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Revised Statement of Case

Land to the rear of Oakdene, Chain House Lane,
Whitestake, Lancashire.

APP/F2360/W/19/3234070

Iceni Projects Limited on behalf of
South Ribble Borough Council

October 2020

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ON BEHALF OF SOUTH
RIBBLE BOROUGH
COUNCIL

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Revised Statement of Case
LAND TO THE REAR OF OAKDENE, CHAIN HOUSE
LANE, WHITESTAKE, LANCASHIRE.

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1. INTRODUCTION

- 1.1 This revised Statement of Case has been prepared on behalf of South Ribble Borough Council (“the Council”) in respect of the appeal by Wainhomes (North West) Limited (“the appellant”) against the refusal on 27th June 2019 of a planning application by South Ribble Borough Council for the erection of up to 100 dwellings with access off Chain House Lane (Ref 07/2018/9316/OUT).
- 1.2 The description of development was:
- “Outline planning application for up to 100 dwellings with access and associated works.”*
- 1.3 An Appeal against the refusal of the LPA was dismissed on 13th December 2019 by a Planning Inspector, after a Public Inquiry in November 2019. The appeal decision was quashed by the High Court¹ and therefore the appeal stands to be redetermined.
- 1.4 The Planning Inspectorate has invited the Council to send any further representations addressing any material change in circumstances which may have arisen since the original appeal decision was determined; and to comment on the specific issues upon which the appeal was quashed. This revised Statement of Case addresses these issues.

2. APPEAL SITE AND SURROUNDING AREA

- 2.1 The appeal site is approximately 3.6ha in size and is a greenfield site bordered by Chain House Lane to the north, Church Lane to the east and agricultural land to the south and west. It is east of the villages of Whitestake and New Longton.
- 2.2 The site is located approximately 1.3km to the west of Lostock Hall and 5km south of the centre of Preston. Access to the site is taken from Chain House Lane which is subject to a 40mph speed limit.

¹ Wainhomes (North-West) Ltd v Secretary of State for Housing Communities and Local Government [2020] EWHC 2294 (Admin)

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- 2.3 The appeal site forms part of a larger site allocated as Safeguarded Land for Future Development in the South Ribble Local Plan under Policy G3, this being Site S3 'South of Coote Lane, Chain House Lane, Farington.'
- 2.4 The site comprises three fields that are separated by hedges and ditches and are currently used for grazing. A railway embankment is adjacent to the southern boundary. The southern, western and eastern boundaries of the property known as Oakdene abut the application site and the property known as The Bungalow abuts part of the western boundary on Chain House Lane. The site is generally level with a slight fall in a southerly direction.
- 2.5 The appeal site is not located within a Conservation Area nor within close proximity to any designated heritage assets or Tree Preservation Orders. It is located within Flood Zone 1 and therefore has a low probability of flooding.

3. PLANNING HISTORY

- 3.1 The planning history of the appeal site but also of other land in the immediate surrounding area is relevant to the appeal.
- 3.2 There have been two planning applications submitted relating to the appeal site:
- 07/2018/9316/OUT: Application for Outline Permission for up to 100 dwellings with access and associated works; and
 - 07/2020/00505/OUT: Application for Outline Permission for up to 100 dwellings with access and associated works
- 3.3 The appeal relates to the former application. The latter application (07/2020/00505/OUT) represents a resubmission of the application 07/2018/9316/OUT which is the subject of this appeal. The resubmitted application is yet to be determined.
- 3.4 To the east of the railway line, an outline application for erection of 107 dwellings was submitted in November 2012 (07/2012/0692/ORM). The Council refused planning permission in March 2013 and a subsequent appeal (13/000007/REFAPP) was dismissed in March 2014. The Inspector found that the site was not necessary to ensure the housing needs of the Borough were met; and would harm the Council's ability to manage the comprehensive development of the area.
- 3.5 To the north of Chain House Lane is safeguarded land; with Pickering's Farm located further north. This is allocated under Policy G3 in the South Ribble Local Plan as Site S2 'Southern area of the Major Development Site at Pickering's Farm, Penwortham.' An outline planning application for

development of the Pickering's Farm site, allocated in Policy C1 in the South Ribble Local Plan for residential-led development was submitted in January 2020 (07/2020/00015/ORM) together with an application for the associated Cross Borough Link Road (07/2020/00014/FUL). The Council's Planning Committee in September 2020 has identified a range of unresolved issues with the masterplan for this scheme.

4. THE APPEAL SCHEME

- 4.1 The residential development scheme to which this appeal relates seeks outline planning permission, with only the matter of access applied for, for the erection of up to 100 dwellings (30% of which would be affordable housing).
- 4.2 As the matters of appearance, landscaping, layout and scale are not being applied for within the appeal the submitted layout plan was only for indicative purposes.
- 4.3 Access to the site is proposed off Chain House Lane which would be located approximately 160 metres from the main junction known as A582 Penwortham Way/Chain House Lane. The scheme details include a reduction from 40mph to 30mph from this junction through to the existing 30mph reduction on Coote Lane. Vehicular access to the application site would be provided through the introduction of a priority-controlled T- junction onto Chain House Lane.
- 4.4 In April 2019 further information was submitted which related to the following:
- An amended indicative housing layout to address concerns raised by the owners (Homes England) of the future development of the neighbouring land.
 - A revised Transport Assessment was also submitted to address comments made by LCC Highways. These amendments include clarification about the 2m footway on Church Lane, upgrade of the Bus Stops on Church Lane, and the submission of a Travel Plan to support the application.
- 4.5 A revised footway drawing (Drawing Number SCP/18355/F02 Rev A) showing the additional detail requested by LCC regarding pedestrian drop crossings with tactile paving linking into the existing footway network and at the proposed access point was submitted on 7 May 2019.
- 4.6 An Air Quality Report was submitted in August 2019, which was then updated in September 2019 to address the third RfR. The Council accepted the report, and the actions and recommendations arising from this form part of the draft Section 106 Agreement.

5. RELEVANT PLANNING POLICIES

5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan

5.2 The development plan for the purposes of determining this appeal comprises relevant policies in:

- Central Lancashire Core Strategy, adopted in July 2012; and
- South Ribble Local Plan 2012-26, adopted in July 2015.

5.3 Relevant local plan policies comprise:

Table 5.1 Relevant Local Plan Policies

Plan	Relevant Policies
Central Lancashire Core Strategy	Policy 1 Location of Growth Policy 3 Travel Policy 4 Housing Delivery Policy 5 Housing Density Policy 6 Housing Quality Policy 7 Affordable and Special Needs Housing Policy 9 Employment Policy 17 Design of new buildings Policy 18 Green Infrastructure Policy 22 Biodiversity and Geodiversity Policy 26 Crime and Community Safety Policy 27 Sustainable Resources and New Development Policy 29 Water Management Policy 30 Air Quality Policy 31 Agricultural Land Policy MP
South Ribble Local Plan	Policy A1 Developer Contributions Policy F1 Parking Standards Policy G3 Safeguarded Land for Future Development Policy G8 Green Infrastructure and Networks- Future Provision Policy G10 Green Infrastructure Provision in Residential Developments

	Policy G13 Trees, Woodlands and Development Policy G14 Unstable or contaminated land Policy G16 Biodiversity and Nature Conservation Policy G17 Design Criteria for New Development
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- 5.4 The three Central Lancashire Councils are in the process of preparing a new Central Lancashire Local Plan. An Issues and Options consultation was undertaken between 18th November 2019 – 14th February 2020 under Regulation 18 of the Town and Country Planning (Local Plans) (England) Regulations 2012. The consultation included consideration of sites suggested for development; and a further Call for Sites was also undertaken.
- 5.5 The progress with the new Central Lancashire Local Plan does represent a change in circumstances since the previous inquiry. Having regard to Para 48 of the NPPF, very limited weight can be attached to the emerging Local Plan given its early stage of preparation.
- 5.6 The Council approved a CIL Charging Schedule on 24th July 2013 which came into effect in September 2013.

Other Material Considerations

- 5.7 The National Planning Policy Framework (NPPF) is a material consideration as set out in Para 212. Government's Planning Practice Guidance is also relevant.
- 5.8 Supplementary planning documents, statements of cooperation relating to housing provision and supporting evidence which is relevant to the appeal include:
1. Central Lancashire Affordable Housing SPD (2012)
 2. Central Lancashire Design Guide (2012)
 3. Central Lancashire Open Space and Playing Pitch SPD (2013)
 4. Central Lancashire Biodiversity and Nature Conservation SPD (2015)
 5. Central Lancashire Employment Skills SPD (2017)
 6. South Ribble Residential Design Guide SPD (2013)
 7. Central Lancashire Strategic Housing Market Assessment (2017)
 8. Central Lancashire Joint Memorandum of Understanding and Statement of Cooperation relating to the Provision of Housing Land (Sept 2017)
 9. Central Lancashire Housing Study (2020)

10. Central Lancashire Local Plan: Memorandum of Understanding and Statement of Cooperation (April 2020)

11. Central Lancashire Local Plan: Memorandum of Understanding and Statement of Cooperation – Statement of Common Ground (May 2020)

5.9 Documents 9 – 11 above are new documents which have been published or finalised since the previous appeal decision. The Council is also in the process of preparing an updated Housing Land Supply Position Statement which will be relevant to the appeal.

5.10 In addition, the Council considers the Land at Pear Tree Lane, Euxton, Chorley Appeal Decision (August 2020) (APP/D2320/W/20/3247136) to be a material consideration. Chorley forms part of the same Housing Market Area as Preston and South Ribble. The Appeal decision addresses a number of planning policies and issues which are relevant to the determination of this appeal. Appeal decisions are relevant material considerations because there should be consistency in administrative decision making. This decision was taken after the determination of the Appeal.

6. THE CASE FOR THE COUNCIL

Reasons for Refusal

6.1 The Council refused planning permission on 27th June 2019 for three reasons, which were as follows:

1. *The application site is allocated as Safeguarded Land through Policy G3 of the South Ribble Local Plan. The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan as the Council can demonstrate a 5 Year Housing Supply.*
2. *The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan as the development would harm the ability of the Council to manage the comprehensive development of the area. Therefore the scheme would not amount to a sustainable form of development.*
3. *Insufficient evidence in the form of an Air Quality Assessment has not been submitted that demonstrate that the proposed development would not cause harm due to air pollution and therefore the proposal is contrary to Policy 30 of the Central Lancashire Core Strategy.*

6.2 The appellant submitted an Air Quality Assessment in August 2019, which was then updated in September 2019. The withdrawal of the third reason for refusal was confirmed by the Planning Committee on 18th September 2019.

Changes in Circumstances material to the Case

6.3 The Council considers that the principal changes in circumstances which are material to the case are:

- The High Court's judgement (August 2020) quashing the previous appeal decision. The claim succeeded on Grounds 1 and 5. It failed on other grounds.² The Council considers that taking account of the judgement on Ground 5, Policy G3 should be regarded as out-of-date;
- The publication of the further Memorandum of Understanding ("MOU") and Statement of Cooperation regarding the distribution of housing need in Central Lancashire (April and May 2020);
- A claim for Judicial Review has been issued to Preston City Council's adoption of the above MOU, which has been given permission to proceed on all grounds;
- The Land at Pear Tree Lane, Euxton, Chorley Appeal Decision (August 2020)³ which is relevant to how the housing land supply should be calculated at the current time, having regard to the April/May 2020 MOU;
- The updating of the Housing Land Supply Position in the Borough in respect of the deliverable supply.

6.4 Having regard to these matters, it is considered that the main issues between the Council and the Appellant, are:

- Whether the Council can demonstrate a five year housing land supply against its housing requirement.
- The weight to be attached to the conflict with Policy G3 in the circumstances of the case, including the housing land supply position in the Borough;
- Whether the granting of planning permission would prejudice the comprehensive delivery of development in the area, and whether harm would arise from the development of the appeal site in isolation;

² In particular, it is important to note that Ground 1 to justify quashing the decision, the Claim also needed to succeed on Ground 3 (see the Judgement at para 39). Importantly for the re-determination, the Claim failed on Ground 3.

³ APP/D2320/W/20/3247136

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- The weight to be given to the benefits and adverse impacts as part of the application of a tilted planning balance;
 - Whether the proposal complies with the development plan and, if not, whether there are material considerations which justify the grant of consent.

6.5 The remainder of this section addresses the case which the Council will set out having regard to the Reasons for Refusal, and these material changes in circumstances.

The Appropriate Housing Requirement Figure and Implications for Core Strategy Policy 4(a)

6.6 The Council will support the assertion in Reason for Refusal 1 that can demonstrate a five year housing land supply It will address the appropriate basis on which to calculate the deliverable housing supply, and whether the housing requirement figures in Core Strategy Policy 4 are up-to-date.

6.7 The Council accepts, having regard to Ground 1 of the High Court Judgement, that the process of preparing the 2017 Strategic Housing Market Assessment and the September 2017 Central Lancashire Joint Memorandum of Understanding and Statement of Cooperation relating to the Provision of Housing Land constituted a “review” of Core Strategy Policy 4 in the terms envisaged in Footnote 37 to NPPF Para 73.

6.8 However the Council considers that there has been a subsequent significant change in circumstances related to the publication of the new NPPF (2019) and the introduction of the standard method for assessing housing need. The statutory requirement is to review plans *at least* once every 5 years but as NPPF Para 33 and PPG Para 61-062-20190315 indicate, there will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier. The High Court Judgement confirms in Para 43 that a housing requirement which is greatly reduced from that in the development plan has the potential to amount to a significant change. Furthermore, the first MOU was time-limited with Para 7.1 stating that it would be reviewed no less than every three years and when new evidence that renders the MOU out-of-date emerges. The three year time limit has now expired. The Council therefore considers that the housing requirement in the JCS Policy 4(a) is out-of-date. The housing requirement is to be derived using the standard method.

6.9 The standard method generates a housing requirement of 191 dpa for South Ribble. The Council consider this to be a figure which is materially and significantly reduced from the requirement figure of 417 dpa set out in Policy 4(a) in the Central Lancashire Joint Core Strategy (JCS). It considers that the significant difference between the standard method figure and the Policy 4(a) requirement represents a significant change which renders Core Strategy Policy 4(a) out-of-date and supersedes the review of that policy which culminated in the September 2017 Joint Memorandum of

Understanding and Statement of Co-operation relating to the Provision of Housing Land. The preparation of a new joint Local Plan is underway.

- 6.10 The three Central Lancashire authorities of Chorley, Preston and South Ribble have worked together to commission and undertake a Housing Study⁴ and subsequently prepare a new Memorandum of Understanding and Statement of Cooperation related to the Provision and Distribution of Housing Land (April 2020) which was then updated through a Statement of Common Ground (May 2020) to reflect the latest standard method calculation. The April document states at Para 2.4 that the Councils do not consider it appropriate to maintain use of the housing requirements set out in Policy 4, which is out-of-date. The Council's position in respect of Policy 4(a) is thus consistent with those of the other Central Lancashire authorities.
- 6.11 The 2020 MOU documents went on to set out an alternative distribution of the standard method local housing need between the Central Lancashire authorities which was agreed at that time by the three Central Lancashire authorities. However in the subsequent appeal decision at Pear Tree Lane, Euxton, Chorley⁵, an Inspector found that it was reasonable to conclude that the guidance in paragraph 2a-013 of the PPG was not intended to allow for a redistribution of the standard method Local Housing Need (LHN) for the purposes of calculating five year land supply in decision making in advance of that distribution being properly tested at a Local Plan Examination (DL Para 25). The Inspector found that there had been significant and substantive objections to the proposed distribution of the LHN. Accordingly the evidence which supported it would need to be resolved through the Plan's Examination (DL Para 31). Given the early stage of the Plan and the unresolved objections to the MOU recommended figures, the Inspector attached very limited weight to the MOU figures (DL Para 32). Instead he found that full weight could be attached to the standard method LHN figure for Chorley given that its use was entirely consistent with the Framework and the PPG (DL Para 33). The Inspector concluded that as set out in NPPF Para 73, the standard method LHN should form the basis of the five year housing land supply calculation. It is considered that the same conclusion should be reached in respect of this appeal.
- 6.12 The redistributed housing requirement figures set out in the 2020 MOU and associated Statement of Common Ground (May 2020) are of limited and no material weight. A Judicial Review to Preston's decision to adopt the MOU is currently outstanding . The re-convened Inquiry will have to consider the latest position, in light of any decision on the Claim, which might conclude that the document is unlawful.

⁴ Central Lancashire Housing Study, Icen Projects, Oct 2019

⁵ APP/D2320/W/20/3247136

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- 6.13 Taking account of the High Court's findings in respect of Grounds 1 and 3, the expiration of the three year time limit in the 2017 MOU, the conclusions of all three Central Lancashire authorities that JCS Policy 4a is out-of-date and the Pear Tree Lane appeal decision, the Council considers that the housing requirement against which 5 year housing land supply should be assessed at the current time is the standard method figure of 191 dpa.

The Housing Land Supply Position

- 6.14 The Council will present updated evidence on the housing land supply. It considers that set against the standard method Local Housing Need it can demonstrate over 10 years housing land supply. The latest position will be address at the Inquiry (if not agreed).
- 6.15 The Council considers that the City Deal is not part of the Development Plan and does not influence the housing requirement; rather it assists in supporting infrastructure investment to bring forward allocated sites and is in any case subject to a mid-term review.
- 6.16 The Council will argue on this basis that there is no need to release safeguarded land for development in advance of a formal review of the statutory development plan.

Policy G3: Safeguarded Land

- 6.17 With regard to RfR2, the appeal site comprises green fields currently used for agriculture. It is allocated as Safeguarded Land through Policy G3 of the South Ribble Local Plan. The Policy identified five areas of safeguarded land in the Borough, which have been identified to meet longer-term development needs if required, after a review of the Local Plan. The proposed development relates to part of the area S3 South of Coote Lane, Chain House Lane, Farington. Policy G3 provides that such areas are not designated for any specific purpose within the Local Plan period, or until the Plan is reviewed. The policy also provides that planning permission will not be granted for development which would prejudice potential longer term, comprehensive development of the land. The Council will argue that by virtue of its nature, scale and degree of permanence the appeal proposals would be contrary to Policy G3 and would infringe both aspects of the policy.
- 6.18 Taking account of the Planning Court's conclusions in respect of Ground 5, the Council accepts that, as a consequence of the introduction of the standard method and its use as a basis for calculating the housing land supply at the current time, Policy G3 should be regarded as out-of-date having regard to the difference in the distribution of housing arising from this across the three Central Lancashire authorities compared to that in Core Strategy Policy 4(a). As set out in Section 9 herein, the Council considers that the tilted balance in NPPF Para 11(d) is engaged.

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- 6.19 However whilst Policy G3 is to be considered out-of-date, it does not mean that it is disapplied nor does it prescribe how much weight should be given to the conflict with it. The policy is consistent with Para 139 in the NPPF.
- 6.20 The Council consider that, having regard to (amongst other things) the consistency of Policy G3 the NPPF Paras 139(c) and 139(d), the nature of the different distribution between JCS Policy 4(a) and the LHN requirement, the current housing need in South Ribble and the housing land supply position, the conflict with Policy G3 should be afforded substantial weight. The site does not need to be brought forward to meet development needs at the current time and in advance of a new Local Plan. Whether the site is needed for development, what type of development is appropriate and the distribution of housing across the Central Lancashire HMA are issues for the emerging Local Plan to consider.
- 6.21 The Council also consider that the appeal, if allowed, would jeopardise the comprehensive development of the site, contrary to the Policy. The appeal site forms part of S3 and if developed in isolation would restrict the ability to provide a more comprehensive, well planned form of development. Policy G3 states that development which would prejudice potential longer term, comprehensive development will not be granted.
- 6.22 A comprehensive approach to managing development in this area is necessary to maintain the separation and identity of Penwortham, Farington and Lostock Hall, and to coordinate the provision of services infrastructure, which the 2019 NPPF identifies is necessary to achieve sustainable development. The Council will argue that piecemeal development of the site in isolation from land closest to the current urban area would not promote well planned development and is contrary to Policy G3. The NPPF makes clear that the creation of high quality places is fundamental to what the planning and development process should achieve (Section 12 of the Framework).
- 6.23 Part of the land associated with S3 is in the control of Homes England. It is acknowledged that there is an agreement between the land owners to ensure that there would be access from the appeal site through to the land in the control of Homes England. An Illustrative Masterplan has been provided to demonstrate this aspect. However there has been no formal consultation process with statutory consultees on the masterplan nor opportunity for effective community engagement. There are issues regarding the cumulative impact of this and other development schemes in the area. The comprehensive development of the site would be compromised by this appeal. Indeed, this was the conclusion of the Inspector in refusing consent.
- 6.24 The Council's approach for requiring preparation and adoption of masterplans for larger sites has been successfully pursued in respect of other strategic sites in the Borough, and was endorsed by the Local Plan Inspector (IR Para 48). This approach provides the opportunity for the coordination of local infrastructure and service provision and for effective placemaking and is consistent with the

ambitions of the NPPF. The appeal scheme would harm the ability to achieve this, and would not therefore represent sustainable development.

- 6.25 The Council will argue that following the dismissed appeal for 105 dwellings in 2014 adjacent to the current application (Appeal ref APP/F2360/A/13/22022973) the position taken by the Inspector is relevant to this appeal. Paragraph 18 of the said Decision Letter concluded that the proposal (which was subject to similar policies as the current application) would seriously undermine the Council's ability to manage the comprehensive development of the area.
- 6.26 The Inspector's findings from the previous inquiry are also relevant. The Inspector concluded that harm would result from the development of the site in isolation, in advance of the remainder of adjoining and nearby land forming S3; from the failure to undertake effective community engagement as part of a masterplan-led approach; and from the prejudice to the potential longer-term comprehensive development of the land. Whilst the decision has been quashed, these matters did not form part of the challenge.⁶
- 6.27 It follows that the proposal conflicts with Policy G3. Whilst the policy may be out-of-date, substantial weight should attach to the conflict. Accordingly, the proposal conflicts with the statutory development plan.

7. INQUIRY PROCEDURE

- 7.1 Having regard to the complex nature of the issues, the Council contend that the appeal should be heard through a re-opened inquiry. It considers that the matters can be dealt with by two witnesses, one dealing with planning issues and the housing requirement; and the second with the deliverable supply of housing land.
- 7.2 The Council considers that the deliverable supply of housing land should be dealt with through a round-table discussion.

⁶ They are therefore relevant considerations. See *Davison v Elmbridge BC* [2019] EWHC 1409 (Admin).

8. PLANNING CONDITIONS AND OBLIGATIONS

- 8.1 A Section 106 Agreement will need to be entered into to secure the provision of on-site affordable housing, air quality mitigation, open space and commuted sums for the bus service and cycle parking enhancements at Lostock Hall Train Station.
- 8.2 The development would be expected to support a level of wider strategic infrastructure through CIL contributions. The level of CIL for the market housing element of this development would be calculated as part of the reserved matters application. These monies would be used for projects identified in the CIL 123 list for the area. The Affordable Housing element of the development does not attract a CIL contribution.
- 8.3 The Council envisages that the discussions which were undertaken as part of the 1st Inquiry regarding conditions and planning obligations will limit the time necessary within a resumed inquiry needed to address these issues.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2 The Council considers that Policy G3 is consistent with the Framework, but as the quantum and distribution of safeguarded land in Central Lancashire was influenced by the Policy 4(a) housing requirements the Policy is to be regarded as out-of-date. Policy 4(a) is also considered to be out-of-date for the reasons explained. The Council now considers that, taking this into account, the appeal scheme falls to be determined using the tilted balance in NPPF Para 11(d).
- 9.3 The Council consider that there is a conflict with the development plan taken as a whole.
- 9.4 Applying the tilted balance, it considers that there are benefits which arise from the provision of additional market housing and given the strong housing land supply position these benefits are however of no more than moderate weight. The provision of affordable housing is considered to be a significant benefit.

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- 9.5 Economic benefits associated with the development proposals relate to employment during the construction period, New-Homes Bonus and CIL receipts associated with the development, and Council Tax receipts and spending from new residents. The Council concurs with the Inspector's findings from the previous inquiry that these can be expected from any major housing development and, considered in context, attract limited positive weight. These would arise on any site that were to be developed. Limited weight is given to a bus service that may only run for 5 years.
- 9.6 Provision of on-site open space and contributions to off-site play space are to mitigate the impacts of the development. Development in an accessible location is a requirement for all development schemes, and this is not a highly accessible location. These are consideration which the Council judges to be neutral in the planning balance.
- 9.7 However, the site forms part of a parcel of land allocated as Safeguarded by Policy G3 of the SRBC Local Plan. Piecemeal development of part of the site is incompatible with the Policy, would not constitute sustainable development and would cause harm to the comprehensive development of the area. The Council will argue that, applying the tilted balance in NPPF Para 11d, the benefits arising are significantly and demonstrably outweighed by the significant weight arising from conflict with Policy G4, arising from the loss of public confidence in the plan-led approach, to the principle of achieving well-designed places, to the ability to properly coordinate place-making and provision of infrastructure and services and to the engagement of local communities. The proposal would not therefore constitute sustainable development. The proposal conflicts with the Development Plan and there are no material considerations which justify the grant of consent. The Council will contend that planning permission should therefore be refused.