. It draws on key policy and good-practice guidance in order to raise the level and quality of design of new buildings in the built environment.

Central Lancashire Affordable Housing SPD gives guidance on a range of approaches to deliver affordable housing which meets local needs.

Central Lancashire Open Space and Playing Pitch SPD advises on provision and retention of open space in existing and proposed developments.

Central Lancashire Employment Skills SPD – this document was adopted in September 2017 and as such carries considerable weight in planning decisions. The SPD has been driven by the Council's aspiration to see additional benefits (social value) incorporated into development opportunities; 'social value' in this case being a contribution towards employment and skills enhancement in the Borough.

Central Lancashire Biodiversity and Nature Conservation SPD provides guidance for developers in relation to improving biodiversity of the Central Lancashire area. Its main goal is to ensure that there is no net loss of nature conservation assets and where appropriate there is an improvement in them. It also explains the Council's approach towards conserving, protecting and enhancing biodiversity and ecological networks.

South Ribble Residential Design SPD discusses design in very specific terms. Whilst more attuned to residential extensions this document is also used to assist with the design of new build residential development and with regards to separation with properties beyond the site bounds.

3.6 CIL Charging Schedule

South Ribble Community Infrastructure Levy Charging Schedule in effect from 1 September 2013.