

S.78 Town and Country Planning Act 1990 (as amended)

**Appeals against the refusal of planning applications
07/2021/00886/ORM and 07/2021/00887/ORM**

Pickering's Farm, Penwortham

**Statement of Case on behalf of the Appellants, Taylor Wimpey
UK Limited and Homes England**

24 March 2022

Contents

1.	Introduction.....	3
2.	The Sites.....	5
3.	Background to the Appeals.....	6
4.	The Development Plan Framework.....	8
5.	The Appellants' Case.....	10
6.	Compliance with the Development Plan.....	17
7.	Planning Obligation.....	19
8.	Conclusions.....	21

Appendices

Appendix I Plans of appeal sites boundaries

Appendix II Schedule of relevant Development Plan policies

Report title: Taylor Wimpey and Homes England

Prepared by: Gary Halman/Emma Sandham

Status: final

Draft date: 24 March 2022

For and on behalf of Avison Young (UK) Limited

1. Introduction

- 1.1 Avison Young ("AY") is instructed by Taylor Wimpey UK Limited and Homes England (hereafter collectively referred to as "the Appellants") to submit appeals against South Ribble Borough Council's (SRBC) refusal of two outline planning applications (LPA Refs: 07/2021/00886/ORM and 07/2021/00887/ORM). Collectively these outline applications seek permission for a residential led mixed-use development on land referred to as Pickering's Farm in Penwortham, Lancashire (the appeal "Sites").
- 1.2 The applications were submitted to SRBC on 9 August 2021 and were validated on 10 August 2021. The determination deadline was set as 30 November 2021. Both applications were refused for the same reasons on 29 November 2021.
- 1.3 The Sites are described in detail within the appeal supporting documentation. The full description of development is set out below.
- **Application A:** "Outline planning application with all matters reserved except for the principal means of access for a residential-led mixed-use development of up to 920 dwellings (Use Classes C3 and C2), a local centre including retail, employment and community uses (Use Class E and Sui Generis), a two-form entry primary school (Use Class F), green infrastructure, and associated infrastructure following the demolition of certain existing buildings".
 - **Application B:** "Outline planning application with all matters reserved except for the principal means of access for a residential development of up to 180 dwellings (Use Classes C3 and C2), green infrastructure and associated infrastructure".
- 1.4 The Appellants request that the appeals be considered at a public inquiry given the scale and complexity of the applications, the large scale of the Sites and the range of issues raised by the proposals¹. The applications comprise EIA development and there are complicated technical matters which will require testing by cross examination. The Appellants are appealing both of the outline applications simultaneously and request that these be conjoined at the same public inquiry as they share many common features and both form part of the same overall allocation site and development. This will ensure that both appeals are considered in the most efficient way for all parties and for the Planning Inspectorate.
- 1.5 This document constitutes the Appellants' full Statement of Case. It outlines the case that will be advanced by the Appellants for consideration in the appeals. It has been prepared in accordance with the guidance set out in the Procedural Guide to Planning Appeals (England) (October 2021), published by the Planning Inspectorate (PINS).
- 1.6 As will be evident from parts of this Statement of Case, some of the reasons for refusal given by SRBC are unclear or are lacking in explanation, so the Appellants are in the unfortunate position of having to prepare this Statement of Case without being able to fully understand the reasons or justification for the relevant reasons for refusal. In these circumstances, in the event that SRBC expands upon the reasons for refusal in its Statement of Case, and/or the Inspector directs that SRBC provides such detail, the Appellants reserve the right to add to or amend this Statement of Case in response
- 1.7 A draft Main Statement of Common Ground (MSOCG) is submitted with the appeals. It is the intention that this is a working document and discussions will progress throughout the appeal process. Separate Statements of Common Ground relating to technical issues, notably mobility matters, are also

¹ This is in line with Annex K of the Procedural Guide to Planning Appeals (England) (October 2021).

envisaged and will be developed between the Appellants and the Highway Authorities, SRBC and other relevant bodies.

2. The Sites

- 2.1 The Sites relate to adjoining parcels of land totalling 52.27 hectares. The land covered by Application A is approximately 45.88 ha and the land covered by Application B is approximately 6.39 ha. A plan of the Sites is included at **Appendix I**.
- 2.2 The Sites comprise predominately open agricultural land which is divided into a number of fields by fences, trees and hedgerows and traversed by a line of pylons supporting high voltage cables. Most of the Sites comprise intensively managed agricultural land that is of low conservation value.
- 2.3 The Sites surround a number of residential dwellings and light industrial buildings. Whilst some of these buildings are within the Appellants' control, these are not included within the appeal Sites' boundaries.
- 2.4 Although the Sites surround a number of individual properties, there are no designated heritage assets, such as listed buildings, registered parks and gardens or registered battlefields, contained within or adjacent to the boundary of the Sites. Furthermore, the Sites are not located within, nor include any part of, a Conservation Area.

Surroundings

- 2.5 The Sites are bordered to the east by the West Coast Mainline railway and Lostock Hall and to the west by Penwortham Way. To the north the Sites adjoin the community of Kingsfold, comprising existing residential development to the south of Kingsfold Drive. Further open land immediately to the south of the Sites is designated as Safeguarded Land under Policy G3 of the South Ribble Local Plan (SRLP).
- 2.6 Key corridors on the local highway network include Penwortham Way which provides a primary north/south route; Leyland Road which is a local distributor road to the east of the West Coast Mainline and Coote Lane which runs east/west on the south side of the Sites.
- 2.7 The Sites are situated approximately 4.8 km to the south-east of Penwortham Town Centre and 6.4 km to the south of Preston City Centre (Grid reference – E 352858/ N 426080).
- 2.8 The Sites are situated in a sustainable location, within close proximity to existing residential communities, schools, local services and amenities in the local shopping centres of Kingsfold (1.1km), Middleforth (1.9 km) and Liverpool Road (3.4 km). The Sites have good connectivity by active travel to neighbouring communities, of which they would form part, and in addition there are a number of public rights of way crossing the Sites.
- 2.9 The Sites are located within close proximity to Lostock Hall train station (1km) which provides regular connections to Blackburn, Burnley, Colne, Blackpool, York and Leeds. The Sites will provide for good, shared transport accessibility by other means, including access to buses, micro-mobility (comprising for instance cycle and scooter hire) and car sharing platforms. In addition to new services, existing bus services are available on Kingsfold Drive approximately 150m to the north, where the number '3' bus route is an express service running between Preston and Penwortham.
- 2.10 Further detail of the Sites' sustainability credentials and the proposals to maximise active travel connections are described below and set out in the Mobility SoCG.

3. Background to the Appeals

- 3.1 Together the Sites form the majority of the Major Development Site allocation (designated as 'site EE') under Policy C1 of the adopted South Ribble Local Plan 2015 ('SRLP'). Site EE, which in total is approximately 78 hectares, is allocated for a range of land uses, including residential, employment and commercial, green infrastructure and community facilities. Policy D1 'Allocation of Housing Land' in the SRLP allocates the Major Development Site (MDS) for an estimated 1,350 dwellings. The Appellants control approximately two thirds of the MDS.
- 3.2 Following a detailed consultation exercise undertaken with local residents, key stakeholders and SRBC Officers which spanned a period of 18 months from mid-2018 to late 2019, the Appellants prepared a comprehensive Masterplan which covered both the allocated MDS and the area of safeguarded land immediately to the south. They also promoted an outline residential-led application for up to 1,100 dwellings on the land within their control within the MDS. (LPA ref: 07/2020/00015/ORM). Both this planning application and the associated Masterplan were separately submitted to SRBC for approval in December 2019, following initial endorsement of a draft version of the Masterplan by SRBC's Planning Committee Members in November 2018.
- 3.3 The Masterplan was recommended for deferral by Officers at a Planning Committee in September 2020 to allow discussions to continue on certain subjects, however instead Members resolved to reject the Masterplan.
- 3.4 Following receipt of correspondence from SRBC which provided more detail of the Council's reasons for rejection of the Masterplan, the Appellants held a 'workshop' meeting with SRBC Officers in February 2021 to discuss the Appellants' suggested amendments to the document. Agreement was reached with Officers on some areas of further work that would be undertaken to support the Masterplan and Officers also accepted that, in some instances, elements of the information requested was within the Masterplan that had been rejected by Members at the September 2020 Planning Committee.
- 3.5 Subsequent to SRBC's rejection of the Masterplan, the related outline planning application was withdrawn by the Appellants on 31 March 2021.
- 3.6 The outline applications to which these appeals relate which were submitted in August 2021, include a revised Masterplan which now forms one of the outline application submission documents. This revised Masterplan demonstrates that, in addition to delivering a substantial part of the MDS allocation, the development of the Sites as proposed will not prejudice the remainder of the MDS allocation, or the land safeguarded for future development, from coming forward in a comprehensive manner in the future. Indeed, it will help to positively facilitate the delivery of the remainder of the allocation.
- 3.7 The revised Masterplan provides a clear framework to guide the future development of the MDS, setting the vision, range of uses, access and movement strategy and associated infrastructure. It demonstrates how the appeal applications (which cover two thirds of the MDS) will deliver key infrastructure including a serviced site for a two-form entry Primary School; local centre; primary and secondary mobility hubs; active travel networks through the MDS; active travel access points providing permeability and connectivity with the neighbouring communities; s278 highway works off Penwortham Way to form the primary vehicular access and all modes access via Bee Lane; and the majority of the Spine Road, thereby facilitating delivery of the remaining allocated land.
- 3.8 The revised Masterplan and associated new outline applications have incorporated changes that were requested by SRBC Officers and Members, where appropriate and viable to do so. These changes will be set out in evidence. The Appellants remained in regular contact with the Council during the determination period of the outline applications, including attendance at regular meetings and

provision of further information in response to all queries raised. The Appellants will refer to key correspondence and further submission details in their evidence. Full details of how the Appellants have sought to work constructively with the Council, the Highway Authorities (Lancashire County Council and National Highways) and other key consultees to resolve issues will be presented in evidence.

4. The Development Plan Framework

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of planning applications to be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan for the area comprises:

- i. The South Ribble Local Plan 2012-2026 (adopted July 2015);
- ii. The Central Lancashire Core Strategy DPD (adopted July 2012);
- iii. Penwortham Town Neighbourhood Plan (2017); and
- iv. Joint Lancashire Minerals and Waste Local Plan (2009).

4.2 As noted earlier, the Sites comprise the majority of the Major Development Site allocation under Policy C1 (Pickering's Farm, Penwortham) of the SRLP. **Policy C1 (Pickering's Farm, Penwortham)** states that:

"Planning permission will only be granted for the development of the Pickering's Farm site subject to the submission of:

- i) an agreed Masterplan for the comprehensive development of the site. The Masterplan must include the wider area of the Pickering's Farm site which includes the safeguarded land which extends to Coote Lane as shown on the Policies Map, and make provision for a range of land uses to include residential, employment and commercial uses, Green Infrastructure and community facilities;*
- ii) a phasing and infrastructure delivery schedule; and*
- iii) an agreed programme of implementation in accordance with the Masterplan and agreed design code."*

4.3 **SRLP Policy D1 (Allocation of Housing Land)** lists the sites that are allocated for residential development and related infrastructure which is to be delivered through CIL and/or developer contributions. Overall, the allocated housing sites equate to a total of 6,576 dwellings over the Plan period. The policy assumes that the Pickering's Farm Site can accommodate approximately 1,350 dwellings overall.

4.4 **SRLP Policy A2 (Cross Borough Link Road (Development Link Road))** states that:

"Land will be protected from physical development for the delivery of the Cross Borough Link Road. The Cross Borough Link Road comprises:

- A road to be constructed from Carrwood Road to The Cawsey, as shown on the Policies Map; and*
- A road to be constructed through the major development site at Pickering's Farm as shown diagrammatically on the Policies Map."*

4.5 **SRLP Policy A1 (Developer Contributions)** states that:

“New development will be expected to contribute to mitigating its impact on infrastructure, services and the environment and to contribute to the requirements of the community. This may be secured as a planning obligation through a Section 106 agreement, where development would otherwise be unacceptable, and through the Community Infrastructure Levy (CIL) by way of a Charging Schedule. The types of infrastructure that developments may be required to provide contributions to are listed within the policy.” It continues to state, *“Where appropriate, the Council will permit developers to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions”.*

4.6 **SRLP Policy D2 (Phasing, Delivery and Monitoring)** sets out the indicative timescales for the phased delivery of identified housing sites in order to meet the scale of development required over the Plan period and to ensure the scale and timing of new infrastructure that is required. Annual monitoring of the delivery of housing will be undertaken. In relation to the sites. Policy D2 envisages residential development in three phases:

- 2010/11-2015/16 – 150 dwellings pa
- 2016/17-2020/21 – 600 dwellings pa
- 2021/22-2025/26 – 600 dwellings pa

4.7 The local plan policies listed above are those which are directly relevant to the assessment of the principle of development. All other relevant Development Plan policies are summarised in **Appendix 2** to this SoC.

5. The Appellants' Case

5.1 Having regard to the reasons for refusal, the Appellants set out the case they will bring forward in evidence as follows.

Transport Assessment (Reasons for refusal 1 & 2)

5.2 Reasons for Refusal no.1 and no.2 reference the acceptability of the submitted Transport Assessment including the scoping, modelling methodology and other technical supporting evidence. Although constituting two of the overall eleven Reasons for Refusal, no.1 and no.2 are effectively the same reason, referencing the same planning policies.

5.3 The wording of both reasons in the Decision Notice suggests that acceptability of the assessments has not been demonstrated, and it has therefore not been demonstrated that the proposed development would not have a severe adverse impact on the local highway network. As such, the Council believe that the proposals are contrary to the NPPF Paragraph 111, the Core Strategy Policy 17 and the Local Plan Policy G17.

5.4 Reference to the entirety of Policy 17 of the Core Strategy, which relates to the design of new buildings, seems out of place in Reason for Refusal no.1 and no.2 which references the modelling methodology and Transport Assessment technical supporting evidence. It is only part e) considering movement patterns and part j) considering the needs of special groups within the community (i.e., elderly and disabled) that appear to be loosely related to the Reasons for Refusal no.1 and no.2.

5.5 The same is true of reference to the entirety of Policy G17 of the Local Plan which relates to design criteria for new developments. Again, in the context of the specific wording of Reasons for Refusal no.1 and no.2, which relate to the Transport Assessment, it is only part c) which references the need to ensure the development does not prejudice highway safety, pedestrian safety and the free flow of traffic.

5.6 In relation to these specific parts of local planning policy, the Appellants will refer to the Transport Assessment, and supplementary information submitted in response to the Council's comments, as evidence. This demonstrates:

- How safe, convenient, and direct pedestrian and cycle access will be provided within and to/from the Sites;
- How the existing and proposed transport networks, including the active travel, shared travel including public transport and highway networks are able to support the development, together with evidence of why the use of existing 'Lanes' by vehicular traffic generated within the Sites are not necessary to make the proposed development acceptable (nor achievable);
- How the existing public highway is suitable for access to the development in highway safety terms;
- That there are sufficient shared transport options, including public transport provision to support the development; and
- How appropriate levels of cycle and car parking are proposed which balance need/demand with sustainable transport principles.

- 5.7 In relation to the NPPF Paragraph 111, and to provide context, the Appellants' transport and mobility strategy for the Sites (as presented in the Transport Assessment and other supporting evidence) adopts a policy driven "Vision and Validate" approach.
- 5.8 The vision for the Sites is to promote local living and virtual mobility (gaining accessibility through use of the internet for instance) which are integral to promoting the internalisation of trips within the wider local community, which in turn has the potential to minimise carbon emissions associated with transport whilst maximising physical and mental health benefits. It maximises the opportunity for connectivity further afield by the most appropriate forms of transport (i.e. active travel and shared travel before single occupancy car travel). This minimises the desirability and importance of road capacity building for the purpose of delivering convenience to private car commuters in connection with the proposed development, which in itself can form the antithesis of climate and health policies by encouraging more vehicular traffic.
- 5.9 A key element of the proposed development infrastructure, in addition to the school and local shop and workspace provided at the local centre, is a network of Mobility Hubs. A primary Mobility Hub will be provided which would be the focal point for active and shared travel (i.e., micro-mobility measures, car sharing, car pooling and a bus service) at the local centre. New and existing active travel routes will converge at the primary Mobility Hub, which by design will prioritise pedestrians and cyclists and provide a micro-consolidation centre for parcel deliveries (i.e. consolidation of goods at a single delivery point within the site, with opportunities for zero emissions last mile solutions such as cargo bikes and small electric vans then used to provide additional environmental benefits). Secondary Mobility Hubs can then be considered at other locations around the Sites, which would feed into the primary Mobility Hub to promote onward journeys and to facilitate connectivity with the local area, including Preston city centre. In combination, these elements will contribute positively to the carbon reduction, sustainability and connectivity characteristics of the proposed development and provide associated benefits within the wider area.
- 5.10 The Appellants' evidence will describe the methods used to assess the baseline conditions currently existing in the vicinity of the Sites, the potential direct and indirect effects of the proposed development (assessed through mathematical analysis and micro-simulation modelling of a network which allows suitable judgements to be made regarding overall user experience along an entire corridor rather than at isolated junctions), the mitigation measures required to support and enable local living, active travel and shared travel, and the identification of the residual effects as a result of mitigation.
- 5.11 Evidence will be presented to demonstrate that there are sufficient, acceptable assessments available to the Highway Authorities to make a judgement that the proposed development satisfies planning policy, including on the issue of 'severe impact' as required by the NPPF Paragraph 111. The combination of technical assessments that have been reported, coupled with the approach to traffic (i.e. a "Vision and Validate" approach) provides ample comfort.
- 5.12 The Appellants will also refer to evidence to demonstrate the discussions that have taken place with the County Council's Highway Officers and National Highways' Officers both prior to and following the submission of the Applications, and in relation to the Masterplan, in response to their queries raised regarding transport matters.

Bee Lane Bridge (Reason for refusal 3)

- 5.13 Infrastructure on the Bee Lane Bridge is the subject of Reason for Refusal no. 3, which the Council state is not sufficient for the additional traffic as well as increased numbers of pedestrians and cyclists, thereby prejudicing highway and pedestrian safety. The Council believe that the proposals are contrary to the NPPF Paragraph 111, the Core Strategy Policy 17 and the Local Plan Policy G17.

- 5.14 The Appellants' evidence will refer to information submitted in response to the Council's perceived concerns regarding existing infrastructure on Bee Lane, including an appropriate Road Safety Audit, Risk Assessment and survey of user movements on the bridge. It will also highlight that there are infrastructure options available and capable of accommodating all road users as a result of the development proposals, which are not unique having already been installed at other railway bridges at Coote Lane and Flag Lane in the vicinity.

Spine Road and Movement Corridor (Reason for refusal 4 & 7)

- 5.15 Reasons for Refusal no. 4 and no. 7 constitute two of the overall eleven reasons presented in the Decision Notice but are effectively the same reason relating to delivery of the Cross Borough Link Road (CBLR).
- 5.16 Policy A2 of the SRLP relates to the CBLR. Policy A2 does not require the Appellants to deliver the CBLR (in whole or in part), rather it requires the land necessary for its construction to be safeguarded and protected from physical development. The CBLR is shown diagrammatically on the Policies Map as a point to point, connecting Penwortham Way to Bee Lane.
- 5.17 The Appellants' evidence will describe the proposed Spine Road which will be constructed through the land they own and control on an incremental basis to serve each phase of their intended development as it progresses. This will follow the broad indicative alignment of the CBLR (as shown on the Local Plan Proposals Map), however its precise route and other details will be approved via Reserved Matters applications submitted to the Council.
- 5.18 The Spine Road will be constructed to a specification which would enable it to form part of the CBLR should the remainder of the road be delivered on third party land within the MDS (and beyond its boundaries) in the future. The section 106 obligations proposed by the Appellants will include provisions to ensure that the Spine Road delivered by the Appellants as part of the development shall connect to parts of the CBLR delivered on third party land.
- 5.19 The Appellants' evidence will demonstrate how the proposed approach is consistent with the requirements of Policy A2 of the SRLP and other relevant policies of the Development Plan, and that Reasons for Refusal no. 4 and no. 7 are accordingly not justified.

Masterplan and Design Code (Reason for refusal 5)

- 5.20 Reason for Refusal no. 5 states that SRLP policy C1 requires a masterplan and design code to be agreed by the Council and that the submitted masterplan, which accompanied both appeal applications, has not been agreed by the Council and does not meet policy requirements. The officer's report which presented both applications to Members gives no explanation as to how the submitted masterplan purportedly fails to meet the policy requirements.
- 5.21 Policy C1 does not require the approval of a masterplan before planning applications within the MDS may be approved, as is confirmed in the Officer's Report to the Planning Committee². A masterplan (including a design code) has been submitted for approval as part of the suite of application documents (alongside a wide range of other detailed supporting documents, including an Environmental Statement). The submitted masterplan demonstrates how the comprehensive development of the MDS, and the safeguarded land lying to the south, can be achieved. The Appellants' proposals represent the first, substantial, phase of that comprehensive masterplan. This meets the terms of Policy C1. It is capable of being found to be appropriate as part of the consideration of the appeals and compliance with its terms can be secured by an appropriate condition. The Appellants will explain in evidence how

² At paragraph 10.2.10 of the Officer's Report.

the masterplan serves its intended purpose and is a suitable means of ensuring a comprehensive, high-quality development across the MDS. If, as it should be required to do so, the Council particularises in its Statement of Case the reasons for the purported lack of policy compliance it claims in Reason for Refusal no. 5, the Appellants' evidence will address these matters. The Appellants also reserve the right to address those matters in a Supplementary Statement of Case.

Phasing and Infrastructure Delivery (Reason for refusal 6)

- 5.22 Reason for Refusal no. 6 states that, although the Appellants have submitted an Infrastructure Delivery Schedule (IDS), this and their submitted phasing plan details are insufficient. The Appellants note that the Council did not request further information in this regard prior to determining the applications and are yet to explain why the information submitted was considered insufficient.
- 5.23 Both appeal applications are in outline with only the principal means of access being submitted for approval at this stage. The applications were accompanied by a high-level IDS and site wide phasing plan in line with the requirements of SRLP policy C1. The Appellants' evidence will outline the principles of infrastructure delivery and explain why this is appropriate for the consideration of outline applications.
- 5.24 It is conventional, in large scale developments such as this, for matters relating to detailed construction phasing, which would include the provision of specific supporting infrastructure (including roads, open space and local community facilities etc.) needed to support each phase of development, to be the subject of planning conditions. In this way the Council would retain control over the nature and timing of detailed infrastructure provision. The Appellants' evidence will demonstrate the appropriateness of this approach, highlighting how the submitted documents form an appropriate framework and will propose suitable planning conditions and planning obligations to ensure that the Council is able to review and approve phasing and be assured of the timely delivery of associated infrastructure during the lifetime of the development.

Air Quality Impacts (Reason for refusal 8)

- 5.25 Reason for Refusal no. 8 states that:
- i) Inadequate information has been provided to address air quality impacts; and
 - ii) Insufficient mitigation has been identified to make the development acceptable.
- 5.26 In relation to the first point, SRBC's Environmental Health Officer's comments on the appeal applications confirms that "The submitted air quality assessment methodology has been undertaken in line with the Council's low emissions strategy methodology" and that "...the air quality report and methodology and conclusion are acceptable...". The Appellants will demonstrate that sufficient detailed information has already been submitted, which enabled the EHO to draw this conclusion. It is therefore clear from the EHO comments that the information provided was not 'inadequate' in relation to any point other than the detail provided by the applicant in relation to specific mitigation measures (i.e. point 2).
- 5.27 In relation to the second point, a "damage cost" calculation was submitted with the application (Appendix 13.4 Damage Cost Assessment) which presented a final sum of £252,046 to offset emissions from the proposed development. A damage cost should be used as an indicator to the level of emissions offsetting measures required as part of a Proposed Development scheme. These may include on site and/or off-site measures. Some of these measures will therefore be under the control of the applicant and other parties (such as the Council) may be responsible for other measures, funded by the applicant.

- 5.28 Thus, the air quality issue is agreed to be fully resolvable by the apportionment of a mitigation amounting to c.£252,000, through a combination of the implementation of on site and offsite measures agreed with the EHO (as detailed in the Council Air Quality Action Plan, for example) and an appropriate balancing payment (if needed).
- 5.29 The Appellants' view is that detailed air quality mitigation measures and costings can be addressed in full through an appropriately worded s106 Planning Obligation. This would provide means by which the Council could approve the mitigation measures and assess their financial value as an offset against the total damage cost and set out a mechanism for calculating and securing the payment of any required balancing contribution. This is common practice as it ensures that the contribution is effective as a means of improving air quality in that particular local authority at the relevant time.
- 5.30 The officer's report to the planning committee records (paragraph 10.16.6) that, with further specific details of mitigation measures to offset the damage cost of £250,000, the development could be acceptable. The Appellants will work with the Council to seek to agree this technical matter and appropriate wording in a s106 obligation, but reserve the right to call expert air quality evidence if this proves to be necessary.

Sporting Provision and Active Design (reason for refusal 9)

- 5.31 Reason for Refusal no. 9 states that it is unclear how the additional demand for formal sporting provision arising from the appeal proposals would be addressed. It also asserts that it is not clear how the concept of active design would be achieved in order to support an active, healthy community.
- 5.32 In relation to formal sporting provision, the appeal applications are clear that, in line with the Council's policies and consistent with pre application discussions, a commuted sum payment to secure formal off site recreation provision is proposed. Paragraph 10.8.27 of the officer's report to committee confirms that the matters raised by Sport England, on which this reason for refusal is predicated, can be resolved through further discussion. The Appellants have already initiated such discussions and expect that a s106 Obligation which captures appropriate commuted sum payments, to be applied by the Council to the provision/enhancement of leisure facilities within the Borough, will be concluded. In the unlikely event that agreement cannot be reached, the Appellants reserve the right to call specific evidence to address this matter.
- 5.33 In relation to the second part of this reason for refusal relating to active design, contrary to what is stated, this concept is at the heart of the Appellants' approach to the overall development. SRBC's and Sport England's comments are noticeably at odds with the observations of Lancashire County Council's Public Health officer whose views are summarised at para. 10.8.28 of the officer's report to committee. This notes that LCC "... recognises and appreciates the consideration given to the impact on human health within the EIA" and, specifically in relation to active design principles, they say that "*Public Health support the adoption of the Active Design Principles within the masterplan and design code. These principles, developed by Sport England and supported by Public Health England, are intended to create environments that make active choice the easy and attractive choice for people and communities. These principles are reflected within the masterplan, with the priority being given to "classic mobility" (i.e., two wheels, two feet) through the creation of a series of interlinking walking and cycling routes throughout the development. However Public Health request specific consideration is given to embedding the 10 Sport England principles in the next stage of the process.*"
- 5.34 The Appellants' evidence will highlight where Sport England's active design principles are already reflected (indeed, embedded) in the scheme design and form key guiding principles within the supporting documents accompanying the applications. They will commit to developing these proposals further at the reserved matters stage when crafting detailed designs and layouts which continue to

reflect the Sport England Principles, a matter which can be covered by an appropriately worded planning condition and secured by the Council through its reserved matters approval powers.

“Proper Planning Approach” (reason for refusal 10)

- 5.35 Reason for Refusal no. 10 asserts that, “...due to the lack of an agreed masterplan and commitment to providing the cross-borough link road...” the proposals do not follow the “proper planning approach” and are thereby in conflict with the NPPF paras. 126 and 132. Matters relating to the masterplan and the CBLR have already been addressed above.
- 5.36 The suggestion that the Appellants have failed to follow the proper planning approach in bringing forward their development proposals for this allocated site is a wholly inaccurate characterisation of the previous 10 years of work on their part. The Appellants’ evidence will refer to the planning history of the Sites, the extensive public and stakeholder engagement which has been carried out, the many meetings and discussions with Council officers and others over a period of years and other relevant matters, as demonstrating the lengths to which they have gone to in order to try and successfully bring forward an acceptable housing-led development on the Sites. The Appellants have acted in an exemplary manner in this regard.
- 5.37 The evidence will demonstrate that both Appellants are fully committed to achieving well designed places, in line with the expectations of chapter 12 of the NPPF, and that these outline applications are fully consistent with policy requirements.

Viability (Reason for refusal no. 11)

- 5.38 At no stage during the pre application discussions, or when agreeing the validation requirements, or during the determination period of the applications has the Council ever asked for a viability assessment. This matter is not mentioned in the main officer’s report published prior to the planning committee on 29 November; it first arose as a proposed reason for refusal, wholly unexpectedly, when a late Items committee report was published on the morning of the committee meeting.
- 5.39 Prior to the planning committee the Appellants had confirmed to the Council that they would provide policy compliant affordable housing in both appeal schemes. This confirmation included that each of the Appellants would deliver the Council’s preferred affordable housing tenure split of 70% affordable rent and 30% intermediate tenure. This matter would be secured by a s106 Planning Obligation.
- 5.40 Reflecting this commitment, the officer’s report (at para 10.9.11) confirmed that the proposals are acceptable in terms of affordable housing provision, and that given the pressing need which exists in the Borough, the officer correctly advised Members that this should carry significant weight in favour of the appeal proposals.
- 5.41 In these circumstances it is unnecessary, inappropriate and unreasonable for the Council to seek viability information. It is for the Appellants to assure themselves (as they have done) that their schemes are viable, deliverable and capable of supporting the reasonable and necessary demands (in terms of s106 items, Community Infrastructure Levy, infrastructure provision and other matters) that their developments would be expected to support. The Appellants accordingly do not intend to bring forward any evidence relating to the viability of their proposals as this would not assist the Inspector in the determination of the appeals. It is not for the Appellant to have to demonstrate the viability of their proposals where they are providing policy-compliant s106 obligations, including of affordable housing and infrastructure provision.

Other Matters Raised by Third Parties

- 5.42 In addition to the matters referred to above, which respond to the Council's specific reasons for refusal, the Appellants evidence will address all other material planning matters raised by third party objectors, to demonstrate that their proposals are acceptable in all other respects.
- 5.43 These matters include flood risk and drainage; ecology; green infrastructure; residential amenity; community facilities; and the principle of developing this greenfield site for housing, where no issue is raised by the Council or relevant statutory consultees, who are content with the proposals as evidenced in their various responses to the planning applications, which will be referred to in evidence and documented in the Main Statement of Common Ground.

6. Compliance with the Development Plan

- 6.1 The Appellants will set out in evidence how the appeal proposals comply with the statutory Development Plan, when considered as a whole. As a result, and in accordance with paragraph 11c of the NPPF, they should be approved without delay.
- 6.2 Alternatively, even if there were to be conflict with the Development Plan (which the Appellants would strongly contest) there are important material considerations which would outweigh that conflict, such that permission should be granted. The Appellants' evidence will outline the wide range of public benefits and advantages to the local community (both existing and future) which comprise weighty material considerations and which include:
- (i) With reference to the National Model Design Code and recent revisions to the NPPF which stress the importance of good design, the Appellants will demonstrate how the Sites will deliver a range of high-quality new homes to meet the needs of the area;
 - (ii) With reference to the revised Masterplan, the Appellants will demonstrate how the Sites can achieve high quality place making which will meet the lifestyle needs of future generations;
 - (iii) Delivery of the majority of this allocated strategic site by the Appellants will make an important and positive contribution towards the Council's deliverable housing land supply, in the short, medium and longer term. It will also facilitate development of the remainder of the MDS, thereby assisting further housing delivery in the future.
 - (iv) It will deliver policy compliant 30% affordable housing, with a tenure split which meets the Council's aspirations, comprising up to 330 dwellings in an area of acute affordability need;
 - (v) It will deliver serviced land to accommodate a new two form entry primary school which will serve the development and future demand from the local community;
 - (vi) It will deliver a new local centre which will provide for new local needs including a local shop, and provide an opportunity for commercial, employment and community provision widening the choice of amenities for new and existing residents;
 - (vii) The Appellants propose a mobility hub and "Third Space" Work Hub within the Local Centre which will provide new facilities not currently available in the local area. It will create social benefits for both residents of the new development and those living within the wider community. Third Space is the term that has been adopted for these local work hubs, where people can work within their neighbourhoods in a social and business environment when not travelling to their company office. In this context the "First Space" is home, the "Second Space" is the company office or work location;
 - (viii) The proposals will deliver a sustainable development which has good access to jobs, shops, services and transport links;
 - (ix) The Appellants will make appropriate contributions through CIL payments towards the creation or improvement of existing local facilities, including the Kingsfold Medical Centre, which can be applied to ensure there is adequate patient capacity;
 - (x) The Appellants 'Vision and Validate' approach to transport will directly and positively encourage sustainable and active travel modes and minimise reliance on motor vehicles for local journeys;

- (xi) An iterative design process has resulted in the retention and protection of key habitat features or like-for-like replacement within the scheme as a minimum, to benefit the natural environment;
- (xii) The Appellants will commit to delivering a net gain to biodiversity as part of their scheme proposals;
- (xiii) Once the landscaping strategy of the proposals has matured, the proposed development has the potential to deliver beneficial effects arising from the substantial improvement of landscape features in the long term;
- (xiv) Changes to the onsite drainage strategy will significantly reduce surface water runoff rates;
- (xv) Play spaces, generous green spaces and improved footpaths / cycleways will be incorporated into the scheme with associated opportunities for physical recreation and help to encourage healthy lifestyles;
- (xvi) The improved and new public rights of way to be provided will increase the accessibility and permeability of the Sites, and encourage the use of sustainable modes of transport, not least walking and cycling
- (xvii) The construction of 1,100 homes will generate worthwhile and positive employment impacts during the construction phase, to be targeted locally through an Employment and Skills Agreement;
- (xviii) The development is likely to encourage a higher skilled workforce to choose to live in the area given the high quality of housing proposed;
- (xix) The proposed development will deliver long-term fiscal benefits through the Council Tax system;
- (xx) The expenditure of new residents of the proposed development will help support employment in local businesses across South Ribble; and
- (xxi) The development will result in permanent new on-site job creation once it is fully operational.

7. Planning Obligation

7.1 The Appellants are willing to enter into a S106 Agreement with the Council to secure the delivery of certain components of necessary infrastructure and provide appropriate mitigation where needed. Draft Heads of Terms for the proposed Planning Obligation were submitted to the Council at the application stage. The proposed S106 measures are set out as follows:

- i. **Affordable Housing** - 30% Affordable Housing in accordance with Policy 7 of the Central Lancashire Core Strategy. It is understood that the delivery of affordable housing is a top priority for SRBC, and the Appellants will deliver 30% affordable housing with a tenure split of 70% affordable rented and 30% intermediate. This will be secured through an Affordable Housing Scheme being submitted for approval with each reserved matters application, with each Scheme providing the detail of the delivery of the affordable housing in the relevant reserved matters together with the strategy for the delivery of the affordable housing across the remainder of the scheme.
- ii. **Education** - 2ha of land will be safeguarded for a defined period and, if LCC is ready to proceed with the construction of a Primary School, the land will be transferred at nil consideration to LCC for a new 2 form entry Primary School.. The site for the Primary School will be serviced and available for development at the point at which it is transferred. In addition, and if required, a Primary School Contribution will be made prior to the occupation of a number of homes to be agreed with the Council.
- iii. **Financial Contributions towards Sports and Recreation** – a financial contribution will be made towards off-site formal playing pitch provision, in accordance with South Ribble’s Open Space SPD..
- iv. **Infrastructure Delivery Schedule**– key infrastructure will be secured in accordance with an infrastructure delivery schedule which will be appended to the section 106 agreement and which will identify the principles and commitments to delivery.
- v. **Delivery of Spine Road** – the land needed for the spine road will be safeguarded and the spine road will be delivered on the land owned by the Appellants in conjunction with the delivery of the various phases of the development. The spine road will be built in accordance with specified criteria so that it can comprise part of the CBLR in the event that the Council proceeds with it. The section 106 agreement will contain a commitment on the Appellants to facilitate the connection of its parts of the spine road to parts of the spine road/CBLR delivered by other landowners. Future connections would be agreed once satisfactory commercial terms have been reached with the other landowners.
- vi. **Off-site Highway Improvements** – off-site highway improvements will be delivered in accordance with a phasing plan and trigger points that have been agreed with the Council.
- vii. **Improvements to Public Rights of Way** – improvements to specified public rights of way within the site will be carried out and/or financial contributions will be made to enable such improvements to be made
- viii. **Delivery of Village Centre** – the village centre will be delivered prior to the occupation of a specified number of dwellings, with interim facilities being provided from the first occupation of the development.
- ix. **Biodiversity Net Gain** – biodiversity net gain will be secured on and/or off site in accordance with a scheme that has been approved by the Council.

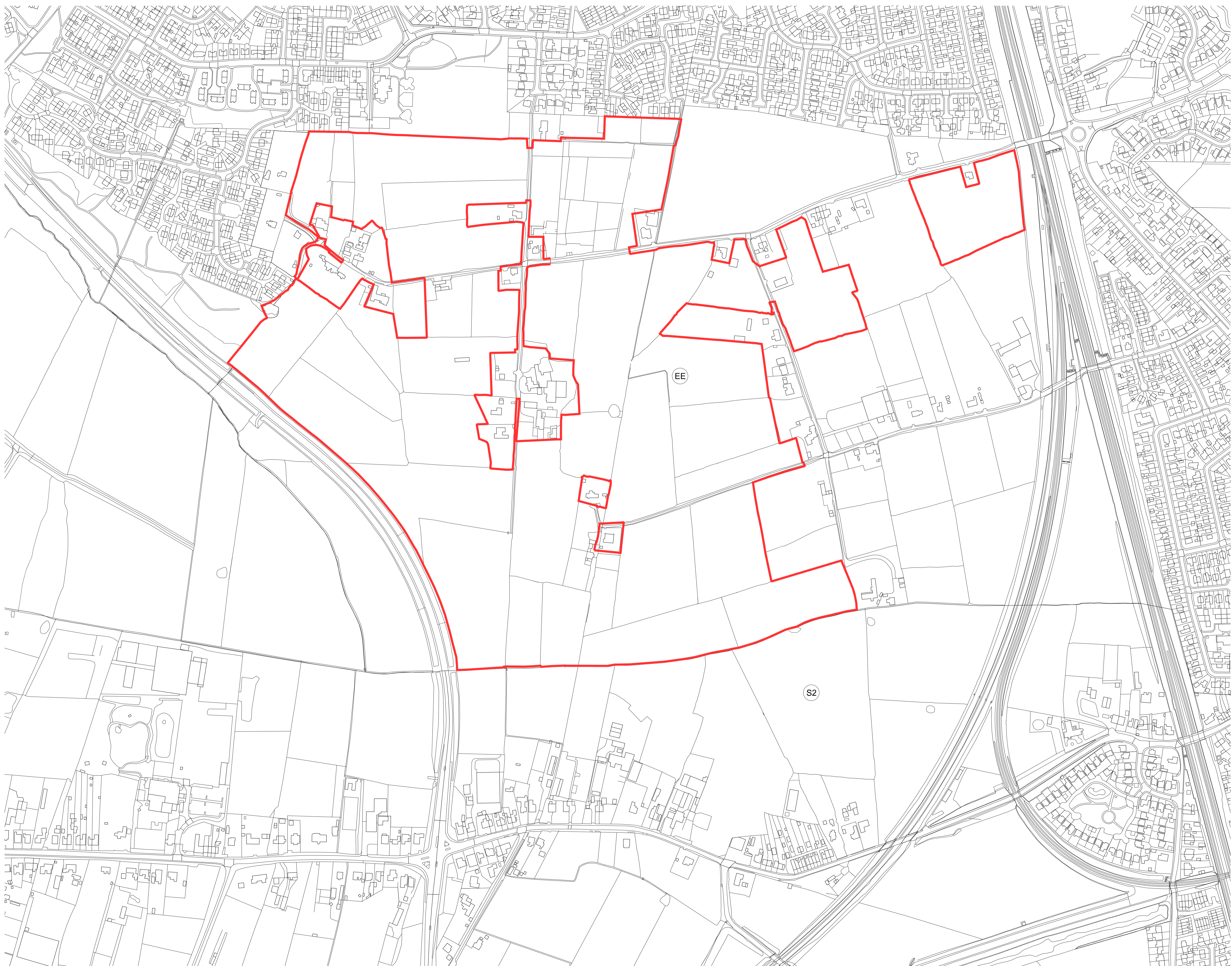
-
- x. **Local Employment and Training Plan** – local employment and training opportunities shall be secured in accordance with a plan that has been approved by the Council.
 - xi. **Estate Management** – the site will be managed in accordance with a management plan, and by a management body, that have been approved by the Council
 - xii. **Air Quality Mitigation** – each reserved matters application shall be accompanied by a scheme setting out the measures to be employed in that part of the development to mitigate the air quality impacts, and the agreement will include a commitment to implement those measures. If the measures do not fully mitigate the impact then a balancing compensatory financial contribution will be made.

8. Conclusions

- 8.1 The Appellants have endeavoured to secure approval for the development of this allocated, sustainable strategic site for a number of years now. Regrettably the Borough Council has been unable to support the delivery of the substantial number of open market and affordable homes at this location, both of which form a key component of the planned housing supply for South Ribble.
- 8.2 The Appellants will demonstrate their proposals are in accordance with the Development Plan, and so, in line with s 38(6) and the NPPF, planning permission should be granted without further delay. The Appellants will also demonstrate that there is a series of important and material planning benefits that will be secured by the schemes. Even if any conflicts with the Development Plan (when read as a whole) were to be found, which is strongly contested by the Appellants, the substantial public benefits which would flow from the development comprise material considerations which fully outweigh any such conflict.

Appendix I

Plans of Appeal Sites



Copyright of this drawing is vested in Splus Architects and it must not be copied or reproduced without written consent. Plotted dimensions only are to be taken from this drawing. Do not scale from this drawing.
 All Contractors must refer to the site and are responsible for verifying and creating all dimensions relative to their work. Splus Architects are to be advised of any variation between drawings and site conditions.
 This drawing is for information only and should not be used for any other purpose. All dimensions and levels shall be 'true only' from those values stated in text on the drawing.
 CONSTRUCTION - It is considered that the proposed works are within the scope of a competent Contractor and no such or unusual hazards have been identified, other to relevant Risk Stratification/Design Risk Assessment.

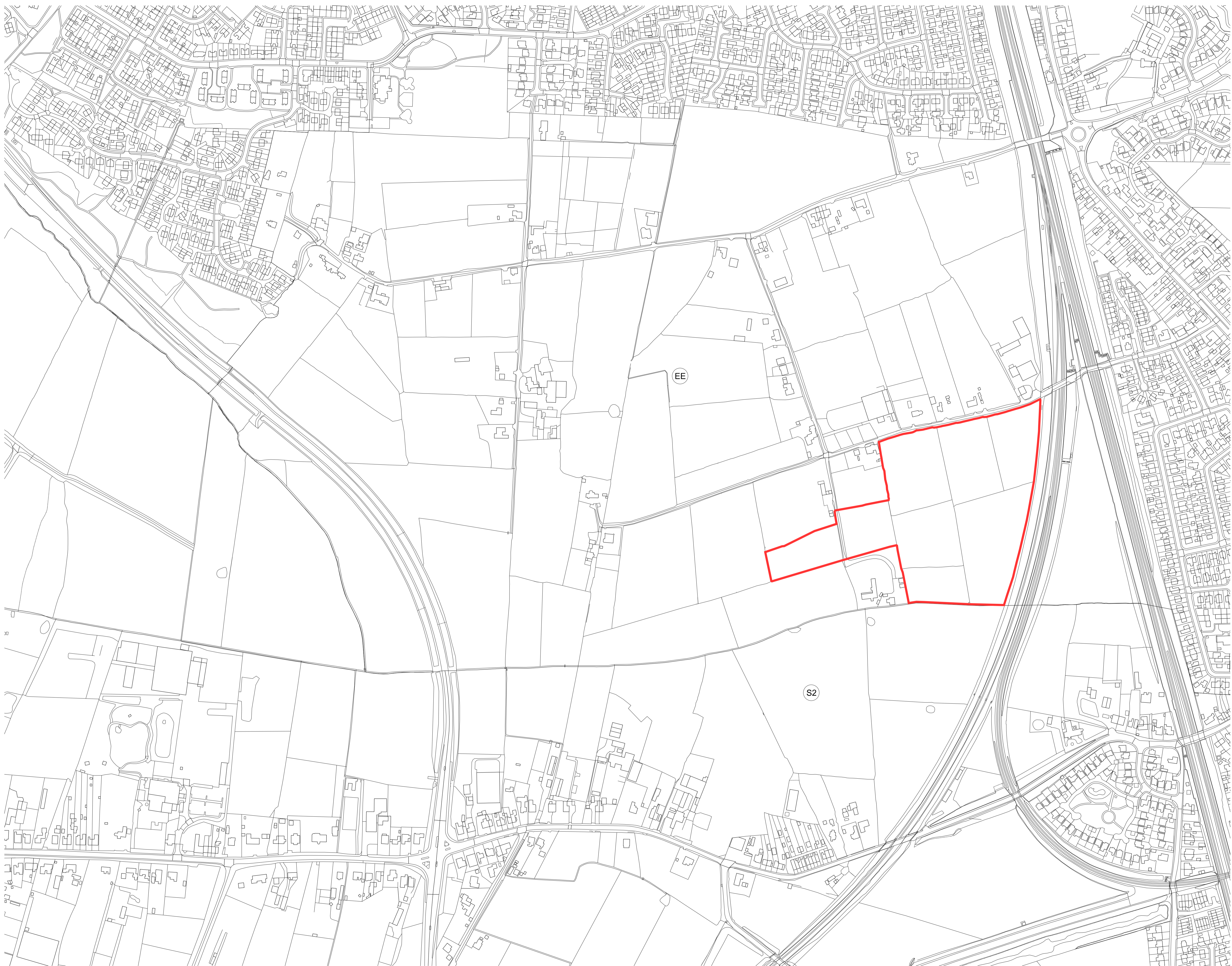
KEY PLAN:
 Application Site Boundary

101	03/08/21	Issued for Planning
100	04/06/21	Issued for information
REV:	DATE:	DETAILS:

5plus architects
 Manchester, 0161 228 0211
 Fourth Floor, The Hive, 47 Lever Street,
 Manchester M1 1FN
 London, 0207 253 7644
 The Leather Market, Weston Street,
 London SE1 3ER
 5plusarchitects.com

PROJECT:
**The Lanes,
 Penwortham**
 TITLE:
**Application A
 Parameter Plan - Red Line**
 SCALE: 1:2500 @ A1
 ORIGIN DATE: 05/12/18
 DRAWN: OR
 CHECKED: AT
 STATUS:

PROJECT: 05745
 DRAWING NO: MP_00_1000
 REV: 101



Copyright of this drawing is vested in 5plus Architects and it must not be copied or reproduced without written consent. Figures and dimensions are to be taken from this drawing. Do not scale from this drawing.
 All Contractors must refer to the site and are responsible for verifying and checking all dimensions before commencing work. 5plus Architects are to be advised of any variation between drawings and site conditions.
 This drawing is for information only and should not be used for any other purpose. All dimensions and levels shall be taken only from those values stated in text, on the drawings.
 CONSTRUCTION - It is considered that the proposed works are within the scope of a competent Contractor and no such or unusual hazards have been identified, other to relevant Road Construction Danger Note Assessment.

KEY PLAN:
 Application Site Boundary

102	03/08/21	Issued for Planning
101	22/05/21	Revised boundary
100	04/06/21	Issued for Information

REV: DATE: DETAILS:

5plus architects

Manchester, 0161 228 0211
 Fourth Floor, The Hive, 47 Lever Street,
 Manchester M1 1FN

London, 0207 253 7644
 The Leather Market, Weston Street,
 London SE1 3ER
 5plusarchitects.com

PROJECT:
 The Lanes,
 Penwortham

TITLE:
 Application B
 Parameter Plan - Red Line

SCALE: 1:2500@A1 ORIGIN DATE: 05/12/18 DRAWN: OR CHECKED: AT

STATUS:

PROJECT DRAWING NO: 05745 MP_00_2000 REV: 102

Appendix II

Local Plan Policies

Pickering's Farm, Penwortham - Relevant Planning Policies

South Ribble Local Plan policies

- Policy B1 – Existing Built-up Areas
- Policy A1 – Developer Contributions
- Policy D1 – Allocation of Housing Land
- Policy D2 – Phasing, delivery and monitoring
- Policy G3 – Safeguarded Land for Future Development
- Policy F1 – Parking Standards
- Policy G14 – Unstable or Contaminated Land
- Policy G8 – Green Infrastructure and Networks – Future Provision
- Policy G10 – Green Infrastructure Provision in Residential Developments
- Policy G11 – Playing Pitch Provision
- Policy G12 – Green Corridors/Green Wedges
- Policy G13 – Trees, Woodlands and Development
- Policy G16 – Biodiversity and Nature Conservation
- Policy H1 – Protection of Health, Education and Other Community - Services and Facilities

Central Lancashire Core Strategy Policies

- Policy 1 – Locating Growth Policy 2 - Infrastructure
- Policy 3 - Travel
- Policy 5 – Housing Density
- Policy 6 – Housing Quality
- Policy 7 - Affordable and Special Needs Housing
- Policy 14 – Education;
- Policy 18 – Green Infrastructure
- Policy 22 – Biodiversity and Geodiversity
- Policy 23 – Health
- Policy 24 – Sport and Recreation
- Policy 25 – Community Facilities
- Policy 26 – Crime and Community Safety
- Policy 27 – Sustainable Resources and New Developments
- Policy 29 – Water Management

- Policy 30 – Air Quality

Penwortham Town Neighbourhood Plan

- Policy 2 - Requirements for new large scale residential development;
- Policy 3 – Types of residential property;
- Policy 5 – New sporting facilities;
- Policy 6 – Penwortham community centre;
- Policy 7 - Penwortham Cycle and Walking Route;

Contact details

Enquiries

Gary Halman

Gary.halman@avisonyoung.com

Visit us online

avisonyoung.com

Avison Young

Norfolk House, 7 Norfolk Street, Manchester M2 1DW

Copyright © 2022. Avison Young. Information contained in this report was obtained from sources deemed reliable and, while thought to be correct, have not been verified. Avison Young does not guarantee the accuracy or completeness of the information presented, nor assumes any responsibility or liability for any errors or omissions therein. All opinions expressed and data provided herein are subject to change without notice. This report cannot be reproduced, in part or in full, in any format, without the prior written consent of Avison Young.