

PLANNING COMMITTEE

MONDAY, 11TH MARCH, 2019, 6.00 PM

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

SUPPLEMENTARY AGENDA

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following additional information:

**4 07/2017/3361/ORM - Test Track, Aston Way, Moss Side
Industrial Estate, Leyland**

(Pages 3 - 14)

Report of the Director of Planning and Property attached.

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Planning Committee

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Leyland Test Track - Planning Gain Package Offer - 5th March 2019

(all figures based on 850 dwellings)

<u>Mechanism</u>	<u>Item</u>	<u>Quantum</u>
S106	Affordable Housing	117 units (minimum)
		13.8%
	Tenures	50% Affordable Rent 50% Shared Ownership
	Mix of 2 and 3 bedroom units to be provided in accordance with an Affordable Housing Scheme to be submitted and approved for each Phase of Housing, and subject to revaluation for each Phase.	
	TROs	£ 90,000
	Bus Service	£ 800,000
	Travel Plan	£ 216,750
	Paradise Park works	£ 227,515
	Paradise Park maintenance sum	£ 50,000
	Footpath Diversion Order costs	£ 10,000 incl Council and County legal fees
S278	Highways works	£ 3,038,147
Condition	Renewables Ph2	£ 418,625
	(Phase 2 (first phase of housing) to be fully policy compliant with the remaining phases subject to revaluation and applicable BRegs at the time)	
	Renewables Ph3, 4 and 5	£ 267,730
	(commitment to overnight electric vehicle charging points for all dwellings at a cost of £410 per unit across remaining phases, this includes for charging cable at £310 and external socket as per BS7671 722.311 at £100).	
Renewables to Commercial Uses	£ 150,000 Estimated cost of aparatus and network enhancements based on EHO advice. (Fast charge electric vehicle charging points to be provided for public use in Local Centre and Employment Land car parks)	
	<u>Total Renewables Allowance</u>	<u>£ 836,355</u>
CIL	Full CIL	£ 7,090,462
	CIL calculation as at 7th February 2019	
	Total coverage	867,851
	Less affordable houses coverage	- 81,489
	Less private sale apartments	- 12,984
	Plus garages	56,383
	Total coverage attracting CIL	<u>829,761</u>
	Square meterage equivalent	<u>77,087</u>
	CIL Rate as at 5th March 2019	£ 91.98 per Sq M being 2019 multiplier of 1.415 x £65/sq m
	Total CIL liability	<u>£ 7,090,462</u>

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07 March 2019

Delivered by email and post

Catherine Lewis
Interim Assistant Planning Manager
South Ribble Borough Council
Civic Centre
West Paddock
Leyland

Ref: PROM3001

Dear Catherine

HYBRID APPLICATION – LEYLAND TEST TRACK (07/2017/3361/ORM)

Further to the publication of committee report for the above application and your subsequent meeting with my clients (BDW / Property Capital) on the 4th March, we are writing to confirm the amendments which BDW / Property Capital wish to make to the scheme. These directly address the recommended reasons for refusal of the application.

In light of the proposed amendments we also address the issue of the 'Planning Balance' and respectfully request that either (a) the comments which follow are presented in a late information report or (b) are incorporated in a revised committee report should the meeting on the 11.3.19 be rescheduled.

In view of the amendments and the other material considerations outlined below we believe that the Planning Balance weighs heavily in favour of a recommendation of approval.

Attached to the letter is a schedule of individual paragraphs within the committee report where we believe the content either to be incorrect or potentially misleading to members of the Planning Committee. Again, we respectfully request that relevant clarifications be included in the late information report.

We have focussed our attention on the key paragraphs but would ask that, in the event that Officers are minded to recommend the application for approval, they revisit the report as a whole in order to ensure that each paragraph reflects the applicant's revised position and consistency of messaging.

Proposed Amendments

BDW and Property Capital propose that the application be amended by:

- An increased quantum of affordable housing provision. It is proposed that the level of provision be increased to 117 units to be made up of 50% social rented and 50% shared ownership. This equates to a level and form of provision which Keppie Massie (the Council's viability advisors) believe the scheme to be capable of supporting.

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- Officers should be aware that this offer is without prejudice to the position of the applicant and their advisors with respect to land value¹. The applicant is not in agreement with the Council and its advisors regarding outstanding matters relating to scheme viability but has moved its position substantially. Officers are also reminded that the Section 106 agreement contains appropriate review mechanisms.
- Amendments to the proposed layout within Phase 2 of the proposed development to ensure that the required separation distance between individual plots is achieved in accordance with the provisions of the Councils adopted SPD for Residential Extensions.

A package of amended plans has been provided under separate cover.

Planning Balance

In view of the amendments outlined above, additional planning gain and sustainability enhancements described later in this submission it can be concluded that all outstanding issues with respect to the detail of the proposed development have been satisfactorily resolved.

It is therefore essential that the Planning Balance section of the committee report be updated for the benefit of Members.

Of particular concern to BDW / Property Capital is to ensure that the redevelopment / regeneration of the site and the delivery of up to 950 new homes is, of itself, explicitly recognised as a key benefit of the development and appropriated substantial weight in the balancing exercise. It is concerning to note that Sections 11/12 of the Committee report presently contain no such recognition.

BDW / Property Capital are also concerned to ensure that Members are presented with the most up to date set of information pertaining to wider scheme benefits.

Such benefits are identified below².

Housing Land Supply:

- The proposed development would lead to the redevelopment of a brownfield site which has been allocated for such purposes in various local plan documents for over 20 years. The proposed development is entirely consistent with and supportive of strategic objectives specified in the adopted Development Plan and the City Deal initiative.
- Redevelopment of the application site is a key component of the Council's claimed housing land supply position. The proposed development will deliver up to 950 new homes of varying types and sizes including bungalows to meet a specifically identified demographic need and an appropriate level of affordable provision. It is essential that Members should be made aware of the Brindle Road (Persimmon) appeal decision dated 15th February where the Inspector recorded the Council's housing land supply position as being "*marginal*", that the scheme "*provides an essential boost to the ability to achieve a five years supply of deliverable housing land*" and that "*the contribution of the proposal to augmenting the Borough's housing land supply is an important benefit which **itself**³ outweighs the limited harms...*".
- The same considerations are equally applicable to the Test Track application. The Test Track site forms an key component of the Council's housing land supply position and refusal of the application

¹ As reference in paragraphs 10.4.9 to 10.4.32 of the committee report.

² These should be read alongside the Economic Benefits summary statement prepared by Turley and issued to SRBC by BDW on the XX

³ Emphasis added.

would leave the Council vulnerable to speculative applications for housing development on unallocated greenfield sites including those within the Green Belt.

Economic Benefits:

- Provision of up to 28,000 m² of employment floor-space to meet identified local business needs.
- Local centre to meet the needs of future residents of the scheme and existing local residents.
- £160-£172million investment in construction activity creating 175-190 net additional FTE jobs on site and in the supply chain during construction.
- Generation of between £115million and £125million in total net additional GVA during construction within the North West of which £3.7 to £4million will be concentrated in South Ribble.
- 1,450 jobs supported on site (1,075) and in the wider supply chain (375) once the development is fully completed and operational.
- £15.9 - £17.8million of spending by new residents on retail / leisure, supporting 125-140 retail and leisure sector jobs.
- An additional £4.6 to £5.2million of “first occupation” spending by new residents on home furnishings and appliances
- Generation of £71.2million of net additional GVA to the North West economy during operation (inclusive of £21.8million concentrated in South Ribble).
- £7.3-£8million Community Infrastructure Levy payment
- Generation of £620,000 in annual business rates payment to South Ribble
- Generation of £3.9 to £4.5million in New Homes Bonus payments to South Ribble
- Generation of £1.4 to £1.5million in annual Council Tax payments to South Ribble.

Environmental Benefits

- A financial contribution of £227,515 towards enhancement works and off-site habitat compensation for works in Paradise Park and £50,000 for maintenance of said works.
- Regeneration of vacant brownfield site.
- Lawful public access through the site via new footways, bridleways and cycleways to benefit of existing and future residents of the area.
- Pegasus crossings for bridleways at the request of County Highways, plus appropriate surfacing of bridleways in liaison with local equestrian group.

Affordable Housing Benefits:

- 117 affordable homes (13.8%) provision to be provided as 50% social rent and 50% shared ownership.

Local Highway and Transportation Improvements:

- Total of £3,038,147 of works including traffic calming and new roundabouts on Longmeanygate, site access works off Titan Way including a bus gate, TRO's and works to Tiger junction and other locally impacted junctions in accordance with LCC requirements.
- Provision of new car park off Titan Way and funding of Traffic Regulation Orders (£90,000) to address existing parking problems.

Bus Service Contribution

- A financial contribution of £800,000 for provision of new bus service over a five year period.

Travel Plan Financial Contribution

- Agreement to contribute up to £216,750.00 should future County Council Travel Study warrant specific additional transport infrastructure improvements.

Education

- Land made available and reserved for future primary school to meet needs of existing and future residents

Local Centre

- Delivery of new local centre to meet the needs of existing and future residents.

Climate Change

- Phase 2 of development to be fully compliant with Policy 27 of Core Strategy at cost of £418,625
- Commitment to delivery of overnight electric charging points in all dwellings in Phases 3-5 at cost of £267,730 with further sustainability measures to be incorporated subject to prevailing Building Regulation requirements and scheme viability.
- Provision of fast charge electric vehicle charging points to be provided in local centre and employment area car parks for public use at cost of £150,000.

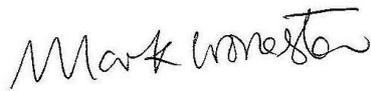
The scheme benefits are significant and should be afforded very substantial weight in the planning balance. Indeed, and as recognised in the Persimmon appeal referenced above, the contribution of the scheme to the Council's housing land supply position is itself sufficient to outweigh the limited harms even without consideration of the numerous other benefits the scheme would deliver.

In view of the proposed amendments there are now no conflicts with the adopted Development Plan and any 'harm' that would arise from the redevelopment of the site is minimal and well within established tolerances.

Such limited harm is substantially outweighed by the significant benefits which would accrue as a direct result of the proposed development.

In the circumstances, BDW / Property Capital request that the recommendation to members be amended to one of "approve subject to conditions / Section 106 agreement" and that members be advised that planning permission should be granted "without delay". We request that this revised recommendation be incorporated either (a) in the late information report or (b) a new committee report should consideration of the application be deferred to the next available committee.

Yours sincerely



Mark Worcester

Director

Schedule of Requested Amendments / Clarifications:

Paragraph	Comment
Officer recommendation	Suggests that 12 plots do not meet relevant standards. This is inconsistent with other parts of the report and has in any event been superseded by the proposed amendments.
Executive Summary	<p>Suggests that all of the application site is subject to Policy C2. This is inaccurate and should be amended. Parts of the site are allocated as Green Infrastructure.</p> <p>Suggests that Members endorsed the Masterplan in July 2017 on the proviso that it be applied flexibly. This is misleading. There is no reference to such in the Masterplan approval letter or in the minutes of the committee meeting. This statement should be deleted.</p> <p>Final Page: discusses noise mitigation and suggests that a deeper landscape buffer could have been provided. This is irrelevant to determination of the application and there is no evidence to suggest that a deeper buffer would achieve a 'better' noise mitigation. To suggest so is conjecture and may lead to committee seeking a substantial amendment to a scheme which is otherwise stated to be 'fit for purpose'. There is no objection to the solution proposed by the applicant and in the circumstances the suggestions of there being 'alternatives' is unnecessary and should be deleted.</p>
2.9	Suggests that all of the application site is subject to Policy C2. This is inaccurate and should be amended. Parts of the site are allocated as Green Infrastructure.
3.5	Suggests that Members endorsed the Masterplan in July 2017 on the proviso that it be applied flexibly. This is misleading. There is no reference to such in the Masterplan approval letter or in the minutes of the committee meeting. This statement should be deleted
7.4	There are two letters of support on file, the second being from MIPD
8.3	<p>The section relating to the response of the LCC PROW Officer should be updated to reflect that the requested amendments to the route have been made and an amended plan was submitted in February (reference LEY1701_FP02 Rev E).</p> <p>The section relating to the response of the Parks Department should be updated to reflect the offer of £50,000 for maintenance costs to be secured within the Section 106 Agreement.</p> <p>The section relating to noise is potentially misleading. The current wording suggests that all properties surrounding the TNT site will require mechanical ventilation whereas such provision is only required in those properties closest to the boundary. For the avoidance of doubt these properties will still have opening windows. The ventilation operates to provide an air-change when the window is closed.</p> <p>The section on archaeology contains an error. The asset is Paradise Farm and not</p>

	Paradise Park.
8.3 and 10.10.2	Paragraph 8.3 suggests further information is required in respect of the proposed remediation strategy. This conflicts with paragraph 10.10.2 which confirms the proposed remediation works to be acceptable.
9.4	Reference to Policy D2 should make it clear that the figure of 750 was an estimate and not intended to be a ceiling to the number of dwellings that may be provided on the site.
9.5	The reference to the Residential Extensions SPD is misleading. There is nothing within that document which suggests it should be used to control the layout of new, large scale housing developments.
10.1.1 and 10.1.2	Not all of the site falls within the C2 policy allocation. In assessing the acceptability of the scheme in principle the committee report should also consider the scheme's compliance with other policies (which allow development to occur subject to specified criteria being met).
10.2.5	As a point of clarification it should be noted that the proposed development will not be "utilising the existing system". Rather, a new and improved system for conveyance and connection is proposed.
10.3.3	There is no reference to the Planning Committee's comments regarding flexibility within the Masterplan approval letter (attached) or within the minutes of the relevant planning committee. The final sentence of this paragraph should be deleted.
10.4.6 and 10.4.7	The text on sustainability does not reflect the provisions within the scheme and should be updated. Vehicle charging points will be provided to all housing plots (not just Phase 2). In addition fast charge vehicle charging points will be provided within the car park of the local centre and employment area for public use. Phase 2 achieves compliance with Policy 27. Further measures for subsequent phases will be proposed in response to prevailing Building Regulation requirements at time of the application and viability considerations. The applicants have agreed to increase the level and form of affordable housing to 13.8% provision (117 units) to be made up of 50% social rent and 50% shared ownership. This equates to a level and form of provision which Keppie Massie (the Council's viability advisors) believe the scheme to be capable of supporting
10.4.21	It should be made clear that the information relating to the contract payment profile was provided by the applicant.
10.4.24	This paragraph implies that the applicant has been obstructive and has withheld information. This is potentially misleading. As Officers have been made aware, confidentiality clauses within the contract prevented the applicant disclosing full details. However, the applicant did suggest to Officers that, in the alternative, they should review the copy of the contract held by the Council's Property Services Team (as joint land owner) but they declined to do so.
10.4.27	This paragraph is inaccurate. The applicants did not agree to the appointment of David Newham as third party viability consultant, suggesting Gerald Eve as an

	alternative. Officers made a unilateral decision to appoint Mr Newham. The parties were unable to agree the questions to ask of him.
10.4.28	This paragraph is factually incorrect. Mr Newham accepted that PV can be applied to the landowner's expectation of value but presumed this was already included in the ARGUS software calculation and to adjust this by hand would have been double counting. The applicants provided evidence that the ARGUS did not contain a PV function so there was no double-counting. The applicants never received a response to the submission of the aforementioned evidence.
10.4.32	This final sentence is incorrect. As noted in respect of comments relating to 10.4.21 and 10.4.24, the applicant provided information relating to the contract payment profile but was unable (rather than unwilling) to provide further details of the land deal due to contractual confidentiality restrictions.
10.6.2	This is potentially misleading. In July 2017 the following documents were endorsed by the Planning Committee: Doll Lane at Leyland Part 1: Masterplan Vision (July 2017); Doll Lane at Leyland Part 2: Spatial Design Code (July 2017), Drawing number 015-009-P009 Rev S "Illustrative Masterplan (July 2017) and Drawing Number Figure 08:01 Phasing Plan (July 2017). These documents contain a significant level of detail. They establish a clear set of parameters upon which future planning applications are to be based and determined. See additional comments in respect of paragraph 10.3.3
10.7.5	For the avoidance of doubt different housing brands have been used within the Longmeanygate North and Longmeanygate West character areas to create a distinctive character along with different but complimentary materials. Following consultation with the community roofing materials were changed within Longmeanygate North, including the introduction of some red roof tiles.
10.7.7 – 10.7.15	The scheme has been amended to address these concerns.
10.8.2	This paragraph is misleading. The applicants provided a letter of support from an RP who was willing to take non-85% NDSS units and are transferring such units to numerous RP's on an ongoing basis. However the applicant elected to provide 85% compliant NDSS units on the site despite the absence of any development plan policy requiring such.
10.12.15	For the avoidance of doubt the proposed surface water strategy would not utilise the existing systems of conveyance. The development provides a new system of swales, pipes and enlarged ponds for conveyance.
10.12.16	For the avoidance of doubt the development will not cause 'additional volumes of run off'. It will provide a 30% betterment in discharge rates from the current situation
10.13.8	For the avoidance of doubt not all properties require enhanced sound insulation and mechanical ventilation – this is only proposed for the properties identified in the WSP report.
10.13.13 (noise)	The historical issues of employment development being located "cheek by jowl" with residential development elsewhere in the borough is irrelevant to the determination of this application and it is wholly inappropriate to make reference to such as this

may inadvertently colour members assessment of the application.

The only of considerations of relevance are that the proposed development identifies a robust identified design solution which shall ensure that the amenities of future residents are not unduly affect nor will the operations of existing businesses curtailed. The identified solution is supported by the EHO.

10.14.5 (Air Quality) Advises members that the scheme would have a significantly adverse effect on at least one property.

This is potentially very misleading for members as it omits key contextual information.

As BDW confirmed by email on the 21.2.19 the latest air quality assessment concludes that the impact of the proposed development, during the operational phase, on air quality is **not significant** (as outlined within paragraphs 11.173 to 11.175 of the OEIR air quality chapter).

The predicted impacts at the individually considered receptor locations ranges from slight adverse to negligible, with one exception.

This exception being the prediction of a moderate adverse impact on concentrations of NO₂ in 2019 at ESR 15. However, it is important to note that the assessment adopts a robust approach in assuming 100% buildout and occupation of the proposed development site by 2019. In reality, there is unlikely to be any occupation of the proposed development site in 2019. In 2030, all receptor locations are predicted to experience negligible impacts in air quality as a result of the proposed development site.

10.14.6 (Air Quality) Suggests that the applicant's commitment to the provision of electric vehicle charging points within each property in inadequate.

This is factually incorrect and potentially misleading to members.

Relevant policies do not stipulate the type of provision to be incorporated and the provision of overnight charging facilities (mode 2) is considered an appropriate response. The provision is not inadequate and the observation is without justification.

Whilst the EHO may perceive the installation of Mode 4 charging points (i.e. rapid charge) to be "ideal" this is not practicable or financially viable for the reasons recorded in the committee report.

11.14.6 Records that the applicant has "committed" to the provision of a Green Roof.

For the avoidance of doubt the letter prepared by ERAP and submitted to the Council on the XXX states that:

“the new school additionally offers the opportunity for installation of a native extensive green roof and green walls in appropriate locations, if considered necessary.”

And

“It is concluded that the combination of habitat conservation, habitat creation, including Green Infrastructure provision, and ecological enhancements to be secured at the Test Track site (refer to the letter dated 10th February 2018, appended), further supplemented by the recent (03.01.19) revisions to the Detailed Landscape Plans and the positive actions proposed at Paradise Park, will deliver the achievement of a net gain for biodiversity and demonstrate compliance with the principles of the National Planning Policy Framework (NPPF). This conclusion is reached without consideration of the additional benefits to biodiversity which may be achieved through installation of a native extensive green roof to the new school in appropriate locations. If SRBC wish to secure additional benefits to biodiversity such provision could be secured by an appropriately worded planning condition with detailed proposals to be provided at reserved matters stage.”

To date the provision of a “Green Roof” to the school has not been offered as part of the planning application but BDW / Property Capital have indicated that they would be willing to accept a condition requiring such provision if it were to be felt necessary.

By way of update I can confirm that BDW / Property Capital wish to formally propose that the school incorporates a green roof, the detail of which can be confirmed through details within subsequent reserved matters applications.

10.18.4 to 10.18.6	Officers consideration of matters relating to district heating should concluded with a clear statement that it is not considered necessary for this scheme nor is there an adopted policy through which it could be required.
10.18.18	Requires amendment to make it clear that the applicant confirmed its commitment to ensuring compliance with Policy 27 for Phase 2 of the development (197 houses). Houses in phases 3-5 will have (as a minimum) vehicle charging points installed with further sustainability measures to be subject to the requirements of relevant Building Regulations and further viability assessment.
10.19.4	All the matters identified in the bulleted list are for consideration at reserved matters stage and we therefore question the need to include them in the report.
10.20.13	The report should be updated to reflect that Officers / applicant are in agreement regarding the use of planning conditions to control the use / hours of operation of the B2 units
11.5	The number of form of the affordable housing offer has now been updated. 117 units to be made up of 50% social rent and 50% shared ownership. This equates to a level and form of provision which Keppie Massie (the Council’s viability advisors) believe the scheme to be capable of supporting

11.8	<i>See comments in respect of 10.14.5</i>
11.9	<i>This paragraph should be updated to reflect that a sum of £50,000 has been offered to cover the cost of maintenance.</i>
11.14.3	Members should also be advised of the outcome of the Brindle Road (Permission) appeal – see cover letter. Members should also be advised that one of the implications of the refusal of this application (which makes up a significant element of the Council’s identified housing land supply position) would make the Council more vulnerable to speculative applications for development on greenfield sites including within the Green Belt.
11.14.5	The schedule of economic benefits should be updated as set out in the cover letter.
11.14.6	In view of increased affordable housing offer and scheme amendments the first two bullets should be deleted. It should be made clear that the proposed level of Green Infrastructure and ecological mitigation is nonetheless acceptable. It should be made clear that the scheme achieves an appropriate level of ecological mitigation within the provision of a green roof to the school but is willing to accept a conditional approval requiring such provision if the Council considers that to be necessary. It should be made clear that the applicant is also committed to the provision of relevant sustainability measures in Phases 3-5 of the development subject to the provisions of the Building Regulations which are relevant at the time of future reserved matters applications and further viability assessment.
11.14.9	In view of the scheme amendments, we would hope that this paragraph would be rewritten with a positive recommendation of approval.