

Taylor Wimpey and Homes England

Appeals Against Refusals of Planning Permission

Appeal A Ref: APP/F2360/W/22/3295498

Appeal B Ref: APP/F2360/W/22/3295502

Land at Pickerings Farm, Penwortham

Summary Proof of Evidence of

Craig Alsbury BA(Hons) BTP MRTPI

5 August 2022

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1. Introduction and Instructions

Qualifications and Experience

- 1.1 I am a member of the Royal Town Planning Institute and hold a Bachelor of Arts degree (with Honours) in Town & Country Planning, and a Bachelor of Town Planning degree, both from the University of the West of England. I have 26 years post-qualification experience.
- 1.2 After graduating in 1995, I joined the City of Stoke on Trent as a Planning Officer in Development Control. During my 4 years with the authority, I dealt with applications for planning permission, listed building and conservation area consent, advertisement consent and prior approvals for telecoms equipment, agricultural development and the demolition of dwellings. I also dealt with the majority of the Council's enforcement matters.
- 1.3 I joined Avison Young (then GVA Grimley) as a Senior Planner in 1999. I was then promoted on several occasions and was made a Partner of GVA Grimley in 2005. The ownership and structure of the Business has changed since then and I am now a Principal of Avison Young and Head of its Planning, Development and Regeneration team in the Midlands. I am also Chair the Executive which leads the Planning, Development and Regeneration division in the UK and I Chair the Executive which provides oversight of the work that Avison Young does across all service lines in the Midlands region. I have a team of 17 town planners servicing clients across England and into parts of Wales. I am based at 3 Brindleyplace in Birmingham.
- 1.4 I practice mainly in statutory planning work, that is: planning appraisals, planning applications, appeals and the promotion of sites through the development plan process. I advise both public and private sector clients and have extensive experience in a broad range of development types. However, the majority the work that I do is in the housing sector and I am currently advising on a number of large, complex proposals on both greenfield and brownfield sites.

Instructions

- 1.5 I am instructed by Homes England and Taylor Wimpey to act as lead consultant and town planning expert in this case. I have been working on the project since April this year, when I took over from a fellow Principal in our Manchester Office. He has since retired from the Business.
- 1.6 Since receiving instructions, I have: reviewed the development plan and the other material considerations that are relevant to this case; I have examined the 2020 and the 2021 planning applications that were submitted by Taylor Wimpey and Homes England; and I have visited the site and surrounding area. Therefore, I am familiar with the appeal sites, the surrounding area, the proposed development and the matters that are to be examined through this Appeal.

Declaration

- 1.7 The evidence which I have prepared and provide for these Appeals (Refs: APP/F2360/W/22/3295498 and 3295502) in this proof of evidence, is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

2. Background to the Appeals

- 2.1 The Appellants are Taylor Wimpey and Homes England. Both have considerable experience in delivering large scale housing developments. They have been working together on these proposals since 2018 and they will continue to collaborate through the implementation phases of the scheme.
- 2.2 The Appeal proposals are an evolution of a scheme that was designed for Pickerings Farm in a period of a little over two years, from mid-2018 to August 2020. A Masterplan prepared for the land in that period was rejected by the Council's Planning Committee in September 2020.
- 2.3 The Appellants submitted the applications that are now the subject of this appeal on 9 August 2021. The submissions were referred to as 'Application A' (for up to 920 dwellings) and 'Application B' (for up to 180 dwellings). The applications were validated on 10 August 2021 and a target determination date set for 30 November 2021.
- 2.4 Most of the documentation submitted for Applications A and B is identical. Both applications are supported by the same amended Masterplan, DAS and Design Code, Environmental Statement, Planning Statement and other technical documents. Bespoke Parameter Plans were submitted for each site. Application A also includes detailed Access Plans for the primary access onto Penwortham Way and an access from the north eastern parcel of development onto Bee Lane.
- 2.5 Both applications were refused at Planning Committee on 29 November 2021. The Decision Notices are **CDs 8.3** and **8.4**. They each contain 11 reasons for refusal ("RfR").

3. Matters in Dispute

- 3.1 The principal matters that are in dispute in this case have been distilled down into 6 'Main Issues' by Inspector and these read as follows:
 - i) whether or not the proposals are suitable in light of local and national policies for housing, with particular regard to masterplanning, design code, phasing, infrastructure delivery, and implementation programme (RfR 5, 6 and 10)
 - ii) whether or not the proposed development would have a severe adverse impact on the local highway network (RfR 1 & 2);
 - iii) the effect of the proposed improvements to the Bee Lane bridge on the safety of pedestrians and cyclists (RfR 3);
 - iv) whether or not the proposal makes adequate provision for highways improvements, with particular regard to the Cross Borough Link Road and the Bee Lane bridge (RfR 4, 7 & 11);
 - v) whether or not the proposal makes adequate provision for sports facilities (RfR 9 & 11); and
 - vi) whether sufficient information has been supplied to demonstrate how impacts on air quality will be mitigated and, if not, whether this matter can be satisfactorily addressed by planning conditions or obligations (RfR 8)
- 3.2 I deal with each of these points, as well as the issues that have been raised by Interested Parties.

4. The Development Plan and Other Material Considerations

- 4.1 It is agreed that the development plan, insofar as relevant to these appeals, comprises:
- a) the Central Lancashire Core Strategy DPD (adopted July 2012) (**CD5.1**);
 - b) the South Ribble Borough Council Local Plan 2012-2026 (adopted July 2015) (**CD5.2**); and
 - c) Penwortham Town Neighbourhood Plan (2017) (**CD5.6**).
- 4.2 I have set out in my Main Proof a list of the development plan policies that, in my view, are fundamental to the appraisal of the merits of the proposals. I also list those other material considerations to which regard must be had.

5. Assessment of Main Issues

Main Issue 1 – The Suitability of the Proposals

- 5.1 The suitability of the appeal sites for housing development is not in question. The land is identified in the Core Strategy as a Strategic Location for development under Policy 1 and is allocated for housing development under Policy D1 of the Local Plan. The development plan makes it clear that the development of the allocation is central to the achievement of both strategic and local planning objectives.
- 5.2 Notwithstanding this, the proposals have been rejected because the Council claims that:
- a) the submitted masterplan does not satisfy certain development plan policy requirements;
 - b) because the Phasing Plan and Infrastructure Delivery Schedule included with the applications were not sufficiently detailed; and
 - c) because the proposals do not follow the 'proper planning approach' or represent good planning for the area.
- 5.3 I address each of these points in turn.

Issues with the Masterplan

- 5.4 RfR5 raises two issues– the failure of the Appellants to agree the Masterplan before it was submitted with the planning applications and the failure of the Masterplan to satisfy the requirements of Policy C1, insofar as these describe what the Masterplan needs to do.
- 5.5 As regards the first issue, the part of Policy C1 which states that *Planning permission will only be granted for the development of the Pickering's Farm site subject to the submission of: ...an agreed Masterplan*, is a requirement that can be satisfied through the determination of these appeals. It does not require a masterplan to be agreed or approved before any planning application is lodged.
- 5.6 With regard to the second issue, Policy C1 requires the Masterplan to:
- a) provide for the comprehensive development of the allocated site;
 - b) include the safeguarded land extending to Coote Lane; and

- c) make provision for a range of land uses to include residential, employment and commercial uses, green Infrastructure and community facilities.

5.7 Insofar as these requirements are concerned, I note the following:

- a) the Masterplan covers the whole of the Pickerings Farm allocation (Site EE in the Local Plan) and the safeguarded land to the south of the appeal sites (Site S2 in the Local Plan) and it provides for the comprehensive development of Site EE (the allocated land);
- b) the Masterplan stops short of indicating how the safeguarded land could be developed (that is it to say it does not identify development parcels and specify land uses) but it does clearly indicate where the land could be accessed (by footpath, exercise track and roads leading out from the appeal sites) and it also indicates how some of the structural green infrastructure proposed within the appeal sites could extend southwards to deliver the corridors and linkages referred to in Local Plan Policy G12. By providing a new access from the appeal sites onto Penwortham Way and then delivering a road connection to the safeguarded land, the appeal proposals will facilitate, rather than prejudice, the development of the safeguarded land. In the light of the provisions of Policy G3 of the Local Plan, this is the right way to treat the safeguarded land;
- c) the open space provision within the appeal sites exceeds Policy requirements and it is inconceivable that a promoter of development on the rest of the allocation or the safeguarded land could not design a scheme that satisfies relevant development plan requirements; and
- d) the Masterplan includes all of the land uses referred to in Policy C1.

5.8 The submitted Masterplan clearly satisfies the requirements of Local Plan Policy C1.

Other Issues Raised by the Borough Council

5.9 For completeness, I have reviewed the Officers' Report to the Council's Planning Committee of November 2021 and have reflected on the discussions that I have had with the Council on the MSoCG, with a view to determining whether the Council has raised any other concerns about the Masterplan. I have also noted the email that the Council copied to PINS on 1 July 2022, in which it attempted to better clarify its case against the masterplan. From this, I have identified six other matters that the Council appears to have concerns about (that are not CBLR or Bee Lane Bridge related – to which I return later). These relate to:

- a) building heights and densities;
- b) connections ("*the lack of the spine road and the resultant single point vehicular access, insufficient information about how the existing Lanes will be integrated, how their use will be restricted*");
- c) character ("*the lack of a local context study to underpin the decisions set out in the code*");
- d) existing development ("*the integration of existing houses and business premises with the new homes*"); and
- e) parking ("*an underestimation of the extent of the use of the private car, coupled with a lack of a coherent parking strategy that includes visitors and temporary parking*").

Building Heights and Densities

5.10 The parameter plans submitted with the planning applications (**CDs 1.2 to 1.5 and 1.10 to 1.120**) set 2.5 and 3 storey height limits for new buildings within the two sites. When the applications were

determined back in November 2021, the Committee Report recorded Officers' views on this matter as follows:

"With careful and sensitive design and with recognition of the Council's spatial separation distances at Reserved Matters stage, the development should not create overlooking or loss of privacy issues to existing properties in terms of the requirements of Policy G17.

In terms of visual dominance, again at Reserved Matters stage, with careful siting and the use of buffers to existing properties, the proposal should not result in an overbearing and visually dominant development".

- 5.11 However, Officers have said that they now object to anything in excess of 2 storeys, other than within and adjacent to the Local Centre where up to 3 storeys would be acceptable.
- 5.12 I agree with the Officers' assessment in the Committee Report that all relevant privacy, amenity and visual impact issues can be addressed through detailed design and there is absolutely no need to arbitrarily limit the heights of buildings in the way that now appears to be being suggested.
- 5.13 As regards densities, those envisaged by the Masterplan are comparable with those achieved in the adjacent urban area and would result in an efficient use of the land.

Connections

- 5.14 The Council says it has concerns over the lack of the spine road, but the masterplan is clear about where the full extent of the spine road is expected to run and the Appeal proposals will deliver all but a very small section of it within the allocated site. There is no risk, in my view, that the remainder of the spine road within the allocated site will not be delivered by the adjacent landowner when he brings forward his land for development.

Character and Existing Development

- 5.15 The proposals have been built on an analysis and understanding of (i) the existing buildings, uses and spaces within the allocated site; (ii) the Lanes and other existing routes / connections; and (iii) how the sites relate to the existing urban areas that lie to the immediate north and east (**CD1.16**, Sections 1 and 3 and **CD1.17**, Section 2). There is no context study of the Kingsfold or Tardy Gate areas in the DAS or the Masterplan, but I do not consider this to be problematic. Neither area contains development, or has a character of the type that it would be appropriate to replicate or emulate at Pickerings Farm. The Masterplan is though informed by an understanding of the character of the existing development and movement corridors within the allocated site and it is clear from the DAS and Design Code how this has shaped the Appellants proposals as regards character areas (**CD1.17**, Sections 3 and 9).

Parking

- 5.16 There is no part of the development plan, nor any other material consideration, that requires the Appellants to produce a parking strategy at the outline planning application stage.
- 5.17 The Masterplan notes that parking should be provided in accordance with relevant standards but makes it clear throughout that the intention is to deliver a development that provides for, encourages and prioritises active and shared travel over the use of the private car. The finer details of parking provision are matters that can and should be dealt with either by way of planning condition or Reserved Matters.

Concerns Raised by the County Council

- 5.18 The County Council has raised additional issues with the Masterplan. These focus mainly on a misplaced concern that the Masterplan contains insufficient information or insufficient detail. In my opinion, the Masterplan provides ample information about what is proposed, how the site could be developed and what will be expected of developers at the Reserved Matters stage. The information provided is sufficient to satisfy the Inspector and the Secretary of State that the proposals are acceptable and accord with the provisions of the development plan and other relevant considerations.

Issues with Phasing and Delivery

- 5.19 The Council appears to have two issues with phasing and delivery - that the documents included with the planning applications were not agreed or approved by the Council before they were submitted; and that the documents contain insufficient information.
- 5.20 For the reasons already explained, Policy C1 does not require that matter of phasing and delivery are agreed before any planning application is submitted; this is something that can appropriately be assessed through the determination of these appeals.
- 5.21 As regards the level of information that has been submitted, the documentation provided with the planning applications included a Phasing Plan and an Infrastructure Delivery Schedule. The former provided an indication as to the way in which the site could be divided into sensible development parcels (Phases) for the purposes of implementation and the latter included: (i) details of the various pieces of infrastructure that the Appellants expect the development to require / deliver; (ii) the means by which the Appellants expect each item to be funded; and (iii) an indicative programme for the delivery of each item. More recently, the Appellants have shared with the Council a document which provides more detailed information on phasing and delivery (including more detail on the order in which development parcels will likely be developed, the timing of each phase, and what each phase will likely contain).
- 5.22 The information submitted by the Appellants is sufficient to demonstrate how the proposals are likely to be / could be delivered and over what period. If further information is required, this could be submitted and agreed pursuant to a planning obligation, such as the one recently been agreed by the parties.

Issues with Proper Planning

- 5.23 It is not clear to me how, by not agreeing the Masterplan with the Council before submitting it, or not providing for the delivery of the full extent of the CBLR between Penwortham Way and The Cawsey, the proposals do not represent 'proper planning' and are at odds with the provisions of the NPPF. As noted earlier, the Council has not taken issue with the design of the proposals per se. It has not said, for example, that there is a fundamental flaw in the Masterplan or something so completely objectionable about the design of the scheme that it does not satisfy either the development plan's Policies on design or those set out in the NPPF. Its concerns seem to me to be confined to the fact that the Masterplan does not provide for the full extent of the CBLR and the issues it has raised in respect of the level of detail that has been provided in the Masterplan. I have dealt with the points around the level of detail provided above and I return to the matter of the CBLR later. I have also dealt above with the fact that the proposals are in no way prejudicial to the delivery of a comprehensive scheme of development for the allocation as a whole, or the development of the safeguarded land to the south, indeed the proposals will facilitate the development of these areas.

Ultimately, I don't see anything in the Council's analysis that indicated that the proposals represent poor design or planning.

Main Issue 2 – Traffic Impact

- 5.24 As the Inspector has noted, the only pertinent question raised by RfR 1 and 2 is whether the Appeal proposals would have a severe adverse impact on the local highway network. This is a matter that is dealt with by Mr Axon. In the light of his findings, I consider that the proposals satisfy the provisions of Policy 3 of the Core Strategy (**CD5.1**), and the provisions of paragraphs 104, 105, 110, 111, and 112 of the NPPF (**CD4.1**).

Main Issue 3 – The Proposals for the Bee Lane Bridge

- 5.25 Mr Axon deals with this also. Mr Axon is satisfied that the way in which the proposals envisage Bee Lane Bridge being used is entirely safe and acceptable. This element of the proposed development therefore accords with Policy 17 of the Core Strategy (**CD5.1**) (insofar as relevant – I note that it sets only one relevant requirement and that is where it states that new development should link in with surrounding movement patterns), Policy G17 of the Local Plan (**CD5.2**) and paragraphs 104, 110, 111 and 112 of the NPPF (**CD4.1**).

Main Issue 4 – The Provision of Highway Improvements

- 5.26 There are two important questions that need to be answered under Main Issue 4. They are:
- a) whether the infrastructure referred to by the Council is needed to make the proposed development acceptable in planning terms; and
 - b) whether development plan policy requires the provision of the CBLR in the way that the Council is asserting.
- 5.27 As regards (a), it is clear from Mr Axon's analysis that the CBLR is not required to make the development of allocated land, or the allocation together with the safeguarded land, acceptable in planning terms.
- 5.28 As regards (b), this part of the Council's case is built on a fundamentally flawed application of development plan policy. There is no Policy within either the Core Strategy or the Local Plan that requires the developer(s) of the Pickerings Farm allocation to deliver any part of the CBLR, including any improved or new crossing over the railway line at or in the vicinity of the Bee Lane Bridge.
- 5.29 It is possible that the Council is conflating Policy A2 with its supporting text and imagining that, together, they require more than Policy A2 actually does but, if this is the case, there are two problems with the Council's approach.
- 5.30 First, I understand that the position in law is that supporting text cannot introduce policy tests or requirements that need to be satisfied by proposed development but which are not specified in the relevant policies themselves¹. Policy A2 is clear in its requirements as regards the CBLR and the appeal proposals satisfy these. Indeed, the proposals go further in that the Appellants are proposing to deliver those sections of the CBLR that sit within their land.
- 5.31 Secondly, and although not strictly relevant in the light of the law, I have examined the supporting text to the various relevant Policies, including Policy 5 of the Core Strategy (which defines the Strategic

¹ *R (Cherkley Campaign Ltd) v Mole Valley District Council* [2014] EWCA 567 7

Sites and Strategic Locations and note these as being central to the achievement of the Core Strategy as referenced at paragraph 7.1 above) and have found nothing which says that the developers of the Pickerings Farm site will be required to deliver the entirety of that part of the CBLR between Penwortham Way and The Cawsey.

- 5.32 I do not believe there can be any doubt about what the development plan requires insofar as the CBLR is concerned. It is explicit that it requires the developer to safeguard land for the CBLR through the Pickerings Farm site. The supporting text goes further, to reference the timing of the delivery of this part of the road and developers helping fund it, but this is not Policy and is dealt with by the appeal proposals in any event.
- 5.33 Finally on this Issue, I do not accept that allowing the appeals *would prejudice the ability for some allocated parcels of land outside of the sites subject to this appeal to be delivered*. As already explained, the Masterplan describes a comprehensive scheme covering the entirety of the allocation and the appeal proposals would facilitate rather than prejudice the development of the land that is not controlled by the Appellants. With specific regard to the section of the CBLR that passes through the allocation, if the appeal proposals are allowed, all that will be left to delivered is a very short length of spine road. There is no risk of the developer of the remaining parts of the allocation not being able to deliver this stretch of highway.

Main Issue 5 – Sports Facilities

- 5.34 I understand that the Council is no longer defending this RfR. However, for completeness and because the matter of sports facilities has been raised by Interested Parties, I address this briefly.
- 5.35 The development plan requires all new developments involving the construction of more than 5 dwellings to make adequate provision for sport, physical activity and recreation facilities and allows for provision to be made either directly on-site, or by way of financial contributions towards the provision of new or improved facilities off-site (**CD5.1**, Policy 24; **CD5.2** Policies G11 and H1).
- 5.36 Sport England has calculated that the proposals need to provide:
- 2.5 grass playing pitches;
 - 2.75 changing rooms; and
 - investment in sports halls and swimming pools to cater for additional visits
- 5.37 Sport England favours investment in existing facilities off-site, rather than the delivery of new pitches and facilities on-site. It calculates the cost of the necessary infrastructure to be £1,647,768. This approach is agreed by the Council and the Appellants and appropriate provision has been made for the making of the necessary financial contribution in the S106 Agreement for the proposals.

Main Issue 6 – Air Quality

- 5.38 The Appellants have since agreed a SoCG on Air Quality Matters (**CD10.6**). This makes it clear that the only matter that remains in dispute is the volume of traffic that the proposed development will likely generate and, therefore, whether the inputs to the air quality assessment, and the conclusions drawn from this, are appropriate.
- 5.39 Mr Stoaling has compiled a Technical Statement on Air Quality which is attached at **Appendix 3** to my Main Proof. In his Note, Mr Stoaling summarises the work undertaken by ENSAFE at the planning application stage, the findings of that work, and the matters agreed with the Council. He also

comments on the issues that have been raised by Interested Parties and includes the results of additional calculations that he has undertaken to test the sensitivity associated with an increase in the amount of traffic generated by the proposed development. This confirms that the traffic generated by the proposals would have to be more than 500% higher than calculated by Vectos, on any single link, before the proposals caused anything more than a 'slight adverse' effect in air quality terms.

- 5.40 The Appellants remain firmly of the view that the traffic data used by ENSAFE for the air quality assessment is appropriate and the air quality damage cost has been correctly calculated at £252,046. However, to allow for a situation where the Inspector concludes that a higher figure should be adopted, the S106 Agreement has some in-built flexibility.

6. Matters Raised by Interested Parties

Flood Risk and Drainage

- 6.1 The planning applications are accompanied by an Environmental Statement ("ES"), appended to which is a Flood Risk Assessment ("FRA"). Integral to the FRA is a Surface Water Drainage Strategy.
- 6.2 The submitted documents have been scrutinised by the Lead Local Flood Authority ("LLFA") (LCC) and the Sewerage Undertaker (United Utilities) and both found the proposed development to be acceptable, subject to the Council (now the Inspector) imposing a number of standard planning conditions.
- 6.3 Attached to my Main Proof at **Appendix 4** is a Technical Note on Flood Risk and Drainage that has been prepared by the Appellant's expert on this matter, John Lees of Lees Roxborough. In his Note, Mr Lees explains the engagement that Lees Roxborough has had with the LLFA and UU, the flood risk and surface water drainage proposals for the site and then goes on to address the key points raised by Mr Hambilton for Keep Bee Lane Rural ("KBLR"). As Mr Lees points out, Mr Hambilton's concerns are based on a misunderstanding of the proposals and the FRA. Correctly understood, the proposals accord with part (k) of Core Strategy Policy 17, Core Strategy Policy 29 and the relevant provisions of the NPPF and NPPG are, therefore, acceptable.

Wildlife, Ecology and Biodiversity Net Gain

- 6.4 Appended to the ES is an Ecology Desk Study Report, a Phase 1 Habitat Survey and surveys for: Bats; Badgers; Barn Owl; Breeding Birds; Water Vole; and Wintering Birds. There is also an Arboricultural Assessment and a Biodiversity Net Gain Assessment. The scope of the ES was defined by a Scoping Opinion issued by the Council in December 2018 following consultation with a large number of external bodies, including the Greater Manchester Ecology Unit ("GMEU"). The ES and the additional material referred to above has been examined by the Council, Natural England, GMEU and Lancashire Wildlife Trust. GMEU and the Wildlife Trust both raised concerns about aspects of the proposals but ultimately concluded that these could be addressed by planning conditions.
- 6.5 Notwithstanding all of this, Interested Parties have raised some concerns about both the impact that the development might have on habitats and species and the level of biodiversity net gain that the development might deliver. To address these and to give the Inspector additional comfort on these matters, the Appellants have commissioned a peer review of the ecological work submitted with the planning applications. This has been undertaken by Tim Goodwin of Ecology Solutions and a Technical Note produced by Mr Goodwin is attached at **Appendix 5** to my Main Proof.
- 6.6 In his Note, Mr Goodwin examines the issue of biodiversity net gain and notes that TEP, the authors of the ecological assessments that accompanied the planning applications, calculate that the

proposed development will deliver a net gain of 2.07%. Mr Goodwin is satisfied that the net gain calculation is based on a robust methodology and is accurate. However, he also notes that baseline conditions can and probably will change over time and that it would be sensible to reassess the net gain offered by the proposed development prior to commencement. He also notes that the Appellants wish to ensure that the development achieves a net gain that is considerably better than TEP has calculated. Indeed, the Appellants are keen to achieve a net gain of least 10%. Mr Goodwin goes on to explain how this could be achieved.

Education Infrastructure

- 6.7 LCC (as Local Education Authority (“LEA”)) is the body responsible for assessing the capacity of existing schools and determining the extent to which students that are expected to live within proposed developments can be accommodated within existing facilities without the need for further investment.
- 6.8 In the present case, the LEA has concluded that there will be sufficient spare capacity within existing schools to accommodate both the primary and secondary pupils that are likely to be generated by the development (with considerable headroom remaining within the secondary setting). However, it has also noted that if all of the housing developments that are the subject of live planning applications are granted planning permissions, then there will be a slight shortage of primary school places. Accordingly, the LEA has requested that land be set aside within the development for a new, 2FE primary school and the Appellants agreed early in the design process to integrate this into the scheme. The land for the school will be gifted to the LEA, as a serviced plot, at nil consideration. Because the value of this plot exceeds the scale of primary school contribution sought, the LEA has agreed to take the land in lieu of the financial contribution.
- 6.9 Interested Parties have raised concerns about:
- a) the pupil yield ratios used by the LEA;
 - b) the various committed developments that have been factored into the analysis and whether a properly comprehensive assessment has been undertaken; and
 - c) the population (births and migration) data that the LEA has used.
- 6.10 I have addressed these concerns in my Main Proof.

Healthcare

- 6.11 Interested Parties have raised concerns about the capacity within local healthcare facilities. In South Ribble, developers make financial contributions towards the cost of maintaining and enhancing such infrastructure through the Council’s Community Infrastructure Levy.

Interruptions to Utilities and Services During Construction

- 6.12 Interested Parties have said that they are concerned about the disruption that they may encounter as regards utilities and services during the construction period. I cannot guarantee that there won’t be any such disturbance but the Appellants are highly experienced developers and they have processes, procedures and standards in place that ensure that disruption is kept to the absolute minimum. There will also be a condition attached to the planning permissions which requires the submission of a CEMP which will almost certainly require the developers to agree with the Council matters such as

construction traffic routing, hours of working, control of noise, dust and vibration, the monitoring of compliance and measures for communicating with local residents and businesses.

City Deal

- 6.13 KBLR has made extensive submissions on the City Deal but has incorrectly assumed that the Appellants will be inviting the Inspector to attach significant weight to the contribution that the proposed development will make to that programme. This is not the case. However, in its letter to the Inspector (**Appendix 1**), Homes England describes the City Deal, how the Partners pool resources and how Homes England has recycled income received from the sale of 11 sites in the form of loan and grant funding (amounting to £30.3m in loans and £24.2m in grants so far). This money has been / is being used to facilitate the delivery of major infrastructure. The Pickerings Farm site is also invested in the City Deal and so the proceeds that Homes England receives when it ultimately disposes of the land that it owns, will be recycled as part of its ongoing commitment to the programme.

7. The Benefits of the Proposed Development

- 7.1 The proposed development will deliver considerable economic, social and environmental benefits. These are as follows:

Economic

- a) the creation of an average of 275 jobs per annum during the construction period;
- b) the creation of homes for around 1,850 people of working age, delivering capacity, skills and expenditure into the local economy;
- c) the generation of around £6.1m in New Homes Bonus over 4 years and then £1.8m per annum in Council Tax revenue;
- d) the creation of jobs on-site, in the Primary School and local centre;
- e) the generation of about £12.7m per annum household expenditure in the local economy, supporting 156 FTE jobs.

Social

- a) the delivery of 1,100 new homes;
- b) the delivery of up to 330 affordable homes, including First Homes (see updated Report on Affordable Housing produced by James Stacey of Tetlow King attached at **Appendix 6** to my Main Proof);
- c) the delivery of a broad mix of homes;
- d) the provision of serviced land for the construction of a new two form entry primary school;
- e) a provision of a new local centre;
- f) the creation of a shared workspace;
- g) the making of appropriate contributions, through CIL payments and S106 obligations to support local infrastructure.

Environmental

- a) the masterplan and the 'vision and validate' approach to movement will deliver sustainable and active travel and minimise reliance on motor vehicles for local journeys;
 - b) the delivery of a 10% net gain in biodiversity;
 - c) significant landscape enhancement;
 - d) changes to the site's hydrology that will deliver a substantial betterment for the environment and local people;
 - e) a significant over-provision of green infrastructure.
- 7.2 Overall, I given the number and range of benefits that the development will provide, some of which will impact positively on communities off-site, I consider that, together, they should be afforded significant weight in the planning balance.

8. The Planning Balance and Conclusions

- 8.1 S38(6) of the Planning and Compulsory Purchase Act 2994 provides that this appeal must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF describes the presumption in favour of sustainable development which, insofar as relevant to these appeals, means approving development proposals that accord with an up to date development plan without delay.

The Development Plan and Policy Compliance

- 8.2 There is no suggestion in this case that the development plan is out of date. The Pickerings Farm housing allocation is specifically referred to in the development plan as being central to the delivery of the spatial strategy for both South Ribble and Central Lancashire.
- 8.3 The RfR refer to only a handful of development plan policies that the Council says the proposals conflict with². However, the evidence that I have presented, together with the evidence contained in the Proofs prepared by Mr Axon and Mr Thornton very clearly demonstrates that the Council is wrong and that the actual position as regards development plan compliance is as follows:

Core Strategy

Policy Ref:	Subject	Compliance	Notes
1	Locating Growth	Y	
2	Infrastructure	Y	
3	Travel	Y	

² Core Strategy Policies 17 and 30 and Local Plan Policies A1, A2, C1, G10, G11 and G17

5	Density	Y	
6	Housing Quality	Y	Only part (c) relevant. To be addressed at RM stage but Appellants committed to delivering an appropriate mix of homes and achieving ever higher standards of construction
7	Affordable Housing	Y	
14	Education	Y	
17	Design of New Buildings	-	To be addressed at RM stage but DAS and Design Code and Masterplan provide clear evidence of how Policy 17 will be addressed
18	Green Infrastructure	-	No relevant criteria applying
22	Biodiversity	Y	
23	Health	Y	
24	Sport and Recreation	Y	
25	Community Facilities	Y	
27	Sustainable Resources and New Development	Y	
29	Water Management	Y	
30	Air Quality	Y	

Local Plan

Policy Ref:	Subject	Compliance	Notes
A1	Developer Contributions	-	Not a Policy to be complied with. Provides a framework for the Council seeking Planning Obligations

A2	Cross Borough Link Road	Y	
B1	Existing Built up Areas	-	Not Relevant
C1	Pickerings Farm, Penwortham	Y	
D1	Allocation of Housing Land	Y	
D2	Phasing of Housing	-	Policy is a statement of Council intent. Compliance not required
F1	Parking Standards	-	To be addressed at RM stage
G3	Safeguarded Land	Y	
G8	Green Infrastructure Network	Y	
G10	Green Infrastructure Provision in Residential Developments	Y	
G11	Playing Pitch Provision	Y	
G12	Green Corridors / Green Wedges	Y	
G13	Trees and Woodlands	Y	
G14	Unstable or Contaminated Land	Y	
G16	Biodiversity and Nature Conservation		
G17	Design Criteria for New Development	Y	Only criterion (c) relevant at this stage. Remaining criteria to be addressed through RMs.
H1	Protection of Health, Education and Other Community Services and Facilities	Y	

8.7 As the table above indicates, the proposals accord entirely with the provisions of the development plan.

Other Material Considerations

- 8.8 The NPPF (**CD4.1**) is the most important of the other material considerations in this case and, in my opinion, there is no policy in the NPPF with which the proposals conflict and nothing in it that would indicate that planning permission should be refused. In particular, I note that the proposed development is consistent with the NPPFs provisions on:
- a) delivering a sufficient supply of new homes (paragraphs 60, 63, 65 and 73 being of particular note);
 - b) promoting healthy and safe communities (paragraphs 92, 93 and 95);
 - c) open space and recreation (paragraphs 98 and 100);
 - d) promoting sustainable transport (paragraphs 104, 105, 110, 111 and 112 in particular);
 - e) making effective use of land (paragraph 120);
 - f) achieving appropriate densities (paragraphs 124 and 125);
 - g) achieving well designed places (paragraphs 128 and 130); and
 - h) conserving the natural environment (paragraph 174).
- 8.9 Beyond the NPPF, I and others have examined the relevant provisions of the NPPG and the Council's SPDs on Design, Open Space, Affordable Housing and Biodiversity and Nature Conservation. We have found the proposals to be in accordance with all relevant provisions within these documents.
- 8.10 Finally, as regards other material considerations, the proposals will deliver a significant number and range of economic, social and environmental benefits which, overall and as noted above, I consider should be afforded significant weight in the planning balance.

The Planning Balance

- 8.11 In this case, the planning balance is straightforward to assess. The proposals are in accordance with the provisions of the development plan when read as a whole and there are no material considerations which indicate that planning permission should be refused. Indeed, the other material considerations include the positive benefits that the proposals will generate in economic, social and environmental terms. All of these factors indicate that the proposals will deliver significant public benefits. Therefore, and in accordance with the provisions of paragraph 11 of the NPPF, planning permission should be granted without delay. Even if I am wrong about the extent to which the proposals comply with the relevant provisions of the development plan, and the conclusion were to be reached that they do not accord with the plan when read as a whole, material considerations and, in particular, the extensive benefits of the proposals would readily outweigh any such breach.

Conclusions

- 8.12 In the light of the above, I consider the case for allowing the appeals to be compelling. I respectfully request that they are allowed, subject to appropriate obligations and conditions.

9. Conditions, Obligations and CIL

- 9.1 The Appellants are in the process of trying to agree a set of planning conditions that can be attached to the planning permissions should the appeals be allowed. These will be submitted to PINS before the Inquiry opens and will be discussed at a roundtable session led by the Inspector.
- 9.2 The Appellants have compiled a Draft S106 agreement and this has been shared with the Council. The Appellants will attempt to agree this with the Council in the coming weeks, so that a settled document can be submitted to PINS before the Inquiry opens.
- 9.3 The Appeal proposals will attract a CIL charge (**CD7.3**). As things stand, the Appellants are only expecting to have to make a Levy payment for the housing that is proposed as all of the other elements of the scheme appear to be zero rated or are not referenced in the Council's Charging Schedule at all. The base rate charge for new dwellings (excluding apartments which are zero rated) is £65 per sqm (GIA) of new floorspace created.
- 9.4 Because we do not yet know how much floorspace the homes within the development will provide, we cannot say for certain what the CIL charge for the proposals will be. However, to give the Inspector an indication as to the broad scale of charge that might be required, we have run a calculation and this indicates that the CIL charge for the proposed development could be in the order of £7.6m.

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