



FEBRUARY
2021

Rebuttal Proof of Gregg Boyd

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

APP/F2360/W/19/3234070

Iceni Projects Limited on behalf of
South Ribble Borough Council

February 2021

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ON BEHALF OF SOUTH
RIBBLE BOROUGH
COUNCIL

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Rebuttal Proof of Gregg Boyd
LAND TO THE REAR OF OAKDENE, CHAIN HOUSE
LANE, WHITESTAKE, LANCASHIRE

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1. INTRODUCTION

- 1.1 I have prepared a short rebuttal to address specific matters on the two sites which remain in dispute following the exchange of written evidence from Mr Ben Pycroft.
- 1.2 An updated Housing Supply Statement of Common Ground (“SOCG”) will show that the appellant is no longer disputing that Land off School Lane (i.e. “Kitty’s Farm”) will deliver 33 homes in the five year period.
- 1.3 Accordingly, there are 3 discrete issues in dispute: the two sites I address in this rebuttal and the windfall allowance. The LPA does not consider these discrete issues to be material to the determination of this Appeal (on either the LPA's or the Appellant's evidence).
- 1.4 For the avoidance of doubt, where issues which remain in dispute are not addressed herein, it should not be interpreted as an acceptance of the appellant’s position.

2. DELIVERABLE SUPPLY

2.1 Mr Pycroft sets out in his Appendices to his main Proof of Evidence an assessment of the two specific sites which remain in dispute between both parties. I address the key points raised by Mr Pycroft on each site in turn below.

Land between Moss Lane and rear of 392 Croston Road, Farington West

2.2 I deal with this site in my main Proof of Evidence from paragraph 5.11 to 5.19. My Pycroft has undertaken his own assessment of this site in paragraphs 1.28 to 1.29 of his Appendix BP1. As Mr Pycroft makes clear, the deliverability of this site is not disputed - it is simply a disagreement on the lead-in time.

2.3 Mr Pycroft alleges that housing completions will not begin on site until 2022/23 and therefore a reduction of 24 homes is appropriate on the basis of pushing back the trajectory set out in the Council's published Housing Land Supply Position Statement (CD1.18) which anticipates first completions in 2022/23.

2.4 The evidence used to inform this position was correspondence from Homes England dated 31st January 2020 which set out that the developer would be required to commence construction within 3 months of receiving an implementable planning permission and first completions would follow approximately 12 months later. As reserved matters consent was granted on 18th December 2020, Mr Pycroft states the timescales should therefore be pushed back.

2.5 I have however engaged directly with Homes England and Keepmoat in order to confirm the latest position on lead-in times. In an email from Homes England's Senior Development Manager (Appendix A1 to this Rebuttal) dated 25th February 2021, I have been provided with the build targets for Phase 1 of the development which will be an annex to the Building Lease between Homes England and Keepmoat. The Building Lease sets out a legal obligation for a certain proportion of homes to be delivered by the development partner and is due to be completed in March 2021.

2.6 The Phase 1 Target Build Programme which is included at Appendix A2 to this Rebuttal sets out the following key milestones:

- Target House Build Commencement on 28th May 2021.
- 48 homes completed by 31st October 2022.
- 96 homes completed by 31st October 2023.
- Phase 1 of Spine Road completed by 31st March 2024.

-
- 144 homes completed by 31st October 2024.
 - 156 homes completed by 31st January 2025.

2.7 On the basis that the five year period runs until 31st March 2025, I consider it appropriate to roll forward an average of 4 completions per month from 31st January 2025 to 31st March 2025 which would yield total development of 164 homes in the five year period. This is equal to a minor reduction of 4 homes from the stated position in my Proof of Evidence.

2.8 The difference between the parties over the five year period is therefore 20 homes. This has been reflected in the updated Housing Supply SOCG and submitted Scott Schedule. On the basis of the latest evidence submitted directly from the developers of the site, I consider that the LPA's position should be preferred.

East of Leyland Road / Land off Claytongate Drive, Charnock

2.9 I deal with this site in my main Proof of Evidence from paragraph 5.28 to 5.33. Mr Pycroft undertakes his own assessment of the site from paragraph 1.10 to 1.16 of his Appendix BP1. As the site does not currently benefit from detailed planning permission, in line with the Framework's definition of deliverable, there is a need for clear evidence that housing completions will begin on site within the five year period.

2.10 Mr Pycroft at BP1 paragraph 1.14 alleges that no evidence of the type set out in the Planning Practice Guidance [68-007]¹ has been provided. The PPG sets out that evidence to demonstrate deliverability may include (the list is not closed):

- Current planning status;
- Firm progress being made towards the submission of an application;
- Firm progress with site assessment work; and
- Clear relevant information about site viability, ownership constraints or infrastructure provision.

¹ Planning Practice Guidance on Housing Supply and Delivery, Paragraph: 007 Reference ID: 68-007-20190722

-
- 2.11 Mr Pycroft sets out at BP1 paragraph 1.15 that the site does not have planning permission and that the prospective purchaser of the site may not be a housebuilder. Mr Pycroft also states that there is no evidence of site assessment work.
- 2.12 In respect of the current planning status, as set out in my main Proof of Evidence (paragraph 5.28), the site is allocated in the South Ribble Local Plan. The landowner is Lancashire County Council, and the County Council is due to exchange contracts for the sale of the land. The site was incorrectly allocated for 15 homes only (which would equate to around 12 dwellings per hectare) – the Council’s assessment of capacity is 63 homes in total.
- 2.13 In order to confirm the latest position, I have engaged directly with the County’s Senior Estates Surveyor and in an email (Appendix A3) dated 25th February 2021, he has confirmed that exchange of contracts is now anticipated imminently to an established housebuilder.
- 2.14 In terms of progression towards an application, the County has made clear that the completion of the sale is subject to an industry standard ‘subject to planning’ requirement where planning consent must be obtained between 12 to 18 months from exchange of contracts. On the basis that the sale of the site is imminent, I consider it realistic to assume that planning consent would be obtained in 2021/22. Given the site is allocated, the principle of housing development is established. It is therefore reasonable to assume that there would be a full application and there is no reason to assume it should be controversial given the allocation.
- 2.15 In terms of site assessment work, a suite of technical assessment work has been undertaken to date by the County Council. This includes a Site Investigation and Ground Assessment, Flood Risk Assessment, Preliminary Ecological Appraisal and Transport Assessment and this has been confirmed in writing by the County’s Senior Estates Surveyor and is clear from the sales brochure used to market the site in July 2019 which is also attached to this Rebuttal at Appendix A4. The County has also confirmed that the prospective housebuilder has undertaken additional site assessment work as part of the due diligence process. Firm progress has, therefore, taken place (in the terms of the PPG).
- 2.16 The County’s Senior Estates Surveyor has also set out in writing that earlier issues around access had caused delays between the marketing of the site and the exchange of contracts. However, this has now been addressed by adopting a joint sale approach with a separate owner of the access to the land. This responds to Mr Pycroft’s point around an unexplained delay at BP1 paragraph 1.12 of his evidence.
- 2.17 Taken together, there is clear evidence that housing completions will begin on site within five years. The landowner has confirmed in writing on 25th February 2021 that the sale of the site is imminent, and contracts are being exchanged with an established housebuilder who will build out the site.

There has been firm progress with a range of site assessment work and once the sale is completed, the housebuilder will be contractually obliged to obtain planning permission in 12-18 months of exchange.

2.18 I consider the following timeline for the development of this site to be realistic:

- Sale of site completed in March 2021.
- Planning application submitted in summer 2021.
- Planning permission granted by 31st December 2021.
- Pre-commencement conditions discharged by 31st March 2022.
- Commencement on site in spring 2022.
- First housing completions in autumn 2022.
- 15 homes completed by 31st March 2023.
- Additional 30 homes completed by 31st March 2024. It could be more than 30 per annum.
- Additional 18 homes completed by 31st March 2025. It could be more than 18 per annum, if there is any slippage in the above timetable.

2.19 This would total 63 homes in the five year period. The difference between the parties over the five year period is 63 homes. This is set out in the Housing Supply SOCG and submitted Scott Schedule.

A1. MOSS LANE/CROSTON ROAD - EMAIL EXCHANGE WITH HOMES ENGLAND

Gregg Boyd

From: [REDACTED]@homesengland.gov.uk>
Sent: 25 February 2021 15:54
To: Gregg Boyd
Cc: [REDACTED]
Subject: RE: Croston Road North

Hi Gregg

Completion is expected in the next couple of weeks, certainly in March.

Kind regards

[REDACTED]
Senior Development Manager
Office: [REDACTED]
Mobile: [REDACTED]



1st Floor Churchgate House, 56 Oxford Street,
Manchester, M1 6EU

[@HomesEngland](#)

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From: Gregg Boyd <GBoyd@iceniprojects.com>
Sent: 25 February 2021 15:50
To: [REDACTED]@homesengland.gov.uk>
Cc: [REDACTED]@keepmoat.com>
Subject: RE: Croston Road North

Hi [REDACTED]

Thanks very much for sending this through. Could I have an update on the building lease and when it is likely to be completed?

Kind Regards

Gregg

Gregg Boyd BSc (Hons) MRTPI
Senior Planner, Planning

telephone: 020 3657 5053
mobile: 07776 688 179
email: GBoyd@iceniprojects.com



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From: [REDACTED]@homesengland.gov.uk>
Sent: 25 February 2021 15:32
To: Gregg Boyd <GBoyd@iceniprojects.com>
Cc: [REDACTED]
Subject: Croston Road North

Afternoon Gregg

Please see build targets attached for Phase 1 of the above development, this will be an annex to our building lease when it completes.

The dates are based on the completion of 48 homes per annum with a 6 month allowance from commencement to first completion.

Kind regards

[REDACTED]

[REDACTED]

Office: [REDACTED]
Mobile: [REDACTED]



1st Floor Churchgate House, 56 Oxford Street,
Manchester, M1 6EU

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**A2. MOSS LANE/CROSTON ROAD – PHASE 1 TARGET BUILD
PROGRAMME**

Croston Rd - Phase 1 Target Build Programme

Target Start on Site Date	28/02/2021
Target House Build Commencement Date	28/05/2021
48 CML by month 18 from first slab	31/10/2022
96 CML by month 30 from first slab	31/10/2023
Spine Rd Phase 1 (RD 1) complete	31/03/2024
144 CML by month 42 from first slab	31/10/2024
Target Mid Build point (156th completion)	31/01/2025
192 CML from month 54 from first slab	31/10/2025
240 CML from month 66 from first slab	31/10/2026
288 CML from month 78 from first slab	31/10/2027
Spine Rd Phase 2 (Rd 1B) completed	28/02/2028
308 CML by month 83 from first slab	31/03/2028
Target House Build Completion Date	31/03/2028

**A3. LEYLAND ROAD/CLAYTONGATE DRIVE – EMAIL EXCHANGE
WITH COUNTY COUNCIL**

email: GBoyd@iceniprojects.com



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From: [REDACTED] [\[REDACTED\]@lancashire.gov.uk](mailto:[REDACTED]@lancashire.gov.uk)>

Sent: 25 February 2021 11:25

To: Gregg Boyd <GBoyd@iceniprojects.com>

Cc: 'Zoe Harding' <zoe.harding@southribble.gov.uk>

Subject: land at Belle Field Close, Penwortham - residential development land sale

Hi Gregg,

I write further to our conversation this-morning to provide an update on the status of the residential development land off Belle Field Close, Penwortham.

The subject land was originally marketed for sale in July – September 2019 and a preferred purchaser selected by the council in October 2019. Subsequent negotiations resulted in terms being agreed for the sale in October 2020 and exchange of contracts for the sale is now anticipated imminently; once ongoing land maintenance works are completed this week.

I can't disclose the identity of the prospective purchasers or the terms of the sale contract; other than to say that the sale is to an established housebuilder and completion is subject to an industry-standard 'subject to planning' requirement (where planning consent must be obtained between 12 – 18 months from exchange of contracts).

The attached sales brochure identifies the site preparation works undertaken on the site and to which the developers have added with their own due diligence investigations to satisfy themselves of deliverability.

I hope this is satisfactory for your purpose.

Regards

[REDACTED]

[REDACTED]

Lancashire County Council

T: [REDACTED]

W: www.lancashire.gov.uk

Please note that I have no authority or intention to create any legally binding obligations on behalf of Lancashire County Council in this or any other correspondence in this matter. Pending formal exchange of contracts, neither this nor any other correspondence between us shall be deemed to have satisfied the legal formalities for a disposition of land or any interest in land pursuant to Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989.

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A4. LEYLAND ROAD/CLAYTONGATE DRIVE – SALES BROCHURE

For Sale by

Informal Tender: 12 Noon, Friday, 20th September 2019

**Residential Development Site
Belle Field Close, Penwortham, Preston, PR1**



P Wilson & Company
Chartered Surveyors



A Greenfield Residential Development Site situated at the southern end of Belle Field Close, Penwortham, Preston extending to 4.68 acres (1.89 hectares) or thereabouts comprising Residential Allocation CC in the adopted South Ribble Local Plan (2015).



t: 01772 882277

Burlington House, 10-11 Ribblesdale Place, Preston, Lancashire, PR1 3NA.

e: preston@pwcsurveyors.co.uk
www.pwcsurveyors.co.uk



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location

The site is located just within the eastern boundary of the Parish of Penwortham to the south of the River Ribble between Preston and Leyland in Central Lancashire. It is centred on Grid Reference 353972:426695.

Vehicular access to the site is gained from the B5264 Leyland Road via The Cawsey and Belle Field Close. The Cawsey is currently being extended eastwards to the A6 London Way and is due to open to traffic in Autumn 2019. The site will then enjoy an improved direct access to Preston City Centre and the motorway network (M6/M65 junctions 29/1).

As for public transport, the nearest railway stations are at Lostock Hall (1.0 miles), Bamber Bridge (2.5 miles), Leyland (3.0 miles), and the West Coast Mainline Station at Preston (3.6 miles). Leyland Road is on a bus route, with conveniently located bus stops.

the site

The site extends to 4.68 acres (1.89 hectares) or thereabouts and comprises a roughly rectangular and generally level parcel of open grassland, formerly in agricultural use. To the west, north and east it adjoins the modern residential developments off Cromwell Way, Belle Field Close and Claytongate, whilst to the south are the open playing fields of Moor Hey School.

tenure

The site is freehold land, registered with title absolute, comprising Title Nos. LAN170290 and LAN 48099 (part).

services

All mains services are understood to be available within the immediate vicinity of the site.

planning

The site is a Residential Allocation (Site CC) in the adopted South Ribble Local Plan (2015) although its estimated capacity is incorrectly stated in the Policy D1 Schedule, as being only 15; whereas the site actually has an indicative capacity of 60 units. The site is also subject to policies contained in the Penwortham Town Neighbourhood Development Plan 2016-2026.

The purchaser's development layout will be expected to make provision for at least one vehicular access point on the southern boundary with Moor Hey School.

technical information

Interested parties, who formally register their interest in the site with P Wilson and Company LLP, will be provided with a link to the following documents:

- Site Plan
- Topographical Survey
- Site Investigation and Ground Assessment (bEk Enviro Ltd. October 2018)
- Flood Risk Assessment Report (Westlakes Engineering. December 2018)
- Transport Assessment (VCT Highways & Transportation Consultancy. May 2019)
- Preliminary Ecological Appraisal (Tyrrer Ecological Consultants Ltd. October 2018)
- United Utilities Drainage Records (plan extract)
- Indicative sketch layout (MCK Associates Ltd)

Offers are invited for the freehold of the site as a whole from parties who have previously registered their interest with P Wilson and Company LLP.

Offers are to be submitted on the basis of a Conditional Contract (i.e conditional on the grant of satisfactory planning permission). If any offer is made subject to conditions or assumptions, they are to be clearly stated.

This sale is being conducted by way of an informal tender. It is anticipated that following receipt of offers, there will be interviews with short-listed candidates before a preferred developer is selected.

The closing date for receipt of offers is 12 noon, Friday, 20th September 2019.

The Vendor does not undertake to accept the highest, or indeed any, offer received.

viewing

Pedestrian access to the site is available Monday – Friday during daylight hours although prior notification to P Wilson and Company LLP is requested as the access from Belle Field Close is gated and secured and there is no visibility into the site from public vantage points.

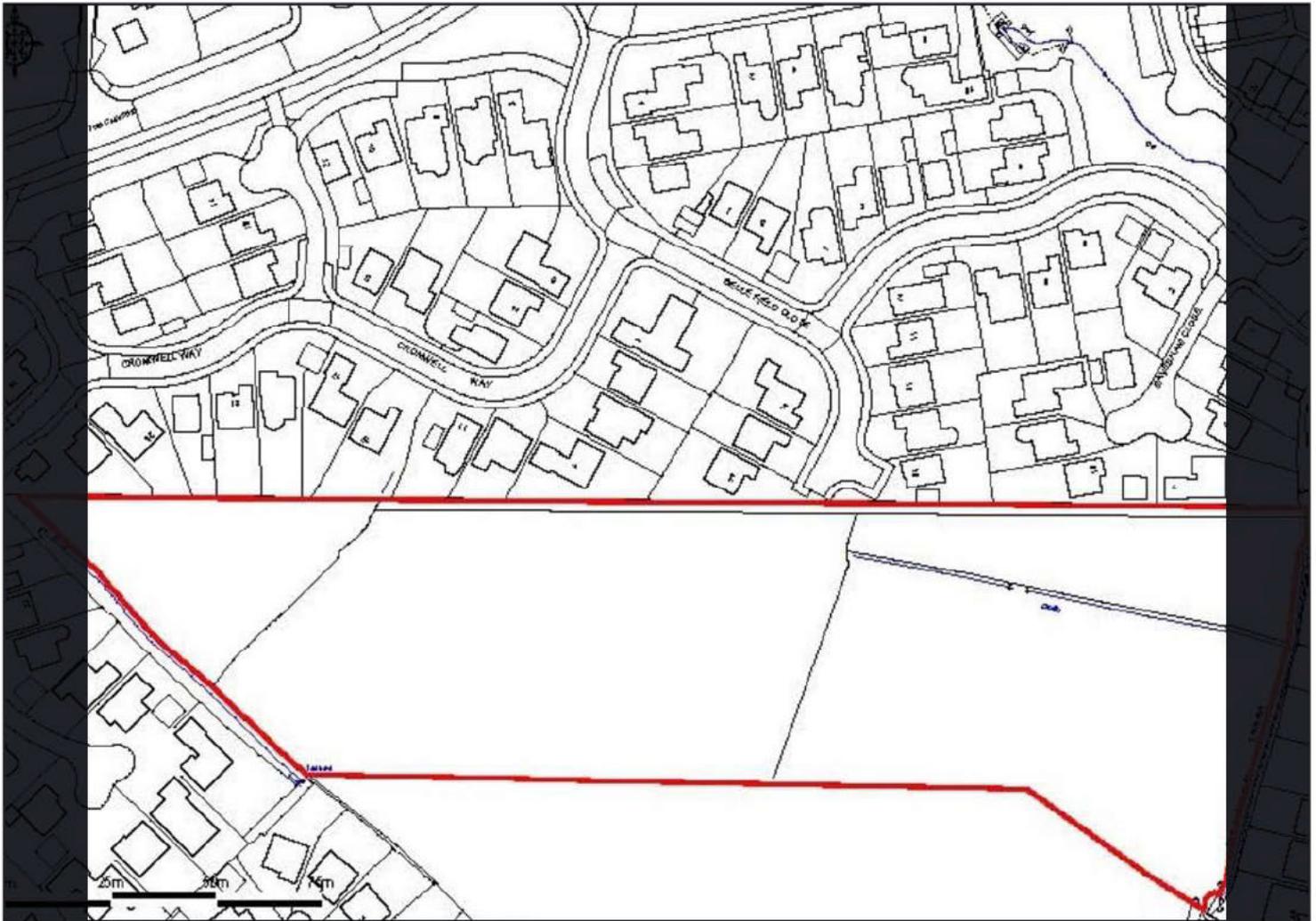
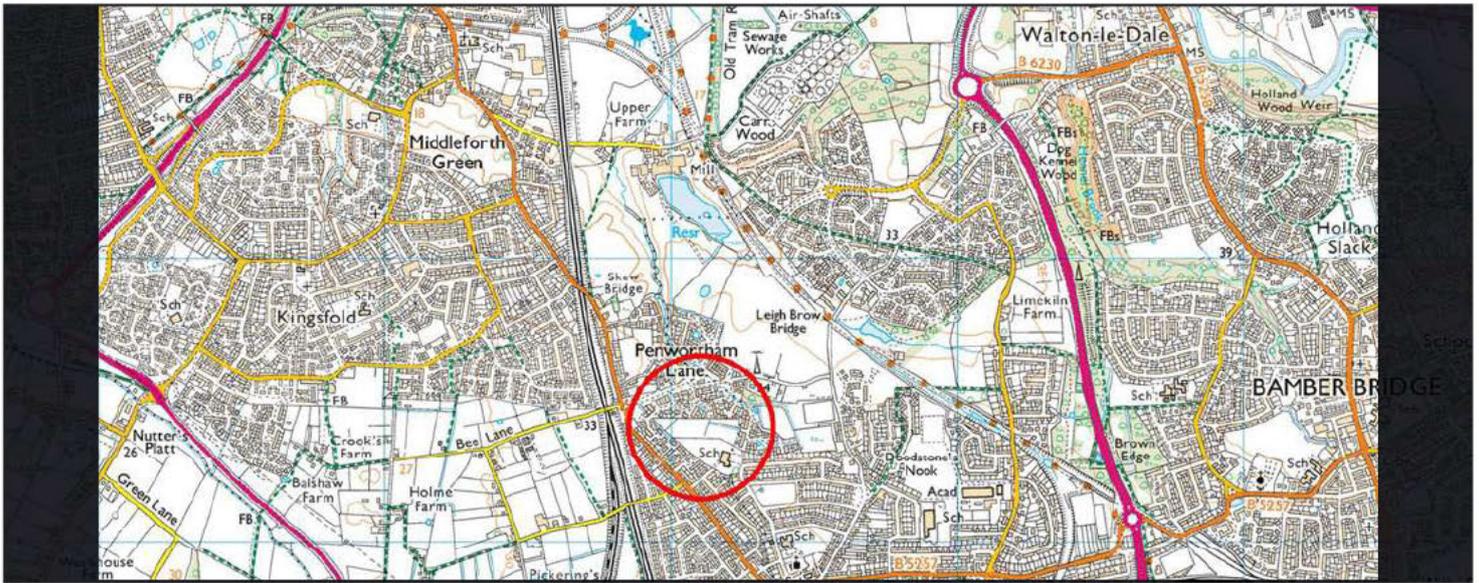
enquiries

To register an interest and for any further information please contact Simon Mair tel: 01772 882277, mob: 07971 425582, email: simon.mair@pwcsurveyors.co.uk.

health & safety

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