

This is a formal response to the agenda published by the planning department for the planning committee meeting on 17th Nov 2020 which will decide the fate of planning application 20/0021. Rather than providing a lengthy speech during the meeting I believe its important to give both the planning department and the developer a chance to prepare a response so this application can be approved; as far as I'm aware no updated documentation has been published on the planning portal.

The only update from planning and the developer is to provide three proposed locations for public open space. Neither planning or the developer have responded to the committee members questions or the issues I raised. This will not help the planning committee approve the application.

Proposed Conditions

On behalf of the residents of Phase 1 the following enhancements were requested to the suggested wording for the conditions that would apply to the application assuming it was approved (these were found at the end of the update note document for the meeting on 20th Oct 2020)

Condition 7 - Secured by Design Principles

- The police recommend and the council require dusk till dawn lights for front and rear doors. The developer in phase 1 only included the wiring for these lights not the lights themselves unless the customer paid £140 per light. The request was for planning to confirm the physical lights will be included as standard e.g. they will have to be provided by the developer at no additional cost to the customer. The developer's agent stated they were not included in Phase 1 to give the customer the choice of appearance however the price they were charging would suggest this is not correct.
- The police requested gates at the side of the properties were fitted as flush as possible to the front line of the property. Again, the council was asked to confirm this will be required.
- The issue over the boundary between wheatlands crescent/kipling drive and the development was raised, specifically that this is being used as method of accessing the estate. Even though this is part of Phase 1 the boundary effects Phase 2 and local residents who live outside the estate. The original boundary included planting (bushes, trees etc), during construction these boundary elements were removed and a 1.8m height fence was added, the planting elements were never restored. On the 8th Nov 2020 a group of youths climbed over the fence from wheatlands crescent to gain entry to the estate, they were confronted by a resident then made their escape back over the fence onto wheatlands crescent, finally heading off towards paddock drive, this happens frequently. A condition needs to be added that requires the developer to restore this boundary, all it needs is a dense area of planting and they will not be able to access the estate.

Condition 18 - The LAP

- It was requested that the council replicate the requirements in terms of documentation that they have requested for item 15 (drainage management and maintenance plan), the developer would need to provide documentation to show how the LAP will be maintained, inspected and how issues can be reported, this is in the interest of public safety.

Restrictive Covenants

I made the committee aware of the vast number of restrictive covenants imposed by the developer. One of these was related to solar panels which not only surprised the committee members but the head of development. There are two specific sections in the 23 page TP1 document customers are required to sign that are related to Solar Panels

20.2.1.1 Buildings and alterations

Not (for the period of 5 years from the date hereof) to build or otherwise erect on the Property any new or additional buildings extensions or other structures and for the avoidance of doubt this includes any structures such as solar panels wind turbine or other similar external apparatus (whether intended to be temporary or permanent) without first obtaining the Transferor's and (if necessary) Local Authority's written consent.

The above applies for the first 5 years after purchase

20.2.1.2 Buildings

20.2.1.2.1 Not at any time without the prior written consent of the Transferor (whose consent may be granted or withheld in its or their absolute discretion):

(c) to erect or permit to be erected on the Property solar panels or any external wireless or television aerial satellite dish or similar apparatus for the receipt or transmission of radio or television signals other than a satellite dish receiver discreetly placed and not to be visible from the Estate Roads and in any event not on the front elevation of the Property

The above has no time limit, so if the solar panels have to face an estate road, they will not be permitted without the developers written permission and they cannot be installed on the front elevation.

The developer has not responded to this issue, I would have thought they would have provided an explanation along the lines of these restrictive covenants are used at all their sites and they simply include everything by default; they would make sure the restrictions do not apply to phase 2 and that they would be revoked for phase 1.

One of the committee members raised the query that if the developer does not allow solar panels what are they doing in terms of energy efficiency. The agent had no response, I would have expected the agent to be familiar with the construction methods and materials used by the developer. The developer has again provided no response. This was a concern raised; why has the developer not provided a basic technical outline? its relatively simple (loft/wall/pad insulation, windows, doors, lighting, appliance ratings, water conservation e.g. dual flush, restrictive shower heads/taps).

The developer has also not provided a copy of the restrictive covenants, in the interest transparency this should have been provided. The council members represent the people of this town, knowing what restrictions would be imposed on residents is important.

On this entire estate I have come across less than 5 residents who have read the TP1 document even though they have to sign it as its the land registry document required to purchase their property. Residents did not know for example the council had revoked certain permitted development rights (garages conversions, front garden changes etc) which are covered within the restrictive covenants. This situation is not unique to this developer but it is a problem.

Overly-dense Development

The agenda for the upcoming meeting focuses on the principle objection to the scheme being the lack of open space resulting in an overly-dense development

The document has given many reasons why this development is not overly-dense however what has been stated fails to address the core reason for rejection, in this case lack of usable open space.

Based on a quick review of the applications they listed

Land at Moss House Road

Reference 13/0378 approved by Planning Committee 13/01/2014

No of houses 579

- No mention of SPG11 in the decision documentation
- LAP provided in initial plans along with some usable public space
- The developer calculated 29,902 m2 of public open space however the main usable areas were calculated at total of 13,119 m2

Land at Moss House Road

Reference 17/0095 approved by Planning Committee 03/04/2017

No of houses 422

- This is essentially a revised plan for 13/0378
- They removed open space from the original application, they didn't provide the revised total open space sizes which looks to be very limited
- No mention of SPG11 or any financial contribution to the council in the decision documentation
- The open space reduction based on the number of houses really should have resulted in the application being refused.

Former Co-operative Club, Preston New Road

Reference 17/0361 approved by Planning Committee 23/08/2017

No of houses 53

- LAP provided in initial plans, ~149 m2 (appears to be slightly larger than this Phase 2 application)
- No mention of SPG11 or any financial contribution to the council

Former Booths site, Highfield Road

Reference 17/0416 approved by Planning Committee 08/09/2017

No of houses 26

- I do not believe a LAP / formal open space would be required for a development of this size
- No mention of SPG11 or any financial contribution to the council

Troutbeck Crescent

Reference 19/0144 approved by Planning Committee 04/06/2019

No of houses 75

- More public open space than proposed for 90 properties on this Phase 2 application

NS&I phase 1 (the adjacent scheme currently under construction)

Reference 15/0420 approved by Planning Committee 28/10/2016

No of houses 115

- Usable open space appears to have never factored into the decision, the only reference I can find is in the minutes from the committee meeting

“The committee was advised that a viability assessment in accordance with the Core Strategy had been undertaken and it was not considered appropriate to pursue contributions towards affordable housing, open space or education for the proposed development in this case because of the abnormal costs associated with the development.”

The council do not appear to have published their own viability assessment for the original application, its interesting to note that the developer has had two viability assessments carried out on two separate phases which diluted their responsibilities when it comes to local policy requirements.

Land at Warren Drive

Reference 17/0466 refused by Planning Committee 23/01/2018, permission granted at appeal 09/04/2019

No of houses 86

- Original application included LAP and open space. Open space excluding LAP appears to be around 800m² which is larger than what this developer proposes for the same number of homes in this phase 2 application.

If Warren Drive is being used as the "standard" in terms of open space that would be approved at appeal this application would not meet that standard.

Open Space Options

The developer has given the council two options

1. They accept the £99k which will be allocated to improve open space outside the estate
2. They accept one of the three options for open space allocation within the development

The developer has not provided the size of each open space area, all though my CAD skills are very limited I believe we would be looking at approximately

Option 1 – 584 m²

Option 2 – 740 m²

Option 3 – 516 m²

I would suggest planning confirms the above area sizes with the developer prior to the meeting taking place just in case I have made an error.

The locations specified within options 1 and 2 would not work for a number of reasons

1. Both are located on Marples Drive which is on the main road into the estate, this is subject to quite a lot of traffic, both from residents and the NS&I building, this does not create a healthy or safe environment for outdoor activities plus you would have the noise associated with the traffic.
2. As both locations are easily accessible from Preston New Road it would encourage further anti-social behaviour from outside the estate especially in the evenings.

Option 3 is the preferred location

1. Its close to the proposed LAP so both elements are in the same area, this helps with families that have children in different age groups
2. As its not on the main road cars should be traveling at far lower speeds so it will be safer and quieter
3. It removes some of the parking issues that would occur on this section of the estate as previously discussed
4. The LAP and the open space area should be shielded from Preston New Road by the existing boundary features (the council would need to verify through condition this would be the case)
5. Based on its location and the number of properties surrounding the area it should reduce the risk of anti-social behaviour.

The problem with Option 3 is its size, its too small.

The only way Option 3 would be viable is if plot 131 was not built, this should create an area of around 840m² which is similar to Warren Drive, essentially this creates Option 4. As a reminder this open space supports over 200 homes not just 90, no usable open space was provided in Phase 1. Even at 840 m² its a fraction of the size that is required under SPG11; this option would not be quite as large as a 5 a side football pitch requires but it would be usable for individuals and for smaller community-based activities. It would be a reasonable compromise.

The developer will no doubt come back with this would make the application not financially viable. This however would not be correct. The developer may not be a national developer however they are not small, just on the basic financial numbers they make significant profits

The figures below are from the developer's financial accounts which cover all their active developments (not specific to this development)

2018-2019 (this financial year includes sales from Marples Grange Phase 1)

£68mil turnover

£15mil profit before tax

£5mil paid in dividends

2017-2018

£70mil turnover

£16mil profit before tax

£5mil paid in dividends

2016-2017

£59mil turnover

£14mil profit before tax

£2.5mil paid in dividends

Sacrificing plot 131 for option 3 would still allow a good profit yield from Phase 2.

Looking at the status of Phase 1 this will be finished at the end of Feb 2021; one property remains un-reserved; seven properties are reserved but have no exchange of contracts, the remaining properties that are not build complete have already exchanged contracts. Until this application is approved the developer cannot market or accept any expressions of interest in Phase 2, if this application is delayed further and ultimately ends up going through the appeals process, time and money will be wasted which will have a far greater financial impact than the profit gained from building plot 131.

If option 3 is revised to include the area occupied by plot 131 it would command the support of residents from phase 1. I cannot see the committee members refusing the application if a reasonable amount of open space is provided and they would have no valid argument if the open space offered matches or exceeds Warren Drive.

I would also request the developer provides a high quality representative for the meeting on 17th November, the agent unfortunately did not represent the developer appropriately in the previous meeting, in fact they damaged the developers reputation; clearly someone with basic technical knowledge should be present and ultimately someone from director level who can re-assure the committee members and make decisions if required, this would stop any further delays in this application. The developer and the agent share the same office, the office is owned by the developer so there is no reason why the developer cannot be present. The zoom meeting format allows the attendance from anywhere in the world so there is no excuse for the developer not to provide an appropriate representative.

If the developer compromises by not building plot 131 and planning include the additional conditions requested this application will be successful.