



HOW

Planning and Environmental Advisers

**SUPPORTING PLANNING STATEMENT
A HYBRID APPLICATION FOR A LEISURE LED MIXED-USE
DEVELOPMENT
LAND AT KIRK MILL, CHIPPING
ON BEHALF OF SCPI BOWLAND LTD
AUGUST 2015**

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1. INTRODUCTION

- 1.1 This Supporting Planning Statement (SPS) has been prepared by HOW Planning LLP in support of a hybrid planning application on behalf of SCPi Bowland Limited. The application seeks hybrid planning permission (part outline and part full), listed building consent, and the demolition of non-listed buildings in a conservation area. The proposed development relates to land at Malt Kiln Brow, Chipping, Lancashire. Details of the applicant, the vision and the application site are included in Sections 2, 3 and 4 respectively.
- 1.2 Section 5 details the proposed development, which in summary comprises a leisure led mixed-use development proposing the redevelopment of the Grade II listed Kirk Mill to create a hotel and bar/restaurant, construction of a hotel and spa, a wedding venue, a kid's club, change of use of a residential property to hotel use and the relocation of the existing village cricket pitch and construction of a pavilion. The leisure development proposals will be supported by up to 46 residential dwellings. Comprehensive details of the proposals are illustrated on the application drawings enclosed separately, as well as in the Design and Access Statement.
- 1.3 All relevant national and local planning policies to the determination of the application are detailed in Sections 7 and 8 respectively; and an assessment against the Development Plan is outlined in Section 8, which includes an Affordable Housing Statement.
- 1.4 Section 9 subsequently assesses the development proposals against the provisions of the National Planning Policy Framework ("the Framework") to demonstrate the sustainability credentials of the site in line with Government aspirations. The benefits of the scheme and the overall planning balance are then addressed in Section 10 which concludes that the balance is weighted strongly in favour of granting planning permission.
- 1.5 Section 11 details the draft Section 106 Heads of Terms and of any financial contributions associated with the application and Section 12 offers conclusions as to the planning case.
- 1.6 This application presents a resubmission of an application that was refused planning permission, contrary to Officers recommendation, on 23 December 2014. The scheme has evolved following pre-application discussions with the Council and the Parish Council. Whilst the applicant remains of the opinion that the refused application presented a technically robust and policy compliant scheme, this application seeks to address the concerns raised throughout the determination of the refused application through the provision of additional justification and slight amendments to the scheme. This is detailed within Section 3.

- 1.7 The application is accompanied by a comprehensive suite of supporting documents, the scope of which has been agreed with Officers at Ribble Valley Borough Council during a pre-application advice meeting in July 2015. A list of which is contained at **Appendix 1**.
- 1.8 An EIA Screening Request was submitted to the Local Authority in November 2013. The Council subsequently confirmed in December 2013 that an EIA would not be required.

2. SCPi BOWLAND LIMITED

2.1 The applicant, SCPi Bowland Ltd (formerly known as 53N Bowland), has delivered a number of successful planning schemes across the North West, recent examples including:

- 76 King Street, Manchester (Grade II Listed)
- The Albany, Liverpool (Grade II* Listed)
- Crossley Park, Stockport
- Victoria Buildings, Bury (within a Conservation Area)

2.2 As detailed above, several of these properties are heritage assets (as defined in the Framework) and the applicant is well versed therefore with the requirements to deliver development which pays full regard to the listed status of the property.

2.3 In November 2010, following an extensive marketing period, SCPi was selected as preferred bidder for the majority of HJ Berry's landholding and after an extensive exercise bringing together many unregistered land titles, SCPi completed the purchase in March 2011. Following this, SCPi and the appointed team engaged with a representative village group to ascertain a clear understanding of local priorities and aspirations for the site, and instructed a professional team to appraise the site and consider development options. This engagement has continued apace since this period, with regular meetings held with key stakeholders.

2.4 The lead-in time for the application has been quite considerable, which fully reflects the extent of engagement with the community and Council.

2.5 The applicant has a proven track record in delivering complex projects to create successful and sustainable developments that bring real and significant benefits. This is a project which has evolved through an iterative process of high quality design with multi-disciplinary input (from heritage, landscape, highways, market and planning experts) in the light of community consultation. This process fully complied with best practice.

3. VISION, OBJECTIVES AND THE APPLICATIONS

3.1 The application proposals have evolved as a result of pre-application advice from Ribble Valley Borough Council (RVBC) and through significant community engagement. These engagements have resulted in a significant opportunity to evolve the scheme, ensuring that the development proposals are a real benefit to Chipping and the wider Ribble Valley area.

Vision

3.2 The Vision for the proposal is:

“To deliver a development of very high quality which will enhance Chipping through both direct and indirect employment opportunities, improvement of the built environment and importantly, the long-lasting protection and enhancement of Kirk Mill. The development will be an asset to the village and sustain it for years to come”

Key Objectives

3.3 With this vision in mind, the principal aim of the Kirk Mill development is to promote a sustainable leisure led mixed use development at Kirk Mill, Chipping.

3.4 In line with this principal aim, there is the opportunity to deliver a number of key objectives:

- To restore the derelict Kirk Mill Grade II Listed Building into active and sustainable use;
- To re-use the redundant main mills site through the removal of unsightly buildings, the retention of those with merit and the addition of new complimentary buildings to enhance the setting of the listed mill and conservation area;
- To create an additional areas of public open space which will offer multi-purpose roles for both formal and informal events;
- To provide a high quality leisure development;
- To create significant employment opportunities;
- To retain and increase visitors by enhancing both tourism and leisure facilities in Chipping;
- To provide much improved cricket facilities;
- To provide additional housing choice; and
- To meet the aspirations of the Chipping Village Plan.

Planning Application – Pre December 2013

Consultation

- 3.5 A Statement of Community Engagement forms part of the submission and presents the consultation undertaken to support the original planning application submission in December 2013. The following paragraphs provide a concise high level summary of the comprehensive engagement that took place.
- 3.6 The process of community engagement commenced immediately following the purchase of the site from the administrators. Key community stakeholders were contacted within a day of the completion of the sale and within one week a presentation was made to the Parish Council to open dialogue and listen to the village's ideas.
- 3.7 A website¹ was launched in March 2011 to communicate with the local community and interested parties outside the village. The website was originally used to communicate updates on the remedial works being conducted in the barn to protect it from further rain damage.
- 3.8 Details of the emerging plans were published on the website and it was updated with a feedback page to allow visitors to leave comments. Going forward, the website will continue to be updated with news, including the updated plans, build programme and job opportunities and will act as a portal for local people to access information and apply for job opportunities.
- 3.9 A key element of the consultation process was the engagement in January 2012 with Lancaster University Masters students to explore potential use of the site for rural and tourism related businesses. This involved various workshops and site visits with work continuing for much of the early part of 2012 culminating in a mock consultation in June 2012. This event was very well attended with attendees from Chipping Local History Society, Oxford Archaeological North, the landowner of the adjoining plot of land and representatives from RVBC.
- 3.10 This exercise helped to shape the draft scheme which was discussed with officers at a meeting in August 2012, as part of the ongoing liaison with officers in the regeneration and housing department of the council.
- 3.11 A further stage of consultation was a public exhibition held at the site on 25th and 27th April 2013. The two public consultation events ensured maximum inclusivity being held on both a weekday and on a Saturday and covering different time periods. The exhibition was left on display in the

¹ www.kirkmill.co.uk

- barn building for further use and to give those who were unable to attend the events another chance to view the plans.
- 3.12 Following this further meetings and discussions with officers have been held, and indeed the planning committee Members have undertaken a site visit to familiarise themselves with the location and property.
- 3.13 Since the acquisition of the site a considerable amount of dialogue has been undertaken with the local cricket club. A key part of the proposal, as set out later in this Statement, is the relocation of the club to a much improved site with a new club house to at the southern gateway to the village. These talks have been extremely constructive and positive, and as a result the applicant has made allowances in the draft Section 106 Agreement to facilitate the relocation of the club, based on these discussions.
- 3.14 All of the pre-application consultation described above has been used to fully inform the design evolution of the scheme. In line with paragraphs 188 to 195 of the NPPF this pre-application engagement and 'front loading' has ensured that the key matters have been addressed early in the process and ensured that the key benefits of the scheme can be maximised and delivered efficiently. The consultation undertaken has been extremely comprehensive and has resulted in significant engagement with 26% of 218 attendees providing feedback and 54% of the responses in favour of the proposals, with only 30% against and the rest (16%) undecided.
- 3.15 It is extremely pleasing that the outcome of all this work is a community response which has been notably more positive than negative, which is of course not the case on many developments. The objections from the 30% of those who completed consultation forms have been fully considered and have contributed to several amendments to the scheme, which are set out below.

Post Submission Consultation

- 3.16 An overview of the consultation responses submitted throughout the application's determination are summarised in the Committee Report to the previous application. Attention is, however, drawn specifically to the consultation response submitted by the Council's Head of Regeneration and Housing, stating:

"As a principle the scheme is supported. The commercial proposals will re-use a vacant brownfield site bringing it back into use creating employment and business growth that can support the local economy through employment and supply chains across a key economic

sector for the borough and Lancashire. **The proposal supports the borough's tourism offer and meets the key growth sectors of sport and leisure and food and drink.**

*The development will (subject to details) help protect an important heritage asset bringing it back to life to the long term benefit of the local area and the Council's conservation aspirations. The mixed nature of the scheme provides a diversity of facilities and whilst I maintain my previously expressed view that I would prefer to see some elements of commercial B1 space included as part of the mix, I am satisfied that **the proposal supports the economic and regeneration priorities of the borough.***

New and enhanced sports facilities are included for the village which I view as a benefit. *The scheme includes new residential development to support overall viability and delivery of the scheme and this does need to be carefully considered. Separate comments have been provided by myself and my team in relation to the affordable housing aspects however **delivery of housing is a government priority to support economic growth and where there is an opportunity to deliver appropriate affordable housing this has to be considered within the overall planning balance.***

*I have noted the District Valuer's comments in relation to the development appraisals and the differences of view expressed, however overall **I consider the scheme from an economic development and regeneration viewpoint will help deliver the Council's economic aspirations and should be supported.***

As with any mixed scheme of this nature, particularly where a relatively significant amount of residential development is proposed to fund the overall development, careful consideration should be given to the phasing and delivery of the commercial elements of the scheme." (Emphasis added)

3.17 The Planning Committee Report confirmed:

"In particular, the Council's Head of Regeneration and Housing is supportive of the scheme as stated in the main report and he recognises the benefits of the proposal in terms of creating employment opportunities and business growth, supporting regeneration activities and smaller settlements across the borough and key growth sectors of sport and leisure and food and drink."

3.18 It must be sensibly understood and accepted that one of the main reasons why the development can provide a tourism offer is because it is located in the Area of Outstanding Natural Beauty, which people wish to visit. The application proposals are expressly seeking to deliver. The

application proposal will be of significant benefit to the local economy and the appeal scheme therefore derives significant support from Key Statement EC1 and is considered to be acceptable as a local regeneration scheme in accordance with DS1.

- 3.19 Taking the above into consideration, it is clear that the following issues were agreed at the time of the determination of the previous application: highways and access; ecology; arboriculture; affordable housing provision; and the regeneration benefits of the scheme.

Application Determination

- 3.20 Planning permission was refused by the Council's Planning Committee at its meeting on 18 December, against Officer recommendation. The Council's Decision Notice refusing planning permission was issued on 23 December 2014 and set out the following four reasons for refusal:

1. "The proposal is harmful to the special architectural and historic interest, significance and setting of both Kirk Mill (Grade II Listed) and Kirk House (Grade II Listed; former mill owner's house; immediately adjacent to Kirk Mill). This is because of the loss and alteration of important historic fabric, plan form and design at Kirk Mill, the addition of poorly designed and inappropriate extensions to Kirk Mill and the intrusion of poorly designed and inappropriate development into the setting of both listed building. This is contrary to the National Planning Policy Framework, and Policies DME4, DMG1, DMB2 and DMB3 Ribble Valley Core Strategy adopted version.

2. The proposal is harmful to the character and appearance, significance, setting and views into and out of Kirk Mill Conservation Area and Chipping Conservation Area. This is because of the intrusion upon and coalescence of the conservation areas from poorly designed and inappropriate development. This is contrary to the National Planning Policy Framework and Policies DME4, DMG1 and DMB2 and DMB3 of the Ribble Valley Core Strategy adopted version.

3. The proposal would lead to significant development in an unsustainable location contrary to Key Statements DS1, DS2, EC1 and Policies DMG2, DMH3 and DMB1 of the Ribble Valley Core Strategy adopted version. The harm is not outweighed by the regeneration benefits of the scheme and the housing part of the development does not meet the requirements for affordable housing or community contributions. Approval of the application without sufficient justification would therefore lead to the creation of a range of hotel/leisure uses and up to 60 residential dwellings with associated infrastructure works in the open countryside without sufficient

justification which would cause harm to the development strategy for the borough as set out in the Ribble Valley Core Strategy adopted version leading to unsustainable development.

4. Given the location, size, intensity, nature and design of the proposed Kirk Mill redevelopment works and associated housing proposals they would be an incongruous feature that would result in the loss of landscape fabric. The proposal would not contribute to, or be in keeping with, the landscape character of the Area of Outstanding Natural Beauty and would cause visual harm, thereby failing to conserve or enhance the natural beauty of the area. No exceptional circumstances have been provided to justify this 'major development' within the Forest of Bowland Area of Outstanding Natural Beauty and thus the proposal is considered contrary to Policies G1 and ENV1 of the Ribble Valley Core Strategy adopted version and the environmental role of the NPPF which seek to ensure that development proposals contribute to, protect and enhance the environment."

- 3.21 The application for Listed Building Consent was refused and the Decision Notice issued on 4th March 2015. The following Reason for Refusal was stated within the Listed Building Consent Decision Notice:

"The proposal is harmful to the special architectural and historic interest, significance and setting of both Kirk Mill (Grade II listed) and Kirk House (Grade II listed; former mill owner's house; immediately adjacent to Kirk Mill) and the character, appearance and significance of Kirk Mill Conservation Area. This is because of the loss and alteration of important historic fabric, plan form and design at Kirk Mill, the addition of poorly designed and inappropriate development into the setting of both listed buildings and into Kirk Mill Conservation Area. This is contrary to the National Planning Policy Framework, and Policies DME4, DMG1, DMB2 and DMB3 Ribble Valley Core Strategy adopted version."

- 3.22 With regards to the first reason for refusal listed in on both the planning application and listed building consent decisions notices, in overall terms the impact of the proposed development will be of significant benefit as Kirk Mill is currently vacant, derelict and at risk and will be brought back into viable reuse which is sensitive to the significance of the Listed Building. It is not therefore accepted by the applicant that the application is contrary to the Framework and the relevant policies of the Core Strategy. Rightly, the evidence submitted with the application supports the conclusion that the relevant statutory tests, with relevant local and national policy, strongly support the application proposals.

- 3.23 The second reason for refusal as detailed on the planning decision notice, is with respect to the claimed harm to the "*character and appearance, significance, setting and views into and out of*

Kirk Mill Conservation Area and Chipping Conservation Area. This is because of the intrusion upon and coalescence of the conservation area.” The evidence supporting this application submission concludes that the proposals will have a beneficial impact on the character of the Kirk Mill Conservation Area as well as the Chipping Conservation Area. In relation to Kirk Mill, the submitted Landscape and Visual Impact Assessment concludes that the effects of the proposed development in relation to landscape and visual effects will be moderate beneficial in Year 1 and moderate beneficial in Year 15. There is no evidence to support the view that the development will cause landscape or visual harm to the Chipping Conservation Area. The application proposals would not cause coalescence of the conservation areas from poorly designed and inappropriate development. The submitted Design Code for the four self-build units sets out design parameters to give clarity as to the final built form. The maximum height and a pallet of materials are put forward and these accord with the development of the local area. The development of the four self-build units would not intrude upon the Conservation Area nor would it result in coalescence. Furthermore, the design of Kirk Mill proposals is considered to be sympathetic to the Arkwright Mill, restoring and enhancing the heritage asset whilst developing, through the addition of modern interventions, a functional and viable hotel.

- 3.24 The third Reason for Refusal is with reference to sustainability and the planning balance. It states that the proposals would “*lead to significant development in an unsustainable location...the harm is not outweighed by the regeneration benefits of the scheme and the housing part of the development does not meet the requirements for affordable housing or community contributions.*” This is addressed in this Statement.
- 3.25 The fourth reason for refusal is with respect to the landscape character of the Area of Outstanding Natural Beauty and the perceived visual harm caused by the appeal proposals. This is addressed in the submitted Landscape and Visual Impact Assessment, which concludes that the effects of the development proposals will be negligible adverse at Day 1 with ‘no noticeable effect’ in Year 15.

Consultation – Post December 2014

- 3.26 As noted within the introduction of this Statement, this application presents a resubmission of a previously refused planning application. Following the decision of the Council to refuse planning permission of the land at Malt Kiln Brow application in December 2014, the applicant has considered how further detail could support the applicant’s approach to development and how the scheme could be amended to take into consideration points raised by the Council and interested parties throughout the determination of the application. In the first instance, it is

necessary to consider the evolution of the design of the scheme and the justification for the holistic approach to the application.

Evolution of the Scheme

- 3.27 The Kirk Mill, Chipping Timeline of Design Evolution document prepared by the scheme architects, 5 Plus, and submitted as part of this application, discusses the design evolution of the application site and the options considered which ultimately led to the scheme as originally submitted. The evolution of the scheme centred on the need to restore, enhance and preserve the nationally significant heritage asset.
- 3.28 Option 1 explored the possibility of providing residential units on The Hive, holiday cottages on the Main Mills Complex and hotel use at Kirk Mill. All subsequent options retained Kirk Mill for hotel use. Holiday cottages to the south of the Main Mill Complex were discounted due to flood risk issues.
- 3.29 Option 2 presented the cricket pitch as retained on The Hive albeit at a reduced size. Residential units were planned for the Main Mills Complex. This option was discounted due to the compromised cricket pitch and flood risk to residential units to the south of the Main Mill Complex.
- 3.30 Option 3 retained the cricket pitch on The Hive without any enhancement works proposed. Residential units were planned on the Main Mills Complex, however this option was discounted due to the flood risk to the residential units on The Main Mills Complex.
- 3.31 Option 4 was born from a hotel/leisure operator's interest in developing the site south of The Main Mills Complex for holiday properties. To mitigate against the flood risk to the properties, it was proposed that they would be constructed on stilts. This option was abandoned due to the operator choosing another site to develop instead.
- 3.32 The evolution of the application resulted in a scheme that would ensure the safeguarding of the Grade II Listed Kirk Mill through the creation of a leisure led mixed use development supported by a residential development to create the receipt to fund the works to the Listed Mill. The Hive site was the only feasible option to locate the dwellings required to cross fund the works to Kirk Mill due to the flood risk issues of the south of the Main Mills Complex. The cricket pitch currently located on The Hive parcel could be enhanced if relocated to a land parcel south east of its current location, which would allow not only the pitch itself to be significantly enhanced but also

the provision of a pavilion. This iterative design process resulted in the scheme which was submitted to the Council in December 2013.

- 3.33 Following the refusal of planning permission in December 2014, informal discussions and a meeting has been held with the local Councillor and a meeting with the Parish Council is to be arranged. Several discussions have been held with key Officers at the Council, culminating with a formal pre-application meeting held in July 2015.

Summary of Scheme Amendments

- 3.34 The application scheme submitted for approval has changed in three main respects from the scheme that was refused in December 2014, these are:

- A reduction in the number of dwellings from 60 to 46 units;
- The removal of the Trailhead Centre; and
- A change in the materials of the extension to the Mill building.

A reduced number of residential dwellings

- 3.35 The number of dwellings has been reduced from 60 units to 46 units response to comments raised throughout the determination of the previous application regarding the scale of the application proposals.

Removal of the Trailhead Centre

- 3.36 Following discussions with the Council and the Parish Council, the applicant decided to remove the Trailhead Centre from the application proposals. This has not resulted in the amendment of any of the other elements of this development parcel.

The Orangery

- 3.37 At an onsite meeting with Historic England, held in June 2015, it was suggested by Historic England that a greater use of glazing rather than stone for the proposed orangery would be preferable. This request has been incorporated into the application proposals and the treatment of the orangery has been updated to increase the glazing element, furthermore the stone treatment has been replaced with timber cladding.

3.38 All of the pre-application consultation described above has been used to fully inform the design evolution of the scheme. In line with paragraphs 188 to 195 of the Framework this pre-application engagement and 'front loading' has ensured that the key matters have been addressed early in the process and ensured that the key benefits of the scheme can be maximised and delivered efficiently.

4. THE KIRK MILL SITE

4.1 This section provides a summary of the physical site including its location, characteristics, surroundings and accessibility. It demonstrates the locational sustainability of the site and thus its sustainability for the development proposals in locational terms.

Location

4.2 The site is located within the administrative region of RVBC, within the ward of Chipping. The Parish of Chipping is situated approximately 8 kilometres north east of Longridge and 14 kilometres west of Clitheroe, on the edge of the Trough of Bowland Area of Outstanding Natural Beauty (AONB). The site is shown in its wider context on the Site Location Plan attached at **Appendix 2**.

4.3 The application proposals are divided into five distinctive development parcels, as set out in the Design and Access Statement, comprising approximately 5.67 hectares in total:

- i. Kirk Mill
- ii. Main Mills Complex
- iii. The Hive (Land off Church Raikes/Malt Kiln Brow)
- iv. Malt Kiln House and Surrounding Land
- v. New Cricket Pitch Site

Kirk Mill (i)

4.4 Kirk Mill, located within the Kirk Mill Conservation Area, is an early example of an Arkwright type cotton mill and forms the centre piece of the area. Kirk Mill is a traditional three storey stone mill with timber framed single glazed windows and a pitched timber roof. It contains a former waterwheel (or remnants of), associated wheel pit and associated water management system. Kirk Mill is both culturally and physically associated with the adjacent watercourse.

4.5 As discussed in more detail in Section 6, Kirk Mill has been subject to a number of exterior alterations. There is a small yard area to the front which overlooks the River (Chipping Brook) and includes a large derelict crane which was previously used to get materials to the Mill. To the rear is the mill pond which contains the water that previously powered the Mill. The mill pond is bounded by Malt Kiln Brow and Mill Pond House to the east. Extensive woodland borders it to the north and west. This woodland extends further north on both sides of Malt Kiln Brow and provides a number of public footpath links into the countryside beyond.

- 4.6 The Mill fronts onto a small number of cottages known as 'Grove House' and 'Grove Cottages'. Adjacent to the east is 'Grove Square'. Whilst all of these properties sit outside of SCPi's ownership, they form part of the more recently designated Kirk Mill Conservation Area. Kirk House which sits immediately to the west also forms part of the Kirk Mill Conservation Area but again, sits outside of SCPi's ownership.
- 4.7 Access to Kirk Mill is taken directly from Malt Kiln Brow which runs north to south, adjacent to the mill to the east.

Main Mills Complex (ii)

- 4.8 The largest area of development, the Main Mills complex, occupies the site of the former HJ Berry Chair making factory site. It is a low lying, visually introspective brownfield site comprising a range of buildings from an historic stone barn associated with the Kirk Mill complex to large scale modern industrial buildings that pay little respect to the scale and sensitivity of their landscape setting. The northern aspect lies within the Kirk Mill conservation area.
- 4.9 The Main Mills complex starts opposite the Grove Cottages and extends south towards the village. It comprises four principle buildings: the Windsor building; traditional stone barn; main factory; and storage warehouse. Also comprises extensive areas of hard standing including an open sided timber store, which have been formed around Chipping Brook which runs through the main complex.
- 4.10 The Windsor building comprises two floors and is of brick and block work construction with a pitched asbestos roof. It sits opposite a traditional stone barn which is largely single storey. Both the Windsor building and stone barn overlook a small courtyard area which can be accessed either from the vehicular gate at the northern extremity of the site (opposite Grove House) or from the main vehicular access to the site from Malt Kiln Brow. These buildings sit within the Kirk Mill Conservation Area.
- 4.11 The main factory sits to the south and is mainly single storey. It has a two storey office building on its front elevation. There are also a number of ancillary buildings of brick construction to the rear. There is also a large tower section at the northern elevation, previously used to house machinery.
- 4.12 Adjacent to the factory on the southern side of the River (Chipping Brook) sits the former storage warehouse and open sided timber store.

- 4.13 Further south there is a large area of woodland which was planted for furniture production and straddles Chipping Brook on both sides. The applicant's ownership extends to the rear of the Talbot Hotel in the village.

The Hive (Land off Church Raike/Malt Kiln Brow) (iii)

- 4.14 This area is situated to the south west of Malt Kiln Cottage and the wider Kirk Mills complex. It extends to approximately 1.82ha and comprises a largely open area of land which is currently used as a cricket ground with a small pavilion towards the southern boundary. To the east, but within this area, the land was planted with a number of small trees for future furniture production.
- 4.15 An area of land, immediately adjacent to the Kirk field and Kirkland housing areas comprises a semi improved field which recently supporting the village cricket pitch and an area of recently planted deciduous woodland. The unmanaged grassland is bound by traditional native hedges and isolated mature standard ash trees to the north and east. An over grown hedge/mature trees occurs along the boundary to the upper section of the Kirkland estate and the private residential unit called The Field. The access track to The Field, to the north west and out with the development area is partially bound by an avenue of locally distinctive mature poplar trees.
- 4.16 There are no official rights of way across the land although informal use of the area of recently planted trees is apparent.

Malt Kiln House and Surrounding Land (iv)

- 4.17 To the south of The Grove and Grove Cottages (1-4) is Malt Kiln House which sits on a corner plot accessed from Malt Kiln Brow. This is a detached stone cottage which has a small garden area to the front. Malt Kiln House overlooks the Main Mills Complex to the east. It is proposed that the use of this property will change to hotel use. To the west, the land rises up to meet land to the rear of The Grove and extends to approximately 0.81ha. This is greenfield and fronts onto and can be accessed from Church Raike.
- 4.18 There are no public rights of way across the land.

New Cricket Pitch Site (v)

- 4.19 The site for the new cricket pitch lies to the east of the southern gateway to the village. The site is greenfield and is approximately 1.39ha in size. To the west of the site runs Chipping Brook with a stone bridge which currently offers access to the site from Longridge Road. Further west

lies a small residential community off Brooklands. To the north, east and south of the site are greenfields and agricultural land.

- 4.20 A field has been secured to accommodate a new and improved cricket ground for the village. The field has been levelled and new seeds sown to ensure the land will be available for use immediately as a cricket pitch subject to the approval of this application. Chipping Brook and residential property boundaries bound the western edge of the field. Elsewhere boundaries are formed of remnant broken lengths of hedgerow and post and wire fencing. A small number of mature trees occur along the boundaries to the field and within the Chipping Brook corridor.
- 4.21 Access to the field is gained via an existing stone bridge off Longridge Road to the south of Town End Barn. This bridge also forms the start point for a number of local footpaths that traverse the low lying landscape.

5. THE APPLICATION PROPOSALS

- 5.1 This section of the statement outlines the application proposals for Kirk Mill, Chipping.
- 5.2 The planning application is a 'hybrid' application including both full and outline elements as follows:

1) Full planning permission for:

- Works (including partial demolition) and a change of use to the Grade II listed Kirk Mill to create a hotel (18 bed) and bar restaurant;
- Demolition of redundant factory buildings;
- Works to the Barn building to create 7 Cottages;
- Construction of a Hotel and Spa (20 bed), Wedding Venue and Kid's Club;
- Change of use of Malt Kiln House to hotel use;
- Extensive provision of Public Open Space; and
- Provision of a new cricket pitch and construction of a new pavilion.

2) Outline planning permission for:

- Up to 46 residential dwellings, split over two sites with a maximum of 42 and 4 units on each

- 5.3 The application proposals are described comprehensively in the supporting Design and Access Statement. However a brief summary is set out below:

1) Full planning permission

Works and a change of use to the Grade II Listed Kirk Mill to create a hotel (18 bed) and bar restaurant:

Use: The proposed development seeks approval for the refurbishment of the existing Kirk Mill to create an 18 bedroom hotel (Use Class C1) and restaurant bar (Use Class A3).

Layout: The internal layout of the building proposes the bar/restaurant at Ground Floor level alongside the hotel reception, with rooms on upper floors.

Appearance: The proposal will remove those elements of the building which are not sympathetic to the original element, in part replacing them with more modern, complimentary development. Slate to match existing will be used, as well as other high quality materials such as lead clad roof edging and glazing.

Landscaping: Detailed landscaping proposals are set out in the Design and Access Statement, however minimal planting is proposed within the area immediately adjacent to Kirk Mill to maintain the integrity of the historic setting.

Scale: The height of the proposed orangery is approximately 4.5m.

Access: It is intended that there will be a 'pick up and drop off' area at the front of the hotel, with parking provided at the main mills complex.

The Barn

Use: The proposed development seeks approval for the refurbishment of the existing barn and the erection of a 2 storey new build element to create 7 holiday cottages (Use Class C1)

Layout: The layout will provide cottages which offer lounge, bathrooms and bedrooms, but no kitchens. A total of 18 bedrooms will be provided, through a mix of 2 and 3 bedroom cottages.

Appearance: High quality materials will be used, such as sandstone with dressed quoins, timber framed windows and slate to match existing.

Landscaping: Ornamental tree planting will provide the cottages with an area of semi-private garden which is strongly influenced by the adjacent building alignments.

Scale: The buildings will be 2 storeys in height. The existing barn building to roof ridge is approximately 8.6m; the height of the proposed extension will be 7.4m.

Access: Vehicular access will be taken into the main body of the site, with pedestrian access only to the cottages.

Hotel/Spa

Use: The proposed development seeks approval for the erection of a Hotel & Spa (Use Class C1).

Layout: The building will provide a reception area for the leisure facilities and a pool which is part indoor, part external. A gym will be provided at first floor level above the pool, with the rest of the building providing hotel rooms.

Appearance: Materials will be in-keeping with the aforementioned buildings, using slate and sandstone, with timber framed windows.

Landscaping: Landscaping for this part of the site will be designed to provide therapeutic gardens using informal planting.

Scale: The height of the spa block to ridge will be 9.3m, the hotel block 12m and the entrance block 3.3m

Access: Vehicular access will be gained to the car park to the south of the building, with limited access close to the reception area.

Wedding Venue

Use: The proposed development seeks approval for the erection of a Wedding Venue (Use Class D1).

Layout: The building will provide seating for c.150 guests as well as toilets and a kitchen/preparation area.

Appearance: Materials will include sandstone with dressed quoins, timber framed windows and slate roof.

Landscaping: An ornamental woodland garden is proposed which will provide seasonal interest throughout the year through the careful choice of vegetation.

Scale: The height to roof ridge will be 9m.

Access: Limited vehicular access will be available.

Kid's Club

Use: The proposed development seeks approval for the erection of a Kid's Club/Crèche (Use Class D1 Non-residential institutions).

Layout: The Club will provide a two room layout, with a room dedicated to infants and another to juniors, with toilet facilities.

Appearance: The building will make use of sandstone with dressed quoins, timber framed windows and a slate roof.

Landscaping: Ornamental planting is proposed which will provide natural shading, whilst a wooden fence will be provided to ensure the areas are secure for children's play.

Scale: The height to ridge will be 5.3m

Access: Safe walkways will provide access to the building.

Plant Building

Use: The building is required to house plant which will service the site.

Layout: The building has been designed specifically to accommodate the required plant; which requires the building to be divided into several rooms.

Appearance: The building will make use of sandstone, render, slate, timber and aluminium flashing to be in keeping with the other buildings proposed.

Landscaping: A variety of planting is proposed close to the site, including the car park area which is adjacent.

Scale: The height to roof ridge will be 5m.

Access: Access will be achieved from a new point off Church Raike.

Cricket Facilities

Use: The building will serve as a cricket pavilion (Use Class: Sui Generis). It has been designed following consultation with Chipping cricket club.

Layout: The pavilion will provide 2 changing rooms, a kitchenette and a toilet. In addition there will be an outdoor seating area.

Appearance: The building will consist of timber cladding with a shingles roof.

Landscaping: Existing vegetation will be retained and enhanced through the reinstatement of boundary hedges, with intermittent standard trees together with a small block of woodland planting encompassing the carp ark and pavilion area.

Scale: The height to roof ridge will be 3.45m.

Access: Access is possible using the existing bridge, but is best suited for pedestrian use. A second bridge, immediately adjacent to the existing will be provided to accommodate vehicles. This will match the existing in appearance.

Public Open Space

Significant areas of land not previously open to the public will be created by the development. A significant part of this will be created in the heart of the development, creating an area which could be used for a variety of purposes, such as a farmers market. The scheme would also provide new leisure facilities through the provision of the hotel/spa, which should be considered as providing enhanced local facilities. The Kids Club also has outdoor play space for persons utilising that facility.

With respect to the proposed cricket ground and provision of new and enhanced facilities, this element of the application proposals provides a readily accessible and convenient facility for users of the former cricket field.

Whilst the residential element of the application proposals are applied for in outline, the public open space associated with these areas will be defined as part of the detailed design considerations at Reserved Matters stage. It is therefore evident that the approach taken to the provision of public open space across the development is adequate and in accordance with the adopted development plan. It is important to note that that the application proposals result in a new reduction of the footprint of buildings on the main site, and even when considering the residential element of the scheme, there remains a net reduction in the footprint of over 13,500 sq ft.

The application proposals include the provision of a car park, which will provide circa 100 car parking spaces for the application proposals and the wider Chipping area. Concrete beams, recycled from the demolition of the large factory sheds will be used as an informal edge of car park restraint that can also be used as an informal seating element. The new road embankment will be heavily planted with a native woodland mix to integrate and extend the existing wooded clough, a feature which is a typical characteristic of the local landscape character area. New tree

and shrub planting, suitable for growing in damp valley floor locations is proposed within the car parking area. Planting areas will be created by removing areas of concrete and backfilling with an appropriate growing mix. The concentration of the planting blocks will subtly delineate the key circulation routes, including highlighting the onward connection route to Chipping Brook.

2) Outline Application Parameters

5.4 Outline planning permission is sought for up to 46 residential dwellings. Forty two (42) dwellings are proposed on the former cricket pitch and juvenile woodland to the immediate north of the Kirkland and Kirkfield residential areas (the “Church Raike Housing – The Hive”). Four (4) self-build dwellings are proposed in the field accessed from Malt Kiln Brow, (the “Malt Kiln Brow Housing”). (Development Parcel 3)

5.5 In accordance with The Town and Country Planning (Development Management Procedure) Order 2015, it is necessary that the parameters of the proposed development for which outline permission is sought be defined. The parameters of the proposed development are set out below.

- **Use and Amount:**

- Church Raike Housing – The Hive: The use and amount of development proposed is for up to 42 dwellings (Use Class C3).
- Malt Kiln Brow Housing: The use and amount of development proposed is for up to 4 self-build plots (Use Class C3).

- **Layout**

- Details of layout are not being submitted as part of the outline application. However, an Illustrative Masterplan (attached at Appendix 3) has been submitted which is a useful tool to agree key design principles for the site for subsequent reserved matters application(s).
- A development area has been identified on the Malt Kiln Brow Housing site within which development must take place. This will ensure that the units will be located so as so minimise any potential for negative impact on the conservation area and listed building.

- **Scale**

- Church Raike Housing – The Hive: Residential dwellings will be a maximum of 2.5 storeys (9m) which is reflective of the neighbouring residential areas.
- Malt Kiln Brow Housing: The Design and Access Statement sets out important considerations in relation to scale in order to establish how development can be achieved which is sympathetic to the character and setting of the surrounding area.

- **Access**

- Church Raike Housing – The Hive: The proposed access road will be located 125m to the west of the Church Raike / Malt kiln Brow junction.
- Malt Kiln Brow Housing: A new access road will be delivered on Malt Kiln Brow approximately 50m to the north of the junction with Church Raike.
- The preferred maximum carriageway gradients for residential developments is 1 in 15. It has been agreed with Lancashire County Council that this could potentially be increased to 1 in 12 over a short distance if required provided that a transition gradient is provided. The typical gradient requirements at the Church Raike site has been estimated at approximately 1 in 20 in order to achieve a suitable access into the development. It is therefore considered that the site can be accessed in accordance with current highway design standards. Further information is provided within the Transport Assessment.

5.6 The submitted Design and Access Statement illustrates how the site could be comprehensively developed to deliver a high calibre development. The submitted Design Code underpins the character evolution and design for the four self-build plots. The Design Code also makes reference to garden boundary treatments and other landscape considerations, the detail of which is considered sufficient to make an assessment of the potential visual impacts of these aspects of the scheme. The proposals have a positive impact on Chipping and the wider area, particularly with regard to conservation of the historic environment, economic development and housing provision.

6. KIRK MILL LISTED BUILDING CONSENT

- 6.1 This section of the statement provides detail on Kirk Mill in support of the Listed Building Consent required for the conversion of the Grade II Listed Kirk Mill to create a hotel and bar/restaurant. A Heritage report has been prepared which provides full details on the mill and conservation area.

Site History

- 6.2 Kirk Mill is a former cotton spinning mill of 1785 with its associated mill pond's retaining walls, outflow and stone-built leat.
- 6.3 Kirk Mill represents a very rare and well-preserved example of an eighteenth-century, Arkwright-type water-powered cotton mill. Other examples of eighteenth-century water-powered cotton mills do survive in Lancashire, including Salmesbury Bottoms Mill, Hoghton Bottoms Mill, Roach Bridge Mill, and Cleveley Mill near Scorton, although all of these have been subject to considerable remodelling and alterations with a resultant loss of original fabric. Kirk Mill is thus the most complete surviving example of an eighteenth-century cotton mill in Lancashire.

Phase 1 (c1785)

- 6.4 The original cotton-spinning mill was constructed in 1785. Particulars of a sale from 1788 (*Manchester Mercury*, 15 Apr 1788), suggest that the original waterwheel was external to the mill, and is therefore likely that the subsequent enclosure of the original wheel may have occurred during the construction of a second waterwheel on its eastern site. This appears to pre-date the repositioning of the north wall in the early nineteenth century (Phase 3), as it had a quoined return beyond the original north wall of the mill.

Phase 2 (c1790-1801)

- 6.5 The mill changed ownership in the last years of the eighteenth century, and the documentary sources reveal plans for the west extension and a new waterwheel at this time, placed within a wheel house of full three-storey height in a bay to the east of the original waterwheel. This is consistent with the stratigraphic relationships between the structures, and demonstrates a relatively large-scale expansion of the mill.

Phase 3 (c Early Nineteenth Century)

- 6.6 This phase represents significant internal remodelling of the structure, which included external remodelling on the northern side of the building.

Phase 4 (c Mid-Nineteenth Century)

- 6.7 It appears probable that the construction of the stair tower was not contemporary with that of the north elevation, although it may have followed rapidly. Both were certainly complete by the time of the first edition Ordnance Survey map, surveyed in 1844.
- 6.8 It is unclear whether the repositioning of the north wall of the east range was undertaken during this phase, or concurrently with the construction of either the stair tower or the southern extension to the east wing during the previous phase. Rather than replace the northern pitch of the roof, or add an additional roof, as with the expansion of the main mill, sprockets were added to the rafters of the north pitch, lessening the angle of its base, and extending it beyond the repositioned wall. This large-scale undertaking, for a minimal gain in floor space, is likely to have been prompted by an apparent change of use of the eastern extension to form the main office for the complex. Moving the wall allowed for extra windows to be inserted, and a large fireplace was also built into the new wall.

Phase 5 (c Late Nineteenth Century – Early Twentieth Century)

- 6.9 Cotton spinning ceased at Kirk Mill in 1866, and was sold for use as a woodworking, and subsequently chair-making factory in 1874. One of the advantages of the design and construction of textile mills was they could be converted for alternative use with relative ease, making their erection a much lesser risk for speculators. The change of use of Kirk Mill from a cotton-spinning mill to a chair-making factory appears to have left little physical record within the fabric of the building.

Phase 6 (c Mid-Late Twentieth Century)

- 6.10 Whilst little changed in the manufacturing process during the twentieth century, several additions were made to the structure, most notably the addition of an upper floor to the southern extension, sometime after 1933.
- 6.11 Further detached structures were added on the southern side of the mill, including workshops and a privy, with a small store butting the original structure adjacent to the stone-built privy tower. A large brick tower was also installed for a full height dust extraction tower, placed approximately centrally on the southern wall, with associated galvanised ducting installed throughout the interior of the mill. Structural steelwork was also inserted, particularly at ground-floor level, to maintain the structure to late twentieth century safety standards. The building was finally abandoned in 2010, having been owned by the Berry family, for the manufacture of furniture, predominantly chairs, since 1903.

Listing Details

6.12 Kirk Mill and its associated mill ponds retaining walls, outflow and stone-built leat² are listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, for its special architectural or historic interest. The listing reference is summarised below:

Building Name: Kirk Mill and its associated mill ponds retaining walls, outflow and stone-built leat.

List Entry No: 1401593

Grade: II

Date Listed: 13 May 2011

6.13 Kirk Mill, a former cotton spinning mill of 1785 and its associated mill pond's retaining walls, outflow and stone-built leat are designated at Grade II for the following principal reasons:

- *Rarity:* it is a rare surviving example in the north-west of an Arkwright-type cotton spinning mill that exhibits two phases of C18 development.
- *Intactness:* it retains its contemporary water management system comprising the mill pond's retaining walls, outflow and leat.
- *Survival of original and early features:* it retains many windows and doors, the wheel pit and the waterwheel and its driving gears, together with evidence of how associated drive shafts and belts powered the early machinery.
- *Historical:* Kirk Mill was built in 1785. It is one of the oldest surviving cotton spinning mills in the north-west and thus represents one of the earliest examples of a textile factory that soon became a crucial component of the Industrial Revolution.
- *Layout:* the mill's development over its two hundred year history remains clearly legible.

Assessment of Conservation Areas

6.14 There are two Conservation Areas in Chipping – Chipping Conservation Area and Kirk Mill Conservation Area. The historic core of the village lies within the Chipping Conservation Area and was designated in 1969. A Conservation Area Appraisal carried out by the Conservation Studio in 2006 led to an extension of the Conservation Area boundary to include an area to the west of St Bartholomew's Church. The rationale for designation of the core of the village as a Conservation Area is derived largely from its important historic character.

² A leat is the name for an artificial watercourse or aqueduct dug into the ground supplying water to a watermill or its mill pond.

- 6.15 Kirk Mill Conservation Area was designated initially in February 2010, immediately after the closure of HJ Berry's chair works, and was centred on Kirk Mill and adjacent buildings. The boundary was extended in April 2011 to incorporate additional landscape features to the north. The Council has indicated that the purpose of this Conservation Area is to provide some protection to the industrial hamlet comprising Kirk Mill, together with 'a significant and positive element of the character and interest of Kirk Mill hamlet is its containment and relative isolation resulting from topography and location within a natural bowl.'
- 6.16 The application proposals will not have a significant adverse impact on the historic setting of the Kirk Mill Conservation Area, as the proposals for Kirk Mill will ensure that the building retains its status as a focus for the Conservation Area, and will enhance its historic fabric and enables its greater appreciation as a heritage asset through its sympathetic repair and conversion, in line with the Framework at paragraphs 131 and 137 and Ribble Valley Core Strategy Policy DME4 and DMG1.

National Planning Policy

- 6.17 Paragraph 128 of the Framework states that when determining planning applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets (i.e. Listed Buildings and Conservation Areas) affected by a development proposal, including any contribution made to their setting. The level of detail should be proportionate to the asset's importance.
- 6.18 When determining applications paragraph 131 of the Framework confirms that Local Planning Authorities should take account of:
- *“the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness.”*
- 6.19 Paragraph 132 of the Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset. Significance can be harmed or lost through alteration or destruction of the heritage asset or by changes within its setting. The Framework advises that substantial harm or loss of a Grade II Listed Building should be exceptional.

- 6.20 As such, paragraph 133 of the Framework confirms that where proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 6.21 At paragraph 134, the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.22 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that any harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.23 Paragraph 140 of the Framework is clear that local authorities should assess whether benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Local Planning Policy

- 6.24 Ribble Valley Core Strategy Key Statement EN5: Heritage Assets and Policy DME4: Protecting Heritage Assets provide Ribble Valley's policy position on the development of Listed Buildings.
- 6.25 Key Statement EN5 advises:

There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.

This will be achieved through:

- *Recognising that the best way of ensuring the long term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.*
- *Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.*

- *Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.*
- *Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.*
- *The consideration of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.*

6.26 Policy DME4 provides the following guidance:

1. Conservation Areas

Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. Development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.

In the conservation areas there will be a presumption in favour of the conservation and enhancement of elements that make a positive contribution to the character or appearance of the conservation area.

2. Listed Buildings and Other Buildings of Significant Heritage Interest

Alterations or extensions to listed buildings or buildings of local heritage interest, or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported.

Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.

6.27 A number of factors have been taken into consideration when assessing the harm caused by any proposal, including: the desirability of preserving the setting of the building; the effect of the proposed development on the character of the listed building; any effect on the economic viability of the listed building; and the contribution which the listed building makes to the townscape or countryside. Additionally, the extent to which the proposed works would bring substantial benefits to the community, including economic benefits and enhancement to the

environment, is to be considered. When undertaking this assessment, the current condition of the mill should not be disregarded. Kirk Mill is in an awful state of repair, which can only be enhanced by the development proposals. The 'Buildings at Risk' survey undertaken in 2011/12 as part of the Lancashire Textile Mill Survey assessed Kirk Mill as a 'vulnerable building'³, although its deterioration over the past three years has placed it in the 'at risk' classification. If Kirk Mill was Grade I or Grade II* listed, there is no doubt that it would be included on Historic England's 'Buildings at Risk Register'. The poor visible condition of the building detracts from the significance of the heritage asset. The development proposals provide the opportunity to repair and enhance Kirk Mill.

Planning Policy Analysis

- 6.28 'Significance', in respect of heritage policy, is defined within the glossary to the Framework as "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."
- 6.29 The Heritage Assessment, submitted as part of the suite of application documents, assesses the significance of Kirk Mill and of the heritage assets in the wider area. The Heritage Assessment advises that Kirk Mill is of high significance for its aesthetic value of the exterior, which is reflected in its Grade II listed building status. The building is also of high significance for its historical and communal value, and medium significance for its evidential value. The interior of Kirk Mill is assessed as being of medium significance, although key elements are of high significance and the waterwheel may be considered as exceptional significance. Therefore this is an important Listed Building, the future of which must be secured through a sensitive redevelopment securing its optimum use in the long term.
- 6.30 The Heritage Setting Assessment considers the impact of the proposed development on the setting of the heritage assets within Kirk Mill and Chipping Conservation Areas. In assessing whether, how and to what degree the settings make a contribution to the significance of the heritage assets, the Heritage Setting Assessment assesses a number of potential attributes of the development affecting setting.
- 6.31 The Heritage Setting Assessment concludes that the sensitivity of the setting in the Kirk Mill Conservation Area is high, and makes a substantial contribution to the significance of Kirk Mill as a heritage asset. Development will not, however, have a significant adverse impact on the

³ Heritage Assessment, page 49

historic setting of the Conservation Area as the proposals for Kirk Mill will ensure that the building retains its status as a focus for the Conservation Area. Furthermore, the application proposals will enhance Kirk Mill's historic fabric and enable its greater appreciation as a heritage asset through its sympathetic repair and conversion. These changes will not change the setting of the asset to an extent that will affect its contribution to the significance of the asset, nor the extent to which its significance can be experienced.

- 6.32 The magnitude of impact arising from the demolition of the mid-twentieth century factory, and its replacement with a new building of high quality design is considered to be beneficial, reversing the dereliction that currently pervades the area. This part of the study area does contain a nineteenth-century barn, the setting of which will be slightly improved by the proposed development via an improvement in the degree to which the setting's relationship with the building can be appreciated. The magnitude of impact in this respect can clearly be viewed as being beneficial, thus satisfying the Framework at paragraph 131 and 137 and Ribble Valley Core Strategy Policy DME4 and all aspects of DMB2.
- 6.33 As the residential element of the scheme is applied for in outline, the impact on the setting of heritage assets is unable to be explicitly determined at this stage. It is, however, considered that any indirect impacts of the residential element of the proposals would be unlikely to be significant due to the very limited intervisibility between the proposed new housing and the historic buildings in the Kirk Mill Conservation Area.
- 6.34 Kirk Mill is in a state of gradual deterioration, a result of the significant period of time that the Mill has remained vacant. There are significant structural problems that need attention to ensure the preservation of the significance of the heritage asset.
- 6.35 The impact of the application scheme on the wider area has been considered in detail within the Heritage Assessment. The application site when read as a whole currently makes a negative contribution to the Conservation Area and the character and appearance of the area. The group of derelict twentieth-century factory buildings situated adjacent to Kirk Mill, but beyond the boundary of the Kirk Mill Conservation Area, were erected to enable an expansion of the chair works. Notwithstanding their historical association with what was once an important local industry, the buildings are of little archaeological significance. The retention of the modern factory buildings on the Main Mills complex is incompatible with the objectives of long-term regeneration of the area, and the alternative is likely to be further decay of the buildings, leading to their ultimate loss without any compensatory benefits. The removal of the modern factory buildings will enhance the historic character of the adjacent Conservation Area and restore the views of Chipping Brook.

- 6.36 The future of the listed buildings absent redevelopment is not favourable. It is highly likely that the listed buildings, specifically Kirk Mill, will remain vacant and continue to deteriorate. There is no realistic 'Plan B' for the site. It is necessary, through the scheme, to resolve problems arising from the inherent needs of the heritage assets. The applicant does not consider that it is an option to 'do nothing' from either a heritage and/or an employment perspective. The listed buildings are considered to be significant in isolation and within their contribution to the Conservation Area. It is not appropriate to consider the redevelopment of Kirk Mill for its original use, or the site for a use similar to that undertaken by H.J Berry & Sons. The site has remained vacant since it closed in 2010 and the application scheme presents the opportunity to redevelop the site in a manner that safeguards and enhances the conservation and historic value of the listed buildings and their setting.
- 6.37 The application scheme has been developed by focusing on how the listed building could be effectively and feasibly brought back into a beneficial use. The costs associated with the repair, restoration and redevelopment of Kirk Mill are such that the development is not possible in isolation. The applicant considered that in order to safeguard the further of the Mill, it was necessary to create a mixed-use scheme that would enable the redevelopment of the Mill and in turn contribute to the regeneration of Chipping, in accordance Core Strategy Key Statement DS1.

Enabling Development to Secure the Future of a Heritage Asset

- 6.38 A confidential viability report has been submitted with the application, which clearly sets out the costs associated with the development proposals, relative to the profit the scheme would deliver. The viability report identifies the costs associated with the delivery of the scheme. These costs are broken down for the different elements of the proposals, with the costs associated with the Mill identified on a standalone basis.
- 6.39 The Core Strategy is silent and absent in respect of enabling development and therefore regard is to be had to the provisions of the Framework at paragraph 140. The Framework is clear that benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which secure the conservation of the heritage asset, must be weighed against the disbenefits of departing from those policies.
- 6.40 For reasons set out later in this statement the residential component of the scheme need not be considered contrary to policy in the context of considering the scheme as a whole and enabling development in the truest sense of the definition cannot strictly apply on this basis, in the context of delivering a heritage asset. What is absolutely clear however is that without the

residential element of the proposal none of the development will be possible – the monies are needed to fund the work to the mill, and therefore the viability report which considers the mill costs, and that of the wider site is of significance regardless. This is a holistic application, which although containing different elements, are all intrinsically linked.

6.41 In the event that the local authority was to take a different view from the applicant, and considers the residential development to be contrary to policy, it is worth identifying the strong merits of the application in the context of enabling development.

6.42 Costs are provided within the submitted confidential Viability Appraisal, which set out the work which is required in order to secure the future of the listed mill. This has been informed by a Structural Survey and other professional advice. The works required to secure the future of the listed mill will be achieved through the development of the residential element of the site.

6.43 Very detailed technical assessments have been undertaken to assess the ability of the proposed residential sites to accommodate development, and these assessments conclude that the development of the land is appropriate. The housing scheme will deliver a greater choice of housing in Chipping, including a significant number of affordable homes; furthermore the proposal is in a sustainable location.

6.44 It is clear therefore that in the event the Council considers the residential element contrary to policy, that there are strong grounds for the Council to support the proposal in the context of it being enabling development, as the alleged harm caused by the residential development is very limited. The benefits of the proposal are set out elsewhere in this Statement and it is clear that securing the future of the mill will be beneficial. The proposal is certainly compliant therefore with the objectives of the Framework.

6.45 Guidance produced by Historic England, '*Enabling Development and the Conservation of Significant Places*' (2008), sets out in the context that enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

It will not materially harm the heritage values of the place or its setting

6.46 The Heritage report and LVIA submitted with the application clearly demonstrates that the proposal will not materially harm heritage values of the place or its setting; rather the proposal will bring significant improvements to the mill itself and indeed the Conservation Area generally, through the removal on unsightly late additions to the mill and unattractive buildings.

It avoids detrimental fragmentation of the place

- 6.47 No fragmentation will occur as a result of the proposals.

It will secure the long term future of the place and, where applicable, it's continued use for a sympathetic purpose

- 6.48 The applicant is committed to the delivery of the leisure use and has reached a very advanced stage with an experienced operator, for whom the design of the hotel / leisure complex has been prepared.

- 6.49 The use of the building for the restaurant/bar and hotel allows for many of the important features to be retained and will restore the premises to a use which will ensure it is maintained in very good order, which in relation to its previous use will be much more appropriate and viable. A considerable amount of market research has been done which provides complete confidence in the long-term business model for the premises. Indeed, the applicant has had interest from a hotel operator who has invested considerable time in assisting the formulation of the scheme.

It is necessary to resolve the problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid

- 6.50 Since acquiring the premises considerable efforts, at notable expense, have been made to secure the listed mill and make it watertight. These are however only short term solutions and it is imperative and absolutely necessary that a long term, viable solution is found. The delivery of the residential element is essential to provide the funding required to make this possible. The need for the redevelopment arises from the needs of the building and not the circumstances of the present owner and the Council has never suggested that the purchase price is relevant to this determination.

Sufficient subsidy is not available from any other source

- 6.51 Investigations have taken place to explore potential funding options from alternative sources however no alternative funding has been achieved. To date all work undertaken has been at the considerable personal expense of the applicant. Redevelopment of the mill without some form of funding is not financially sustainable.

It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests

6.52 The Viability Appraisal and the accompanying costs schedule sets out the costs of facilitating and building works for the mill. The residential part of the proposal will deliver a total land value, with the amount of affordable reduced to 20%, which almost meets these costs.

6.53 The form of the housing development has been informed by numerous technical studies to ensure any harm is minimised. It is essential however that the self-build plots are applied for in outline only to realise value; by working within parameters this approach is acceptable in that any perceived harm can be minimised.

The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies

6.54 The significance of the mill and the conservation area is detailed fully in the Heritage Assessment report which forms part of the submission. As detailed in the Heritage Assessment report the mill is one of finest and earliest surviving examples of its type in the North West and it is therefore of significant relevance. Losing the mill is not an option and this is not advocated by the Council and/or local residents. Disbenefits in contrast are not significant, rather they are limited and it is clear that the benefits materially outweigh them.

Additional Historic England Criteria

6.55 The Historic England guidance further stipulates that if it is decided that a scheme of enabling development meets all of the policy criteria, planning permission should only be granted if:

- a. The impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission;*
- b. The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05 Planning Obligations;*
- c. The place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling argument, ideally at the outset and certainly before completion or occupation;*
- d. The planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.*

6.56 For clarity, each of the above points are addressed in detail below.

The impact of the development is precisely defined at the outset, normally through the granting of full, rather than outline, planning permission

6.57 The residential element still falls short of directly covering the costs of the works needed to be undertaken on the mill, and does not cover ongoing costs, which will be covered separately by the ongoing operation of the leisure use.

6.58 Historic England can be confident therefore that the amount of residential development proposed is clearly the minimum amount possibly required to ensure the restoration and preparation of the mill for its new use. Given that residential development is proposed, which is well related to existing housing, means that parameters can be set to control the scale of the development to ensure at the reserved matters stage the proposal is appropriate. Sufficient illustrative material is contained in the Design and Access Statement. Other elements of the development are full.

The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in ODPM Circular 05/05 Planning Obligations

6.59 The applicant is willing to enter into a legal agreement to ensure the necessary measures are put in place to ensure the most practicable early delivery of the Mill. The parameters necessary to control the scale and massing of the residential development can be dealt with by conditions, linked to the submitted Design Code, if considered necessary to define the proposal clearly.

The place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling argument, ideally at the outset and certainly before completion or occupation

6.60 The Section 106 legal agreement submitted with the application proposals states at Section 7:

“The Owner agrees with the Council:

Not to begin the construction of the Dwellings without first preparing a schedule of the works that will be required to make the Mill wind and watertight (and including those works which are detailed in paragraph 1 of Schedule 4) and obtaining the written approval of the Council to such schedule, such approval not to be unreasonably withheld or delayed and to be deemed given if the Council do not give written notice refusing approval within [10] Working Days of the schedule being served upon them and in the event that the Owner and the Council cannot agree the schedule it will be determined on the application of either of them by a Specialist pursuant to clause 8 of this deed.

Not to occupy or permit occupation of any Dwelling until:-

- *the Mill Works have been completed in accordance with the schedule approved, deemed approved or determined pursuant to paragraph 7.1 above; and*
- *the Kirk Mill Complex Works have been completed;*
- *the Owner has served written notice on the Council that the Mill Works and the Kirk Mill Complex Works have been completed.”*

6.61 The provisions of the Section 106 agreement confirm that the applicant will repair Kirk Mill as early as possible.

The planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled

6.62 The applicant will, through the discharge of the relevant planning conditions, ensure that obligations are fulfilled.

6.63 In conclusion, the benefits of the application scheme fully outweigh any disbenefits of the scheme fully outweigh any bisbenefits of departing from the Development Plan. Furthermore, the assessment against the Historic England enabling development policy has demonstrated that the residential element of the scheme, which secures the future conservation of the Grade II listed Kirk Mill, is enabling development in the truest sense and therefore is assessed as being acceptable.

Summary

6.64 The submitted Landscape and Visual Impact Assessment, prepared by Camlin Lonsdale Landscape Architects, determines the overall significance of the development proposals for Kirk Mill to be ‘major beneficial’. The sensitivity and value of Kirk Mill is considered to be high however its condition is currently poor, compounded by its poor external environment. The proposed sympathetic architectural interventions and new public realm using materials compatible with the conservation area in which it is placed will ensure the continued presence of the building and amenity value to residents of and visitors to the village.

6.65 The submitted Heritage Assessment, prepared by Oxford Archaeology North, concludes that the development proposals are essential to facilitate the continued use of the building, therefore securing the buildings future use as a heritage asset. The development proposals will not change the setting of the asset to an extent that will affects its contribution to the significance of

the asset, nor the extent to which its significance can be experienced. The magnitude of impact of the proposed development at Kirk Mill is thus considered to be negligible.

- 6.66 The magnitude of impact arising from the demolition of the mid-twentieth century factory, and its replacement with a new building of high quality design is considered to be beneficial, reversing the dereliction that currently pervades the area. The magnitude of impact in this respect can be viewed as minor beneficial, thus satisfying the Framework at paragraph 131 and 137 and Ribble Valley Core Strategy Policy DME4 and all aspects of Policy DME4 and all aspects of Policy DMB2.
- 6.67 The viability report submitted with the application identifies the costs of the development as a whole, but also provides a specific breakdown of the costs associated specifically with the mill. If the Council considers the housing to be contrary to policy, then there is a clear enabling argument to be considered.

7. RELEVANT NATIONAL PLANNING POLICY

Planning for Growth

7.1 In March 2011, a Ministerial Statement called ‘Planning for Growth’ was delivered by the Rt Hon Greg Clark MP (who was at the time of publication the Minister for Decentralisation and Planning).

7.2 The Statement outlines how the planning system has a key role to play in helping to rebuild Britain’s economy by ensuring that sustainable development needed to support economic growth is able to proceed as early as possible. It provides the foundations for the Framework’s presumption in favour of sustainable development. Greg Clark stated:

“The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.”

7.3 The Statement confirms that local planning authorities should take into consideration developments that promote sustainable development and economic growth when determining planning applications.

National Planning Policy Framework

7.4 The National Planning Policy Framework (“the Framework”) was published on 27 March 2012. This consolidates national policy guidance (including all previous Planning Policy Statements and Planning Policy Guidance) and is a material consideration in the determination of planning applications.

7.5 Paragraph 12 of the Framework states that it does not change the statutory status of the Development Plan as the starting point for decision making. Paragraph 12 also advises that development proposals which accord with an up-to-date Local Plan should be approved, and proposed development that conflicts with those policies should be refused, unless material considerations indicate otherwise. This is reiterated within paragraph 196 of the Framework.

7.6 The overall emphasis of the Framework is to reiterate the Government’s key objectives of facilitating economic growth and securing sustainable development. These overarching policies

seek to integrate the needs of planning and transport whilst focusing development in the most appropriate locations, thereby protecting and enhancing the environment.

Achieving Sustainable Development

7.7 Paragraph 7 of the Framework defines “sustainable development” and highlights that it has three interrelated dimensions; economic, social and environmental as follows. These dimensions give rise to the need for the planning system to perform a number of roles.

- **“An economic role** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- **A social role** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and supports its health, social and cultural well-being; and*
- **An environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

7.8 Importantly, these roles should not be undertaken in isolation but should be seen as mutually dependent. The Framework states that “...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system...”⁴

The Presumption in Favour of Sustainable Development

7.9 Central to the Framework is a presumption in favour of sustainable development and the need for the planning system to support economic growth. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development and the application of the policy for decision-making:

⁴ Paragraph 3, Page 3, NPPF (March 2012): Department for Communities and Local Government (DCLG)

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-making:

For decision-taking this means:

- *Approving development proposals that accord with the Development Plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in Framework as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted.”*

7.10 Paragraph 196 of the Framework confirms that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Furthermore, paragraph 49 of the Framework confirms that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of delivering housing sites. “

7.11 The Framework at paragraphs 186 and 187 advises that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Decision-takers at every level should seek to approve applications for sustainable development where possible.

7.12 At paragraph 196, the Framework sets out that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. In accordance with paragraph 197, local planning authorities should apply the presumption in favour of sustainable development.

7.13 There is a national presumption in favour of sustainable development, with paragraphs 18 to 219 of the Framework, when taken as a whole, constituting the Government’s view of what

sustainable development in England means in practice for the planning system. This is therefore a multi-faceted and broad-based concept that goes well beyond simply locational sustainability.

Core Planning Principles

- 7.14 The Framework contains, at paragraph 17, a set of 12 land use planning principles to underpin both plan-making and decision-taking. The relevant Framework chapters are summarised below.

Building a Strong, Competitive Economy

- 7.15 The Framework states that the Government is committed to securing sustainable development and that the planning system should do everything it can to support this goal. In particular, “planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.” (NPPF Para 19).
- 7.16 Specifically with regards to existing employment sites, the Framework at paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of as site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Although not specifically allocated as employment land on the Districtwide Local Plan Proposals Map, the Kirk Mill site was last in active employment use (Use Classes B1, B2, B8) when H.J Berry’s occupied the site.
- 7.17 The Employment Supporting Statement⁵, submitted as part of the application submission, considers the potential for the commercial re-use, refurbishment or redevelopment at the Kirk Mill site. The Employment Supporting Statement identifies that it would not be possible to refurbish or redevelop the premises for purely employment purposes without incurring a substantial financial loss. Furthermore, it is unlikely that the location would have ever been viable for redevelopment for employment purposes.
- 7.18 The Supporting Statement sets out at section 4 a market overview, explaining that the prior to acquisition by the applicant the whole site was on the market without any interest from the

⁵ Employment Supporting Statement (Nolan Redshaw, August 2011)

market for employment uses. Additional marketing for employment uses would, in the opinion of Nolan Redshaw, not be worthwhile due to the following reasons:

- The unsatisfactory access to the site for any form of industrial/warehousing use.
- Concerns of restrictions over hours of usage because of the residential and rural nature of the immediate area.
- The very poor condition of the buildings and dilapidated appearance.
- Inadequate specification i.e. limited eaves height, restricted access and loading.
- Lack of services.
- Inability to provide quick possession because of the poor condition of the premises.

7.19 The report concludes that the premises, in their current form, are unmarketable effectively due to functional obsolescence, however an alternative non-commercial development could proceed without prejudicing the supply of employment land in the area.

Supporting a prosperous rural economy

7.20 The Framework, at paragraph 28, states to promote a strong rural economy support is to be given to sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Additionally, the provision and expansion of tourist and visitor facilities are to be supported.

Promoting sustainable transport

7.21 Paragraph 34 of the Framework outlines that decisions should ensure developments that generate significant movements are located where the need for travel will be minimised and the use of sustainable transport modes can be maximised, however this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas. At paragraph 29, the Framework recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. This previously developed site is located in a rural area and therefore the required and expected levels of accessibility should be adjusted accordingly.

7.22 As illustrated on the local amenities and facilities plan (section 2.1.2 of the Design and Access Statement) the site is in close proximity to the local amenities and services of the village. Additionally, the mixed-use scheme will add to the employment and leisure opportunities available in the village. It must be recognised that although the location of the proposed development is a rural one, it is not of an isolated nature. In accordance with the Framework, the site is to be considered as an opportunity in a rural location, and the levels of accessibility

should be adjusted accordingly. It must also be acknowledged that the proposed leisure use is entirely suitable for the rural location. The scheme is therefore not considered contrary to any transport policies of the Framework (paragraphs 29 to 36).

Delivering a wide choice of high quality homes

7.23 To boost significantly the supply of housing, the Framework confirms that local planning authorities should identify and update annually a supply of deliverable housing sites. Footnote 11 on page 12 of the NPPF provides a definition for what contributes a “deliverable” housing site. Footnote 11 confirms that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. However, delivering a 5 year supply is the minimum requirement of the NPPF (see paragraph 47iii).

7.24 In accordance with Footnote 11 of the Framework, it is considered appropriate to undertake an assessment against the criteria against which a site should be assessed to be considered “deliverable”. Each aspect of the criteria is assessed in turn below:

Is the site available?

7.25 The site is wholly owned by the applicant and is available for development now.

Is the site suitable?

7.26 The site is considered to be a sustainable location in principle for development. The residential development will promote sustainable development in a rural area due to its location adjacent to the Chipping settlement boundary.

Is the site achievable?

7.27 The site could deliver housing within the next 5 years, which would positively contribute to the Council’s housing land supply. The site is therefore achievable for development.

Is the site viable?

7.28 The applicant is confident that the application as proposed is the correct and best way of ensuring the viability, and in turn deliverability of the site. A very significant amount of money will need to be invested in the proposal in order to deliver it, and the housing part of the proposal goes some way towards providing that.

- 7.29 Fundamental however to the whole project is the very clear commitment and investment by the applicant to make the scheme work. This has already been demonstrated through the investment of considerable sums to make the mill as watertight and secure as possible in advance of the commencement of work. The applicant is committed long-term to the project, and there is confidence that the hotel and leisure uses will eventually bring a return on investment.
- 7.30 At paragraph 50 the Framework confirms that local planning authorities should enable the delivery of a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. In order to do so, it is essential that local planning authorities plan for a mix of housing (including for people wishing to build their own homes); identify type, tenure and range of housing that is required in particular locations; and where an identified affordable housing need has been identified, set policies for meeting this need.
- 7.31 To promote sustainable development in rural areas, in accordance with paragraph 55 of the Framework, housing should be located where it will enhance or maintain the vitality of rural communities. Although the scheme is not considered to provide 'isolated homes in the countryside', paragraph 55 sets out a number of special circumstances against which such development should be considered. One such criteria is "*where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.*"
- 7.32 The residential element of the scheme is located adjacent to the Chipping settlement boundary, a location which enables the development to fully integrate into the existing settlement. The scheme provides both market and affordable dwellings, including provision for the over 55's in line with the Chipping Village Plan.

Requiring good design

- 7.33 The Framework advises that the Government attaches great importance to the design of the built environment. Good design is considered to be a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.
- 7.34 The Design and Access Statement submitted in support of the application details a series of key design principles in demonstrating how the site will achieve a high quality, safe and inclusive design that sits appropriately and sensitively within the local environment in line with paragraphs

56 to 58 of the Framework. The key masterplanning principles of the site are set out at Section 5 of the Design and Access Statement.

Meeting the challenge of climate change, flooding and coastal change

- 7.35 The application is supported by a detailed Flood Risk Assessment (FRA), produced by Weetwood, which has considered all potential sources of flooding to the site including the impact of climate change over the lifetime of the development.
- 7.36 The FRA identified that a number of the development areas/parcels are located within Flood Zone 3. (Malt Kiln House and Surrounding Land – primarily within Flood Zone 1, with a small portion at the eastern end of the development parcel located in Flood Zone 3. Main Mills Complex – approximately 50% located within Flood Zone 1 and 50% located within Flood Zone 3. Riverside Walk – Primarily within Flood Zone 1 with the exception of the central area where land adjacent to both banks of Chipping Brook is in Flood Zone 3. Proposed Cricket Pitch Site – Flood Zones 2 and 3).
- 7.37 The Flood Risk Assessment has demonstrated that the proposed development may be completed without conflicting with the requirements of the Framework and supporting Technical Guidance subject to implementation of a number of mitigation measures. The risk of flooding from Chipping Brook and any other sources will be mitigated by the implementation of a pack of measures as detailed in the FRA. The measures include the raising of finished floor levels, removal of obsolete bridges along Chipping Brook, reinstatement of a small section of wall along Chipping Brook adjacent to Kirk Mill and ground floor raising on the Main Mills complex.
- 7.38 The hydraulic model of the brook confirms that there will be no increase in flood risk to surrounding properties as a result of the proposed mitigation measures.
- 7.39 The development proposals will incorporate a surface water drainage scheme based on sustainable drainage principles as encouraged by the Framework. Following development the overall impermeable areas of the site will increase in some areas and decrease in others. A surface water drainage system has been developed to demonstrate that surface water runoff can be sustainably managed in accordance with national and local policy without increasing flood risk elsewhere. The scheme will enable phased development conditions to be applied in line with this strategy.
- 7.40 In addition, significant work has been undertaken to explore the potential to utilise renewable energy making use of the river. Studies are well advanced and it would appear that the river

should theoretically be suitable to accommodate a Micro Hydro Generation facility. At this stage the proposals have not been included in the application because of the need for some further studies to be carried out but there is certainly potential which the applicant intends to pursue.

Conserving and enhancing the natural environment

- 7.41 In respect of the environmental role of the Framework, specific guidance is offered on conserving and enhancing the natural environment and paragraph 109 comments that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 113 further advises that local planning authorities should set out what it terms a criteria based policies which development proposals can be judged against with a hierarchical approach to designation so that protection of wildlife, geodiversity is commensurate with their status.
- 7.42 The site lies within the Forest of Bowland Area of Outstanding Natural Beauty and in accordance with the Framework at paragraph 115 'great weight' should be given to conserving landscape and scenic beauty. Planning permission should be refused, in line with paragraph 116, for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 7.43 The foundation of the scheme is the Grade II listed Kirk Mill, which is currently in a status of disrepair and in danger of being at risk. The evolution of the scheme centred on the need to restore, enhance and preserve the nationally significant heritage asset. The scheme is the only viable option that will secure a long-term viable future for Kirk Mill. There is unanswerably a heritage and/or an economic need for the development.
- 7.44 There is no scope of the developing elsewhere outside the AONB, as Kirk Mill and the previously development main mills site, which are both within the applicant's landownership, are located within the AONB designation. The scheme is specific to the site and cannot be developed elsewhere.

- 7.45 The submitted Ecological Scoping and Habitat Appraisal Report advises that overall the development covers an area of high ecological value including areas of semi-natural broad-leaved woodland along with the majority of boundaries to the site being species rich hedgerows. Chipping Brook, a riparian corridor of high ecological value, runs from northwest to southeast through the site which is fed by streams and brooks flowing off the outlying land into Chipping Brook. The majority of grassland is semi-improved pasture with sheep grazing throughout the winter months. Although of ecologically low value, the old mill buildings do hold the potential to support protected species such as bats and barn owl.
- 7.46 Clark House Farm Pasture Biological Heritage Site (BHS) borders parcel 5 along the southern boundary and borders the northwest section of parcel 3 and Lumpy Pasture BHS is located to the north of parcel 5, indicating that the development site is located close to areas considered to be of high ecological value. The proposed works within these parcels of land are not considered to have any direct or indirect effects on these two non-statutorily protected sites.
- 7.47 The Extended Phase 1 Habitat Survey found the site to contain UK Habitats of Principal Importance and Local BAPs, Deciduous Woodland, Broad-leaved and Mixed Woodland, Hedgerows and Ponds (subject to further surveys). There has been a downgrading in grassland habitat at Parcel 6 which was previously seminatural. This has been subsequently ploughed and re-seeded to create an improved grassland structure.
- 7.48 Habitats within the wider survey area and the development site are considered suitable to support European and Statutory Protected Species, UK Species of Principal Importance and Local BAP Species.
- 7.49 A Great Crested Newt Advice Note has been prepared by Bowland Ecology and submitted in support of the application. The Advice Note evaluates the suitability of the habitat within the residential development sites as terrestrial habitat for Great Crested Newts (GCNs) and to assess habitat availability in the wider landscape surrounding the pond. This information has been used to inform an assessment of the likelihood of GCNs to be using the development site. Recommendations are made as to requirements for further survey and/or mitigation and enhancement measures. The wider development proposals are more distant from the known pond, are on brownfield sites and/or isolated from the identified pond by Chipping Brook and are not considered further in the assessment.
- 7.50 The proposal will have a positive impact upon the recreational opportunities available to existing and proposed residents and visitors. Furthermore, as detailed within the submitted Ecological Appraisal and within the Landscape and Visual Impact Assessment there will be no detrimental

effects on the environment that could not be mitigated. In fact, the scheme will create positive impacts on the landscape.

Conserving and enhancing the historic environment

- 7.51 Paragraph 126 of the Framework advises that local planning authorities should set out in their Local Plans a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 7.52 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As detailed within the Heritage Assessment, there will be significant heritage benefits and therefore the scheme derives significant support from the Framework.
- 7.53 As set out at paragraph 133 of the Framework, where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 134 advises that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.54 Paragraph 140 advises that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. There is no equivalent enabling development policy in the Core Strategy. This means it is all the more important to consider the whole of the scheme's compliance with the whole of the development plan. This ensures the Core Strategy is consistent with the NPPF.
- 7.55 The Framework at paragraph 131 advises that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable

- communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 137 advises that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposal that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 7.56 Throughout the design process to return the Grade II Listed Kirk Mill to a viable use consistent with its conservation, full account has been taken on the positive contribution that the conservation of the building can make to the economic viability of the Kirk Mill hamlet, whilst imparting a positive contribution to local character and distinctiveness. This approach has been entirely consistent with the Framework at paragraph 131 and Policy DME4 of the adopted Core Strategy. On balance, and taking into consideration the public benefits, the proposals will be beneficial to Kirk Mill.
- 7.57 Development will not have a significant adverse impact on the historic setting of the Kirk Mill Conservation Area, as the proposals for Kirk Mill will ensure that the building retains its status as a focus for the Conservation Area, and will enhance its historic fabric and enable its greater appreciation as a heritage asset through its sympathetic repair and conversion, in line with the Framework at paragraph 131 and 137, and Policies DME4 and DMG1 of the adopted Core Strategy.
- 7.58 The changes proposed as part of the application proposals will not change the setting of the asset to an extent that will affect its contribution to the significance of the asset, nor the extent to which its significance can be experienced. The magnitude of impact of the proposed development on Kirk Mill is thus considered to be negligible.
- 7.59 The magnitude of impact arising from the demolition of the mid-twentieth century factory, and its replacement with a new building of high-quality design is considered to be beneficial, reversing the dereliction that currently pervades the area. This part of the study area contains a nineteenth-century barn, the setting of which will also be slightly improved by the proposed development via an improvement in the degree to which the setting's relationship with the building can be appreciated. The magnitude of impact in this respect can be viewed as minor beneficial, thus satisfying paragraphs 131 and 137 and the Framework, and the Ribble Valley Core Strategy Policy DME 4 and all aspects of Policy DMB 2.
- 7.60 Design proposals for the residential development at The Hive and Malt Kiln House are in outline, although illustrative material is presented in the Design and Access Statement. It is clear from

the Parameters Plan and the Design Code that there will be very limited intervisibility between the proposed new housing and the historic buildings in the Kirk Mill Conservation Area, and thus any indirect impact is unlikely to be significant.

- 7.61 The Heritage Assessment concludes that any individual aspects of harm to the significance of the designated heritage assets is outweighed to a considerable degree by the public heritage benefits of the development proposals, which includes securing the optimum viable use for Kirk Mill, as per the Framework at paragraph 134.

Presumption in favour of sustainable development

- 7.62 Paragraph 14 of the Framework advises that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.
- 7.63 A proposal does not have to accord with each and every policy to be considered in accordance with the Development Plan when read as a whole. This Statement demonstrates that the scheme is in accordance with the Development Plan, when read as a whole, and therefore this application should be considered in line with the first bullet point of paragraph 14 such that, in my view, permission should have been granted promptly by the local planning authority. Further or alternatively, the proposal constitutes sustainable development for the purposes of the Framework.
- 7.64 There are a number of elements of the application scheme and should the principle of development at each element of the scheme be considered individually then the residential element of the scheme could be considered not to be acceptable in land use planning terms. Core Strategy Key Statement DS1 confirms that development in Tier 2 villages will need to meet proven local needs to deliver regeneration benefits, the scheme complies with the latter aspect of this policy.
- 7.65 It is clear that this is the correct way to assess the development proposals (i.e. considering the proposals holistically), however if the residential element of the scheme is considered in isolation it could be considered to be contrary to the policies of the Development Plan but can be justified as enabling development.

Summary

- 7.66 In summary, the proposals accord with all of the relevant provisions of the Framework for delivering sustainable development. The application is therefore consistent with the Government's aspirations for sustainable development and this is a significant material consideration in the determination of the application. Technical reports clearly demonstrate that any perceived adverse impacts of the development are extremely minor. Therefore, and in accordance with the presumption in favour of sustainable development, Ribble Valley Borough Council should seek to approve the application without delay as clearly adverse impacts do not significantly and demonstrably outweigh the benefits.

Taking Planning Decisions

- 7.67 Paragraph 186 of the Framework states that local planning authorities should approach taking planning decisions in a positive way to foster the delivery of sustainable development. Paragraph 187 states that:

“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

8. THE ADOPTED AND EMERGING DEVELOPMENT PLAN

8.1 This section provides a summary of the adopted and emerging Development Plan policies relevant to the application proposals.

The Adopted Development Plan

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 The Development Plan for Ribble Valley Borough Council comprises the Ribble Valley Borough Council Core Strategy 2008-2028: A Local Plan for Ribble Valley ('the Core Strategy') and the Minerals and Waste Local Plan for Lancashire. The Minerals and Waste Local Plan for Lancashire is not relevant to this application.

8.4 The Core Strategy was adopted on 16 December 2014 in accordance with the Planning and Compulsory Purchase Act 2004. It covers the period up to 2028 and was examined in light of the requirements of the Framework. It supersedes all remaining 'saved' policies of the Districtwide Local Plan, which was adopted in 1998 and was prepared in accordance with the requirements of the Town and Country Planning Act 1990.

Ribble Valley Core Strategy 2008-2028: A Local Plan for Ribble Valley

8.5 Core Strategy Key Statement H1: Housing Provision advises that land for residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of 280 dwellings per year over the period 2008 to 2028.

8.6 The development strategy for Ribble Valley is set out at **Key Statement DS1: Development Strategy**, which states that the majority of new housing development will be "concentrated within an identified strategic site located to the south of Clitheroe towards the A59; and the principal settlements of: Clitheroe; Longridge; and Whalley." In addition to the strategic site at Standen and the borough's principal settlements, development will be focused towards the Tier 1 villages, which are considered to be the most sustainable of the 32 defined settlements. In the remaining 23 Tier 2 village settlements (the category in which Chipping is identified), Key Statement DS1 advises that "development will need to meet proven local needs or deliver regeneration benefits."

- 8.7 Key Statement DS1 further advises that the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area. Key Statement DS1 does not stipulate the quantum of residential development to be delivered within the Tier 2 village settlements; rather Table 4.12 allocates a nil requirement as new housing in them is restricted to that needed to meet local needs or for regeneration purposes (such as this).
- 8.8 With regards to development that recognises regeneration benefits, Key Statement DS1 advises that this type of development will be considered in all of the borough's settlements.
- 8.9 The Council's Development Strategy was tested during the Examination of the Core Strategy, where the Inspector agreed in his Report, that the hierarchy of principal settlements, Tier 1 and Tier 2 Villages is soundly based and adequately justified. Chipping is therefore considered to be an appropriate location for housing growth in the plan period because it is a sustainable settlement. This is an entirely rational conclusion given the level of services and facilities in the settlement (as illustrated on the Local Amenities and Facilities plan, Design and Access Statement Page 12). Furthermore, the Pre-Application Advice written response confirmed that although located outside of the settlement boundary, the residential element of the scheme is not 'overly isolated and is not remote from other built form. The site is close to a bus route and other services' and is therefore considered to be a 'sustainable location in principle for development'. If the housing is for local needs and/or part of a regeneration project, it is clearly supported by DS 1.
- 8.10 The Council's Housing Land Availability Schedule (April 2015) covers the monitoring period 1 April 2014 to 31 March 2015. The Schedule advises that the Council is able to demonstrate a housing land supply of 5.59 years, inclusive of a 20% buffer (given acknowledged persistent under-delivery of housing).
- 8.11 The Chipping, Bowland with Leagram and Thornley and Wheatley Housing Needs Survey was undertaken in 2011 and the report published in 2012. The report identifies a need for 31 affordable properties in total over the five year to 2017. It is advised that Ribble Valley Homes intend to develop 11 units by the end of 2014. As such, based on the information contained within the Housing Needs Survey, there is still demand for 20 units over the period to 2017. The following breakdown is provided:
- older persons bungalows: 3x2 bed and 3x1 bed;
 - 7 social rent general needs properties split: 4x2 bed and 3x3 bed;
 - 7 shared ownership: 3x2 bed and 4x3 bed; and

- In addition, 4 open market bungalows are stated to be required.
- 8.12 The likelihood of the settlement's affordable housing requirement being delivered without market housing is limited, specifically as the residual requirement already takes into account the housing that is to be delivered by Ribble Valley Homes (a registered provider of social housing).
- 8.13 **Key Statement DS2:** Sustainable Development reinforces the Framework's presumption in favour of sustainable development, advising that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. The policy repeats the 'decision-taking' elements of paragraph 14 of the Framework. For reasons set out in this Statement the applicant is of the firm opinion that this proposal constitutes sustainable development.
- 8.14 **Key Statement EN2:** Landscape states that the landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Furthermore, any development will need to contribute to the conservation of the natural beauty of the area.
- 8.15 The Landscape and Visual Impact Assessment submitted in support of the application assesses landscape condition, value and sensitivity and concludes that during the construction phase there will be a period of short term locally adverse effects but that these will be confined to short distance views. Such impacts are the inevitable product of any beneficial redevelopment of the site and cannot rationally justify refusal. At year 15, once new planting has established, the overall importance of visual effects are considered to be generally of minor beneficial rising to major beneficial importance with the development associated with Kirk Mill and the redevelopment of the modern factory site. The effect on the wider landscape character of the AONB is considered to be negligible as the development is generally visually contained and restricted to the edge of the existing settlement. This will be apparent on the site visit.
- 8.16 **Key Statement EC1:** Business and Employment Development advises that in considering the development of land for economic development and in determining where this land will be located, priority will be given to the use of appropriate brownfield sites to deliver employment-generating uses including a preference for the re-use of existing employment sites before alternatives are considered. The policy instructs that proposals which result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact upon the local economy.

- 8.17 In this case, H.J Berry (the chair making company) closed more than five years ago and before that period had experienced a gradual decline in the number of persons employed. The H.J Berry factory employed approximately 85 people prior to its closure.
- 8.18 There is currently a general need for more jobs to be created within the Ribble Valley area. Ribble Valley has experienced no growth in employment over the last 5 years and despite population growth, employment levels have actually fallen by 0.1%. This is particularly stark when compared to national employment which has seen a 2% growth over the same period. The low jobs density and limited employment growth identified within the district demonstrates a clear need for more local employment opportunities. The Council's latest Employment Land Review⁶ is predicted on a policy-on employment growth of 4,900 jobs between 2012 and 2028. Opportunities to meet this target will be scarce and those that do materialise will need to be backed.
- 8.19 Tourism and leisure is an established sector with a good reputation and has been identified as a target growth sector by the Council. It is one of the few employment sectors that can be realistically relied on to deliver growth in the Ribble Valley. There are emerging labour market issues that are best met by local service sector jobs with flexible working patterns. These relate to the need for more jobs to meet arising economic activity rates amongst older residents and to address pockets of youth unemployment.
- 8.20 The scheme as a whole is expected to create a total of around 80 Full Time Equivalent jobs. These jobs are a direct effect of the development and do not reflect corporate supply chain impacts and expenditure of workers, which is likely to create a further 20 multiplier jobs.
- 8.21 Using national benchmark data for average wages in the tourism and hospitality sector, the 100 jobs created by the development would be expected to generate over £2m per year in wage income. A proportion of which would be spent in the local area.
- 8.22 Furthermore, the scheme supports the borough's tourism offer and meets the key activity of supporting regeneration activities in smaller settlements across the borough, and in key growth sectors of sport and leisure, and food and drink. In this regard, it has to be sensibly understood and accepted that one of the main reasons why the development can provide a tourism offer is because it is located in the AONB, which people wish to visit. It would be perverse, therefore, to interpret policies on the AONB in such a manner as to frustrate tourism development which the Plan is expressly seeking to deliver.

⁶ Ribble Valley Borough Council, Employment Land Study Refresh 2013

- 8.23 It is clear that the proposal will be of significant benefit to the local economy and the scheme therefore derives significant support from Key Statement EC1 and is considered to be acceptable as a local regeneration scheme in accordance with DS 1.
- 8.24 **Policy DMG1:** General Considerations sets out an overarching series of considerations that the Council will have regard to in achieving quality development. This includes: design, access, amenity, environment, and infrastructure. The applicant is satisfied that the proposals are in accordance with this policy.
- 8.25 **Policy DMG2:** Strategic Considerations assists the interpretation of the development strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development. For development within, or outside the defined settlement areas of, Tier 2 Village Settlements development must meet *at least one* of the following considerations (emphasis added):
- be essential to the local economy or social wellbeing of the area;
 - is needed for the purposes of forestry or agriculture;
 - is for local needs which meets an identified need and is secured as such;
 - is for small scale tourism or recreational developments appropriate to a rural area;
 - is for small scale uses appropriate to a rural area where a local need or benefit can be demonstrated; or
 - the development is compatible with the Enterprise Zone designation.
- 8.26 The application scheme meets the provisions of four of the six criteria stated in Policy DMG2 as the scheme is (i) essential to the local economy or social wellbeing of the area; (ii) for a local need for employment and/or affordable housing; (iii) for a small scale tourism or recreational development appropriate to a rural area and (iv) for a small scale use which is appropriate to this local area and where a local need/benefit can be demonstrated.
- 8.27 In addition to interpreting the development strategy for the settlement hierarchy, Policy DMG2 sets out further requirements in order to protect and enhance the Area of Outstanding Natural Beauty. The policy advises that, like the application scheme, where possible new development should be accommodated through the re-use of existing buildings. The application scheme seeks to regenerate and re-use Kirk Mill and the adjoining Main Mills complex, thereby securing a long term use for the listed buildings, which are currently vacant and clearly at risk of further deterioration. The principle of the use is (rightly) supported by Historic England, as detailed within the organisation's comments to the previous application submission.

- 8.28 The residential element of the scheme is to be provided on greenfield land outside of the Chipping settlement boundary. When (wrongly) considered in isolation, this element of the scheme would not be considered to be in complete conformity with Policy DMG2. It is, however, essential that the scheme is considered holistically because the revenue generated by the housing will be used to invest in the wider application site. The application scheme will bring forward a mix of business, employment, tourism and leisure opportunities that are consistent with Policy DMG2. The housing is required to deliver this and is the minimum required to do so. There are no other available sources of funding.
- 8.29 **Policy DME2:** Landscape and Townscape Protection advises that development proposals will be refused which significantly harm important landscape or landscape features including: traditional stone walls; ponds; characteristic herb rich meadows and pastures; woodlands; copses; hedgerows and individual trees; townscape elements that contribute to the characteristic townscapes of the area; upland landscapes and associated habitats; and botanically rich roadside verges. The policy supports the Council's intention to enhance, wherever possible, the local landscape in line with the Core Strategy's Key Statements and Development Strategy. It is clear that the proposals will certainly not significantly harm important landscape or landscape features. On the contrary, the overall impact will be beneficial.
- 8.30 **Policy DME4:** Protecting Heritage Assets advises that in considering development proposals the Council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings. It is appropriate to undertake the balancing exercise within this Statement.
- 8.31 It is clear that the scheme will have a beneficial impact which weighs heavily in favour of the proposals and confirms clear compliance with Policy DME4. The Heritage Assessment submitted as part of the application proposals concludes that the proposed scheme provides Kirk Mill with a long-term sustainable use. The alterations will be off-set by the proposed enhancements, which include the urgent repair to the historic fabric and the removal of the twentieth-century additions that detract from the historic character of the building.
- 8.32 The Heritage Assessment undertook an assessment of the impact of the proposals in the context of the significance of Kirk Mill as a whole, and the relative significance of affected fabric and areas.
- 8.33 **Policy DMB3:** Recreation and Tourism Development advises that planning permission will be granted for development proposals that extend the range of tourism and visitor facilities in the Borough. The first criteria against which the policy assesses development proposals states that

- the proposal must not conflict with other policies of this Plan. In the Forest of Bowland Area of Outstanding Natural Beauty development proposals should display a high standard of design appropriate to the area and not introduce built development into an area largely devoid of structures.
- 8.34 The scheme constitutes the redevelopment of a derelict previously developed site. It is important to recognise that tourism is very important for the economy in an area such as this. The local area and wider Ribble Valley district has an excellent reputation for high value food and drink establishments – spanning a number of established restaurants and accommodation providers. The State of Lancashire report produced by Lancashire County Council identifies Ribble Valley as an area that encourages exclusive hotels and restaurants to thrive.
- 8.35 The Council's Economic Strategy recognises the need for further investment in the area. It noted a need to "...encourage new investment within hotel accommodation, self-catering, conference venues, eating out and visitor attractions".
- 8.36 **Policy DMH3:** Dwellings in the Open Countryside and The AONB states that within areas defined as open countryside or AONB on the proposals map, residential development will be limited to the following three development typologies:
1. Development essential for the purposes of agriculture or residential development which meets an identified local need.
 2. The appropriate conservation of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings.
 3. The rebuilding or replacement of existing dwellings subject to criteria.
- 8.37 The residential element of the application scheme does not accord with the criteria set out at Policy DMH3. However, a development plan should be read as a whole and in a manner which makes it internally consistent. This is particularly important given that there is not a single specific policy in the Core Strategy which addresses this form of development (with multi-uses to facilitate regeneration benefits).
- 8.38 It is appropriate, therefore, to consider the application scheme in light of the provisions of Key Statement DS1, which considers that development that addresses local needs and/or recognises regeneration benefits will be considered in all of the Borough's settlements. The residential element of the application scheme is not to be considered in isolation but rather as a key part of the holistic application scheme. The scheme will secure the long term future of Kirk Mill and Kirk House and improve the Conservation Area as a consequence. In order to facilitate the delivery of the Kirk Mill regeneration, funding is required to make the scheme viable.

Significant funding will be provided through the receipt obtained from the outline residential element of the scheme, which will be used to fund the regeneration elements of the proposal (secured by s.106 obligation). The scheme has been subject to a confidential Viability Appraisal, which considers that the provision of 20% affordable units at a discount of 40% from open market value was achievable. This results in compliance with Key Statement H3.

- 8.39 Without the residential element of the proposal, none of the development on Kirk Mill will be viable and therefore possible. The monies are needed to fund the work to Kirk Mill. This is a holistic scheme, which although containing different elements, are all intrinsically linked. The residential element of the scheme presents the minimum quantum of development required to ensure the restoration and preparation of the mill for its new use.
- 8.40 The Core Strategy's Development Strategy, Key Statement DS1, permits development in Tier 2 Villages provided that development will need to meet proven needs or deliver regeneration benefits. Self-evidently, therefore, Chipping (as a tier 2 village) is deemed to be a sustainable settlement which can accommodate development in the Plan period. The scheme facilitates the regeneration of the Grade II listed Kirk Mill and seeks to secure economic growth by way of regeneration of a derelict previously developed employment site. As noted above, the residential element of the scheme is required to cover the costs of the works needed to be undertaken on the Grade II listed Mill. Due to the deficit in funding to ensure the restoration and preparation of Kirk Mill for its proposed use, the scheme includes the minimum quantum of residential development required to deliver the regeneration of Kirk Mill. Key Statement H3 allows for developers to submit open book viability assessments should a scheme not provide the sought 30% affordable housing. The policy allows for the Council to consider a reduction in this level of provision to a minimum of 20%. In accordance with Key Statement H3, the applicant submitted a Viability Appraisal and concluded that the scheme could support a provision of 13,300 square feet for affordable units.
- 8.41 **Policy DMB1:** Supporting Business Growth and the Local Economy advises that proposals that are intended to support business growth and the local economy will be supported in principle. Proposals for the development, redevelopment or conversion of sites with employment generating potential in the Plan area for alternative uses will be assessed with regard to the following criteria:
- The provisions of Policy DMG1; and
 - The compatibility of the proposal with other plan policies of the LDF; and
 - The environmental benefits to be gained by the community; and
 - The economic and social impact cause by loss of employment opportunities to the Borough, and

- Any attempts that have been made to secure an alternative employment generating use for the site.

8.42 The scheme presents a mixed-use development that has the potential to rebuild the rural economy, will bring back into beneficial economic use a designated heritage asset and supports the Borough's tourism offer and meets the key activity of supporting regeneration activities in smaller settlements. The scheme supports business growth and the local economy whilst conserving and enhancing the significance of heritage assets. The scheme is fully compliant with the provisions of Policy DMB1, from which it derives significant support.

8.43 On balance, therefore, it is considered that the scheme complies with the development plan, for the purposes of applying s.38(6) of the Planning and Compulsory Purchase Act 2004.

Other Considerations

8.44 The Chipping Village Local Plan (2011) has been considered throughout the development of the application proposals, notwithstanding its pre Framework date. The Village Plan is a statement of community intent and wishes for the future. It was developed by Chipping and Bowland with Leagram Parish Councils to help shape how they would like the village to look over a ten year period. The document outlines how much housing the Parish Councils would like to see, the wish for a minimum of 30 jobs in the village to replace those lost by Chipping residents with the closure of HJ Berry Limited, and that a prime site for job creation should be the former HJ Berry site. In addition, the Village Plan seeks social housing, a riverside walk and car parking. All of these objectives are provided for within the application proposals.

9. A SUSTAINABLE DEVELOPMENT

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan “*unless material considerations indicate otherwise*”. Mr Justice Sullivan has held that a proposal does not have to accord with each and every policy to be considered in accordance with the Development Plan when read as a whole. As demonstrated throughout my assessment of the scheme at Section 8, the proposals comply with the Core Strategy as a whole. The application proposal should therefore be considered in line with the first bullet point of paragraph 14 such that, permission should be granted.
- 9.2 There are a number of elements to the application proposals and should the principle of development for each element of the scheme be considered individually against the development plan, then the residential element of the scheme could be considered not to conflict with the development plan policies. Core Strategy Key Statement DS1 confirms that development in Tier 2 villages will need to meet proven local needs or deliver regeneration benefits, the appeal scheme complies with the latter aspect of this policy.
- 9.3 The correct way to assess the appeal proposals is considering the scheme holistically, as submitted, however should the Council take the view that the residential element of the scheme is contrary to the development plan, this element of the proposal must be justified as enabling development. This is discussed in detail at Section 6 of this Statement.

Presumption in Favour of Sustainable Development

- 9.4 The proposals clearly constitute sustainable development in the context of the Framework.

An Economic Role

- 9.5 As is recognised in paragraph 18 of the Framework, economic growth contributes to the building of a strong and competitive economy, which in turn leads to prosperity. The development of the scheme will create in the region of 100 full and part time jobs, in a variety of roles and with varying skill requirements. Furthermore, the scheme will support the borough’s tourism offer and meets the key activity of supporting regeneration activities in smaller settlements across the borough and key growth sectors of sport and leisure, and food and drink.
- 9.6 The generation of jobs and spend through the construction of the application scheme will help to support sustainable economic development in Ribble Valley, and deliver the homes, business

and infrastructure that the borough needs, as emphasised in paragraph 17 to 22 and 28 of the Framework. This is a positive land use planning impact to which the NPPF attaches significant weight.

- 9.7 The residential element of the scheme is deliverable in accordance with paragraph 47 of the Framework. It is available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered on-site within five years. The residential element of scheme makes a positive contribution to the need to boost significantly the supply of market and affordable housing in the short term in line with paragraph 47 of the Framework.
- 9.8 The scheme helps to achieve the economic role of sustainable development through direct construction related benefits (240 FTE construction phase jobs), indirect economic benefits, local socio-economic benefits, growing the local labour force (80 FTE jobs), enhanced local spending power (generation of £0.5m in annual household expenditure from the new residents) and public revenue for investment in community services. These economic benefits weigh heavily in favour of the proposal in the overall sustainability balance given their contribution to the economic role of planning to build a strong, responsive and competitive economy.

A Social Role

- 9.9 The scheme will contribute to the Borough's supply of housing. The residential element of the scheme, through the submission of an appropriate reserved matters application, will deliver a mix of high quality housing to meet local needs. Furthermore, the scheme offers 20% of the 56 units element of the scheme for affordable provision, with 15% of this ring fenced for the over 55's and build to Lifetime Home Standards.
- 9.10 Key Statement H3: Affordable Housing sets out the Council's requirements for affordable housing provision on new housing developments. The requirement for Tier 2 Village Settlements in 30% affordable units on all development of 5 or more dwellings, or sites of 0.2 hectares or more irrespective of dwelling numbers. The Key Statement advises that the Council will only consider a reduction in this level of provision, to a minimum of 20%, only where supporting evidence, including a viability appraisal, fully justifies a lower level of provision to the Council's satisfaction. The policy continues that the provision of housing for older people is a priority for the Council within the Housing Strategy and therefore, within the negotiations for housing developments, 15% of the units will be sought to provide for older people on sites of 10 units or more. Within this 15% figure a minimum of 50% are required to be affordable and be included within the overall affordable housing threshold of 30%.

- 9.11 A confidential Viability Appraisal has been submitted alongside the application to clearly establish that a reduced level of affordable provision is essential in order to maximise the receipt the land will provide and therefore enable the remainder of the development to come forward.
- 9.12 Although the Core Strategy looks for 30% affordable housing, Key Statement H3 also acknowledges that the proportion would be dependent upon amongst other matters, the viability of the scheme. The policy does not say that a scheme which produces less than 30%, and in this case 20%, has to be refused. That is, the contribution of affordable housing is seen to be related more to viability than sustainability.
- 9.13 Paragraph 173 of the Framework advises:
- “To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing develop to enable the development to be deliverable.”*
- 9.14 The Planning Practice Guidance (‘the Guidance’) provides further guidance in this respect advising at paragraph 19 (Ref ID: 10-19-20140306):
- “In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is unable to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.*
- This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.”*
- 9.15 Whilst the application proposals cannot viably provide the Core Strategy’s sought after affordable housing provision, Key Statement H3 does provide flexibility should evidence be presented with respect to scheme viability. The application scheme is, therefore, fully compliant with Key Statement H3: Affordable Housing.

An Environmental Role

- 9.16 The conclusions of the Landscape and Visual Impact Assessment are clear that the development will not result in any noticeable effect at Year 15 on the AONB in terms of landscape and visual effects. Initially the impact on landscape and visual effects on the Kirk Mill Conservation Area will be minor beneficial, improving to moderate beneficial by Year 15. The proposals will have a minor beneficial impact on the Chipping Conservation Area.
- 9.17 The proposals will have a significant beneficial impact overall on Heritage Assets as confirmed in the Heritage Assessment. The proposal will crucially preserve and enhance Kirk Mill, which without the proposals risks falling into further disrepair.
- 9.18 The proposal also incorporates several improvements to the river which will reduce the risk of flooding, benefitting both the site and the wider village. The scheme will retain a significant amount of existing vegetation on site and offer additional, enhanced planting.
- 9.19 There are no significant adverse effects on any statutory and non-statutory sites of nature conservation interest from the scheme. The planting of new native hedgerows and trees will provide enhanced opportunities for birds, while the erection of bird boxes within the site will also provide new nesting opportunities for birds.

Summary

- 9.20 In accordance with the Framework, the achievement of sustainable development involves the seeking of economic, social and environmental gains jointly and simultaneously through the planning system (where possible). The assessment of the application proposals against the relevant provisions of the Framework within paragraphs 18 to 219 demonstrate that the scheme would make a positive contribution to the economic aspects of sustainable development through its contribution to economic development and job creation. Furthermore, the application scheme will positively contribute to the supply of housing in the Borough as well as other aspects of social sustainability. Whilst there are some identifiable minor adverse impacts upon the local environment, these impacts can be minimised through the implementation of appropriate mitigation measures, as recommended in the suite of application documents.
- 9.21 Overall, the significant social and environmental benefits of the scheme are considered to outweigh any minor environmental harm, with regards to landscape, so that the application proposals would deliver sustainable development within the meaning of the Framework.

10. BENEFITS & OVERALL PLANNING BALANCE

10.1 This Section details the associated economic, social and environmental benefits that when taken together constitute the achievement of sustainable development in line with the Framework. The overall planning balance of the scheme is also summarised.

Achieving Sustainable Development

10.2 The development proposals will achieve sustainable development by providing the following economic, social and environmental net gains:

Economic Benefits

- Supporting Economic Growth and the Rural Economy through significant employment generation and increasing the likelihood of people visiting Chipping. This is strongly preferable relative to the existing redundant condition of the former factory and the very strong likelihood that it would not be suitable for traditional forms of employment (B1/B2/B8) now or in the future
- Significant parking will be provided which should encourage people to stay in Chipping for longer periods of time
- Supporting jobs in the construction industry for the variety of uses proposed
- New Homes Bonus
- Sustaining existing businesses

Social Benefits

- Delivery of a good mix of housing choice through different sizes and types, including 20% affordable and over 55s dwellings, in a settlement identified in emerging policy as being suitable to accommodate growth
- Creating Healthy Communities through enhanced walkways and the trailhead centre to encourage outdoor pursuits
- Delivery of a new and significantly enhanced cricket pitch and new pavilion
- Provision of high quality, multi-purpose Public Open Space
- Delivery of new leisure facilities

Environmental Benefits

- Reducing flood risk through improvements made to the river which will benefit not only the site but the wider village area
- Preservation, enhancement and redevelopment of a Listed Building and improvements to the conservation area
- No negative impacts on the AONB
- Delivery of a development which is technically robust, and which has the potential to make use of suitable renewable energy systems
- General retention of trees and significant additional, enhanced planting

10.3 The development proposals therefore generate significant and mutually reinforcing economic, social and environmental gains and thus constitute the achievement of sustainable development in line with the Government's aspirations as outlined in the NPPF.

Overall Planning Balance

10.4 The Framework at paragraph 14 advises at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

10.5 A proposal does not have to accord with each and every policy to be considered in accordance with the Development Plan when read as a whole. As demonstrated throughout the assessment of the scheme within this Statement, the proposals comply with the Core Strategy as a whole. The application should therefore be considered in line with the first bullet point of paragraph 14 such that, in my view, permission should have been granted promptly by the local planning authority.

10.6 There are a number of elements to the to the scheme and should the principle of development for each element of the scheme be considered individually against the development plan, then the residential element of the scheme could be considered to conflict with development plan policies. Core Strategy Key Statement DS1 confirms that development in Tier 2 villages will be needed to meet proven local needs or deliver regeneration benefits, the scheme complies with the latter aspect of this policy.

- 10.7 This is considered to be the correct way to assess the application proposals considering the scheme holistically, as submitted. Should the Council take the view that the residential element of the scheme is contrary to the development plan, this element of the proposal must be justified as enabling development.
- 10.8 The Framework deals with the issue of enabling development in paragraph 140, which occurs in Chapter 12, “Conserving and Enhancing the Historic Environment”. This provides that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweighs the disbenefits of departing from those policies.
- 10.9 An assessment of the scheme against the core principles of the Framework has been undertaken within Section 9 of this Statement. In the assessment of the scheme, I have considered the main issues that could be regarded as being pertinent to the scheme. In this assessment of the overall planning balance, it is considered that it is beneficial to summarise how these main issues have been assessed.
- i. The need for the development/redevelopment
- 10.10 The scheme has been developed by focusing on how the listed building could be effectively and feasibly brought back into a beneficial use. The costs associated with the repair, restoration and redevelopment of Kirk Mill are such that the development is not possible in isolation. The applicant considered that in order to safeguard the future of the Mill, it was necessary to create a mixed-use scheme that would enable the redevelopment of the Mill and in turn regeneration of Chipping, in accordance Core Strategy Key Statement DS1. The development is therefore needed to preserve and enhance a heritage asset at risk. As such, the development can only take place in this location.
- ii. The impact of the scheme on the setting and significance of the Listed Building
- 10.11 The matter is considered within the submitted Heritage Assessment. It is clear that sufficient weight must be placed on preserving and enhancing the listed building, and the Heritage Assessment concludes that overall the scheme will result in a significantly beneficial outcome. The proposal is entirely acceptable in this regard and this benefit should weigh heavily in favour of the application.

iii. The impact of the scheme on the setting and significance of the Conservation Area

10.12 The submitted Landscape and Visual Impact Assessment has addressed this point in relation to both the Kirk Mill Conservation Area and Chipping Conservation Area. The impact of the development on the latter will be minor beneficial both at Year 1 and 15; the impact of the former will be minor beneficial at Year 1 and moderate beneficial at Year 15. It is clear therefore that the proposals should be viewed favourably in this regard.

iv. The need for housing

10.13 The residential component of the scheme need not be considered contrary to policy and enabling development in the truest sense of the definition cannot strictly apply on this basis, in the context of delivering a heritage asset. What is absolutely clear however is that without the residential element of the proposal none of the development will be possible – the monies are needed to fund the work to the mill, and therefore the viability report which considers the mill costs, and that of the wider site is of significance regardless. This is a holistic scheme, which although containing different elements, are all intrinsically linked.

10.14 Fundamental however to the whole project is the very clear commitment and investment by the applicant to make the scheme work. This has already been demonstrated through the investment of considerable sums to make the mill as watertight and secure as possible in advance of the commencement of work. The applicant is committed long-term to the project, and there is confidence that the hotel and leisure uses will eventually bring a return on investment.

10.15 The housing element of the scheme does in its own right deliver a number of key benefits, in accordance with the Framework. This element of the proposal provides both market and affordable housing, and includes an element of self-build dwellings.

v. Scheme viability

10.16 A private and confidential Viability Assessment has been submitted with the application. The report clearly demonstrates that the development of the precise quantum of the residential element of the development is specifically required to enable the preservation and enhancement of the Mill.

vi. The economic benefits of the development

- 10.17 The application scheme provides economic benefits through the creation of employment opportunities and business growth, supporting regeneration activities in smaller settlements across the borough and key growth sectors of sport and leisure and food and drink.
- 10.18 The construction of the scheme is expected to require around £28 million of construction expenditure and create an average of 240 Full Time Equivalent (FTE) jobs over an assumed 2 year build period. This cover both on-site and off-site employment. The leisure-led and residential development is expected to create a total of 100 jobs, equating to 80 FTEs. Using national benchmark data for average wages in the tourism and hospitality sector, the 100 jobs created by the development would be expected to generate over £2m per year in wage income. A proportion of which would be spent in the local area. When considering corporate supply chain impacts and expenditure of works, these elements we would expect the creation of a further 20 multiplier jobs.

vii. The community benefits of the development

- 10.19 The scheme aims to facilitate and enhance the existing recreational benefits of the Forest of Bowland AONB. The development proposals therefore incorporate improved connections between the site and the surrounding areas. Additionally, a new cricket pitch and pavilion are proposed, ensuring that key community recreational facilities are not lost but rather enhanced. Leisure facilities will also offer gym and swimming pool facilities.
- 10.20 A key part of the social role of sustainable is to ensure that housing is provided to meet the needs of the present generations as well as those in the future. The development of the scheme would assist in the provision of affordable, market and self-build housing to meet the needs of both present and future generations.

viii. The impact of the application proposals on the landscape character of the Area of Outstanding Natural Beauty

- 10.21 The submitted Landscape and Visual Impact Assessment determines that the potential importance of landscape and visual effects on the AONB and its constituent local character areas are negligible adverse in Year 1 and no noticeable effect in Year 15. It is clear therefore that the effect of the scheme on the AONB should not have a bearing on the outcome of the application.

ix. Highways safety and accessibility

- 10.22 In accordance with paragraph 29 of the Framework, as the site is in a rural area the required and expected levels of accessibility should be adjusted accordingly. The accessibility of the development site is assessed in detail as part of the submitted Transport Assessment. It is considered that the majority of trips for the residential development would be for commuting or school, and the majority of people using the hotel and leisure side of the development would be sight-seeing.
- 10.23 There are a number of residential properties within a 500m walk of the site, principally off Kirklands to the south of the proposed development. In addition, there are facilities in the centre of Chipping available to future residents and guests of the proposed development. Within the 500m pedestrian catchment, this includes St. Mary's Roman Catholic Primary School and the Parish Church of St. Bartholomew on Garstang Road. The Cobbled Corner Cafe and The Sun Inn are also within the 500m catchment, located on Garstang Road and Talbot Road respectively.
- 10.24 Slightly further afield and within a 1000m pedestrian, existing residences can be accessed primarily off Broad Meadow and Longridge Road. There is also an additional primary school and place of worship, with Brabin's Endowed Primary School and St Mary's Roman Catholic Church both lying on Longridge Road. Heading south-west along Garstang Road, Chipping Village Hall is situated on the northern side of the carriageway. On Talbot Street there is an additional Public House and a convenience store; The Tillotsons Arms and Brabin's Shop and Gallery respectively. Brabin's Shop and Gallery also provides Post Office services.
- 10.25 The closest bus stop lies on Church Raikie, approximately 300m from either the centre of proposed hotel and leisure development or the centre of the proposed residential development, providing services to Clitheroe and Blackburn.
- 10.26 In summary it is considered that the site is reasonably well connected for its rural location. There are existing pedestrian linkages providing access between the proposed sites and key facilities within the centre of Chipping Village, and complementary land uses and facilities local to the development. There are existing bus services close to the proposed development.
- 10.27 It must be recognised that the location of the proposed development is a rural one, yet not an isolated one. Under the provisions of the Framework, the site should be considered as an opportunity in a rural location, and levels of accessibility should be adjusted accordingly. The

scheme has therefore been assessed as having a good level of accessibility considering its rural location.

x. Whether the proposal constitutes sustainable development within the context of guidance in the National Planning Policy Framework

- 10.28 In accordance with the Framework, the achievement of sustainable development involves the seeking of economic, social and environmental gains jointly and simultaneously through the planning system. The assessment of the proposals against the relevant provisions of the Framework within paragraphs 18 to 219 demonstrate that the scheme would make a positive contribution to the economic aspects of sustainable development through its contribution to economic development and job creation. Furthermore, the scheme will positively contribute to the supply of housing in the Borough as well as other aspects of social sustainability. Whilst there are some identifiable minor adverse impacts upon the local environment, these impacts can be minimised through the implementation of appropriate mitigation measures, as recommended in Ecological Assessment.
- 10.29 Overall, the significant social and economic benefits of the scheme are considered to outweigh any minor environmental harm, with regards to landscape, so that the application proposals would deliver sustainable development within the meaning of the Framework.
- 10.30 Thus the proposal would represent a sustainable form of development.
- 10.31 In summary, as the benefits of the scheme are considerable and there is no identified harm to the heritage assets, the proposals are acceptable in planning terms and the overall planning balance is weighted strongly in favour of granting planning permission as per Section 38(6) of the Planning and Compulsory Purchase Act 2004.

11. DRAFT S106 HEADS OF TERMS

11.1 A draft legal agreement is attached at Appendix 4.

11.2 It is agreed that further discussions during the determination stage will be held with the local authority in order to finalise the agreement, however the draft makes arrangements at this stage for:

- Affordable Housing (as per the viability report the offer is 20%);
- Transport Contribution (potentially required for secondary education but amount yet to be confirmed); and
- Arrangements for the provision of the replacement cricket pitch

11.3 In addition to the above it is understood that there may well be additional guarantees required regarding the timing and delivery of the works to the listed mill. The applicant would welcome further discussions on this point during the determination process, so that suitable provisions could be added to the legal agreement.

12. CONCLUSION

- 12.1 This Supporting Planning Statement has been prepared by HOW Planning on behalf of SCPi Bowland Limited in support of a leisure led mixed-use development at Kirk Mill, Chipping.
- 12.2 A quality hotel with a pub/restaurant will be delivered, with associated facilities such as a gym, children's crèche and wedding chapel. Extensive areas of public open space will be provided, with new walkways and paths. In addition, a new cricket pitch and pavilion will be provided and a new residential development to provide a choice of dwellings.
- 12.3 The development will see the restoration and re-use of the Grade II listed Kirk Mill, which together with the rest of the developed site has been vacant since HJ Berry closed in 2010. The mill is in a poor state of repair, despite the efforts of the applicant to maintain it in a secure and watertight condition. It is in need of significant works.
- 12.4 The mill sits within the recently extended Chipping Conservation Area, which alongside the listed building, has been fully assessed by the technical reports which accompany the application. Paragraph 128 of the Framework is clear that local planning authorities should require an applicant to describe the significance of any heritage asset affected, including the contribution made by their setting. At paragraph 134, the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 12.5 Very real and significant benefits will result from the proposal, which will secure the long term future of the mill, and improve the Conservation Area as a consequence of this. The removal of several unsightly buildings, to be replaced by development of the highest quality, befitting of the setting, will deliver an asset for the village. Clear benefits which the proposals will deliver include:
- Preservation and enhancement of Kirk Mill;
 - Positive impacts on other heritage assets;
 - Positive impact on the Conservation Areas;
 - No negative impact on the AONB;
 - The generation of significant employment opportunities;
 - Bring increased spend to Chipping;
 - Offer a greater choice of housing including affordable and Over-55s accommodation;
 - Provision of leisure facilities;
 - A new and much enhanced cricket pitch and associated facilities; and

- A reduced risk of flooding in the village.
- 12.6 In order to facilitate the delivery of these considerable benefits, funding is required to make the scheme viable. Significant funding will be provided through the receipt obtained from outline planning proposals for a total of 46 residential units. These will deliver 42 homes on Church Raikie – The Hive, with 4 self-build plots at Malt Kiln Brow.
- 12.7 The receipt will be used to fund the restoration of the mill to be used for an 18 room hotel with pub / restaurant. A confidential viability report has been prepared which demonstrates the direct correlation between the receipt from the housing site, and the cost of the works required to bring the mill into an appropriate long-term use.
- 12.8 The applicant is firmly committed to the proposal and will be investing significant sums in order to deliver the rest of the site, on the basis that the scheme will, in time, deliver a return on the investment.
- 12.9 The residential development, as specified in the viability report, is fundamental to ensuring the proposal is deliverable. Absent the residential proposal the scheme will not be developed and the status quo will continue with the factory remaining derelict, and a heritage asset at risk, and none of the significant benefits being realised.
- 12.10 The holistic proposal has been tested in this SPS against the National Planning Policy Framework, as well as local planning policy. The proposals do not result in any harm and therefore find strong support. The application proposals accord with the Development Plan and therefore the presumption in favour of sustainable development is fully engaged and in accordance with the Framework the application should be approved.
- 12.11 The Council should approve the proposal, as it is in full accordance with the objectives of the Framework, preserving and enhancing the setting that contributes to the significance of the heritage assets and together with the array of social, economic and environmental benefits, there is a strong presumption in favour of sustainable development. The Historic England definition of enabling development for delivery of the Mill will be applicable in the event that the Council disagrees and considers the housing as being contrary to policy.
- 12.12 In any event the benefits clearly are significant and harm very limited. The housing is essential to facilitate delivery of the scheme and the viability report is clear that 20% affordable can be provided, which accords with Key Statement H3.

12.13 The proposal presents a once in a lifetime opportunity for Chipping to provide very significant benefits, the majority of which could not be realised elsewhere in the village, or by other parties. Some of these key benefits are set out below:

- Restoration of the listed mill and protection in the long term as a viable use;
- Removal of unsightly derelict buildings and replacement with very high quality buildings;
- New quality facilities for existing and future residents to enjoy;
- Economic benefits through increased footfall in the village bolstering businesses, and jobs generated by the proposal;
- Provision of greater housing choice including affordable;
- New, much improved cricket facilities delivered through a s106 legal agreement;
- Improvements to reduce the risk of flooding on-site and in the village; and
- Strong synergies with the Chipping Village Plan.

12.14 Numerous, comprehensive assessments have been carried out, which have informed the proposal and which demonstrate that it is technically robust. Particular attention has been paid to highways, landscape and visual impact, and heritage considerations.

12.15 The Council is encouraged to support the proposal which will see this very beneficial, quality proposal delivered promptly.

This report has been prepared by HOW Planning LLP, with all reasonable skill, care and diligence. The scope of this report is subject to specific agreement and has been prepared solely for the benefit of our Client and should not be relied upon by any other party. Any third parties that use this information do so at their own risk. HOW Planning LLP accepts no responsibility for information contained within this report that has been independently produced or verified.

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**APPENDIX 1:
LIST OF SUPPORTING DOCUMENTS**

Submission Documentation Schedule

August 2015

Plan/Report	Consultant	Date/Reference
Application Forms: <ul style="list-style-type: none"> Application for Planning Permission and Listed Building Consent for Alterations, Extension or Demolition of a Listed Building Application for Planning Permission and for Relevant Demolition of an Unlisted Building in a Conservation Area 	HOW Planning	21 August 2015
Reports		
Supporting Planning Statement	HOW Planning	August 2015
Design and Access Statement	5Plus Architects	August 2015
Timeline of Design Evolution	5Plus Architects	June 2015
Heritage Assessment	Oxford Archaeology	August 2015
Archaeological Building Investigation	Oxford Archaeology	August 2013
Sustainability and Renewable Energy Statement	Clancy Consulting	28 th October 2013
Utility Statement	Clancy Consulting	28 th October 2013
Protected Species Report (Bats)	Ecology Services Ltd	August 2015
Flood Risk Assessment	Weetwood	July 2015
Statement of Community Involvement	ConsultationWorks	October 2013
Transport Assessment	Curtins	August 2015
Framework Travel Plan	Curtins	August 2015
Ecological Scoping & Habitat Appraisal Report	Ecology Services Ltd	June 2015
Landscape and Visual Impact Assessment	Camlin Lonsdale Landscape Architects	July 2015
Arboricultural Method Statement	JCA Ltd	August 2015
Arboricultural Report and Arboricultural Impact Assessment	JCA Ltd	August 2015
Employment Land Report and Appendices	Nolan Redshaw	April 2013 and August 2011
Geo-Environmental Assessment Report	Brownfield Solutions Ltd	March 2013
Desk Study Assessment Report	Brownfield Solutions Ltd	January 2013
Gas Assessment	Brownfield Solutions Ltd	October 2013
Preliminary Risk Assessment (Phase 1 Desk Study)	LK Consult Ltd	July 2013
Viability Appraisal (Strictly Private and Confidential)	Till Asset Management	December 2013
Structural Appraisal	Gravitate Consulting	October 2013
Noise Impact Assessment	Hepworth Acoustics	June 2014
Noise Assessment	Hepworth Acoustics	August 2013
Chipping Design Code	SCPi Bowland Ltd	October 2014
Great Crested Newt	Bowland Ecology	Undated (prepared August 2015)
Plans		
(MP) Site Plans		
Site Edged Red, Location Plan	5Plus Architects	05024_MP_00_000 B (A1)
Existing Survey of Site	5Plus Architects	05024_MP_00_101 (A1)
Parameters Plan	5Plus Architects	05024_MP_00_102 (A1)

Plan/Report	Consultant	Date/Reference
Indicative Masterplan	5Plus Architects	05024_MP_00_103 C (A1)
Block Plan and Proposed Landscaping	5Plus Architects	05024_MP_00_104 C (A1)
Site Wide Planning Guide	5Plus Architects	05024_MP_00_105 (A1)
Red Line Location Plan - Kirk Mill Listed Building	5Plus Architects	05024_MP_00_113 (A3)
(B1) The Mill Plans		
Location Plan	5Plus Architects	05024_B1_00_100_SK001 (A1)
Demolition Plan - Ground Floor	5Plus Architects	05024_B1_01_000 (A1)
Demolition Plan - First Floor	5Plus Architects	05024_B1_01_001 (A1)
Demolition Plan - Second Floor	5Plus Architects	05024_B1_01_002 (A1)
Demolition Plan - Third Floor	5Plus Architects	05024_B1_01_003 (A1)
Demolition - Existing Elevations 1, 2 & 3	5Plus Architects	05024_B1_01_100 (A1)
Demolition - Existing Elevations 4, 5 & 6	5Plus Architects	05024_B1_01_101 (A1)
Existing Ground Floor Plan	5Plus Architects	05024_B1_02_000 (A1)
Existing First Floor Plan	5Plus Architects	05024_B1_02_001 (A1)
Existing Second Floor Plan	5Plus Architects	05024_B1_02_002 (A1)
Existing Third Floor Plan	5Plus Architects	05024_B1_02_003 (A1)
Proposed Ground Floor Plan Option A	5Plus Architects	05024_B1_02_004_SK001 (A1)
Proposed First Floor Plan Option A	5Plus Architects	05024_B1_02_005_SK001 (A1)
Proposed Second Floor Plan Option A	5Plus Architects	05024_B1_02_006_SK001 (A1)
Proposed Roof Plan Option A	5Plus Architects	05024_B1_02_008_SK001 (A1)
Existing Elevations 1, 2 & 3	5Plus Architects	05024_B1_04_000 (A1)
Existing Elevations 4, 5, 6 & 7	5Plus Architects	05024_B1_04_001 (A1)
Proposed Elevations 1, 2 & 3 Option A	5Plus Architects	05024_B1_04_002_SK001 (A1)
Proposed Elevations 4, 5, 6 & 7	5Plus Architects	05024_B1_04_003 B (A1)
Proposed Elevations 8 - 10	5Plus Architects	05024_B1_04_004 B (A1)
Existing Sections AA & BB Option A	5Plus Architects	05024_B1_05_000_SK001 (A1)
Proposed Sections AA & BB Option A	5Plus Architects	05024_B1_05_001_SK001 (A1)
Section BB	5Plus Architects	05024_B1_05_002 (A1)
(B2) The Barn		
Location Plan	5Plus Architects	05024_B2_00_100 (A1)
Ground Floor Demolition Plan	5Plus Architects	05024_B2_01_000 (A1)
First Floor Demolition Plan	5Plus Architects	05024_B2_01_001 (A1)
Barn Cottages Demolition Elevations 1-4	5Plus Architects	05024_B2_01_010 (A1)
Barn Demolition Elevations 5-9	5Plus Architects	05024_B2_01_011 (A1)
Existing Ground Floor Plan	5Plus Architects	05024_B2_02_000 (A1)
Existing First Floor Plan	5Plus Architects	05024_B2_02_001 (A1)
Proposed Barn Conversion Ground Floor Plan	5Plus Architects	05024_B2_02_002 A (A1)
Proposed Barn Conversion First Floor	5Plus Architects	05024_B2_02_003 A (A1)
Proposed Barn Conversion Roof Plan	5Plus Architects	05024_B2_02_004 (A1)
Barn Cottages Existing Elevations 1-4	5Plus Architects	05024_B2_04_000 (A1)
Barn Existing Elevations 5-9	5Plus Architects	05024_B2_04_001 (A1)
Barn Proposed Elevations 1-4	5Plus Architects	05024_B2_04_002 (A1)
Barn Proposed Elevations 5-9	5Plus Architects	05024_B2_04_003 (A1)
Existing Sections AA, BB & CC	5Plus Architects	05024_B2_05_000 (A1)
Proposed Sections AA, BB & CC	5Plus Architects	05024_B2_05_001 A (A1)

Plan/Report	Consultant	Date/Reference
(B3) Hotel/Spa Plans		
Location Plan	5Plus Architects	05024_B3_00_100 (A1)
Proposed Ground Floor Plan	5Plus Architects	05024_B3_02_000 A (A1)
Proposed First Floor Plan	5Plus Architects	05024_B3_02_001 A (A1)
Proposed Second Floor Plan	5Plus Architects	05024_B3_02_002 A (A1)
Proposed Roof Plan	5Plus Architects	05024_B3_02_003 A (A1)
Proposed Elevations 1, 2 & 3	5Plus Architects	05024_B3_04_000 B (A1)
Proposed Elevations 4 & 5	5Plus Architects	05024_B3_04_001 C (A1)
Proposed Sections AA & BB	5Plus Architects	05024_B3_05_001 A (A1)
(B5) Wedding Venue Plans		
Location Plan	5Plus Architects	05024_B5_00_100 (A1)
Proposed Ground Floor Plan	5Plus Architects	05024_B5_02_000 A (A3)
Proposed First Floor Plan	5Plus Architects	05024_B5_02_001 A (A3)
Proposed Roof Floor Plan	5Plus Architects	05024_B5_02_002 A (A3)
Proposed Elevations 1 & 2	5Plus Architects	05024_B5_04_000 B (A1)
Proposed Elevations 3 & 4	5Plus Architects	05024_B5_04_001 B (A1)
Proposed Sections AA & BB	5Plus Architects	05024_B5_05_000 A (A1)
(B6) Cricket Pavilion		
Location Plan	5Plus Architects	05024_B6_00_100 A (A1)
Proposed Ground Floor Plan	5Plus Architects	05024_B6_02_000 (A3)
Proposed Roof Floor Plan	5Plus Architects	05024_B6_02_001 (A3)
Proposed Elevations 1 - 4	5Plus Architects	05024_B6_04_000 A (A3)
(B7) Kids' Club		
Location Plan	5Plus Architects	05024_B7_00_100 (A1)
Proposed Ground Floor Plan	5Plus Architects	05024_B7_02_000 A (A3)
Proposed Roof Plan	5Plus Architects	05024_B7_02_001 (A3)
Proposed Elevations 1 - 2	5Plus Architects	05024_B7_04_000 A (A1)
Proposed Elevations 3 - 4	5Plus Architects	05024_B7_04_001 A (A1)
Proposed Sections AA & BB	5Plus Architects	05024_B7_05_000 (A1)
(B8) Mechanical Plant Building		
Location Plan	5Plus Architects	05024 B8_00_100 A (A1)
Ground Floor and Roof Plans	5Plus Architects	05024 B8_02_000 (A3)
Elevations 1- 4	5Plus Architects	05024 B8_04_000 A (A1)
Cricket Pitch Existing Access Bridge		
Cricket Pitch Existing Access Bridge	Gravitate Consulting	12-155 B1 B (A1)
Malt Kiln House Drawings		
Ground Floor Level	N D Oliver & Co Ltd	8071/001 (A1)
First Floor Level	N D Oliver & Co Ltd	8071/002 (A1)
Site Access Plans		
Proposed Hotel/Spa and Wedding Venue Access	Curtins	TPMA 1310_101 (A3)
Proposed Residential Access Plot A	Curtins	TPMA 1310_102 (A3)
Proposed Residential Access Plot B	Curtins	TPMA 1310_103 (A3)
Proposed Cricket Club Access	Curtins	TPMA 1310_104 (A3)
Proposed Kirk Mill Access	Curtins	TPMA 1310_105 (A3)
Servicing Swept Path Analysis	Curtins	TPMA 1310_106 (A3)

APPENDIX 2:

SITE LOCATION PLAN

(DRAWING REF: 05024_MP_00_000 B)

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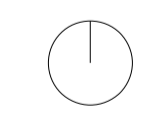
KEY PLAN:

— Application Site Boundary
 — Additional Land in Ownership of Applicant



C 07/05/15 Residential layout revised. Trailhead centre removed.
 B 13/10/14 Footpath to Kirklands amended.
 A 03/03/14 Proposed bridge removed, cricket pavilion relocated.

REV.	DATE	DETAILS
C	07/05/15	Residential layout revised. Trailhead centre removed.
B	13/10/14	Footpath to Kirklands amended.
A	03/03/14	Proposed bridge removed, cricket pavilion relocated.



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PROJECT: Chipping Masterplan
 TITLE: Indicative Masterplan

SCALE: 1:2000 A1 ORIGIN DATE: 20.08.13 DRAWN: JDH CHECKED: JM

STATUS: Planning

PROJECT: 05024 DRAWING NO: _MP_00_103 REV: C

Architecture | Masterplanning | Interiors | Graphics | Branding

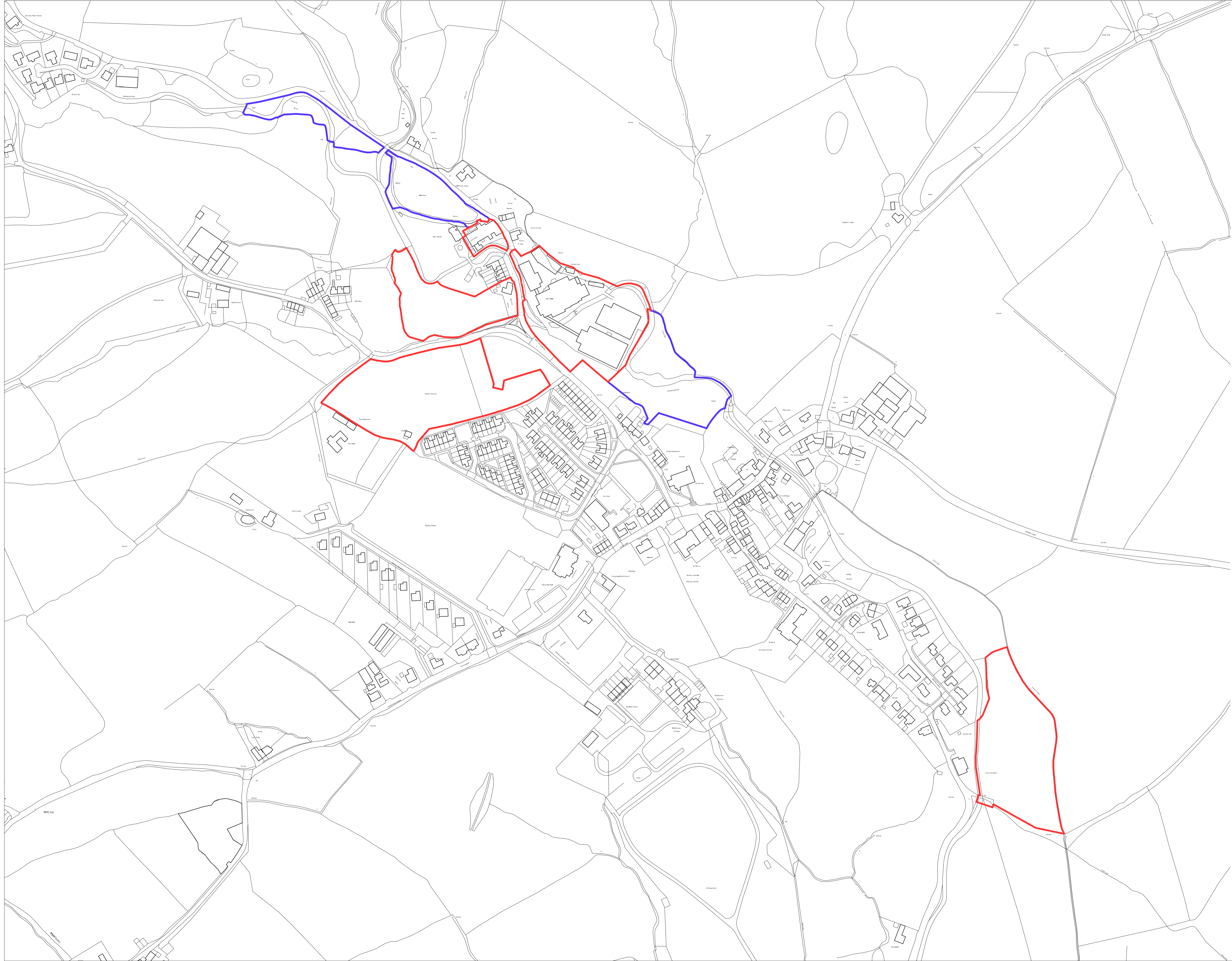
APPENDIX 3:

INDICATIVE MASTERPLAN

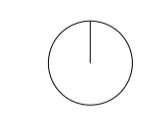
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KEY PLAN:

Application Site Boundary
Additional Land in Ownership of Applicant



REV: | DATE: | DETAILS:



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PROJECT:
Chipping
Masterplan
TITLE:
Site Edged Red
Location Plan
SCALE: 1:2000 A1 DATE: 01.05.13 DRAWN: JDH CHECKED: JM
STATUS:
Planning
DRAWING NO: 05024_MP_00_000 REV: B
Architecture | Masterplanning | Interiors | Graphics | Branding

APPENDIX 4:
DRAFT LEGAL AGREEMENT

NOW THIS DEED WITNESSES as follows:

1 Definitions and interpretation

1.1 Definitions

For the purposes of this deed the following expressions shall have the following meanings:

- 1.1.1 'the 1990 Act' means the Town and Country Planning Act 1990,
- 1.1.2 'Affordable Housing' means subsidised housing that will be available to an Approved Person,
- 1.1.3 'the Affordable Housing Land' means those parts of the Site designated by the Owner [and approved by the Council (such approval not to be unreasonably withheld or delayed)] for the construction of the Affordable Housing Units,
- 1.1.4 'the Affordable Housing Units' means the Dwellings to be provided on the Affordable Housing Land comprising residential units to total 20% of all Dwellings to be constructed on the Site, of which 50% are to be Rented Units and 50% are to be Discounted Sale Units, and which shall include the Over 55s Provision, and 'an Affordable Housing Unit' shall be construed accordingly,
- 1.1.5 'the Applicant' means a person applying to the Owner for a Rental Agreement of a Unit and in assessing an Applicant's application and eligibility for a Rental Agreement of a Unit all due regard shall be given to the Applicant's intended household,
- 1.1.6 'the Application' means the application for outline planning permission for the Development dated the [] submitted to the Council and allocated reference number [],
- 1.1.7 'Approved Person' means a person who meets the Qualifying Criteria,

- 1.1.8 'Borough' means the Borough of Ribble Valley.
- 1.1.9 'the Commencement of Development' means the commencement of any material operation (as defined in the 1990 Act section 56(4)) forming part of the Development other than (for the purposes of this deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the erection of temporary buildings for the use of workmen on Site, the temporary display of site notices or advertisements and 'Commence the Development' shall be construed accordingly,
- 1.1.10 'Current Cricket Field' means that part of the Site which has formerly been used as a cricket pitch with accompanying outbuilding and which forms part of the land registered under title number LAN110557,
- 1.1.11 'the Date of Practical Completion' means the date of issue of a certificate of practical completion of a Dwelling by the Owner's architect or, if the Development is constructed by a party other than the Owner, by that other party's architect, or, where a Dwelling is being offered for sale with the benefit of an NHBC guarantee, or equivalent the date of issue of the relevant guarantee,
- 1.1.12 'the Development' means the development of the Site with [] Dwellings pursuant to the Planning Permission,
- 1.1.13 'Discounted Sale Unit' means the sale of an Affordable Housing Unit at a discount of 40% of the Open Market Value in perpetuity,
- 1.1.14 'Dispose' means each and every means by which the right of occupation of the Affordable Housing is given or transferred to another person body or company and 'Disposal' shall be construed accordingly,
- 1.1.15 'a Dwelling' means a dwelling (including a house, flat or maisonette) to be constructed pursuant to the Planning Permission and 'Dwellings' shall be construed accordingly,

- 1.1.16 'Financial Need' means an Applicant whose means are not reasonably sufficient to enable him/her to buy or rent a suitable property in the Locality or the Neighbouring Parish which is reasonably convenient and suitable for the Applicant,
- 1.1.17 'Financial Need Criteria' means:
- (a) that the Applicant cannot afford to rent suitable accommodation on the open market in the Locality or the Neighbouring Parish; or
 - (b) no suitable alternative affordable accommodation is available in the Locality or the Neighbouring Parish on the open market,
- 1.1.18 'Homes and Communities Agency' means the Homes and Communities Agency or its statutory successors,
- 1.1.19 'the Housing Corporation' means the Housing Corporation as defined in Section 56 of the Housing Act 1996 or its statutory successors,
- 1.1.20 'Independent Valuer' means an independent chartered surveyor with not less than 10 years post-qualification experience in the valuation of land and developments for use as permitted by the Planning Permission who shall be appointed jointly by the Owner and the Council or in default of agreement within 7 working days of either party seeking the agreement of the other, or appointed at the request of the Owner or the Council by or on behalf of the President for the time being of the Royal Institution of Chartered Surveyors,
- 1.1.21 'Kirk Mill Complex' means the buildings comprising a disused factory, warehouse, offices, and stone barn known as the Kirk Mill Complex situated on the land edged red on Plan 5,
- 1.1.22 'Kirk Mill Complex Works' means the works to be carried out to the Kirk Mill Complex details of which are contained in paragraph 2 of Schedule 4,
- 1.1.23 'Living' means those currently living in the Locality, Neighbouring Parish or Borough (as applicable),

- 1.1.24 'the Locality' means the parish of Chipping,
- 1.1.25 'the Local Housing Allowance' means the Local Housing Allowance rates for the Borough of Ribble Valley from time to time or any statutory replacement thereof,
- 1.1.26 'Market Housing Unit' means a Dwelling which is intended to form part of the general market housing for sale on the open market within the Development and which is not Affordable Housing,
- 1.1.27 'Mill' means the Grade II listed former mill building known as Kirk Mill situated on the land edged red on Plan 4.
- 1.1.28 'Mill Works' means the works to be carried out to the Mill details of which are contained in paragraph 1 of Schedule 4 and as will be more specifically detailed in the schedule to be prepared pursuant to paragraph 7.1 of Schedule 3,
- 1.1.29 'Neighbouring Parish' means the parishes which have a neighbouring common boundary with the Locality,
- 1.1.30 'Next of Kin' means mother, father, brother, sister or adult dependant children,
- 1.1.31 'Nominated Officer' means the Council's Housing Strategy Officer or such other officer of the Council as may from time to time be nominated by the Council to act in his place,
- 1.1.32 'Nomination Process' means the process of nominating an Approved Person as set out in Schedule 3,
- 1.1.33 'Notice' means a written notice from the Owner to the Council confirming that the Owner intends to market for sale the Affordable Housing Units and in which the Owner invites the Council to agree the Open Market Value of the Affordable Housing Units,

- 1.1.34 'Occupation' means the use of a Market Housing Unit for residential purposes and 'Occupied' shall be construed accordingly,
- 1.1.35 'Open Market Value' means the price reasonably obtainable at which the sale of the freehold interest in the relevant Affordable Housing Unit (together with any rights easements provisions covenants and other matters benefiting it but subject to any incumbrances restrictions stipulations or covenants which may affect it and which will still subsist and are capable of taking effect) would have been completed unconditionally for cash consideration by private treaty at the date of the Notice with vacant possession on completion of the sale assuming:
- 1.1.35.1 a willing seller; and
- 1.1.35.2 that prior to the date of the Notice there had been a reasonable period (having regard to the nature of the Affordable Housing Unit and the state of the market) for the proper marketing of the interest the agreement of price and terms and the completion of the sale; and
- 1.1.35.3 that the state of the market levels of values and other circumstances were on any earlier assumed date of exchange of contracts the same as on the date of the Notice; and
- 1.1.35.4 that no account is taken of any additional bid by a buyer with a special interest; and
- 1.1.35.5 that both parties to the transaction had acted knowledgeably prudently and without compulsion
- 1.1.36 'Over 55s Provision' means Dwellings constructed to the standards published in the Lifetime Homes Design Guide [2011/current at the date of this Agreement], and comprising residential units to total 15% of all Dwellings to be constructed on the Site,
- 1.1.37 'Plan 1' means the plan attached to this deed and marked Plan 1,
- 1.1.38 'Plan 2' means the plan attached to this deed and marked Plan 2,

- 1.1.39 'Plan 3' means the plan attached to this deed and marked Plan 3,
- 1.1.40 'Plan 4' means the plan attached to this deed and marked Plan 4,
- 1.1.41 'Plan 5' means the plan attached to this deed and marked Plan 5,
- 1.1.42 'the Planning Permission' means the planning permission issued by the Council,
- 1.1.43 'Qualifying Criteria' means the priority in which an Applicant will be allocated a Rental Agreement of a Rented Unit being first in priority order:
- (a) those currently Living in the Locality for more than 10 years;
 - (b) those currently Living in the Locality and have done so continually for between 5 to 10 years;
 - (c) those currently Living in the Locality and have done so continually for a minimum of 12 months or
 - (d) those currently Working in the Locality to which they have applied for accommodation;
 - (e) those Returning to the Locality;
 - (f) those currently Living in a Neighbouring Parish for more than 10 years;
 - (g) those currently Living in a Neighbouring Parish and have done so for between 5 to 10 years;
 - (h) those currently living in a Neighbouring Parish and have done so continually for a minimum of 12 months;
 - (i) those currently Working in a Neighbouring Parish to which they have applied for accommodation;
 - (j) those Returning to the Neighbouring Parish;
 - (k) those currently Living in the Borough for more than 10 years;
 - (l) those currently Living in the Borough and have done so continually for between 5 to 10 years;
 - (m) those currently living in the Borough and have done so continually for a minimum of 12 months;

- (n) those Working in the Borough;
 - (o) those Returning to the Borough; and finally
 - (p) those who are able to justify a requirement for accommodation in the Borough,
- 1.1.44 'Rental Agreement' means a letting agreement for a Rented Unit granted by the RP on its standard terms and conditions to an Approved Person in accordance with the Nomination Process as shall be appropriate for the Site and subject to a rent which is accepted as affordable for the Borough by the Homes and Communities Agency provided that it does not exceed the Local Housing Allowance but which shall exclude any right which the lessee may otherwise have to acquire the freehold interest in the Rented Unit to which that rental agreement relates (as far as it is legally possible to do so),
- 1.1.45 'Rented Units' are Units which are available for rent only,
- 1.1.46 'the RP' means a registered provider as defined in section 80 of the Housing and Regeneration Act 2008, and who is approved by the Council (such approval not to be unreasonably withheld or delayed),
- 1.1.47 'Replacement Cricket Field' means the part of title number LAN131796 which is shown [edged red/coloured pink] on Plan 3 and which is known as part of the land on the east side of Longridge Road, Chipping.
- 1.1.48 'Returning' means persons where at least one of the adult Applicants have Next of Kin who currently live in the Locality, Neighbouring Parish or Borough (as applicable),
- 1.1.49 'the Site' means the land against which this deed may be enforced shown edged red on Plans 1 and 2 and described in Schedule 1,
- 1.1.50 'a Social Rented Unit' means an Affordable Housing Unit which is let subject to an assured tenancy agreement with the RP to persons identified in accordance with the nominations requirements of any funding agreement as approved by the Council in writing, at a rent not exceeding the target rent of the Housing Corporation,

1.1.51 'Working' means a person who is permanently employed or self employed for a minimum of 18 hours per week paid or unpaid in the Locality, Neighbouring Parish or Borough (as applicable),

1.1.52 'Working Days' means any day of the week excluding Saturdays, Sundays and Bank Holidays,

1.2 Interpretation

1.2.1 Reference in this deed to any recital, clause, paragraph or schedule is, unless the context otherwise requires, a reference to the recital, clause, paragraph or schedule in this deed so numbered.

1.2.2 Words importing the singular meaning include the plural meaning and vice versa where the context so admits.

1.2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeably in that manner.

1.2.4 Wherever an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually unless there is an express provision otherwise.

1.2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.

1.2.6 References to any Party shall include the successors in title to that Party and any person deriving title through or under that Party and in the case of the Council and the County Council the successors to their respective statutory functions.

1.2.7 Headings where they are included are for convenience only and are not intended to influence the interpretation of the agreement.

2 Legal basis

- 2.1 This planning obligation is made pursuant to the 1990 Act Section 106.
- 2.2 The terms of this deed create planning obligations binding on the Owner pursuant to Section 106 of the 1990 Act and are enforceable as such by the Council as local planning authority.

3 Conditions, duration and enforcement

3.1 Conditions precedent

This deed is conditional upon:

- 3.1.1 the grant of the Planning Permission, and
- 3.1.2 the Commencement of Development
- save for the provisions of clause 5, Provisions of Immediate Effect, which shall come into effect immediately upon completion of this deed.

3.2 Duration

- 3.2.1 This deed shall cease to have effect, in so far only as it has not already been complied with, if the Planning Permission is quashed, revoked or otherwise withdrawn or, without the consent of the Owner, it is modified by any statutory procedure or expires before the Commencement of Development.
- 3.2.2 No person shall be liable for any breach of any of the planning obligations or other provisions of this deed after parting with his interest in that part of the Site on which the breach occurs, but without prejudice to liability for any subsisting breach arising before parting with that interest.

3.2.3 Nothing in this deed shall prevent compliance with any obligation pursuant to it before that obligation comes into effect under this clause 3, and no such early compliance shall amount to a waiver of the effect of this clause 3.

3.3 Other development

Nothing in this deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this deed.

3.4 Non-enforcement

The obligations contained in this deed shall not be binding upon or enforceable against:

3.4.1 any statutory undertaker or other person who acquires any part of the Site or any interest in it for the purposes of the supply of electricity, gas, water, drainage telecommunication services or public transport services,

3.4.2 the Owner after he has disposed of his interest in the Site, or in the event of a disposal of part, in the part disposed of, other than disposal of an interest in the nature of an easement or the benefit of a restriction or similar, but not so as to release the Owner from any antecedent breach, non-performance or non-observance of his obligations,

3.4.3 any mortgagee of the RP or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver,

3.4.4 any person to whom the RP grants a lease of an Affordable Housing Unit to, or any mortgagee or any receiver appointed by such a mortgagee or successor in title to any such persons,

3.4.5 the owners or occupiers of any Market Housing Unit or any mortgagee or any receiver appointed by such a mortgagee of a Market Housing Unit,

4 Owner's covenants

4.1 The Owner covenants with the Council as set out in Schedule 3.

5 Provisions of immediate effect

5.1 On completion of this deed the Owner shall pay to the Council the reasonable legal costs incurred in the negotiation, preparation and execution of this deed of no more than £[].

5.2 Nothing in this deed shall create any rights in favour of any person pursuant to the Contracts (Rights of Third Parties) Act 1999.

5.3 The Owner agrees with the Council to give the Council prompt written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this deed have been discharged, the notice to contain details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or area of occupation purchased by reference to a plan.

6 Notices

6.1 Any notice or other written communication to be served upon a Party or given by one Party to any other under the terms of this deed shall be deemed to have been validly served or given if delivered by hand or sent by recorded delivery post to the Party upon whom it is to be served or to whom it is to be given or as otherwise notified for the purpose by notice in writing.

6.2 The address for any notice or other written communication shall be within the United Kingdom.

6.3 A notice or communication shall be served or given:

6.3.1 on the Council at Church Walk, Clitheroe, Lancashire BB7 2RA or such other address as shall be notified in writing to the Owner from time to time, marked for the attention the Housing Strategy Officer, and

6.3.2 on the Owner at its registered office or such other address as shall be notified in writing to the Council from time to time, marked for the attention of a Director.

7 Local land charge

7.1 This deed shall be registered as a local land charge by the Council, and the Council shall immediately after the date of this deed register it as such.

8 Jurisdiction and legal effect

8.1 This deed shall be governed by and interpreted in accordance with the law of England and Wales.

8.2 The Courts of England and Wales are to have jurisdiction in relation to any disputes between the parties arising or related to this Agreement.

8.3 In so far as any clause or clauses of this deed are found (for whatever reason) to be invalid, illegal or unenforceable, that invalidity, illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this deed.

8.4 No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.

8.5 Subject to clause 8.8, if any dispute arises relating to or arising out of the terms of this agreement, any party (which for the purposes of this clause 8.5 shall include the Council) may serve written notice upon the other parties requiring the dispute to be determined under this clause 8.5. The notice is to propose an appropriate Specialist

and specify the nature and substance of the dispute and the relief sought in relation to the dispute.

8.5.1 For the purposes of this clause 8.5 a “Specialist” is a person qualified to act as an expert in relation to the dispute having not less than ten years’ professional experience in relation to developments in the nature of the Development and property in the same locality as the Site.

8.5.2 Any dispute over the type of specialist appropriate to resolve the dispute may be referred to at the request of either party to the President or next most senior available officer of the Law Society who will have the power, with the right to take such further advice as he may require, to determine the appropriate type of Specialist and to arrange his nomination under clause 8.5.3.

8.5.3 Any dispute over the identity of the Specialist is to be referred at the request of either party to the President or other most senior available officer of the organisation generally recognised as being responsible for the relevant type of Specialist who will have the power, with the right to take such further advice as he may require, to determine and nominate the appropriate Specialist or to arrange this nomination. If no such organisation exists, or the parties cannot agree the identity of the organisation, then the Specialist is to be nominated by the President or next most senior available officer of the Law Society.

8.6 The Specialist is to act as an independent expert and:

8.6.1 each party may make written representations within ten Working Days of his appointment and will copy the written representations to the other party;

8.6.2 each party is to have a further ten Working Days to make written comments on the other’s representations and will copy the written comments to the other party;

8.6.3 the Specialist is to be at liberty to call for such written evidence from the parties and to seek such legal or other expert assistance as he or she may reasonably require;

8.6.4 the Specialist is not to take oral representations from the parties without giving both parties the opportunity to be present and to give evidence and to cross-examine each other;

- 8.6.5 the Specialist is to have regard to all representations and evidence before him when making his decision, which is to be in writing, and is to give reasons for his decision; and
- 8.6.6 the Specialist is to use all reasonable endeavours to publish his decision within 30 Working Days of his appointment.
- 8.7 Responsibility for the costs of referring a dispute to a Specialist under this clause 8, including costs connected with the appointment of the Specialist and the Specialist's own costs, and the legal and other professional costs of any party in relation to a dispute, will be decided by the Specialist.
- 8.8 This clause 8 does not apply to disputes in relation to matters of law or the construction or interpretation of this Agreement which will be subject to the jurisdiction of the courts.

IN WITNESS whereof the parties hereto have set their hands and/or seals the day and year first before written

SCHEDULE 1

The Owner's Title and Site Description

All that freehold land registered at HM Land Registry under title number LAN110557 and known as land lying to the south of Malt Kiln Brow, Chipping, Preston and shown edged red on Plan 1 and all that leasehold land being part of the land registered at HM Land Registry under title number LAN104997 and known as land behind Malt Kiln House, Chipping, Preston and shown edged red on Plan 2.

DRAFT

SCHEDULE 2

Draft Planning Permission

(where available insert details or attach a copy of the draft planning permission and any conservation area or listed building consent)

DRAFT

SCHEDULE 3

The Owner's Covenants with the Council

The Owner hereby covenants and undertakes to the Council and the County Council that in the event of the Planning Permission being granted and upon commencement of Development it will comply with the following obligations:

1 Progress of development

To give written notice to the Council (via the Nominated Officer) within 15 Working Days of:

1.1 the Commencement of Development; and

1.2 the first Occupation of a Dwelling

2 Affordable Housing

2.1 To build the Affordable Housing Units in accordance with the Planning Permission

2.2 To build the Over 55s Provision in accordance with the standards published in the Lifetime Homes Design Guide [2011/current at the date of this Agreement]

2.3 To use all reasonable endeavours to Dispose of the Affordable Housing Units to an RP

2.4 That no more than 50% of the Market Housing Units shall be Occupied until 50% of the Affordable Housing Units have been constructed in accordance with the Planning Permission and made ready for residential occupation and written notification of that has been made to the Council

2.5 That no more than 90% of the Market Housing Units shall be Occupied until 100% of the Affordable Housing Units have been constructed in accordance with the Planning Permission and made ready for residential occupation and written notification of that has been made to the Council

- 2.6 To give notice in writing to the Council within 15 Working Days after the completion of the disposal of the Affordable Housing Units to an RP

3 Obligations of an RP upon taking an interest in the Affordable Housing

- 3.1 Upon the Disposal of the Affordable Housing Units the RP shall:-
- 3.1.1 Not Dispose of any interest in the Rented Housing Units or any part thereof prior to the grant of a Rental Agreement save to another RP
- 3.1.2 Not to Dispose of any interest in a Discounted Sale Unit save to another RP or to an Approved Person at a price which has a discount to the open market value of that Dwelling of 40%.
- 3.1.3 Ensure that 50% of Affordable Housing Units are available to rent by an Approved Person unless otherwise agreed in writing by the Council.
- 3.1.4 Not permit any occupier of a Rented Unit to acquire the freehold interest of that unit and to ensure that every Rental Agreement granted contains suitable provisions to secure compliance with this covenant.
- 3.1.5 Ensure that the rental levels to be charged in relation to each Rented Unit shall be approved by the Council and shall not exceed those accepted by the Homes and Communities Agency as being affordable for the Borough by the Homes and Communities Agency provided that the rental levels shall not exceed the Local Housing Allowance.
- 3.1.6 Ensure that the Disposal by the RP (and any subsequent owners) of the Affordable Housing Units shall be subject to the nomination rights and qualifications set out in this Schedule.
- 3.1.7 Within 1 month of the transfer to the RP of the Affordable Housing Units invite in writing and permit the Council to nominate potential occupiers of the Rented Units as they become available. If the Council shall fail to nominate an Approved Person within 28 Working Days of the invitation from the RP then the RP shall be free to grant a Rental Agreement to an Approved Person provided always that the Council and the RP shall in any event co-operate in the nomination process and the RP shall consider sympathetically the Council's suggested nominations even if put forward after the aforesaid date.

3.1.8 Serve notice in writing on the Council within 21 Working Days of the Disposal of a Rental Unit so that the Council is kept fully informed of tenancies on the Site.

3.1.9 If the RP is minded to Dispose of the whole or any part of the Affordable Housing Units to any other RP serve written notice of its intention on the Council and shall obtain the prior written consent of the Council to any Disposal such consent not to be unreasonably withheld or delayed.

4. Obligations of the Owner if the Affordable Housing Units are not transferred to an RP

4.1 The obligation in paragraph 2.4 of this Schedule to convey the Affordable Housing Units to an RP shall at the Owner's discretion cease to have effect upon the expiry of a period of one year from the Date of Practical Completion of the relevant Affordable Housing Units PROVIDED THAT it is demonstrated to the reasonable satisfaction of the Council that the Owner has used reasonable endeavours to conclude such an agreement with an RP

4.2 If paragraph 4.1 applies the Affordable Housing Units shall thereafter comprise Discounted Sale Units only which may be Disposed of by the Owner but only to an Approved Person (subject as provided below) and only at a discount to Open Market Value of the relevant Discounted Sale Unit of 40%

4.3 Any Disposal of a Discounted Sale Unit shall include covenants by the Buyer to ensure that such Dwelling may only subsequently be disposed of to an Approved Person (subject as provided below) and only at a discount to Open Market Value of that Dwelling of 40% in perpetuity.

4.4 In the event that the Owner is unable to Dispose of any Discounted Sale Unit to an Approved Person because it is unable to find a person willing and able to buy the same having marketed the relevant Discounted Sale Unit for a period of at least 2 months, the Owner may [with the consent of the Council not to be unreasonably withheld or delayed and in any event to be provided within 2 weeks of the Owner's request] Dispose of the relevant Discounted Sale Unit to a person who is not an Approved Person.

5 Additional Affordable Housing Units Provisions

5.1 The transfer or letting of the Affordable Housing Units to any RP shall be subject to the following provisions:

- 5.1.1 a covenant providing that the Rented Units shall only be occupied by an Approved Person meeting the Qualifying Criteria and nominated in accordance with the Nomination Process
- 5.1.2 a covenant providing that the Discounted Sale Units shall only be Disposed at a price which has a discount to Open Market Value of the relevant Discounted Sale Unit of 40% and only to an Approved Person.
- 5.1.3 a Restriction on the title of the Affordable Housing Units in favour of the Council that no disposition of the registered estate of the property (other than a charge) is to be registered at the Land Registry without a certificate signed by the solicitor or Conveyancer of the Council that the requirements of this Agreement made the day of [] 201[] between the Council (1) the Owner (2) [and the Mortgagee (3)] pursuant to Section 106 of the Act have been fully complied with
- 5.2 Any Chargee or Mortgagee shall prior to seeking to dispose of the Affordable Housing Units pursuant to any default under the terms of its mortgage or charge shall give not less than [2] months' prior notice to the Council of its intention to dispose and:
- (a) in the event that the Council responds within [1] month from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing Units can be made in such a way as to safeguard them as Affordable Housing then the Chargee or Mortgagee shall co-operate with such arrangements and use its reasonable endeavours to secure such transfer
 - (b) if the Council does not serve its response to the notice served under paragraph 5.2.(a) within the [1] month then the Chargee or Mortgagee shall be entitled to dispose free of the restrictions set out in this Part of Schedule 3
 - (c) if the Council or any other person cannot within [2] months of the date of service of its response under paragraph 5.2 (a) secure such transfer then provided that the Chargee shall have complied with its obligations under paragraph 5.2 (a) the Chargee shall be entitled to dispose free of the restrictions set out in this Part of Schedule 3

PROVIDED THAT at all times the rights and obligations in this Clause 5 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interest of the Chargee in respect of moneys outstanding under the charge or mortgage

6. Replacement Cricket Field

The Owner agrees with the Council:-

- 6.1 to provide layout and equip the Replacement Cricket Field in accordance with a specification [attached to this Agreement/to be approved by the Council (such approval not to be unreasonably withheld or delayed)] to ensure that the facilities on the Replacement Cricket Field are of an equivalent or better standard than the facilities currently provided on the Current Cricket Field.
- 6.2 to complete the works of provision and laying out of the Replacement Cricket Field in accordance with paragraph 6.1 prior to the Commencement of Development on the Site.
- 6.3 to use reasonable endeavours to grant to the trustees of Chipping Cricket Club (or if the trustees so require any community interest company set up by them for the purpose of running Chipping Cricket Club) a right on reasonable terms to use the Replacement Cricket Field such grant so far as practicable to be completed within 2 months of completion of the works referred to in paragraph 6.1. [In the event of the trustees of Chipping Cricket Club refusing to accept the right offered by the Owner within 2 months of completion of the works to offer use of the Replacement Cricket Field on reasonable terms to other local teams, clubs and schools.]
- 6.4 [not to allow the Replacement Cricket Facility to be used as anything other than a community sports facility without the prior approval of the Council.]

7. The Works

The Owner agrees with the Council:

- 7.1 Not to begin the construction of the Dwellings without first preparing a schedule of the works that will be required to make the Mill wind and watertight (and including those works which are detailed in paragraph 1 of Schedule 4) and obtaining the written approval of the Council to such schedule, such approval not to be unreasonably withheld or delayed and to be deemed given if the Council do not give written notice refusing approval within [10] Working Days of the schedule being served upon them and in the event that the Owner and the Council cannot agree the schedule it will be determined on the application of either of them by a Specialist pursuant to clause 8 of this deed.
- 7.2 Not to occupy or permit occupation of any Dwelling until:-
 - 7.2.1 the Mill Works have been completed in accordance with the schedule approved, deemed approved or determined pursuant to paragraph 7.1 above; and
 - 7.2.2 the Kirk Mill Complex Works have been completed;

- 7.2.3 the Owner has served written notice on the Council that the Mill Works and the Kirk Mill Complex Works have been completed.

8. Marketing Strategy

The Owner further agrees with the Council:

- 8.1 Not to begin the construction of the Dwellings without first preparing a marketing programme aimed at securing a leisure operator or leisure operators to run or purchase the Mill and Kirk Mill Complex and obtaining the written approval of the Council to such programme, such approval not to be unreasonably withheld or delayed and to be deemed given if the Council do not give written notice refusing approval within [10] Working Days of the schedule being served upon them and in the event that the Owner and the Council cannot agree the programme which will be determined on the application of either of them by a Specialist pursuant to clause 8 of this deed.
- 8.2 To use reasonable endeavours to implement the programme approved, deemed approved or determined pursuant to paragraph 8.1 above as soon as reasonably possible thereafter.

SCHEDULE 4

The Works

1. Mill Works

Reroof the Mill and refurbish the external envelope of the Mill (apart from the windows) to safeguard the building's long term survival. This will include re-pointing the external brickwork of the Mill and carrying out any repairs that may be required to the exterior of the Mill save for that part of the exterior of the Mill which has been identified and authorised for removal pursuant to the terms of the Planning Permission.

2. Kirk Mill Complex Works

Demolition of the factory, warehouse and office buildings at the Kirk Mill Complex, but leaving the stone barn in place.

**THE COMMON SEAL of
RIBBLE VALLEY BOROUGH COUNCIL**

was hereunto affixed to this Deed

in the presence of:

Mayor

Chief Executive

SIGNED as a DEED by

NAME OF OWNER

in the presence of:

.....

Witness Signature

.....

Witness Name

.....

.....

Witness Address

.....

Witness Occupation

SIGNED as a **DEED** by

in the presence of:

.....

Witness Signature

.....

Witness Name

.....

.....

Witness Address

.....

Witness Occupation

SIGNED as a **DEED** by

in the presence of:

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Witness Signature

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Witness Name

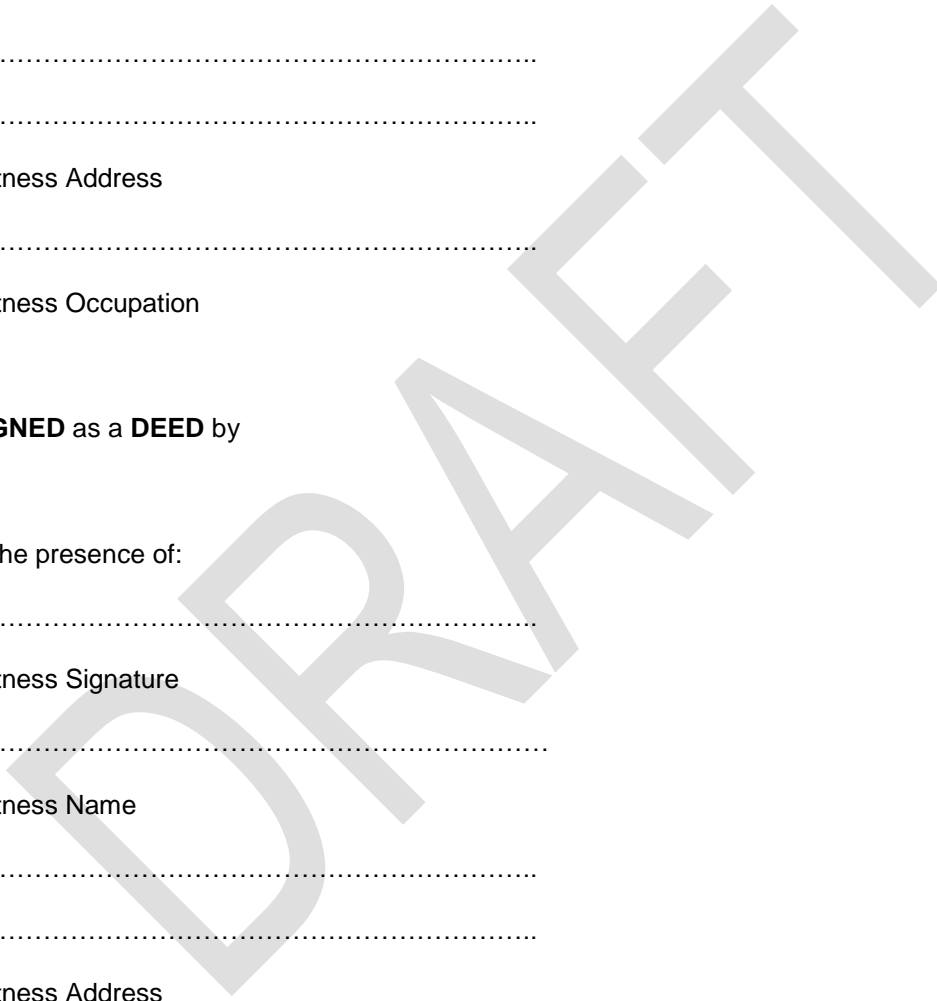
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Witness Address

.....

Witness Occupation



EXECUTED AS A DEED by

..... **BANK PLC**

Authorised Signatory

DRAFT

HOW Planning LLP

40 Peter Street
Manchester M2 5GP
T: 0161 835 1333
howplanning.com

