

PEAR TREE LANE PLANNING INQUIRY

MONDAY, 22ND JUNE 2020

9.30 AM

AGENDA

7 **S106 Agreement (Pages 3 - 12)**

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Town and Country Planning Act 1990 (As Amended)

LAND AT PEAR TREE, EUXTON, CHORLEY PR76QR

Planning Appeal

Appeal Reference: APP/D2320/W/20/3247136

Community Infrastructure Levy Compliance Statement

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1. Background

1.1 Paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

2. Policies

2.1 The development plan for Chorley Borough is the Central Lancashire Core Strategy adopted in July 2012 and the Chorley Local Plan adopted July 2015.

2.2 The following policies within the Core Strategy (CD7.14) and Chorley Local Plan (CD7.01) are referred to in support of the case that the proposed planning obligations meet the CIL tests:

Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 4: Housing Delivery

Policy 7: Affordable and Special Needs Housing

Policy 14: Education

Policy 24: Sport and Recreation

Policy 29: Water Management

Policy 30: Air Quality

Local Plan

Policy HS4A: Open Space Requirements in New Housing Developments

Policy HS4B: Playing Pitch Requirements in New Housing developments

Central Lancashire Supplementary Planning Documents

Affordable Housing SPD (CD8.01)

Open Space and Playing Pitch SPD (CD7.15) and associated Financial Contributions document

3. Proposed Planning Obligations

3.1 The proposed planning obligations, included within the Section 106 Agreement, cover the following areas of infrastructure:

- **Affordable Housing** - The provision of affordable housing as part of the proposed scheme. The proposed residential (Class C3) element of the scheme would include up to 54 affordable houses. This represents 30% of the total number of units proposed. A mix of 70% (up to 38 units) will be social rented and 30% (up to 16 units) will be shared ownership.
- **Public Open Space** The appellant has proposed the provision of on-site amenity greenspace including an on-site equipped play area and a financial contribution towards playing pitches in line with the requirement as set out below:
 - **Amenity Greenspace** –the required amenity greenspace is 0.32 hectares which should be provided on-site.
 - **Provision for Children/Young People** –the required provision for children/young people is 0.03 hectares and should be provided on site.
 - **Playing Pitches** – a financial contribution towards the improvement of existing play pitches. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvement, the proposed site for the contribution sought is site 78 - Gillett Playing Fields The amount required is £1,599 per dwelling.
- **Education** – the provision of a financial contribution in respect of the additional demand for primary school places as a result of the proposed development. The financial contribution is calculated using a formula based on the housing mix (number of bedrooms) which will be finalised at reserved matters stage. The appellant however has provided an indicative housing mix and on the basis of these indicative figures, and at the time of Lancashire County Council's calculation on 14th May 2020, the contribution would be £1,131,860.86 in respect of 68 primary school places, although this is subject to change.
- **Sustainable Urban Drainage** – the provision of an agreed sustainable urban drainage scheme to be constructed and implemented on site within an agreed timescale.

- **Travel Plan** – the provision of a financial contribution of £12,000 to enable Lancashire County Council to:
 - appraise Travel Plan(s) submitted to the Planning Authority and provide constructive feedback,
 - oversee the progression from Framework to Full Travel Plan in line with agreed timescales,
 - monitor the development of, implementation and review of the Travel Plan for a period of up to 5 years.

4. CIL Tests

4.1 The following table explains how the above planning obligations comply with the three tests set out in paragraph 56 of the Framework and Regulation 122 and Regulation 121 of the Community Infrastructure Levy Regulation 2010 (as amended) (“CIL Regulations”):

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Provision of affordable housing	The provision of 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. 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 61, 62, 63, and 64.	The provision of on-site affordable housing as a proportion of the housing development means the obligation is directly related to the proposed development.	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 advocated under the development policy.	Affordable housing is excluded from the definition of infrastructure for the purposes of the CIL regulations and therefore falls outside the scope of CIL (the Planning Act 2008 Section 216(2) Application).

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Amenity Green Space and Provision for Children and Young People	<p>The provision of amenity green space and provision for children and young people is required for the proposal to comply with Core Strategy Policy 24 (Sport and Recreation) and the provisions of Chorley Local Plan Policy HS4A relating to the open space requirements in new housing developments, where there are identified local deficiencies in the quantity, accessibility or quality and/ or value of open space and recreation facilities.</p> <p>There is currently a deficit of provision in Euxton for these standards. The provision also complies with the Central Lancashire Open Space and Playing Pitch SPD and Associated Financial document.</p>	The provision of on-site amenity green space including an on-site equipped play area is directly related to the proposed development and will directly benefit the future residents of the development proposed.	The provision of on-site amenity green space including an on-site play area prior to the occupation of more than 75% of the dwellings is in accordance with Policy HS4A and the approved Amenity Greenspace Management Scheme and Provision for Children and Young People Management Scheme and is therefore considered fair and reasonable.	The Council's Interim Infrastructure Funding Statement 2019 (CD7.27) references that open space contributions (including amenity green space and provision for children and young people) will continue to be collected by Section 106 Agreements.

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Playing Pitch Provision	The provision of a financial contribution towards the improvement of the playing pitches and ancillary facilities at site 78 - Gillett Playing Fields is required for the proposal to comply with Core Strategy Policy 24 (Sport and Recreation) and the provisions of the Chorley Local Plan Policy HS4B and the Playing Pitch Strategy (June 2012). Policy HS4B requires all new housing developments to pay a financial contribution towards new playing pitch provision in the borough or towards improvements to existing playing pitches. The Playing Pitch Strategy identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. The Strategy includes an Action Plan which identifies sites that need improvements.	The financial contribution is £1,599.00 per dwelling. The cost per dwelling for playing pitches is based on the average costs of grass pitches and changing rooms as identified by Sport England and included in the Playing Pitch Strategy	The payment of the financial contribution is phased prior to the first occupation of the 50 th dwelling to pay the playing pitch contribution to the Council is considered fair and reasonable.	The Council's Interim Infrastructure Funding Statement 2019 references that playing pitch contributions (including playing pitch provision) will continue to be collected by S106.

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Education	The provision of a financial contribution in respect of the education assessment is required for the proposal to conform with the Central Lancashire Core Strategy Policy 14 (Education) and Lancashire County Council's School Place Provision Strategy due to the additional demand the proposed development would create on primary school places within the catchment area.	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. As such the contribution is directly related to the proposed development.	The financial contribution in respect of the education assessment accords with the requirements of Core Strategy Policy 14 (Education) and Lancashire County Council's School Place Provision Strategy. 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. The additional primary school places are the parish of St Laurence C of E Primary School and/or Lancaster Lane Primary School.	The Council's Interim Infrastructure Funding Statement 2019 references education contributions as part of a planning obligation. There are no specific education infrastructure projects or infrastructure relating to the proposed development shown to be funded wholly or partly by CIL on the Interim Infrastructure Funding Statement for CIL funding.
Sustainable Urban Drainage	The provision of a sustainable urban drainage system (SUDs) scheme is required for the proposal to comply with Central Lancashire Core Strategy Policy 29 (Water Management), as well as paragraph 163 of the NPPF.	This is a major housing development on an area of undeveloped greenfield land. The provision of an on-site sustainable urban drainage system (SUDs) scheme will improve surface water flood risks and is directly related to the proposed development.	The provision of an on-site sustainable urban drainage system (SUDs) scheme will reflect the scale of development proposed to improve surface water flood risks. The requirement accords with the requirements of Policy 29 (Water Management), as well as paragraph 163 of the Framework.	The Council's Interim Infrastructure Funding Statement 2019 does not reference SUDs. The planning obligation is specific to the proposed development.

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Travel Plan	The provision of a financial contribution for £12,000 in respect of appraising and monitoring the Travel Plan, is required to comply with Core Strategy Objective S03 and Policy 3 (Travel), the Lancashire County Council Local Transport Plan and Section 9 (Promoting Sustainable Transport) of the Framework. This is to encourage and achieve sustainable choices for people living at the development.	The financial contribution is necessary to ensure the measures are complied with to promote the use of sustainable transport for residents of the proposed development. As such the obligation is directly related to the proposed development.	50% of the travel plan monies should be paid prior to commencement of the development and the remainder at occupation of 50 dwellings. The financial contribution accords with the requirements of the Framework.	The Council's Interim Infrastructure Funding Statement 2019 does not reference these requirements. The planning obligation is specific to the proposed development.