

PLANNING COMMITTEE

WEDNESDAY, 9TH JANUARY, 2019, 6.00 PM

SHIELD ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25
1DH

SECOND SUPPLEMENTARY AGENDA

6 07/2018/6475/FUL - Daub Hall Lane and Gregson Lane

(Pages 95 - 110)

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Planning Committee Councillors Jon Hesketh (Chair), Rebecca Noblet (Vice-Chair), Renee Blow, Malcolm Donoghue, Bill Evans, Derek Forrest, Mick Higgins, Ken Jones, Jim Marsh, Jacqui Mort, Peter Mullineaux, Mike Nelson, Caleb Tomlinson, Graham Walton and Barrie Yates

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Thursday, 7 February 2019 - Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

Procedure of Debate at Planning Committee

Whenever a planning application is dealt with by Planning Committee the Council is keen to allow the local community to participate in the process. The procedure that will ordinarily be followed is that:-

- Up to five members of the public who wish to speak against an application will be allowed to speak. Each will have up to four minutes in which to state their case.
- Up to five members of the public who wish to speak in favour of an application will then be allowed to speak. Again each will have up to four minutes in which to state their case.
- Borough councillors (not on Planning Committee) will then have the opportunity to make representations about the application. Each will have up to four minutes to state their case – whether for or against.
- The applicant/agent will then be invited to speak in support of the application. Ordinarily he/she will have up to four minutes to speak.

- The application will be then be discussed by Committee. At this point members of the public, the applicant and other councillors not on Committee will not be able to speak further.
- Planning Committee will then take a vote on the matter.
- No paperwork, plans or photographs will be allowed to be circulated by the applicant/agent or member of the public at the meeting.

The Chairman of Planning Committee has discretion to vary these rules when dealing with a particular application if he considers it appropriate. Whenever members of the public speak (whether in opposition to a proposal or in favour of it) they should avoid repeating the same points made by other speakers.

Filming/Recording Meetings

The Council will allow any member of the public to take photographs, film, audio-record and report on any Planning Committee meeting. If anyone is intending to record any such meeting (or part of such a meeting) then it would be very helpful if they could give prior notice of their intention to the Council's Democratic Services Team. Ideally 48 hours' notice should be given.

When exercising the rights to record a Planning Committee meeting a member of the public must not in any way be disruptive to that meeting. They must not provide an oral commentary on the meeting whilst it is continuing. If disruption is caused then the Chairman of the meeting may exclude that person from the rest of the meeting.

Members of the public will not be entitled to stay in the meeting if any confidential (exempt) items of business are being discussed.

Full details of planning applications, associated documents including related consultation replies can be found on the Public Access for planning system, searching for the application using the Simple Search box.
<http://publicaccess.southribble.gov.uk/online-applications/>

Agenda Item 6

Planning Committee Update Sheet 9th January 2019

Item 6 – Daub Hall Lane and Gregson Lane, Hoghton

07/2018/6475/FUL

Two late letters of representation have been received from residents of Bamber Bridge and Longton in objection to the proposal.

Comments reflect those of the main report but are summarised as:

- Harm to the village and protected open land
- Need to respect adopted local plans and the ‘democratic will of the people’
- Disproportionate scale of proposed community centre
- ‘Cynical attempt to secure residential permission on protected land through exploitation of a local charity’
- Proposal already brings ‘harm and discord’ to residents. Development will only make things worse

Late representation has also been received (7.1.19) from the applicant’s agent in response to the agenda committee report. Copies will be supplied separately to members

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GREGSON GREEN COMMUNITY INITIATIVE

Response to Committee Report



CASSIDY + ASHTON | 7 East Cliff, Preston, PR1 3JE

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1.0 INTRODUCTION

- 1.1 This Statement has been prepared in response to the Report to Planning Committee in respect to application reference 07/2018/6475/FUL.
- 1.2 A number of issues are raised within the Committee Report which this Statement seeks to address, in order to ensure members are able to determine the application solely on its merits and with no misleading or incorrect information being relied upon.
- 1.3 It is accepted that the report acknowledges that many of the reasons for refusal proposed in respect to the previous application have now been addressed and therefore the issues have been reduced to the Policy balance against the agreed benefits of the Community Centre.

2.0 PLANNING ISSUES

Five Year Housing Land Supply

- 2.1 Although this was not the original justification for the proposed development, a key consideration of this application should be the current position on the Five Year Housing Land Supply for South Ribble.
- 2.2 It is noted that the Council's position is that there is a 5.01 year supply and therefore the adopted housing policies can be regarded as being up to date. This assertion is based upon the interpretation of the Inspector's Decision letter for the recent Brindle Road appeal [ref. APP/F2360/W/18/3198822].
- 2.3 However, it is the applicant's position that this is not the case and furthermore this is not what the Inspector concluded.
- 2.4 First of all, the annual housing requirement was established by the Inspector to be 785 dwellings per annum. This is agreed.
- 2.5 However, whereas the Council alleged during that Appeal that the current supply was 5.01 years based upon that annual requirement, the Inspector actually concluded due to the agreed slippage on the key site at Moss Lane Test Track, that there was a less than five year housing land supply. There has been no improvement on the delivery of this site and the application is yet to be determined at planning committee and a Section 106 Agreement would then still have to be agreed. Therefore, it is reasonable to suggest that further slippage will only worsen the 5 year land supply position.
- 2.6 In such circumstances, the NPPF requires that adopted Housing Policies are to be regarded as out of date. The revised NPPF states that sites with Outline Planning permission or allocated sites should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. The onus is now on the Council to provide the clear evidence for any sites with outline planning permission and allocated sites it considers deliverable.
- 2.7 No subsequent assessments have been undertaken that demonstrate that the supply now meets the five year requirement and therefore the Council's housing policies should be considered to remain out of date.
- 2.8 In actual fact, the housing land supply position has worsened since the Brindle Road Appeal decision was issued on 31 August 2018.
- 2.9 A number of other key sites have also been subject to slippage as evidenced by the information below:

- Reduction of 26 from Test Track- Reason –6 months behind determination and slippage agreed by Brindle Rd Inspector.
- Reduction of 60 from Croston Rd North – Reason - Homes England have confirmed housing construction would start in April 2021 at earliest
- Reduction of 15 from Rear of Longton Hall (LHU10) – Reason - 6 months behind schedule as no application has been submitted
- Reduction of 15 from Rear of Longton Hall (LHU11) – Reason - 6 months behind schedule as no application has been submitted
- Reduction of 52 from North of Bannister Lane (FW02f) – Reason - Homes England have confirmed that housing construction would start in April 2021 at earliest and proposed phasing will mean delay in delivery
- Reduction of 20 from North of Bannister Lane (FW02e) – Reason – Homes England have confirmed that housing construction would start April 2021 at earliest and proposed phasing will mean delay in delivery
- Remove 20 units from Gas Holders Site (TG08) - Application for 32 units has been withdrawn (7/2018/2847/FUL)
- Remove 130 units from Brindle Road (BBE02b) - Application was refused by the Council and planning appeal is awaiting determination
- Remove 28 units from Former Buildbase Site (BBN06) - Outline consent has now expired
- Remove 11 units from Bannister Hall Farm (SW16) - Planning consent has now expired

2.10 On this basis, it is considered that the deliverable housing supply land in South Ribble is no more than 4.52 years:

	Council deliverable supply CS	Rowland deliverable supply	Source
Deliverable Supply	3927	3550	<i>Deliverable supply from Housing Land Supply</i>
Buffer (5% or 20%)	20%	20%	<i>Has the LPA persistently under delivered?</i>
Total 5 year requirement	3925	3925	<i>Residual 5 year requirement plus buffer</i>
Annual Average	785	785	
LPA Supply	5.01	4.52	<i>Deliverable supply divided by Annual Average</i>

2.11 Where a Council cannot demonstrate that it has a 5 year supply of deliverable housing sites, para. 11 of the 2018 Framework states:

"For decision-taking this means:

...

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 2.12 For the purposes of clarification policies are out of date in the absence of a deliverable five year housing land supply, and areas or assets of particular importance are Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal change. It does **NOT** include Protected Open Land.
- 2.13 As Protected Open Land is not one of the areas or assets referred to in the footnote to para. 11 of the Framework and is a relevant policy for the determination of planning applications for housing development, Policy G4 of the Local Plan should be regarded as being out of date and the tilted balance in favour of the application should be applied.
- 2.14 In this respect when determining which policies are out of date, the revised NPPF refers to policies which are 'most important' and is considered to have a significantly wider scope than the previous NPPF and therefore and would likely include policies such as G4 – Protected Open Land given that the policy is one which could preclude the granting of planning permission in rural locations.
- 2.15 Therefore, although this was not the original justification for the proposed development which remains justified in its own right in terms of the planning balance, the lack of a five year housing land supply adds further and substantial justification for planning permission to be granted.

Affordable Housing

- 2.16 Turning to the other policy matters, it is noted that the Report refers to conflict with Affordable Housing Policy 7 of the Core Strategy. However, the Strategic Housing Team has indicated that they are comfortable with the mix proposed. It is worth noting that this level of affordable housing provision is greater than that allowed at appeal at Brindle Road and indeed other sites included in the Council's housing land supply.

- 2.17 South Ribble Council appointed Keppie Massie to review the Viability Assessment that we submitted with our planning application. The Keppie Massie Addendum Financial Viability Report (November 2018) agreed that the provision of 23% affordable housing is viable together with the contributions being sought. Keppie Massie also concluded that the development is not sufficiently financially viable to support any additional affordable housing provision without a change in tenure.
- 2.18 It is noted that the figure is lower than the 35% set out in Policy which forms a starting point to affordable housing provision but it is considered that the significant benefits of the £1.2m to be provided to construct a replacement Community Centre, over and above the potential contribution to affordable housing are such that the overall community benefits are greater than simply providing affordable housing alone.

Community Centre

- 2.19 It is noted that the Report states that the replacement of the Community Centre is not a Local Plan policy. However it is Council policy as evidenced by the Eastern Parishes Neighbourhood Plan 2017/18:

**Eastern 'My Neighbourhood Forum'
Neighbourhood Plan 2017/2018**

Version 2 - July 2017

Capital project / Corporate Priority	Cabinet Member	Project description
Bamber Bridge Improvement Plan	Cllr Phil Smith	Work on central gardens including the iron tree sculpture and landscaping were completed in December 2016 by SRBC. Lancashire County Council works on the central area are nearing completion with street furniture being installed in the coming weeks. A second phase of works by Lancashire County Council is programmed to commence shortly and be complete by December 2017
Withy Grove Park Improvement Programme	Cllr Peter Mullineaux	Plans for phases 2 & 3, which involves improving the paths to the centre of the park, are awaiting railways work on the new bridge to be completed.
John McNamara Memorial	Cllr Mike Nelson Cllr Alan Ogilvie	Proposal to re-site a memorial to Corporal John McNamara, a local WW1 veteran and recipient of the Victoria Cross for gallantry, conspicuous bravery and devotion to duty. Preparatory work through 2017 ahead of his centenary is underway.
Operational Projects	Responsible Member	Project description
Feasibility of car park refurbishment at Walton-le-Dale community centre	Cllr Peter Mullineaux	Planning permission has been granted for the new car park and lighting. Funding has been secured in the Council's 2017/18 Capital Programme; Cabinet approval now needed for release of funds.
Improvement scheme for Gregson Lane sports & community facilities	Cllr Jim Marsh Cllr Warren Bennett	The forum has supported Gregson Green steering group in its fundraising efforts, & with a financial commitment of £30,000 towards the construction of a new community centre. Regular events continue to raise the profile of the group, generate funds & create a fantastic sense of community spirit.

- 2.20 Indeed, the Council itself has pledged money towards the construction of a new centre. To therefore say it is not Council policy is incorrect.
- 2.21 However, on several occasions the report makes reference to a fundraising amount of around £300k (Items 1.7, 4.2 and page 13 under "Proposed Community Centre"). We are not sure where this figure has come from but it is incorrect. The actual amount currently in the Gregson Green account is around £150k which will be used to fit out the new centre.
- 2.22 Reference is also made to the assertion that the scale of the Community Centre has not been justified. Unfortunately, this demonstrates a lack of understanding of the proposals. The actual usable floorspace to be provided in the main hall will not be significantly different from the existing building which it is accepted is a major and well used asset of the local community.
- 2.23 The main differences between the existing and the proposed floor areas are as follows:

- 1) Existing Main Hall is approximately 14.2 x 9.6m (136m²) compared to the new Main Hall which is 10% larger at 13.9m x 10.8m (150m²).

By way of comparison, the Main Hall in Hoghton Village Hall (taken from the toilet wall up to the front of the stage) is approximately 16.8 x 9.7m (163m²).
 - 2) The area of existing external storage is approximately 36m² compared with the new ground floor storage area of approximately 57m².
 - 3) Introduction of two new meeting rooms with a floor area of 32m².
 - 4) Changing rooms increased in size from 32m² to 45m² to meet standards.
 - 5) Male and female toilets are larger.
 - 6) Introduction of a disabled toilet / changing and baby changing room added.
 - 7) Kitchen increased in size.
 - 8) Cleaners store added.
 - 9) Plant room.
 - 10) Incorporating all the different buildings under one roof creates additional circulation space which increases the floor area.
- 2.24 Given that it is acknowledged that the provision of the Community Centre is the key factor in favour of this application, it is essential that the Council make a decision on the basis of the correct information.

Development Viability

- 2.25 The application was accompanied by a Viability Assessment prepared by Cushman and Wakefield, one of the most respected firms in this field.
- 2.26 As stated above, Keppie Massie assessed our Viability Assessment and agreed with its findings, concluding that no more than 23% affordable housing could be provided without a change in the preferred tenure mix. However, the Committee Report refers to 'other' advice from Keppie Massie that suggests 35% affordable housing on the basis of 'enabling development standards'. This advice was not included in Keppie Massie's Addendum Financial Viability Report that was provided in November 2018 and it is in fact contradictory to its recommendations. We were not presented with these other Keppie Massie comments prior to the publication of the Committee Report so did not have the opportunity to respond. We have since provided these other comments to Cushman and Wakefield and they have confirmed that there is no basis for this suggestion with regards to enabling development. Indeed, all assumptions or recommendations provided to Local Planning Authorities have to be based on market evidence. There is no standard or market benchmark to support Keppie Massie's suggestion regarding

enabling development. As Keppie Massie's other advice is completely unsubstantiated, it should therefore not be used to inform a planning decision.

- 2.27 Keppie Massie's other comments raise concerns about the enabling development relationship between the two elements of the scheme. They then review the scheme and suggest that with a reduced land value, 35% affordable housing can be provided. It is worth repeating that our proposal includes a significantly reduced land value in any event and this is confirmed in our Viability Assessment. Keppie accepted this significantly reduced land value within their Addendum Report. We consider that Keppie Massie's other comments are flawed, as they are not in accordance with the viability requirements of the NPPF 2018 and is not based upon market evidence. KM also query the cost of the Centre and whether £1.2m is sufficient, having previously and erroneously suggested a higher figure which included sports field provision which is of course already on site.
- 2.28 The guidance supporting NPPF 2018 established a new methodology for viability assessments and the approach to the consideration of base land value. The appraisal submitted with the application follows this revised methodology which has enabled the proposal for 23% affordable housing within the development alongside the other contributions being proposed including the Community Centre.
- 2.29 The development as proposed balances the need for a viable development against the requirements of NPPF 2018 yet still manages to make a contribution towards affordable housing, open space enhancements, a community bus service and a Community Centre through a significantly reduced base land value.
- 2.30 It is therefore the position of the applicants that the viability and balance of the scheme is robust and fully in accordance with national requirements.

Sustainability

- 2.31 The site is a sustainable location for development and previous designations/consultations support this. For a number of years the land was allocated as Safeguarded Land which is land protected to allow for future development needs. As such it is therefore one where the local authority have previously accepted that this is a suitable location for, albeit future, development. In addition to this, the Council themselves proposed the site as Local Needs in Villages – again accepting that the site represented a sustainable location for development.
- 2.32 The Council has therefore clearly accepted that this is a sustainable location for development.
- 2.33 Furthermore the Highways Authority require a commuted sum for a bus service which will not only make the site itself more accessible but will increase accessibility/sustainability for the whole

settlement. Not only is the site therefore sustainable but the development will improve the sustainability of the whole settlement.

Development Quality and Mix

- 2.34 One of the major factors in favour of the proposed development is the quality of the scheme that is being presented, a fundamental requirement of the landowner. It is notable that there have been considerable local concerns raised about the quality of the schemes at Brindle Road which subsequently went to appeal and more recently at Methuen Drive with references in the reasons for refusal to “poor design,” being “detrimental to residential amenity,” and “overbearing.” None of these concerns have been raised in the context of the proposed housing scheme. In addition to this, the residential scheme includes homes that are suitable for the elderly, including bungalows and adaptable house types. This provision is over and above policy requirements but would meet the strong demand for these house types in the area.

Report Format and Summary

- 2.35 It is acknowledged that the Committee Report states that the “matter is finely balanced” but then proceeds to set out a number of so called material considerations against the development. However, it is noted that many of these are not included within the proposed reasons for refusal and therefore it is difficult to understand why they have been listed as material considerations.
- 2.36 In particular reference is made to “excessive urbanisation” of an edge of settlement site despite the scheme being acknowledged as being of a “low residential development density with appropriate spatial separation and access.”
- 2.37 Reference is also made to precedent and for ancillary benefits in return for permission to be accepted as normal practice. Again this is misleading. The planning system allows for the consideration of ancillary benefits of a development to be determined as material considerations and this is acknowledged by the Council’s own advice from Counsel. To say this sets a precedent is unreasonable as there is no indication that there are other altruistic landowners in the local area who intend to make such a contribution towards their village community.
- 2.38 The agricultural land has been demonstrated not to be best and most versatile, therefore it is not a material consideration and is not referred to in the proposed reasons for refusal.
- 2.39 The reference to the evidence of need for the scale of the Community Centre has been addressed previously in this statement but the key message is that there is only an increase of 10% in the floor space of the hall itself with all other space being taken up by ancillary elements to meet modern

standards such as a disabled persons toilet. Regarding future funding and management the report contradicts itself as elsewhere [para. 1.7] it is stated that a comprehensive business plan for the future maintenance and management of the centre has been provided.

- 2.40 Finally, reference is made to increased noise and traffic generation at both sites. This is also addressed elsewhere in the Report and dismissed as not being significant. How it can also be a material consideration against the scheme is counter intuitive.
- 2.41 Accordingly, no reference should have been made to these issues as material considerations against the proposal as none of those referred to above would justify refusal of the application.

3.0 CONCLUSION

- 3.1 The proposed development of a replacement Community Centre supported by the erection of 75 dwellings in a low density, high quality development represents a unique once in a generation opportunity to secure a high quality, modern facility which will benefit the communities of Gregson Lane and Coupe Green for years to come.
- 3.2 Despite a somewhat negative approach in places, the Council's own report to Planning Committee acknowledges that the matter is finely balanced. Add to this fine balance the matter of the Five Year Housing Land Supply and the clarifications provided in this statement and the fine balance slips inexorably in favour of the development as proposed.
- 3.3 The many benefits of the scheme clearly outweigh any impact of the housing development which itself is of a very high quality and only impacts in a policy sense to any great extent.
- 3.4 The application is therefore commended and it is requested that these issues are reported to Planning Committee members prior to the application being determined.

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