

Dear Mr Eaves,

Many thanks for your email and attached letter. I see you acknowledged my letter that arrived with you on Thursday and no doubt you and your colleagues will wish to digest it further. What I would say, though, is that the points made about (as was) A5 uses vs. sui generis drive-throughs are particularly pertinent, as I think – with all due respect – that your colleague in planning policy's comments were misguided. Emerging policy E8 is very clearly inconsistent with the NPPF and therefore not sound. Furthermore, the evidence behind it relates to A5 establishments and so the McDonald's and Costa should not be caught by the policy anyway. Notwithstanding that point, is the fact the policy hasn't been examined yet, such that the weight attributable will be very limited.

As such, I would urge you to reconsider and we do not wish to withdraw the application as you suggest.

With respect, I also fundamentally disagree with the argument about how the lack of affordable housing being non-policy compliant weighs against the proposed development. The policy and NPPF make clear that planning obligations are subject to viability, so if a scheme cannot provide a policy-compliant level of affordable housing and presents evidence to prove it, then the scheme is inherently policy compliant! So yes, we would be grateful if you could obtain a quote from Dixon Searle to provide an independent view as soon as possible please.

Having regard to your question on ensuring that single occupancy occurs with the one-person units and similarly for the three-bed units, I anticipate that the planning permission would include a condition tying the scheme to the approved plans. They would also be marketed in accordance with the approved plans. That would seem a pragmatic way forward to me, though I would welcome your feedback in terms of how the LPA has dealt with similar situations with other applications.

I note your request for a plan showing the communal outdoor areas. I have emailed the architect to obtain one and will forward it to you as soon as I receive it.

Lastly, I note your comments on the mix of units, but as you'll see from my letter, evidence points towards the Council being unable to demonstrate a 5YHLS. As such, the weight attributable to the out-of-date policies on housing mix is considerably lessened. Having regard to the density of the scheme, national policy makes clear that densities should be expressed as a minimum and therefore the requirement of 55dph in the Leigh Park District Centre Opportunity Area is inconsistent with the NPPF. Furthermore, the NPPF says at paragraph 123 that:

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site'.

As promised, I hope to get the remaining technical studies over to you as soon as possible, as well as the communal open space plan. I look forward to hearing your thoughts in respect of my letter and the email above at your earliest convenience.

Best wishes,

Steve Tapscott BA (Hons) MA MRTPI
Associate Director

Chapman Lily Planning Limited

