

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

**Appeals Against the Refusal of Planning Permissions
07/2021/00886/ORM and 07/2021/00887/ORM**

Land at Pickering's Farm, Penwortham

**Main Statement of Common Ground between Taylor Wimpey UK
Limited, Homes England and South Ribble Borough Council**

June 2022

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Report title: Main Statement of Common Ground

Prepared by: Taylor Wimpey, Homes England and South Ribble Borough Council

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1. Introduction

- 1.1 This Main Statement of Common Ground has been prepared jointly by Taylor Wimpey and Homes England (“the Appellants”) and South Ribble Borough Council (“the Council”) in respect of the conjoined planning appeals concerning land at Pickering’s Farm Penwortham. It deals with certain planning and technical matters and sets out the areas of agreement.
- 1.2 The parties will keep this document under review and reserve the ability to update and amend it in the event it is necessary to record any changes in the light of further discussions between them.
- 1.3 A separate but interrelated SoCG will also be prepared by the Appellants with Lancashire County Council (LCC), who are the local Highway Authority. This Mobility SoCG (‘MoSoCG’) once drafted should be read in conjunction with this document. It will set out the areas of agreement with LCC on detailed highways and transportation matters.

2. Location and Description of The Appeal Sites

- 2.1 The Sites relate to two adjoining parcels of land totalling 52.27 hectares referred to as ‘Site A’ and ‘Site B’ within this SoCG. The land covered by Site A is 45.88 ha in size and the land covered by Site B is 6.39 ha in size.

Locational Context

- 2.2 The Sites are situated approximately 4.8km to the south-east of Penwortham Town Centre and 6.4km to the south of Preston City Centre (Grid reference – E 352858/ N 426080). The Sites are located 1km from Lostock Hall train station (measured from the south-eastern edge of the site) which provides regular connections to Blackburn, Burnley, Colne, Blackpool, York and Leeds. Existing bus services are available on Kingsfold Drive approximately 250m to the north measured from the northern boundary of the site, where the number ‘3’ bus route, is an express service running between Preston and Penwortham.
- 2.3 The Sites are situated in a sustainable location, within close proximity to local services and amenities in the local shopping centres of Kingsfold (1.1km), Middleforth (1.9km) and Liverpool Road (3.4km). The Sites have good accessibility for pedestrians with a number of public rights of way crossing the site (Footpaths 7-9 57; 7-9 55; 7-9 53; 7-9 52; 7-9 49; 7-9 50; 7-9 42; 7-9 43).
- 2.4 The Sites are bordered to the east by the West Coast Mainline railway and Lostock Hall and to the west by Penwortham Way. The Sites are bound to the north by the community of Kingsfold comprising existing residential development to the south of Kingsfold Drive. Further open land immediately to the south is designated as Safeguarded Land under Policy G3 of the South Ribble Local Plan (SRLP). 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.

Site Characteristics

2.5 The Sites comprise a mix of land uses including:

'Site A'

- Agricultural land, which is separated into a number of fields by fences, hedgerows and trees;
- Pylon accommodation land;
- Pylon corridor; and
- Roads.

'Site B'

- Agricultural land, which is separated into a number of fields by fences, hedgerows and trees;
- Agricultural buildings; and
- Roads.

2.6 With the exception of neighbouring residential properties and light industrial activities, the Sites have remained largely as undeveloped agricultural land since earliest mapping records. The majority of the Sites comprise intensively managed agricultural land with a number of individual properties under the developers control but excluded from the application boundary.

2.7 There are no designated heritage assets, such as listed buildings, registered parks and gardens or registered battlefields, contained within the boundary of the Sites. Furthermore, neither of the Sites are located within, nor include any part of, a Conservation Area.

Other Designations

2.8 According to the Environment Agency's Flood Map, both Sites are located within Flood Zone 1, land assessed as having a less than 1 in 1,000 annual probability of flooding.

2.9 The Sites are located approximately 50m east of Mill Brook, which is a tributary of the River Ribble. The River Ribble is located approximately 1.5km north. The River Lostock is located approximately 0.7km to the south-east. There are a number of Ordinary Watercourse features contained within the Sites that generally drain to the south and east.

2.10 There are no foul or combined sewers present within the boundaries of the Sites and the existing residential properties are served by septic tanks or cesspits.

- 2.11 The Sites are located approximately 0.4km from the Air Quality Management Area (AQMA) to the east on Leyland Road.
- 2.12 Overhead electricity cables on pylons pass through the Application A site. There are restrictions to development underneath the line of the pylons which have been addressed by the application proposals.
- 2.13 There are no active or historic landfills located within the Sites' boundaries or within 2km of the Sites. There are no statutory ecologically designated sites within the Sites' boundaries or within 2km of the Sites. However, Preston Junction Local Nature Reserve is located approximately 0.8km north east of the Sites.
- 2.14 There are a number of trees located across the Sites some of which are subject to a recently made Tree Preservation Order (ref: TPO 2021 No 2).
- 2.15 The Sites are not located within or within close proximity to an Area of Outstanding National Beauty (AONB) or Special Landscape Area (SLA). The sites are also not within the new Nutrient impact areas as advised by Natural England.

3. Planning History

- 3.1 The Appellants and the Council agree that the summary below constitutes a full and accurate summary of the site's recent relevant planning history:

Planning Application ref: 07/2020/00015/ORM

- 3.2 An outline planning application (LPA Ref: 07/2020/00015/ORM) for a residential development of up to 1,100 dwellings, a local centre including retail, employment and community uses, a primary school, a community building to be used as an employment and skills centre, green infrastructure, large extent of cross borough link road extension on land controlled by developers and associated infrastructure following demolition of existing buildings was submitted to SRBC by the Appellants on 19 December 2019 and validated on 24 January 2020.
- 3.3 Separately, a Masterplan for a wider site which included land controlled by the Developers and land under the control of third parties was submitted to SRBC on 19 December 2019. The Masterplan was rejected at a Special Planning Committee held on 17th September 2020 on the grounds of highways; green infrastructure; ecology; drainage provisions; impact on air quality; lack of appropriate and necessary infrastructure; inappropriate mix of housing; and the impact on the residential amenity of the wider community.
- 3.4 Following the rejection of the Masterplan, the Appellants formally withdrew the outline application on 31 March 2021.

Planning Application Refs: 07/2021/00886/ORM and 07/2021/00887/ORM – ‘The Appeal Schemes’

- 3.5 Two revised outline planning applications (LPA Refs: 07/2021/00886/ORM and 07/2021/00887/ORM) for the erection of up to 1,100 dwellings in total including 30% affordable homes, associated road infrastructure, landscaping and open space following demolition of existing buildings on the Sites was submitted to SRBC by the Appellants on 9 August 2021 and validated on 10 August 2021.
- 3.6 Following consultation in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and South Ribble’s Statement of Community Involvement, the applications were recommended for refusal by Council Planning Officers. The outline applications were refused at a Special Planning Committee meeting held on 29 November 2021. The refusal notices were issued on 30 November 2021.
- 3.7 Other than the reasons for refusal listed on the Decision Notices the Appellants and SRBC agree that there are no other matters in contention.

4. The Proposed Development

- 4.1 The outline applications sought outline planning permission for the following:

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 Classes 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.”

- 4.2 The proposed development is EIA Development and an Environmental Impact Assessment was submitted in support of both of the applications.

Use and Amount

- 4.3 The appeal applications propose up to 1,100 residential dwellings in total. The exact type and mix of dwellings is to be determined at the time of reserved matters submissions. In line with the Council's affordable housing requirements, 30% of the properties are proposed to be affordable dwellings 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.
- 4.4 Green infrastructure across Sites A and B totalling 16.09 hectares is proposed.
- 4.5 In addition, Application A proposes retail, commercial, employment and community uses including a mobility hub and third space¹ within Use Class E and sui generis extending up to 2,500 sq.m in total as well as the site for a new two form entry Primary School.

Layout

- 4.6 The Illustrative Masterplan shows one possible arrangement of the proposed development. The layout has been prepared to respond to the existing constraints and opportunities on site, whilst also aiming to provide an efficient housing scheme of a high standard of design and placemaking.
- 4.7 The Land Use and Maximum Building Heights Parameter Plans define the type of development and the maximum height of development proposed within the identified zones. Heights are defined in storey height and taken from the existing topographical level (unless otherwise stated).
- 4.8 The proposed Maximum Building Heights Plans Parameter Plan shows the following maximum building height zones:
- i) Up to 2.5 storeys adjacent to boundaries with existing residential properties; and
 - ii) Up to 3 storeys elsewhere.
- 4.9 The parties are not agreed on whether these parameters are acceptable.

Means of Access

Areas of agreement in respect of highway matters are being documented in a separate Mobility Statement of Common Ground.

¹ The Third Space facility will provide a co space working environment for the use of new residents to the site and the existing community.

5. Planning Policy

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals are determined in accordance with the Development Plan unless material planning considerations indicate otherwise. Whilst third party representations can be regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the source or number of third party representations received, remains the extent to which the proposals comply with the Development Plan. The National Planning Policy Framework (NPPF) confirms this legislative position and its contents are a material consideration in determining the appeals. The Development Plan insofar as relevant to the appeal proposals comprises:

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

South Ribble Local Plan

5.2 The adopted South Ribble Local Plan ('SRLP') should be attributed full weight in the determination of the appeals. The following policies of the SRLP are relevant to the appeal proposals. The policies of the SRLP that are highlighted in **bold** below are referred to in the Council's reasons for refusal.

- **Policy A1 – Developer Contributions;**
- **Policy A2 – Cross Borough Link Road (Development Link Road)**
- **Policy C1 – Pickering's Farm, Penwortham**
- Policy B1 – Existing Built-up Areas
- Policy D1 – Allocation of Housing Land
- Policy D2 – Phasing, delivery and monitoring
- 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 G14 – Unstable or Contaminated Land
- **Policy G11 – Playing Pitch Provision**
- Policy G12 – Green Corridors/Green Wedges
- Policy G13 – Trees, Woodlands and Development
- Policy G16 – Biodiversity and Nature Conservation
- **Policy G17 – Design Criteria for New Development**
- Policy H1 – Protection of Health, Education and Other Community - Services and Facilities.

The Central Lancashire Core Strategy

5.3 The Central Lancashire Core Strategy (CLCS) should be attributed full weight in the determination of the appeals. The following policies of the CLCS are relevant to the appeal proposals. The Policies that are highlighted in **bold** below are referred to in the Council's reasons for refusals:

- 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 17 – Design of New Buildings**
- 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

- 5.4 Weight should also be attributed to the Penwortham Neighbourhood Development Plan ('PTNP') in the determination of the appeals, since the designated area covers the appeal sites.
- 5.5 It is agreed that the policies of the PTNP listed below are relevant to the appeal proposals and that none of these policies are referred to in the Council's reasons for refusals:
- 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; and
 - Policy 7 - Penwortham Cycle and Walking Route.

Other Material Planning Considerations

- 5.6 It is agreed that the other material considerations which are relevant in the determination of the planning appeals include the following:
- The National Planning Policy Framework (2021)
 - The National Planning Practice Guidance
 - SRBC Supplementary Planning Documents as follows:
 - Affordable Housing;
 - Design Guide;
 - Open Space and Playing Pitch;
 - Biodiversity and Nature Conservation; and
 - Employment and Skills
 - Renewable and Low Carbon Energy

6. Planning and Design

The Principle of Development

- 6.1 With regard to the principle of development, the Appellants and SRBC agree that:

- i) The Sites are allocated for residential led mixed-use development under Policy C1 of the adopted SRLP;
- ii) The proposed residential, local centre, two form entry primary school, employment provision and green infrastructure uses across the Sites meets the land use requirements of SRLP Policy C1;
- iii) The reasoned justification to Policy D1 of the SRLP identifies that the wider allocation could deliver in the region of 1,350 dwellings;
- iv) The delivery of 1,100 dwellings across the Sites meets the housing delivery expectations of SRLP Policy D1 and housing Requirement and Supply.

6.2 With regards to SRBC's housing requirement and supply, for the purposes of this appeal, the Appellants and SRBC agree that:

- i) the most up to date published position on housing land supply indicates that, as at 1 April 2022, the Council had 13.2 years supply of deliverable housing sites²;
- ii) the proposals provide for 30% affordable housing which equates to up to 330 affordable homes and meets the requirements of SRLP Policy A1 and Policy 7 of the Central Lancashire Core Strategy; and
- iii) the proposed affordable housing provision on the Sites complies with the Councils preferred affordable tenure split of 70% Rented and 30% Intermediate tenures. This and other matters relevant to the affordable housing provision can be subject to appropriate provisions within a s106 Planning Obligation.

Building Heights

6.3 The Council would agree the height parameters for the development if these were limited to 3 storeys within and immediately adjacent to the Local Centre and 2 storeys elsewhere, including all locations where new development is proposed adjacent to existing development.

Green Infrastructure Provision

6.4 In respect of green infrastructure on the Sites, the Council and the Appellants agree that:

- i) the amount and typologies of green infrastructure proposed by the schemes (16.09 hectares) is appropriate and exceeds local policy requirements;

² Housing Land Supply Position Statement and update to Strategic Housing Land Availability Assessment at 1 April 2022

- ii) the masterplan and planning applications are policy compliant in respect of Green Infrastructure provision; and
- iii) the prioritisation of green infrastructure across the Sites with clearly defined locations for play areas and public open spaces and the proposed buffer from Penwortham does not cause noise pollution for residents is appropriate and meets planning policy requirements.

7. Air Quality

7.1 In respect of air quality matters, discussions are taking place between the Appellants and Officers in respect of the submission of further details on air quality mitigation measures to off-set the calculated damage cost of £252,046 which could be considered 'acceptable' to overcome Air Quality impacts. However, subject to the ongoing discussions and in order for this to be considered "acceptable" a report would need to be taken before Planning Committee for agreement. A report for planning committee is currently being prepared

7.2 Measures that can be included as part of these mitigation measures could include, but will not be limited to:

- Improved pedestrian pathways to encourage walking;
- Improved and segregated cycle paths; and
- The provision of storage and support for cycle purchase and bike hire schemes.

7.3 The implementation of these measures (or others with a similar outcome) or payment of the calculated damage cost identified above in lieu of the provision of offset measures can be secured through S106 agreement.

8. Open Space and Sport Pitch Provision

8.1 The Council and the Appellants agree that that the matters raised by Sport England can be resolved with appropriately worded S106 obligations which will require financial contributions to be made on a phased basis to support the delivery of sports infrastructure as the construction of the development progresses. However, the Council is not able to withdraw reason for refusal 9 unless and until the proposed course of action has been ratified by its Planning Committee. A report for planning committee is currently being prepared.

9. Other Considerations

9.1 The Council and the Appellants agree that there are no outstanding technical matters in relation to the following areas:

- i) Biodiversity
- ii) Ground Conditions;
- iii) Trees and Hedgerows;
- iv) Flood Risk;
- v) Drainage;
- vi) Heritage; and
- vii) Archaeology;

10. Conclusions

10.1 This SoCG has been prepared by Avison Young on behalf of the Taylor Wimpey and Homes England and South Ribble Borough Council. It sets out the areas of agreement relating to all matters except for highways.

Signed BY

Signed:



Print Name: Craig Alsbury

Date: 6 June 2022

On behalf of Avison Young

Signed BY

Signed:



Print Name: Jonathan Noad

Date: 6th June 2022

On behalf of South Ribble Borough Council

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