



Appeal Decision

Inquiry held on 13-16 March 2012

Site visit made on 16 March 2012

by Harold Stephens BA MPhil DipTP MRTPI FRSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 March 2012

Appeal Ref: APP/T2350/A/11/2161186

Land off Henthorn Road, Clitheroe BB7 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2010/0719, dated 16 August 2010, was refused by notice dated 19 September 2011.
 - The proposed development is for up to 270 residential dwellings, a doctor's surgery, landscape, open space, highways and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for up to 270 residential dwellings, a doctor's surgery, landscape, open space, highways and associated works on land off Henthorn Road, Clitheroe BB7 2QF in accordance with the terms of the application, Ref 3/2010/0719, dated 16 August 2010, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. The appeal site comprises about 15.70 hectares and is located on the south-western side of Clitheroe. The appeal site lies to the northwest of Henthorn Road. The rear gardens of properties fronting Fairfield Drive abut the north-eastern boundary. Directly to the north are kennels and a cattery and playing fields; to the west are Clitheroe Caravan and Camping Club and the Ribble Way long distance footpath alongside the river and to the south Siddows Hall and agricultural land.
3. The eastern boundary of the site to Henthorn Road dog-legs around the rear of Henthorn Farmhouse (a Grade II listed building), the White House and other properties fronting Henthorn Road. The site is in agricultural use. It lies outside and immediately adjacent to the existing settlement boundary of Clitheroe that is identified within the Ribble Valley Districtwide Local Plan (RVDWLP). The site is roughly 'L' shaped. Its topography varies rising gently away from Henthorn Road with the western field descending towards the River Ribble. The existing field pattern is created by a number of hedgerows interspersed with some mature trees and drainage ditches.
4. The appeal proposal is for outline planning permission with all matters reserved for later consideration, save for that of vehicular access. The plans on which the application is to be determined are set out in the Appellant's

- document list.¹ Detailed drawings include a Location Plan (Drg No: 2010-001-100) and a Proposed Access Plan (Drg No: 1222/03 revision C). Other drawings include a Development Framework Plan (Drg No: 4370-P-01 revision G); an Illustrative Masterplan (Drg No: 4370-P-02 revision I); and an Illustrative Pedestrian/Cycle Link (Drg No: 1222/18).
5. Plans were also submitted in connection with Off-Site Highway Works - Henthorn Road Pedestrian Crossing Scheme (Drg No: 1222/19) and Indicative Henthorn Road 20ph 'Sign Only' Scheme (Drg No 1222/21). The provision of the off site works would be dealt with by means of a S278 Agreement with the County Council as Highway Authority. Finally, there are two indicative plans included within the S106 Planning Obligation. These are: Indicative Woone Lane One-Way Scheme Drg No: 1222/20 and Indicative Woone Lane Scheme (Drg No: 1222/23 revision B).
 6. The application was supported by various reports including a Planning Statement, a Statement of Community Involvement, a Design and Access Statement (DAS), a Draft Section 106 Agreement, a Transport Assessment, a Travel Plan, an Air Quality Assessment, an Ecological Appraisal, a Phase 1 Site Investigation Report, a Soil Resources and Agricultural Use and Quality of Land Report, a Flood Risk Assessment, a Landscape and Visual Appraisal, an Archaeological Desk Based Assessment, a Utilities Appraisal Report and a Renewable Energy and Sustainable Resources Strategy and Building for Life Evaluation.
 7. At the Inquiry the Appellant submitted a Unilateral Undertaking (UU)² pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the appeal development which would take effect should planning permission be granted. Amongst other matters the UU provides arrangements for 81 of the proposed dwellings on the site to be delivered as affordable units and for contributions to be made towards a temporary additional bus stop on Henthorn Road; education provision; a cycle rack; a PCT facility; public consultation and advertising in respect of Woone Lane RTRO; and a Travel Plan. I have had regard to the provisions of the UU in the consideration of the appeal. I shall return to the UU later in the decision.
 8. Three Statements of Common Ground (SoCG) were prepared and agreed. The Planning SoCG³ and the Highways SoCG⁴ were both agreed between the Appellant and RVBC. The Education SoCG⁵ was agreed between the Appellant and Lancashire County Council (LCC).

Main Issues

9. I consider the main issues in this appeal are:
 - (i) whether, in the light of the development plan, national guidance and other material considerations, the appeal proposal would be a sustainable form of development; and
 - (ii) whether the traffic generated by the appeal proposal would lead to unacceptable highway conditions particularly on Woone Lane.

¹ APP9

² APP10

³ INQ3

⁴ INQ4

⁵ INQ5

Reasons

The proposal

10. The proposed development would comprise up to 270 dwellings on about 8.27 hectares of the overall site. With regard to the mix of dwellings, this has not been fixed at this stage but the DAS⁶ submitted in support of the application, proposes a mix of dwellings from 2 to 5 bedroom units, comprising a range of house types with predominantly semi-detached properties and also some terrace/linked mews cottages which would offer a mix of market housing from first time homes to larger family houses.
11. Layout is a reserved matter for consideration at a later stage. However, an illustrative layout⁷ has been provided which indicates the principle of the urban structure (i.e. the framework and the layout of the streets and routes) and the urban grain (i.e. the location, arrangement and design of the development blocks, plot arrangement and the green infrastructure). The plan provides an approximate location of buildings within the residential zone and how the built form could relate to the streets and public realm. It shows vehicular access to the site via a realignment of Henthorn Road with this one primary access point looping around the core of the site.⁸
12. The central loop has been designed to provide a strong sense of place with landmark (2.5 storeys) buildings located at key junctions and arrival points. The DAS refers to the indicative layout as a distorted grid which would allow for some block and building variation to create visual relief and variety within the street network. The approach to site layout means that there would be a range of block densities from 30 to 40 dwellings per hectare (dph). The average net density across the site would be 32.6 dph. The scale of the development would vary around the site. In general the lower density areas would be two storeys in height (up to 9m) with some focal buildings of 2.5 storeys (up to 10m) fronting a traditional street layout.
13. The proposal includes some 81 affordable housing units which would be accommodated in small clusters and evenly distributed around the site. Integral to the scheme is a strong green framework of structural landscape and habitat areas. A new informal rural edge community park is proposed at the site's western edge, two local equipped areas of play, strengthened landscape planting at the site boundaries and a green corridor running north/south through the central core of the site with ecological enhancement including a reinstated watercourse. The proposal would provide cycle and pedestrian links to the Ribble Way long distance footpath. All green infrastructure, community parkland and equipped children's play space would be maintained by a management company. A doctor's surgery is included within the net development area.

The planning policy background

14. It is agreed that the statutory development plan for the area comprises the North West of England Regional Spatial Strategy to 2021 (RSS) (2008) and the saved policies of the Ribble Valley Districtwide Local Plan (RVDLP) (1998).

⁶ CD2.1 - 4370/DAS Revision C

⁷ CD2.2 - 4370-P-02 Revision I

⁸ APP2 - 1222/03 Revision C

15. There is broad agreement between the parties with regard to the RSS policies that are relevant in this case.⁹ Furthermore, with regard to the generality of the provisions of these policies it is agreed that no conflict arises in respect of the appeal proposals save for the specific elements of Policies DP1, DP4 and DP9 referred to in paragraph 4.2.1 of document INQ3. The location of the proposal would accord with the regional and sub regional spatial framework objective of locating development within the Central Lancashire City Region in accordance with Policy CLCR1, Policy CLCR2, Policy RDF1 and Policy RDF2 (Key Service Centres). It would also be in accordance with the sequential approach set out in Policy DP4. The delivery of market and affordable housing would accord with Policy L4 which indicates that RVBC should deliver a total housing provision 2003-2021 (net of clearance replacement) of 2,900 dwellings. This equates to an annual average rate of housing provision (net of clearance replacement) of 161 dwellings. The proposals have been developed in accordance with the key tests set out within Policies DP1-DP9. Whilst the Government has stated its intention to abolish the RSS, formal revocation has not yet occurred, regard must therefore be given to the RSS policies in the context of this appeal.
16. There is broad agreement between the parties that the proposal does not conflict with many of the adopted policies contained within the RVDWLP.¹⁰ I am aware that the site lies outside the defined settlement boundary as defined by RVDWLP Policy G2 and the Proposals Map. It is also agreed that as the proposed development does not constitute a small scale development, infill replacement dwelling or development wholly for affordable housing, the proposed development would be contrary to Policies G2, G5, H2, and H20 of the RVDWLP as it would not meet the exceptions for housing development outside defined settlement limits. However, it is a fact that the RVDWLP was prepared during the 1990s and adopted in 1998. Although still part of the statutory development plan it has become somewhat outdated in that it has been overtaken by more recent planning policy guidance including PPS3.
17. The existing development plan will be replaced in due course by the new Local Development Framework (LDF) for Ribble Valley. The Core Strategy will shape development in Ribble Valley over the next 15-20 years. A Draft Core Strategy (Regulation 25 Report) was made available for public consultation in August 2010.¹¹ This identified 3 potential Development Strategy Options with notional percentage apportionment of the likely distribution of housing to be required at each spatial location. Clitheroe, which would be designated a 'Key Service Centre' in the Core Strategy, is identified in all 3 options with targeted growth levels ranging from 22% to 45%. This equates to a range of 657 to 1344 dwellings at Clitheroe.
18. The Core Strategy 'Generation of alternative Development Strategy options' set out a further 5 potential Development Strategy Options.¹² This allowed for a total of 8 possible options from which to choose a 'preferred option'. Details of these various options are set out in INQ3. The Council has also prepared a Core Strategy 'Topic Paper' in respect of its emerging 'Preferred Option' which was approved in December 2011.¹³ The draft 'Preferred

⁹ INQ3 paragraph 4.2.1

¹⁰ INQ3 paragraph 4.3.1

¹¹ CD20

¹² CD23

¹³ CD26

Option' has selected to focus growth in the 3 main settlements (Clitheroe, Longridge, and Whalley) and in particular for Clitheroe a strategic allocation at Standen Hall (1040 units). The Core Strategy Topic Paper shows that the Council's preferred option for its Development Strategy would, after the strategic allocation at Clitheroe, leave a residual requirement for 75 dwellings to allocate based on the preferred distribution and present housing requirement (RSS Policy L4).

19. The Council has recently reviewed and agreed its strategic housing requirement for the Core Strategy 2008-2028. The key evidence underpinning this process is provided in a report produced by Nathaniel Lichfield and Partners (NLP). Having set out a wide range of scenarios, the NLP report reaches a judgment that a Borough target of 190-220 dwellings per annum would represent the most appropriate target range of housing development over the 20 year period. The Council resolved in February 2012 that the Core Strategy housing requirement should be set at the middle of the range advised by NLP namely 4,000 dwellings during the plan period (200 dwellings per annum).¹⁴
20. Taking all of the above matters into account I consider that the appropriate housing requirement figure to be used in determining this appeal should be not less than 200 dwellings per annum. This is the figure which the Council has adopted in its most recent report. I accept that there is certainly credible and robust evidence to suggest that figure should be much higher and closer to the 330 to 350 dwellings per year advocated in the uncontested evidence of Mr Nichol. However, the outlook for the UK economy is somewhat uncertain and a cautious approach should be taken pending completion of the Council's Core Strategy. As the Core Strategy is still at an early stage I consider that limited weight can be given to it.
21. I note that the Council's Strategic Housing Market Assessment (SHMA) 2008 identifies a clear need for affordable housing across all areas of the Borough. Furthermore, it is clear from this assessment that to meet the housing need the Council would need to deliver some 264 new affordable dwellings per annum across the Borough as a whole - a level of housing in excess of existing RSS housing targets.¹⁵ Therefore there is a considerable unmet requirement for affordable housing in Ribble Valley. The Council has adopted an Affordable Housing Memorandum of Understanding in July 2009¹⁶ and this is treated by RVBC as a material consideration when determining planning applications. On qualifying sites the Council will seek 30% affordable units on site. The mix and type of affordable housing units to be delivered on the appeal site is set out in the UU. It is agreed that the provision of 81 new affordable homes (30% of the total), would accord with Council policy and make a significant and useful contribution towards addressing the need.
22. The Strategic Housing Land Availability Assessment (SHLAA)¹⁷ 2009 demonstrates that the appeal site was considered to be suitable, available and deliverable. Having met the requisite tests it was deemed by the Council to be deliverable within the 0-5 year category. This assessment was

¹⁴ LPA5 and LPA6

¹⁵ CD14 page 80 and Mr Venning's proof of evidence page 10

¹⁶ CD18

¹⁷ CD15 and CD16 Site 33 page 47

endorsed by the Council in 2008 and there has been no change in circumstances on or around the appeal site since the SHLAA was published.

23. The Council accepts in INQ3¹⁸ that it is unable to demonstrate an up-to-date 5 year supply of housing land. There is a "claimed 3.3 years supply" which reflects the fact that the Appellant has not carried out an assessment of the Council's land supply on the basis that it is below the Government's minimum 5 year requirement.¹⁹ Furthermore, it is agreed that there are no more allocated sites left so the Council is reliant upon windfall sites to meet its housing supply. I note that PPS3 paragraph 71 is explicit in that where the LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites then favourable consideration should be given to a proposal for housing having regard to the policies in PPS3, including the considerations in paragraph 69. The Council has agreed that as there is not a 5 year supply of housing, and therefore there is an in principle policy imperative to release more sites for housing now to redress that need.
24. In addition to PPS3, I have taken into account national policy including that contained in PPS1, PPS5, PPS9, PPG13, PPG17, PPS22 and PPS25 together with the Government's objective to secure economic growth both in 'The Plan for Growth' Ministerial Statement²⁰ and the consultation draft of the National Planning Policy Framework (NPPF) (July 2011).

The first issue – sustainability

25. Following negotiations between the Appellant and LCC, it is agreed that various improvements in accessibility by public transport and non car modes would be carried out as part of the proposed development. A package of pedestrian improvement measures would be provided including the provision of Toucan measures at Whalley Road; the provision of a zebra crossing on Henthorn Road; local pedestrian infrastructure improvements in order to maximise access between the appeal site and the town centre; a pedestrian /cycle link between the appeal site and Caravan Road;²¹ and Woone Lane traffic management scheme. The Appellant has also agreed to fully fund for 5 years of operation a bus service based on the current C1 service, extended to serve the development with access via Henthorn Road. All of the farebox revenues would be placed in a fund to be ring-fenced for the purposes of continued funding of the bus service beyond 5 years. Cycle parking would be provided at the development play area and funds would be provided for cycle parking in the town centre. Each location would accommodate 4 cycles.
26. For the Council it is argued that the appeal site is located at the extreme south west of the urban area, just under 2km from the town centre. Moreover, it is claimed that the site is isolated from the primary route network, is distant from basic facilities such as a local convenience store, and a considerable distance from the nearest primary school, bus stop and cycle route. In the Council's view the access arrangements would create a development that fails to make any attempt to integrate with the adjoining residential area and indeed would turn its back on that development. It is stated that basic facilities are all beyond desirable and acceptable walking

¹⁸ INQ3 paragraph 7.11

¹⁹ The 3.3 years supply would diminish to around 2.6 years if the requirement is calculated on a 200 dwellings per annum basis

²⁰ Written Ministerial Statement – Right Honourable Greg Clark MP dated 23 March 2011- Planning for Growth

²¹ AHA Drg No 1222/18 in Dr Ashley's Appendix 7

distances as indicated in the IHT²² Guidelines and beyond the “preferred maxima” for all but the school, employment areas and some pubs. In the Council’s view, the appeal proposal does not meet an acceptable standard of sustainability. The Council’s views on the accessibility and sustainability of the site are supported by local residents and interested parties.

27. At the Inquiry it was agreed that accessibility is but one element of a sustainable development; it is not synonymous with it. Thus, a proposal can be a sustainable one even if it suffers from limitations in terms of its accessibility by walking, cycling or public transport. The appeal site would be an extension to the existing settlement of Clitheroe, which is the main settlement in the Borough and in a location where growth would be expected to be directed. The Council accepts that in land use terms the site could be appropriately developed for housing purposes but the present proposal is not sufficiently accessible although it could be made sufficiently accessible. In my view, the development of site immediately adjacent to the built up area of Clitheroe would in principle be ‘sustainable’ because that is where the predominance of services and facilities are to be found. That is in part because such a location would reduce reliance upon the private car.
28. There are many other components of sustainability other than accessibility. The concept includes such matters as meeting housing needs in general and affordable housing in particular; ensuring community cohesion; economic development; ensuring adequate provision of local health facilities and providing access for recreation in the countryside. Many of these aspects of the proposed development are uncontested by the Council and are consistent with the concept of sustainability. These matters need to be considered as part of the overall assessment of whether the appeal proposal comprises a sustainable development. Having considered these other components none of the witnesses contended that accessibility issues were an overriding consideration in this case. Moreover, the appeal scheme needs to be judged on its merits. That is to say, it may be that one could point to aspects of a scheme which might be improved upon. However, if the proposal is acceptable in land use terms then it should not be refused on the grounds that a better form of development might be identified.
29. I appreciate that from an early stage the Appellant agreed that the overall accessibility of the site could be improved and should be improved. I am aware that the scheme then changed in two important ways; firstly, it was agreed that the site required a pedestrian/cycle link to the Caravan Road and then onward to Edisford Road and secondly, the public transport improvements were agreed. Thereafter the position of LCC changed from objection on the grounds of accessibility to an agreement that the appeal scheme proposed the minimum that was necessary. Importantly at no stage from that initial point was it suggested that it would be necessary to create an additional route through to the east via Fairfield Close.
30. Although such a route may be desirable to give more connectivity and more direct access to Clitheroe Edisford Primary School, I consider that such an access is unnecessary as it would make little more than a marginal difference in accessibility terms. An access from the appeal site via Fairfield Close for pedestrians and cyclists would do no more than provide for an alternative way of getting to Henthorn Road and not a direct north east route

²² The Institute of Highways and Transportation

through to the town centre. In coming to this view I have considered whether a planning condition would be appropriate but this would fail the test of need in Circular 11/95 and would result in the unwarranted burdening of the appeal scheme with a 'ransom' situation to no good purpose.

31. In terms of the site's accessibility there is no disagreement between the parties that the whole of the Clitheroe urban area is within the 5 km cycle isochrone.²³ The appeal proposals for cycling promote integration and increased connectivity between the appeal site and the surrounding area. I recognise that the local topography in the town centre has in parts undulating/hilly characteristics. However, this is common to residents wherever they live in Clitheroe. As such I consider in the matter of topography there is no more or less deterrent to cycling for residents of the appeal site than is typical for existing residential areas. Mr Butterworth may wish to create a network of cycleways. However, the view of LCC is plainly that the rather more limited improvements which are proposed do sufficient to make cycling a realistic alternative to the use of the private car.
32. Furthermore, it is part of the appeal proposals that the existing public transport facilities would be enhanced by the introduction of a new 'quality' bus stop within the appeal site and the rerouting of the existing service C1 to call at this new bus stop. This would be in accordance with the aims and objectives of current national and local policies. A residential Travel Plan is also proposed to raise awareness. The enhanced bus service would mean that the journey time to the town centre and the railway station is very short. Whilst there have been criticisms of some elements of the bus service, such as how much longer beyond the 5 year period would hypothecated fares fund the service, the reality is that bus accessibility would be good.
33. The Council's main concern relates to pedestrian accessibility. To that end reliance is placed upon the IHT walk distance guidance. The IHT guidance does not provide a definitive view of distances, but does suggest a preferred maximum distance of 2,000m for commuting or school trips. In my view a degree of realism must be applied. Most journeys of less than a mile are undertaken on foot which would take a future resident close to the town centre. The appeal proposals plainly are such that pedestrians have a realistic choice of alternative modes of travel including the private car. It is a fact that some of the facilities lie beyond 800m, but from the walk isochrones and local amenities plan²⁴ it is clear to me that there are a range of facilities within an easy walk of the appeal site. In particular the northern access, linking to the Caravan Road and then to Edisford Road, would take a future resident to the Leisure Centre, the primary school and the local convenience store (Spar).
34. The Council contends that the northern access would not be well used because it would not be lit. For the hours of daylight it would provide a clear and easy route, and during the hours of darkness the actual unlit portion of the route would be about 40 metres. In my view the lighting of the whole of the northern route is necessary in the interests of public safety and to aid accessibility. However, this is a matter which could be covered by a planning condition and dealt with at the reserved matters stage. The Council also

²³ CD1.13 Figure 5

²⁴ Dr Ashley's Appendix 3 Figure CAA/3

expressed concern about how attractive such a route would be during the construction stage but again this a detailed matter which could be covered by a planning condition and dealt with at the reserved matters stage.

35. Taking all of these matters into account I consider that the appeal site is located adjacent to the principal urban area of the Borough which is a settlement to which substantial growth is directed by RSS and the emerging LDF Core Strategy. From the evidence that is before me no better sites have been identified. Moreover, the Council could not identify any further measures which would improve the accessibility of the site save for the link to the east which I consider is unnecessary. The site is sufficiently accessible with the measures proposed by the Appellant. The proposal would not conflict with national policy, the aforementioned RSS policies or Policy T1 of the RVDWLP. Overall I conclude on the first issue that the appeal proposal would comprise a sustainable form of development.

The second issue – highways

36. The Council's reason for refusal No 1 (RFR1) indicates that the proposal would have a detrimental impact on the traffic infrastructure of Clitheroe and key traffic junctions of Henthorn Road, Woone Lane, Eshton Terrace and the railway crossing which would lead to the proposal being contrary to the principles of sustainable development. In my view there is a lack of clarity when linking the claimed detrimental impact on traffic infrastructure to the issue of sustainable development. However, from the evidence given at the Inquiry the Council's concerns would seem to come down to two junctions, neither of which gives rise to any concerns on the part of the highway authority LCC. Moreover, it is no part of the Council's case to allege that there is a highway safety concern as opposed to a highway capacity issue.
37. Both main parties provided extensive factual data to the Inquiry. I am aware that a considerable amount of time has been spent by both Mr Davis and Dr Ashley considering trip rates and whether or not the 85thile ought to have been used rather than the average. The Council claims that the TRICS 85thile figures adopted by Mr Davis are a better guide to future trip generation by the appeal development. Dr Ashley has produced the 85thile outputs, as well as the average outputs of her Transport Assessment (TA) and Mr Davis's work. She has also compared that with the actual generation from the housing which lies adjacent to the appeal site. The out-turn of that exercise²⁵ is that the average generations and the actual generation (outbound am peak) are all very similar indeed, with the 85thile being significantly higher. Even when a sensitivity analysis²⁶ was carried out by Dr Ashley the answer demonstrated the robustness of the TA figures.
38. Both main parties agree that it actually makes very little difference at all. Although the Council originally placed great emphasis upon the RFC²⁷ being in excess of the 'practical threshold capacity' of 0.85 it is clear from the TRL guidance²⁸ that there are a number of reasons why one should not rely on just one single RFC value. In my view the more important criteria for judging

²⁵ Dr Ashley's Rebuttal Appendices R6

²⁶ CD9 DfT Guidance on Transport Assessment paragraph 4.63

²⁷ Ratio of flow to capacity

²⁸ APP6

the success of a design, from the point of view of congestion, is to evaluate the acceptability of the situation in terms of delay and queuing of vehicles.

39. The Council and others contend an unacceptable traffic situation would be created in Woone Lane as demonstrated by Mr Davis' drawings TRN-10685/002 (2016) and TRN-10686/004 (2021) and by Dr Ashley's Tables CAA/R8, R9 and R10. It is said that with a queue of 5 cars or more Woone Lane would be blocked to westbound traffic if the LCC preferred shuttle arrangements for Woone Lane are to be adopted. The Council maintains that Tables R8 and R9 demonstrate that whichever trip generation figures are used the development would cause queues greater than 5 vehicles in the peak hour in 2016 and 2021. It is also claimed that Table CAA/R10 advises that in 2021 using Dr Ashley's average trip rates this blockage would occur continuously between 0830 and 0845 hours and for part of the immediately preceding and immediately following quarters i.e. for about 20 minutes of the peak hour every day the traffic would back up along Woone Lane.
40. As I perceive it, at worst using the 85%ile figures and comparing those to the base, even at 2021 the effect of the proposal is to add little more than a minute in the average delay to a driver who arrives at the Woone Lane Roundabout or the junction of Thorn Lane and Henthorn Road in the peak of the peak hour. The Council accepts that that was not of itself a robust basis to withhold consent.
41. The Council and interested persons consider the appeal proposal would cause unacceptable traffic congestion or 'gridlock' for southbound traffic travelling on Woone Lane North in the peak of the peak hour. I disagree for several reasons. Firstly, I note that this relates to a small number of vehicles (19 in the peak hour) who wish to undertake this manoeuvre, and who plainly have an alternative of passing further south and using Greenacres Lane. Secondly, far from being worsened, the effect of the proposal would actually improve the flow of two way traffic along Woone Lane for much of the day by creating raised tables to enable the passage of 2 way traffic. Thirdly, the aim of the highway authority LCC is to secure one way flow along Woone Lane North. This proposal would facilitate that – which although a RTRO²⁹ cannot be guaranteed would provide a complete solution to the feared gridlock.
42. Fourthly, the 'gridlock' presupposes that parking takes place on both sides of the road at that part of the peak hour. Whilst that may be so at the present time, it does not mean that parking will always frustrate oncoming vehicles. Fifthly, 'gridlock' is far too strong a word for what is in effect the vagaries of normal urban 'give and take'. The existence of raised tables would enable a southbound vehicle to make progress. Sixthly, what is also clear is that the queuing diminishes to a level below the 5 vehicle point of difficulty very quickly. It follows that RFR1 turns upon delays of seconds in an urban environment and a limited issue for a handful of cars if they chose to travel south down Woone Lane, when obvious alternatives are available. In my view that is not a proper basis for dismissal of an appeal. It is for that reason that whilst the UU offers the funding of the RTRO, I am firmly of the view that it is unnecessary and not material. I discuss this matter further in the context of the UU at paragraphs 48-49 below.

²⁹ Road Traffic Regulation Order

43. The Council, Mr Butterworth and others are concerned about the operation of traffic at other key traffic junctions including Henthorn Road/Bawdlands, Henthorn Road/Thorn Street and Eshton Terrace and the railway crossing. From the evidence that is before me, including the video evidence, it is clear that the appeal proposal would have no material traffic impact on the operation of the key traffic junctions of Henthorn Road/Bawdlands or the Henthorn Road/Thorn Street junctions. This is the position agreed by LCC. Similarly, on the basis of the Appellant's survey work including the video evidence, the appeal proposal would have no material impact on Eshton Terrace and the railway crossing. I have not identified any material detrimental impacts of the appeal proposal elsewhere in Clitheroe. In short, there is clear objective evidence before me that the traffic concerns raised by the Council and other interested persons are not warranted, for all that there may be a genuinely held perception on the part of some. I conclude on the second issue that traffic generated by the appeal proposal would not lead to unacceptable highway conditions particularly on Woone Lane.

Planning Obligation

44. At the Inquiry the Appellant submitted a Unilateral Undertaking (UU)³⁰ pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the appeal development which would take effect should planning permission be granted. The UU binds the owner to covenants with both the Borough Council and the County Council. The covenants with the Borough Council include arrangements for: 81 of the proposed dwellings on the site to be delivered as affordable units; the provision of open space; the provision of on site play areas; the provision of a community park and cycle/pedestrian access route and a contribution of £156,250 towards the costs of constructing the PCT facility.
45. The owner covenants with the County Council to provide public transport improvements including a bus service; a quality bus stop within the development and a contribution of £250 towards the costs of a temporary additional bus stop on Henthorn Road. The owner further covenants with the County Council to contribute £1,500 towards the costs of LCC in respect of public consultation on the Woone Lane RTRO or if the one-way system is not favoured by the local community to procure the alternative Woone Lane Traffic Management scheme; to pay a contribution of £1,000 towards the cost of providing a cycle rack to accommodate 4 bicycles in Clitheroe town centre; to pay a contribution of £18,000 towards monitoring the Travel Plan; and to pay an education contribution of £1,400,611.50 towards the provision of additional primary and secondary school places.
46. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL) indicates that any planning obligation providing for such a contribution must be: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. These matters reflect the themes of the five tests of a planning obligation within Circular 05/2005 – *Planning Obligations*.

³⁰ APP10

47. In my view the provisions of the UU in relation to the covenants with the Borough Council are appropriate and form an acceptable basis for the granting of planning permission. The affordable housing provisions comply with the Council's affordable housing policies. There is a clear and pressing need for affordable housing across all areas of the Borough. The other provisions of the UU are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. I consider that all of the provisions of the UU in relation to the covenants with the Borough Council meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests of Circular 05/2005.
48. With regard to the provisions of the UU in relation to the covenants with the County Council, I consider that all of these, save for the contribution of £1,500 towards the costs of public consultation and advertising in respect of Woone Lane RTRO, are appropriate and form an acceptable basis for granting planning permission. The need to deliver highway improvement measures on Woone Lane does not arise as a consequence of the highway impact from the appeal proposals. LCC has confirmed that Woone Lane Traffic Management scheme (Drg No 1222/23/B) is acceptable and provides acceptable mitigation for the proposed development. It remains available for LCC to ultimately implement the alternative Woone Lane RTRO scheme (Drg No 1222/20), if the required one-way working is secured. In my view, the Woone Lane improvement scheme outlined in either Drg No 1222/20 or in Drg No 1222/23/B is not necessary because the appeal proposal does not have a material traffic impact, in terms of the volume of traffic generated on Woone Lane. It follows that I have not taken it into account.
49. The other provisions of the UU in relation to the covenants with the County Council are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. With the exception of the Woone Lane RTRO contribution I consider that all of the other provisions of the UU in relation to the County Council meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests of Circular 05/2005. With the exception of the Woone Lane RTRO contribution, I accord the UU significant weight.

Other matters

50. I have taken into account all other matters raised. The Appellant referred to a substantial number of benefits which it was argued should be taken as positive elements in support of the scheme. Firstly, I agree with the Appellant that the Community Park would add to the attraction of the area and would continue the opening up of recreational land adjacent to the River Ribble to all residents of Clitheroe, as well as providing excellent amenity space to the future residents of the appeal site. Secondly, I accept that the proposed doctor's surgery is an obvious benefit of the scheme which has been wrongly downplayed by the Council's witnesses and ought to be afforded substantial weight because it meets an identified need in the town.
51. Thirdly, from the evidence that is before me, there is a backlog of over 1,000 households in need of affordable housing, the majority of whom are in

Clitheroe. There has been a substantial underperformance of affordable housing as against targets and the projected supply means that the deficit in provision will only increase. Moreover, I am aware that there is no 5 year housing land supply available from which the Council could extract affordable housing provision from the private sector. Therefore, in my view, the need for additional provision becomes acute. In terms of sustainable development, the provision of the affordable units as part of a mixed development is an essential part of creating mixed communities. The provision of 81 affordable units is a matter which weighs strongly in favour of the proposed development.

52. Fourthly, in terms of the issue of housing need, national policy is clear. The Council cannot demonstrate an up-to-date 5-year supply of deliverable sites and therefore the provisions of paragraph 71 of PPS3 are engaged and favourable consideration should be given to a proposal for housing having regard to the policies in PPS3, including the considerations in paragraph 69. Having considered the policies in PPS3 including the matters specified in paragraph 69, I consider the appeal proposal would not undermine the Council's spatial vision or its wider policy objectives. Allowing this proposal for 270 dwellings would greatly assist in meeting the immediate housing needs of the Borough. This is a further matter which weighs strongly in favour of the proposed development.
53. The Council and other interested parties raised the question of the impact of the grant of permission at this location in pre-empting the LDF consultation process. Bearing in mind the advice in paragraphs 17 – 19 of The Planning System: General Principles I consider that the Core Strategy is still at a relatively early stage in considering the spatial location and quantum of development for the Borough. The Core Strategy has not reached the submission stage for examination at an Inquiry when more certainty exists, particularly when no objections are raised. Accordingly, the appeal proposal cannot be considered to predetermine the scale of development or choice of spatial locations available to the Council as a much greater quantum of growth may be required. In my view prematurity should not be given any decisive weight in respect of the appeal proposals.
54. I have taken into account the views of local residents and other interested parties in reaching this decision. I have considered the written representations submitted on behalf of the Trustees of the Standen Estate including the reports on planning policy, highway matters and design. I am aware that representations have been raised in relation to the principle of the development and also site specific matters such as the loss of agricultural land, the loss of countryside, concerns about flooding, wildlife, noise, the density of the development, capacity of local schools, local facilities, residential amenity and traffic issues. I have also taken into account other appeal decisions drawn to my attention. Suffice it to say that each decision must be considered on its own merits and in accordance with the provisions of the development plan and any other material considerations. None of these matters is sufficient to justify withholding planning permission.
55. I am aware of the concerns of Mr Butterworth in relation to the effect of the proposal on the Grade II listed Henthorn Farmhouse. I consider that the

setting of the listed building is now fairly limited to the property boundaries in which it sits (all three attached properties making up the single listed building) and the street frontage immediately in front of the building. The farm building is now determinedly domestic in character and aside from the blocked carriage entry has little reference to its earlier agricultural past; there appears to be little to suggest that the land to the rear of the building is directly associated with it. Development of the appeal site to the rear of the building would change the context of the listed building, further enclosing it within the developed area of Clitheroe. However, as it is no longer readable as an agricultural building, having been fully converted into three domestic properties and having no redundant farm buildings associated with it, the setting of the building has shifted to a more domestic scale of the garden surroundings and the street frontages. Overall I consider that the development to the rear of the building would not cause harm to the setting of the building, particularly if planting occurs along the site boundary as shown on the illustrative Master Plan. I consider that the proposal would preserve the setting of this listed building.

Conclusions

56. I conclude that the proposal would be in overall accordance with policies in the development plan and Government guidance and that the appeal should be allowed.

Conditions

57. The Council submitted a schedule of suggested conditions³¹ which were discussed at the Inquiry. I have considered these conditions in the light of the advice in Circular 11/95. Condition 1 refers to a 5 year time limit for the submission of reserved matters which I consider is reasonable and necessary given the nature and size of the proposal. Condition 2 is necessary because the application was made for outline permission. Condition 3 is necessary to encourage renewable energy and to comply with Policy G1 of the Local Plan. Condition 4 relating to surface water drainage is necessary to prevent the increased risk of flooding. Condition 5 is necessary to protect, restore and enhance the existing and/or proposed ponds on the site. Condition 6 is necessary to ensure that the detailed site investigation and remediation strategy will not cause pollution of ground and surface waters.
58. Condition 7 is necessary to prevent noise intrusion and to protect residential amenity. Condition 8 is necessary to ensure that the development is carried out in substantial accordance with the approved plans. Condition 9 is necessary to ensure a satisfactory development of the site in a phased manner. Condition 10 is necessary to ensure that satisfactory access is provided to the site. Conditions 11 and 12 are necessary in the interests of highway and pedestrian safety and to comply with Policies G1 and T1 of the RVDWLP. Condition 13 is necessary to ensure and safeguard the recording of any archaeological deposits. Conditions 14-22 are necessary in the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the RVDWLP. Condition 23 in relation to

³¹ LPA10

the Travel Plan is necessary to minimise the use of private cars in the interests of a sustainable development.

59. Condition 24 in relation to a Construction Method Statement is necessary in the interests of protecting residential amenity. Condition 25 is necessary to encourage an energy efficient development. Condition 26 relates to the submission of a Masterplan and Design Code for the whole site and is necessary to ensure a satisfactory development in the interests of visual amenity. Condition 27 is necessary to ensure that the final details of the pedestrian/cycle link to Edisford Road are acceptable and implemented. Discussions took place at the Inquiry about the need for details of 'lighting' to be included in the wording. I consider that word 'lighting' should be included in this condition in the interests of public safety and accessibility. Condition 28 relates to the provision of a bus stop within the site. I consider this condition is necessary to aid accessibility and to comply with Policies G1 and T1 of the RVDWLP. I consider that Condition 29 is unnecessary for the reasons set out at paragraph 30 above.

Harold Stephens

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Sauvain QC

Instructed by Diane Rice, Head of
Legal and Democratic Services
for Ribble Valley Borough Council

He called:

Gareth Davis BSc (Hons) MSc CMILT MCIHT

Divisional Director, Waterman
Boreham Ltd

Richard Purser BA (Hons), BPI MRTPI

Associate Partner, DPP LLP

FOR THE APPELLANT

Paul G Tucker QC

Instructed by Tim Dean, Planning
and Development Manager
Gladman Developments Ltd

He called:

Dr Carol Ashley BSc MSc PhD FIHT MCILT MAE

Director of Ashley Helme
Associates

George Venning MA (Cantab)

Principal Consultant at Levvel Ltd

Phil Rech BA (Hons) BPhil LD CMLI

Director FPCR Environmental
Design Ltd

Tim Dean MA Dip TPS MRTPI

Planning and Development
Manager Gladman Developments
Ltd

INTERESTED PERSONS

Maureen Fenton

Local resident

David Butterworth

Coordinator of Henthorn Housing
Action Group

Ron Loebell

Local resident

INQUIRY DOCUMENTS

INQ1	Inquiry Notification Letter
INQ2	Letters received in response to the Notice of the Inquiry
INQ3	Planning Statement of Common Ground
INQ4	Highways Statement of Common Ground
INQ5	Education Statement of Common Ground

CORE DOCUMENTS LIST

CD1	Application Documents
1.1	06 September 2011 – Letter – RVBC to Gladman – Re: Agreement to extension of time to determine Planning Application 28 July 2011 – Letter – Gladman to RVBC – Re: Extension of time limit to determine Planning Application
1.2	Amended application covering letter, application form and certificates (06.12.10)
1.3	20 August 2010 – Letter – RVBC to Gladman – Re: Application registration
1.4	Application covering letter, application form and certificates (16.08.10)
1.5	Location Plan – 2010-001-100
1.6	Topographical Survey – 2010-001-101, 2010-001-102
1.7	Development Framework – 4370-P-01 Revision F
1.8	Illustrative Master Plan – 4370-P-02 Revision E Green Infrastructure Plan – 4370-P-03 Revision B Indicative Cross Sections A-C – 4370-P-04 Open Space Plan 1: Community Park – 4370-P-05 Revision A Open Space Plan 2: Play Area – 4370-P-06 Revision A Open Space Plan 3: Valley – 4370-P-08 Revision A
1.9	Planning Statement – August 2010
1.10	Report of Community Involvement – August 2010
1.11	Draft S106 Agreement
1.12	Design and Access Statement – 4370/DAS Revision A
1.13	Transport Assessment – 1222/3/B/TA
1.14	Travel Plan – 1222/4/A/TP
1.15	Air Quality Assessment – 1222/5
1.16	Ecological Appraisal – July 2010
1.17	Tree Assessment Report – July 2010
1.18	Phase 1 Site Investigation – KB450-03/AES/HB/GP
1.19	Soil Resources and Agricultural Use & Quality
1.20	Flood Risk Assessment – August 2010
1.21	Landscape and Visual Assessment – August 2010
1.22	Archaeological Desk Based Assessment – June 2010
1.23	Utilities Appraisal Report – V1

1.24	Renewable Energy & Sustainability Resources Strategy, Building for Life Evaluation – July 2010
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CD2	Post Application Submission Updated Documentation
2.1	Development Framework Plan – 4370-P-01 Revision G
2.2	Illustrative Masterplan – 4370-P-02 Revision I
2.3	Design and Access Statement – 4370/DAS Revision C
2.4	Ecological Appraisal – Revision B, November 2010
2.5	Landscape and Visual Review, August 2011

CD3	Correspondence with Local Planning Authority
	<i>Relevant Planning Correspondence</i>
3.1	19 September 2011 – Application decision notice
3.2	15 September 2011 – Committee report update
3.3	15 September 2011 – Report – RVBC to Gladman – Supplementary questions re: Woone Lane proposals
3.4	08 September 2011 – Email – Gladman to RVBC – Clarification on East Lancashire Primary Care Trust, Procurement of Doctor's surgery
3.5	08 September 2011 – Report – RVBC to Gladman – Response to committee's questions raised at 14 July 2011 committee meeting
3.6	31 August 2011 – Email – RVBC to Gladman – Wording of condition 12 within the amended committee report
3.7	31 August 2011 – Email – RVBC to Gladman – Offsite highways works
3.8	09 August 2011 – Email – RVBC to Gladman – Acknowledgement of letter dated 19 July 2011
3.9	14 July 2011 – Application committee report
3.10	29 July 2011 – Letter – Gladman to RVBC – Re: Extension of time letter to determine planning application
3.11	25 July 2011 – Letter – Gladman to RVBC – Re: Reference to Clayton-le-Woods appeal decision
3.12	25 July 2011 – Report – Gladman to RVBC – Response to Ministerial Statement on 'Planning for Growth'
3.13	19 July 2011 – Letter – Gladman to RVBC – Re: Conduct of members – Planning committee 14 July 2011
3.14	13 July 2011 – Email – Gladman to RVBC – Re: Distribution of matrix of key material planning considerations
3.15	08 June 2011 – Email – RVBC to Gladman – Re: cycle linkage
3.16	11 May 2011 – Email – Gladman to RVBC – Re: 14 day additional consultation exercise in respect of Woone Lane
3.17	11 May 2011 – Email – Gladman to RVBC – Re: Confirmation of additional information to be submitted by AHA in respect of Woone Lane
3.18	22 March 2011 – Email – Gladman to RVBC – Re: Response from Lancashire County Council regarding education triggers
3.19	04 March 2011 – Letter – Gladman to RVBC – Re: Response to objection by Standen Estates
3.20	03 March 2011 – Letter – FPCR to RVBC – Re: Response to objection by Standen Estates
3.21	02 March 2011 – Letter – AHA to LCC Highways – Re: Response to objection

	by Standen Estates
3.22	20 December 2011 – Email – Gladman to RVBC – Response to RVBC in relation to questions about development scale, phasing and public open space
3.23	09 December 2010 – Email – Gladman to RVBC – Re: Meeting between LCC Highways and AHA
3.24	01 November 2010 – Letter – Gladman to RVBC – Re: Request for meeting to discuss application progress
3.25	16 August 2010 – Letter – RVBC to Gladman – Re: Response to pre application enquiry
3.26	20 July 2010 – Letter – RVBC to Gladman – Re: Response to request for screening opinion
3.27	07 July 2010 – Letter – Gladman to RVBC – Re: Request for screening opinion
	Highways Correspondence
3.28	14 July 2011 – Letter – Gladman to RVBC – Re: Additional information in relation to rail movements at barrier controlled level crossing on Eshton Terrace
3.29	10 May 2011 – Report – LCC Highways to RVBC – Re: Consultation response to planning application
3.30	04 May 2011 – Email – AHA to LCC Highways – Re: Woone Lane traffic management scheme
3.31	27 April 2011 – Email – AHA to LCC Highways – Re: Request for additional information in relation to Woone Lane scheme
3.32	14 April 2011 – Email – AHA to LCC Highways – Re: Amendments to Woone Lane scheme following meeting with LCC Highways
3.33	16 March 2011 – Email – AHA to LCC Highways – Re: Request for additional information in relation to Woone Lane scheme
3.34	04 March 2011 – Letter – LCC Highways to AHA – Re: Consultation response to planning application
3.35	04 March 2011 – Letter – LCC Highways to RVBC – Re: Consultation response to planning application
3.36	02 March 2011 – Letter – AHA to LCC Highways – Re: Response to objection by Standen Estates
3.37	17 December 2010 – Letter – AHA to LCC Highways – Re: Response to meeting of 08 December 2010 265-282
3.38	30 November 201 – Email – RVBC to Gladman – Re: Details of meeting between RVBC and LCC Highways
	Ecology Correspondence
3.39	26 November 2010 – Report – LCC to RVBC – Re: Consultation response to planning application
3.40	11 November 2010 – Email – FPCR to LCC – Re: Submission of amended ecological report (Revision B)
3.41	03 November 2010 – Email – LCC to FPCR – Re: Request for additional information in relation to ecological report
	Affordable Housing Correspondence
3.42	15 August 2011 – Email and Report – Levvel to RVBC – Re: Report on

	feasibility of delivering affordable housing
3.43	25 May 2011 – Report– Levvel to RVBC – Re: The Housing Corporation economic appraisal tool
3.44	25 May 2011 – Report– Levvel to RVBC – Re: The Housing Corporation economic appraisal tool
3.45	25 May 2011 – Report– Levvel to RVBC – Re: The Housing Corporation economic appraisal tool
3.46	23 May 2011 – Email – Gladman to RVBC – Re: Arrangement for delivery of Housing Corporation economic appraisals
3.47	09 May 2011 – Email and Report – Gladman to RVBC – Re: Submission of independent report by Levvel relating to delivery of affordable housing
3.48	03 May 2011 – Email – Gladman to RVBC – Re: Response to Rachael Stott's memorandum of 06 April 2011
3.49	14 April 2011 – Email – Gladman to RVBC – Re: Commission of report by Levvel
3.50	14 April 2011 – Email – Gladman to RVBC – Re: Scoping of Levvel report and corporate capability statement
3.51	06 April 2011 – Memorandum – RVBC Affordable Housing to RVBC Case Officer – Consultation response to planning application
	<i>Masterplan Correspondence</i>
3.52	08 February 2011 – Letter – Gladman to RVBC – Re: Amendments to masterplan (Revision H)
3.53	30 November 2010 – Email – Gladman to RVBC – Re: Amendments to masterplan (Revision G) and Development Framework Plan (Revision G)
3.54	11 November 2010 – Email – RVBC to Gladman – Re: Request for additional information following internal meeting
	<i>Lancashire County Council Contributions Correspondence</i>
3.55	08 December 2010 – Email – Gladman to RVBC – Re: Response to LCC contributions request
3.56	20 September 2010 – Letter – LCC to RVBC – Re: Request for contributions in respect of planning application
	<i>PCT/Doctors Surgery Correspondence</i>
3.57	25 May 2011 – Email – Gladman to RVBC – Re: Confirmation that East Lancashire PCT are agreeable to obligations within Section 106
3.58	15 March 2011 – Email – RVBC to Gladman – Re: Confirmation that East Lancashire PCT are agreeable to the inclusion of provision of doctors facility within scheme
3.59	25 February 2011 – Letter – East Lancs PCT to Gladman – Acceptance to inclusion of doctors facility within scheme
3.60	15 December 2010 – Email – RVBC to Gladman – Re: Confirmation of additional consultation period following amendment to description of development
3.61	13 December 2010 – Email – Gladman to RVBC – Re: Request for confirmation to consultation period following amendment to description of development

	<i>Air Quality Correspondence</i>
3.62	19 May 2011 – Email – RVBC to Gladman – Re: Consultation response to planning application
3.63	09 May 2011 – Letter – PBA to Gladman – Re: Independent review of information submitted by AHA to RVBC in support of planning application
3.64	11 May 2011 – Email – RVBC to Gladman – Re: Response to scoping of additional works in support of application (09 May 2011)
3.65	27 April 2011 – Letter – AHA to RVBC – Re: Additional information in support of planning application
3.66	10 December 2010 – Letter – AHA to RVBC – Re: Information in support of application
	<i>LDF Core Strategy (Housing Target)</i>
3.67	18 June 2010 – Report – RVBC – Re: Minutes of Planning and Development Committee 17 June 2010
3.68	17 June 2010 – Report – RVBC – Re: Report to Planning and Development Committee
CD4	IHT Guidelines for Planning for Public Transport in Developments 03/99
CD5	IHT Guidelines for Providing for Journeys on Foot 2000
CD6	DTLR By Design, Better Places to Live 2001
CD7	DfT Transport Statistics Bulletin, National Travel Survey 2006
CD8	DfT Manual for Streets 2007
CD9	DfT Guidance on Transport Assessment 03/07
CD10	CLG SHLAA Practice Guide 07/07
CD11	GONW North West Regional Spatial Strategy 09/08
CD12	RVBC Ribble Valley Economic Review 10/08
CD13	RVBC Settlement Hierarchy 12/08
CD14	RVBC Strategic Housing Market Assessment Report 12/08
CD15	RVBC Strategic Housing Land Availability Assessment Report 04/09
CD16	RVBC Strategic Housing Land Availability Assessment Maps (Clitheroe) 04/09
CD17	LCC Creating Civilised Streets 02/10
CD18	RVBC Affordable Housing Memorandum of Understanding 06/10
CD19	RVBC Committee Report and Minutes, RSS Figures Retained 06/10
CD20	RVBC Core Strategy Consultation Reg25 - 08/10
CD21	DfT Manual for Streets 2 - 09/10
CD22	RVBC Annual Monitoring Report 12/10
CD23	RVBC Core Strategy, Generation of Alternative Development Strategy Options 06/11
CD24	NLP Ribble Valley Housing Requirements 07/11
CD25	DfT Design Manual for Roads and Bridges, Volume 6, Section 2
CD26	RVBC Core Strategy Topic Paper 11/11
CD27	PINS Appeal Decision, Riddings Lane, Whalley 09/11

CD28	RVBC Defining a Local Housing Requirement, Summary 11/11
CD29	RVBC Housing Land Availability, Committee Report 11/11
CD30	Gladman Footpath/Cycle Link Planning Application 12/11

ADDITIONAL INQUIRY DOCUMENTS LIST SUBMITTED ON BEHALF OF APPELLANT

Opening submissions on behalf of Appellant	APP1
Ashley Helme Associates - Proposed Access Arrangements 1222/03 Revision C	APP2
FPCR – Summary of Proof	APP3
Environment Agency – Withdrawal of objection – 12 March 2012	APP4
Ashley Helme Associates – Information to be given to Inquiry: As agreed with Gareth Davis	APP5
Training and Support – TRL Software	APP6
Circular 11/95 – Use of negative conditions	APP7
Clitheroe local times – Bus times	APP8
Drawings to be referenced within planning conditions	APP9
Unilateral Undertaking Pursuant to Section 106	APP10
CgMs – Assessment of Henthorn Farm Listed Building	APP11
Closing submissions on behalf of appellant	APP12

ADDITIONAL INQUIRY DOCUMENTS LIST SUBMITTED ON BEHALF OF RIBBLE VALLEY BOROUGH COUNCIL

Summary Proof of Gareth Davis	LPA1.1
Proof of Evidence of Gareth Davis	LPA1.2
Drawings included in Gareth Davis Proof	LPA1.3
Figures included in Gareth Davis Proof	LPA1.4
Appendices of Gareth Davis	LPA1.5
Rebuttal of Gareth Davis with Appendices and dwgs	LPA1.6
Summary Proof of Evidence of Richard Purser	LPA2.1
Proof of Evidence of Richard Purser	LPA2.2
Appendices consolidated of Richard Purser	LPA2.3
Opening submission by Stephen Sauvain QC	LPA3.1
Closing submission by Stephen Sauvain QC	LPA3.2
Email communication between Gareth Davis and Martin Nugent (LCC Highways)	LPA4
Committee report 2 Feb 2012 Core Strategy Housing Requirement	LPA5
Minutes of special Planning & Development Committee – housing requirements	LPA6
Instructions from RVBC re appointment of consultants and response by Gareth Davis and Richard Purser	LPA7
Memorandum from David Watson to Martin Nugent LCC Highways 8 October 2010	LPA8
Bus Route Plan	LPA9
Revised conditions list	LPA10

INTERESTED PERSONS' DOCUMENT LIST

IP/1	Statement from Maureen Fenton
IP/2	Statement from David Butterworth
IP/3	Statement from Ron Loebell

SCHEDULE OF CONDITIONS

- 1) Application for approval of reserved matters must be made not later than the expiration of 5 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
 - (a) the expiration of 5 years from the date of this permission; or
 - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.
- 2) No development shall begin on any phase of development (as approved under condition 9) until detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level (called the reserved matters) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be implemented in accordance with the approved details.
- 3) No development shall begin until a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained.
- 4) No development shall begin until a scheme for surface water drainage and attenuation for the site, based on sustainable drainage principles and assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the scheme after completion shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 5) No development shall begin until details of any works that will alter the existing ponds on site or details of any new ponds adjacent to them have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.
- 6) Development shall not commence on any phase approved under condition 9) of this permission until that phase has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The remediation works shall be

carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.

- 7) Any application for the approval of reserved matters that includes development of residential properties adjoining the shared northern site boundary with the kennels/cattery shall include specific measures for the provision of a suitable noise barrier along the shared boundary. The measures so submitted and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved measures prior to the commencement of residential development in that phase.
- 8) The submission of reserved matters in respect of layout, scale, appearance and landscaping and implementation of development shall be carried out in substantial accordance with the Development Framework Plan 4370-P-01 Rev-G, Design and Access Statement 4370/DAS Rev-C and the Illustrative Masterplan 4370-P-02-Rev-I.
- 9) The reserved matters application(s) shall include details of phasing of development across the whole development site. The phasing scheme shall include the following matters:

- (a) a plan demarcating the development phases;
- (b) details of the number of development plots for both market and affordable housing units; and
- (c) a programme of delivery of development phases.

All reserved matters applications and consequent development shall be made in accordance with the approved phasing scheme or any subsequent submitted and approved amendments to the scheme.

- 10) The new estate road/access between the site and Henthorn Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any residential development takes place within the site.
- 11) No development shall begin until a scheme for the programming, implementation and construction of the site access and the off-site highway works of highway improvements has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The off-site highways works and improvements shall include:

- (a) Toucan crossing on Whalley Road, close to Turner Street
- (b) Zebra crossing on Henthorn Road, north east of Siddows Avenue

(c) Pedestrian improvements in the form of dropped kerbs, improved surfacing materials and pedestrian route signage between the site and Clitheroe town centre (as illustrated on approved plans 1222/19 Henthorn Road Pedestrian Crossing Scheme and 1222/21 Indicative Henthorn Road 20MPH 'Sign Only' Scheme')

(d) Cycle stands (for 4 cycles) within Clitheroe town centre

The works shall thereafter be carried out in accordance with the approved scheme.

- 12) No development shall begin until a scheme for the construction of the pedestrian/cycle links through the site between Henthorn Road and the caravan track including a bollard or similar barrier arrangements on the link at its junction with the caravan track has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme so approved shall be implemented in accordance with the approved phasing details submitted under condition 9) prior to the first occupation of the 10th dwelling unit on the site.
- 13) No development shall take place on any phase of development (as approved under condition 9) until a programme of archaeological work has been completed for that phase in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 14) No site clearance, site preparation or development work shall take place within 7m of the river edge unless an otters (*Lutra lutra*) survey for the presence of otters has been carried out. The survey, together with proposals for mitigation/compensation (if required) shall be submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. Any necessary and approved measures for the protection of otters shall thereafter be implemented in full.
- 15) No site clearance, site preparation or development work shall take place within 7m of the river edge unless a water vole (*Arvicola terrestris*) survey has been carried out in advance. The report of the survey (together with a scheme for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. Any necessary and approved measures for the protection of water voles shall thereafter be implemented in full.
- 16) No development shall take place for any works affecting a watercourse before a survey for whiteclawed crayfish (*Austropotamobius pallipes*) has been undertaken. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. Any necessary and approved measures for the protection of white-clawed crayfish shall thereafter be implemented in full.
- 17) No development shall take place until a repeat survey for the presence of badgers has been undertaken. The report of the survey (together with

proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. Any necessary and approved measures for the protection of badgers shall thereafter be implemented in full.

- 18) Tree felling, vegetation clearance works, or other works that may affect nesting birds shall be avoided between March and July inclusive. In the event that works are required to be carried out during the nesting period a comprehensive risk assessment in order to establish the absence/presence of nesting birds shall be undertaken. The report of the assessment (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority prior to any works taking place. Works shall be carried out in accordance with any necessary and approved measures.
- 19) All trees and hedgerows (and the Biological Heritage Site) being retained in or adjacent to the application site shall be protected during construction, in accordance with existing guidelines (e.g. BS5837: 2005 Trees in relation to construction - Recommendations).
- 20) No site clearance, site preparation or development shall take place until a habitat creation/enhancement and management plan and programme has been submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. The plan shall include (but not be limited to) further details of measures for: the maintenance and enhancement of retained hedgerows, compensation for hedgerow losses; retention and enhancement of species rich/neutral grassland (and measures for mitigation/compensation, if retention in situ is not possible); enhancement of the stream and associated habitat; native scrub and tree planting; maintenance and enhancement of part of the River Ribble BHS. The approved management plan shall be implemented in full in accordance with the approved programme.
- 21) No development shall begin until a detailed method statement for the removal or treatment and control of Himalayan Balsam (*Impatiens Glandulifera*) on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of proposed working methods to be adopted to prevent the spread of the species during any operation such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- 22) No development shall begin on any phase of development (as approved under condition 9) until details of a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details to demonstrate how artificial illumination of important wildlife habitats (the River Ribble and its banks, trees with bat roost potential, hedgerows used by foraging and commuting bats) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

- 23) Prior to occupation of the 1st dwelling a Travel Plan based on the Framework Travel Plan (FTP) to improve accessibility of the site by sustainable modes for residential uses and PCT facility shall be submitted to and approved in writing by the Local Planning Authority in consultation with Lancashire County Council Highways Travel Plan team.

The Travel Plan should include the following matters:

- Appointment of a named Travel Plan Co-ordinator.
- Travel survey.
- Details of cycling, pedestrian and public transport links to the site.
- Details of secure covered cycle parking.
- Targets for a reduction in private car journeys.
- Action plan of measures to be introduced.
- Details of arrangements for periodic monitoring and review of the Travel Plan.

The approved Travel Plan shall be implemented, monitored and reviewed (including undertaking any necessary remedial or mitigation measures identified in any such review) in accordance with the approved Travel Plan for a period of time not less than 5 years following completion of the final phase of development (as per the approved phasing scheme under condition 9).

- 24) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from construction works

- 25) The dwellings shall achieve a minimum Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

- 26) No development shall begin until both a Masterplan and Design Code for the whole of the site has been submitted to and approved in writing by the Local Planning Authority. The Masterplan and Design Code shall both substantially accord with the Design and Access Statement 4370/DAS Rev-C submitted with the application. The Design Code will address the following matters:

- Architectural and sustainable construction principles
- Character areas

- Lifetime homes standards
- Street types and street materials
- Development block types and principles
- Pedestrian and cycle links to adjoining land
- Boundary treatments
- Building types and uses
- Building heights
- Building materials
- Sustainable drainage system
- Public open spaces

Any application for reserved matters for any phase of development (as approved by condition 9) shall be made in accordance with the approved Masterplan and Design Code.

- 27) No development shall begin until a scheme for the provision of a pedestrian/cycle link between the site boundary with the caravan park track and Edisford Road (including details of lighting, surface treatment and signage) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme so approved shall be implemented in accordance with the phasing details submitted under condition 9 prior to first occupation of the 1st dwelling on the site.
- 28) The reserved matters application(s) shall include details of the provision of a bus stop to the Lancashire County Council Bus Stop Quality Standard within the site in accordance with such details as have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The bus stop shall be implemented in accordance with the approved details and be capable of being brought into use by a public bus service operator prior to occupation of the 51st dwelling on the site.

