

PRESTON CITY COUNCIL



CIL COMPLIANCE STATEMENT

Appeal Site: Land west of Garstang Road, Broughton, Preston PR3 5JA

Appeal Proposal: Outline planning application seeking approval for access only for residential development up to 51no. dwellings with associated works (all other matters reserved)

Appeal By: Hollins Strategic Land LLP

Inspectorate Ref: APP/N2345/W/23/3330709

Preston City Council Ref: 06/2023/0030

1. Introduction

1.1 Paragraph 57 of the National Planning Policy Framework (NPPF) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations, stating:

A planning obligation may only constitute a reason for granting planning permission if the obligation is -

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development;*
- *Fairly and reasonably related in scale and kind to the development.*

2. Policies

2.1 The Development Plan for this appeal consists of:

- The Central Lancashire Core Strategy - (adopted July 2012);
- The Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) – (adopted July 2015).

2.2 The following policies within the Core Strategy (CS) and Preston Local Plan (PLP) are referred to in support of the case that the proposed planning obligations meet the CIL tests:

Central Lancashire Core Strategy:

Policy 1 - Locating growth

Policy 2 - Infrastructure

Policy 3 - Travel

Policy 7 - Affordable and special needs housing

Policy 14 – Education

Policy 24 – Sport and Recreation

Preston Local Plan:

Policy HS3 - Green infrastructure in new housing developments

Policy ST2 - General transport considerations

Central Lancashire Supplementary Planning Documents

Affordable Housing SPD (adopted 2012)

Open Space and Playing Pitch SPD (adopted 2012)

3. Proposed Planning Obligations

3.1 The Section 106 Agreement is between (1) Reaper Limited; (2) Hollins Strategic Land LLP; (3) Preston City Council and (4) Lancashire County Council. The proposed planning obligations included within the Section 106 Agreement cover the following areas of infrastructure:

- **Affordable Housing** – The provision of on-site affordable housing as part of the proposed scheme. The Affordable Housing Scheme comprises the following:
 - a) 40% of the total number of dwellings comprised within the development as affordable units (20no. units)
 - b) 25% of the affordable units to be First Homes (5no. units)
 - c) 12.5% of the affordable units to be provided as larger homes (3no. units)
 - d) The requisite number of affordable rented units (either Social or Affordable Rent) which is either:
 - i) the number of affordable units to be provided as affordable rented units as agreed with the Council as part of the approval of the Affordable Housing Scheme submitted to the Council by the Owner with the first Reserved Matters Application; or
 - ii) No fewer than 52.5% of the affordable units (11no. units); and
 - e) The location, layout, size, type and tenure of the affordable units.

With regards to d) above, the Central Lancashire Supplementary Planning Document (SPD) relating to Affordable Housing requires at least 70% of affordable units to be provided at affordable rent (52.5% when First Homes is taken into consideration). There is disagreement between the Council and the appellant as to whether the level of affordable rented units should be secured now, as part of the planning obligation, or as part of an Affordable Housing Scheme, which would be provided at reserved matters stage.

- **Education** – the provision of a financial contribution to Lancashire County Council (as Local Education Authority (LEA)) in respect of the additional demand for 19no. primary school places at Harris Primary School, and/or Fulwood St. Peter's Church of England Primary School & Nursery as a result of the proposed development, and 8no. secondary school places at Archbishop Temple Church of England High School, and/or Broughton High School. These schools have been chosen by the LEA as they are the closest primary and secondary schools to the appeal site that have space to accommodate an expansion.

The financial contribution is calculated using a formula based on the housing mix (number of bedrooms), provided by the LEA and included within the planning obligation, which will be finalised at reserved matters stage.

- **Monitoring of the Employment and Skills Statement** – The provision of a financial contribution of £6,000 to enable Calico to monitor and support the development, implementation and review of the Employment and Skills Statement.
- **Over 55 Accommodation** – 10% of the dwellings are proposed to be over 55 accommodation units.
- **Public Open Space** – The provision, implementation and future management of areas of Public Open Space, within the proposed development.

4. CIL TESTS

4.1 The following table explains how the above planning obligations comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulation 2010 (as amended) and paragraph 57 of the National Planning Policy Framework.

| COMPLIANCE WITH REGULATION 122 | | | |
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| PLANNING OBLIGATION | TEST 1 – NECESSITY | TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT | TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND |
| Affordable Housing | <p>The provision of 35% on-site affordable housing is required for the proposal to comply with the provisions of the Central Lancashire Core Strategy Policy 7 (Affordable Housing) and the Central Lancashire Affordable Housing Supplementary Planning Document.</p> <p>The provision of at least 70% of the affordable housing units to be for Social Rent or Affordable Rent is a requirement of the Central Lancashire Affordable Housing Supplementary Planning Document (para 35).</p> <p>The provision of 25% of the affordable homes to be First Homes complies with the</p> | <p>The provision of on-site affordable housing as a proportion of the development proposal means the obligation is directly related to the proposed development.</p> | <p>The level of affordable housing accords with the requirements of Core Strategy Policy 7. The provision of affordable housing is therefore considered fair and reasonable as the proportion required under the development plan policy.</p> <p>The Section 106 Agreement ensures that 50% of the affordable rented units are constructed prior to 50% of the market dwellings being occupied, and the remaining 50% constructed prior to occupation of 60% of the market dwellings in order to ensure the timely provision of the affordable units.</p> |

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| | <p>Affordable Housing Update Written Ministerial Statement published on 24 May 2021.</p> <p>Without a planning obligation securing the provision of an adequate proportion and mix of affordable housing the proposal would fail to meet the housing needs of the district and area in general and would therefore be contrary to the provisions of paragraphs NPPF 64, 65, 66 and 67 as well as the Central Lancashire Core Strategy.</p> | | |
| Education | <p>The provision of a financial contribution in respect of the education assessment is required for the proposal to conform to the Central Lancashire Core Strategy Policies 2 (Infrastructure) and 14 (Education) due to the additional demand the proposed development would create on primary and secondary school places within the catchment area.</p> | <p>The financial contribution for education is determined by a formula based on the scale of development and the identified need for school places within the catchment area which will be exacerbated by the proposed development. The identified schools are the closest to the appeal site which have space to accommodate an expansion. As such the contribution is directly related to the proposed development.</p> | <p>The financial contribution in respect of the education assessment accords with the requirements of Core Strategy Policy 14 (Education) and the Lancashire County Council's Education Contribution Methodology: Infrastructure and Planning Annex 2.</p> <p>The contribution would provide additional primary school places at Harris Primary School, and/or Fulwood St. Peter's Church of England Primary School & Nursery as a result of the proposed development, and secondary school places at</p> |

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| | | | <p>Archbishop Temple Church of England High School, and/or Broughton High School.</p> <p>The payments of the financial contribution are phased to ensure that the money received is appropriate to the scale of the development at the time of the agreed trigger points so that the extra places are provided at the appropriate time.</p> |
| Monitoring of the Employment and Skills Statement | The provision of a financial contribution for £6,000 + VAT in respect of appraising and monitoring the Employment and Skills Statement and Action Plan, is required to comply with Core Strategy Policy 15 (Skills and Economic Inclusion). | The financial contribution is necessary to ensure the measures within the approved Employment Skills Statement and Action Plan are complied with to allow for local residents to benefit from the employment and training opportunities which would be available during the construction phase of the proposed development. As such the obligation is directly related to the proposed development. | The Employment Skills monies will be paid prior to commencement of development so that the measures agreed within the Employment Skills Statement can be monitored during the construction phase of the proposed development. |
| Public Open Space | The provision of on-site public open space, is required for the proposal to comply with Preston Local Plan Policy HS3 (Green Infrastructure in New Housing Developments) in order to meet the recreational and amenity needs of the residents of the | The provision of on-site public open space is directly related to the proposed development and will directly benefit the future residents of the development proposed. | The Section 106 requires the reserved matters application to include an Open Space scheme for the provision of the amount/location, timescales for delivery and future management and maintenance, of the on-site public open space. |

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| | <p>proposed development, provide biodiversity net gain and closer views of the Listed Building, Bank Hall.</p> | | <p>The on-site public open space, will be provided and made available for use in accordance with the timetable outline in the approved Open Space Scheme, in accordance with PLP Policy HS3.</p> <p>This ensures that future residents are provided with these recreational facilities at an appropriate time, and that these facilities are retained and managed. The provision of on-site public open space is therefore considered fair and reasonable.</p> |
| Over 55 Accommodation | <p>The obligation will secure 10% of the proposed dwellings for those aged over 55 and will ensure dwellings are secured and marketed for that purpose. The provision of over 55 accommodation would comply with Policy 7 (Affordable and Special Needs Housing).</p> | <p>The provision of over 55 accommodation as a proportion of the development proposal means the obligation is directly related to the proposed development.</p> | <p>The level of over 55 accommodation is as proposed by the application. The provision of over 55 accommodation is therefore considered fair and reasonable.</p> |