

**OUTLINE PLANNING APPLICATION
(3/2012/0179)**

**BY
BRIERY HOMES LIMITED**

**TO
RIBBLE VALLEY BOROUGH COUNCIL**

**FOR A RESIDENTIAL DEVELOPMENT FOR THE
ELDERLY (COMPRISING 37 BUNGALOWS AND 40
RETIREMENT APARTMENTS)**

**AT
LAND AT ACCRINGTON ROAD, WHALLEY**

SUPPLEMENTARY PLANNING STATEMENT

September 2012



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1. INTRODUCTION

1.1 This supplementary Planning Statement is in support of the outline planning application (reference 3/2012/0179) submitted by Briery Homes Limited in February 2012 for a residential development for the elderly at land off Accrington Road, Whalley. This Statement should be read in conjunction with the following other additional statements and revised plans, as follows:

- amended location plan;
- amended site layout plan;
- additional indicative dwelling types;
- flood compensation scheme;
- addendum to landscape and visual assessment; and
- updated ecological appraisal report

1.2 This Statement:

- outlines the relevant provisions of the National Planning Policy Framework (issued after submission of the planning application);
- assesses the proposal against its provisions; and
- describes and assesses the revisions to the scheme made following comments from consultees.

2. NATIONAL PLANNING POLICY FRAMEWORK

2.1 The relevant policies and provisions of the national Planning Policy Framework (NPPF), published in March 2012, are identified below.

2.2 The NPPF clearly states *'that the purpose of the planning system is to contribute to the achievement of sustainable development'* (paragraph 6). Paragraph 197 confirms that *'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development'*. Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the NPPF. It goes on to say that *'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- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or*
 - *specific policies in this Framework indicate development should be restricted*".

2.3 Paragraph 7 describes the three dimensions to sustainable development as economic, social and environmental. Each of the dimensions are referred to and assessed at paragraph 2.7 below. An elaboration of the Government's view of what sustainable development means in practice for the planning system is detailed later in the NPPF. Relevant components are referred to and assessed at paragraphs 2.8 and 2.9 below.

2.4 The NPPF (paragraphs 2, 11, 12 and 196) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise, ie the development plan is the starting point for decision making.

2.5 The NPPF highlights the importance of development plans being kept up to date (paragraph 12). Decision taking in the absence of an up to date development plan is addressed at paragraph 14 (see 2.2 above). At paragraph 214 it is confirmed that '*for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a degree of conflict with this Framework*'. Paragraph 215 continues by stating that '*in other cases and following this 12-month period, due weight should be given*

to relevant policies in existing plans according to the degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given)'. Paragraph 49 provides further guidance on the matter. It states '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 deliverable housing sites'.

2.6 Paragraphs 2, 8, 13, 196 and 212 confirm that the NPPF is a material consideration in planning decisions.

2.7 The three dimensions of sustainable development are defined at NPPF paragraph 7 as economic, social and environmental. Each of these dimensions are assessed below:

- economic - the proposal fulfils the economic role by bringing forward sufficient and appropriate land for housing to support growth;
- social - the proposal fulfils the social role by supporting strong, vibrant and healthy communities through the provision of a mix of market and affordable homes to meet the identified housing needs for the elderly;
- environmental - whilst the proposal involves the development of a greenfield site it is acknowledged by the Council that the use of greenfield sites is necessary to meet identified development needs. The proposal fulfils the environmental role by positively addressing flood risk issues, a commitment to the use of renewable energy, the provision of large areas of new planting and enhancement of the natural riverside environment, a careful consideration of landscape impacts and links to the public footpath network.

2.8 The main body of the NPPF addresses the components of sustainable development. Those most relevant to the appeal are:

- ‘promoting sustainable transport’ – *‘developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment’* (paragraph 31) and *‘located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’* (paragraph 34). Decisions should take account of whether *‘safe and suitable access to the site can be achieved for all people’* and development should only be refused where the residual impacts of development are severe (paragraph 32);
- ‘delivering a wide choice of high quality homes’ – local planning authorities are expected to boost the supply of housing (paragraph 47). In this regard, local planning authorities should *‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements’*. Paragraph 47 goes on to require an additional ‘buffer’ of 5% to ensure choice and competition in the market for land. Local planning authorities should increase the ‘buffer’ to 20% where there has been a record of persistent under delivery of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Where a five year supply of deliverable sites cannot be demonstrated relevant Local Plan policies for the supply of housing land should not be considered up-to-date;
- ‘requiring good design’ – developments should add to the quality of the area, and reinforce local distinctiveness;
- ‘protecting Green Belt land’ – the Government attaches great importance to Green Belts. Inappropriate development within Green Belt (such as new housing, except in specific circumstances) is by definition harmful and should not be approved except in very special circumstances (paragraphs 79 and 87);

- ‘meeting the challenge of climate change, flooding and coastal change’ – it is expected that *‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk’* (paragraph 100) and that *‘when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’* (paragraph 103);
- ‘conserving and enhancing the natural environment’ – in deciding planning applications local planning authorities should aim to conserve and enhance biodiversity by applying various principles including resisting development resulting in the loss or deterioration of irreplaceable habitats (paragraph 118);
- ‘conserving and enhancing the historic environment’ – the significance of any heritage asset that may be affected by a proposal should be identified and assessed. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset (paragraph 128).

2.9 The proposal is assessed below in relation to each of the above considerations:

- transport – a Transport Assessment was submitted in support of this application. It concludes that access to and from the site by public transport, cycle and by foot is good and therefore these modes provide an alternative to travel by private car. The traffic likely to be generated by the development is low, especially given the target elderly resident population. As such, the proposed development would have a minimal impact in terms of highway safety and traffic impact. Access would be from Accrington Road via a simple T-junction and have adequate visibility, radii etc to meet relevant design standards. Lancashire County Council as Highways Authority has confirmed that it has

no objection to the proposal subject to a number of standard conditions;

- delivery of homes – the proposal would boost the supply of homes in the Borough. In so doing, the development would make appropriate provision for the delivery of affordable homes and homes for the elderly for which there is a particular need within Ribble Valley. Having regard to this assessment the proposal is considered to represent sustainable development, for which a presumption in favour applies. In addition, the lack of a five year supply (see Appendix A for assessment) confirms our previous submissions that the Council's planning policies can not be regarded as up-to-date. In particular, no real weight can be given to the settlement boundaries established within the Local Plan adopted in 1998 and the policies which derive from those boundaries. In any event, the Council should note that housing provision levels are a minimum and not a maximum. There is no national or local planning policy basis upon which to resist housing development proposals once a five year supply of housing land (based on RSS policy) is achieved. In this instance there is the added prospect of higher housing provision figures, as heralded by the evidence base for the emerging Core Strategy. So, notwithstanding our submissions, even if a five year supply of housing land is assumed to be available, it is not a bar to the grant of permission for additional housing development. Rather, in accord with NPPF paragraph 49, *'housing applications should be considered in the context of the presumption in favour of sustainable development'*.
- design – the proposal is in outline with all matters relating to layout and design reserved for subsequent approval. However, as demonstrated through the Design and Access Statement and Planning Statements submitted in support of the application, the illustrative layout represents a considered response to the characteristics of the site and its context. Accordingly, the

Council can be assured that a high quality design can be achieved;

- green belt – the site lies beyond the Green Belt (it all being to the south of the River Calder) and, as such, it remains protected from inappropriate development;
- flooding – the proposal is accompanied by details to demonstrate that the development is protected from predicted extreme flood levels of 1 in 100 year (plus climate change), that the development would not add to the risk of flooding elsewhere and the Sequential Test submitted in support of the application demonstrates that there are no alternative available sites for the development;
- natural environment – the Ecological Survey reports is submitted in support of the application demonstrate that there is no evidence of any protected species occurring on the site or the surrounding areas which would be negatively affected by the proposed site development. Enhancement of the site through landscaping, tree planting alongside the river and the new pond would result in significant ecological improvement of the site.
- historic environment - the Heritage Appraisal submitted in support of the application demonstrates that there is no risk of direct physical harm to any features of heritage significance nor would there be any harm to the setting of the Whalley Conservation Area.

3. SCHEME REVISIONS

- 3.1 In response to comments from United Utilities a foul water load and flow assessment was carried out for the development. The assessment was formally submitted to the Council on 10 July 2012. On the basis of this assessment United Utilities confirmed that the proposal is acceptable.

- 3.2 In response to comments from the minerals planning officer at Lancashire County Council a ground investigators report was commissioned. The report was formally submitted to the Council on 10 July 2012. On the basis of this report Lancashire County Council withdrew its objection.
- 3.3 In response to comments from the Environment Agency a revised indicative site layout plan and a flood compensation scheme has been drawn up. This scheme is formally submitted alongside this Statement. For the purposes of an assessment of the proposal the revisions to the layout and the flood compensation scheme are described below. On the basis of this scheme the Environment Agency confirmed that this provides a sound approach to development of the site.
- 3.4 The Environment Agency also commented on planting within 8 metres of the top of the riverbank. It should be noted that mature trees along the riverbank are a feature of the site. The additional planting proposed would complement the existing planting and need not restrict access for maintenance purposes, with which the Environment Agency is concerned. In any event, the revised indicative site layout plan provides a much wider area (up to 60 metres deep) between the river and proposed development within which extensive tree planting may be undertaken. The precise details of such planting would be the subject of detailed specification and agreement at the reserved matters stage. At that time any detailed issues relating to the positioning of trees can be addressed.

Revisions to Indicative Site Layout

- 3.5 In parallel with the preparation of a flood compensation scheme the indicative site layout has been revised. The revised scheme shows a condensed area of built development with an increased area of up to 60 metres wide alongside the river. The revised layout retains the 40 retirement apartments within three linked two-storey buildings near to Accrington Road and within the northeast corner of the site. Some 37

bungalows are proposed within the remainder of the site along with an area of car parking for village use.

Flood Compensation Scheme

- 3.6 To avoid any risk of flooding to the proposed properties from an extreme 1 in 100 year event (plus an allowance for climate change) land levels would be raised by up to 1.0 metre across parts of the site within which some of the dwellings are to be built (other dwellings are proposed on already higher land). To compensate for any loss of flood water storage during an extreme event the proposal involves lowering of ground levels within other parts of the development site by up to 1.0 metre. To provide full compensation for lost flood water storage an additional area of land alongside the river and to the east of the development site has been included within the application site.
- 3.7 The scheme has demonstrated to the satisfaction of the Environment Agency that the development proposals are achievable without risk of flooding to the proposed dwellings and without increased risk of flooding anywhere.
- 3.8 Given that the overall proposals now involve some additional land, the ecological and landscape visual assessment reports have been updated.
- 3.9 The landscape / visual assessment concluded that the revisions associated with the flood compensation scheme will result in improvements both in landscape and visual impact terms. The visual and landscape impacts associated with raising ground levels would be negligible as those changes would not be readily apparent from viewpoints. The improvements are associated with the opportunities for additional appropriately designed planting within the larger underdeveloped areas of the site and those areas where levels are to be lowered.

- 3.10 The ecological appraisal confirms that there was no evidence of protected species being harmed by the proposal. Rather, the nature of the proposal would result in significant improvements in the ecological value of the site.

4. CONCLUSION

- 4.1 The revisions made to the original application positively address the detailed issues raised by technical consultees. Also, the proposal is demonstrated to be compliant with the recently published NPPF. No other issues of general planning concern have been raised with the applicant. As such, the overall planning assessment of the proposal as submitted with the application remains valid.
- 4.2 For the reasons set out in this and other statements submitted in support of this application, the Council is respectfully invited to grant outline planning permission.

5. APPENDIX

Appendix A: Housing Land Supply Assessment

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It is noted that the Council now claim a 6.0 year supply of housing, calculated at 1 July 2012. We have reviewed the Council's latest (July 2012) Housing Land Availability calculations as presented to its Planning and Development Committee meeting on 16 August 2012. We conclude that the supply calculations can not be relied upon.

In particular, we would comment as follows:

- An appropriate assessment of whether sites are deliverable has not been carried out. This is illustrated by consideration of a single site example, land off Henthorn Road, Clitheroe. The planning permission for 270 dwellings at the Henthorn Road site (which lies outside of the defined Local Plan settlement boundary for Clitheroe) was granted on appeal in March 2012. The site is not owned by a housing developer and the permission is in outline. Given these factors, the scale of the proposal and the nature of the local housing market, it is our assessment that there is no realistic prospect of the whole site being deliverable within a five year period. There will be lead-in times to dwelling completions associated with marketing the site, obtaining approvals to the reserved matters and pursuant to various conditions, and site preliminaries. Also, we estimate there to be a maximum and optimistic house completion rate of 50 units per year (assuming two developers, less if only one). Accordingly, our assessment is that at best between 120 and 200 dwellings would be delivered at the Henthorn Road site within a five year period. That is, between 70 and 150 units would remain to be delivered at the site after the five year period and, therefore, should not be included in the five year supply of 'deliverable' permissions.
- There appears to be some inadvertent 'double counting' which has the effect of increasing the supply figure. The supply

position at paragraph 2.4 of the Committee report shows 1074 units. Less those under construction ($92 + 48 = 140$) gives a figure of dwellings with permissions but no commencement of 934 ($1074 - 140 = 934$). The figure used in Appendices 1 and 2 of the Committee report is 'sites with planning permission' 982; that is, 48 higher than the equivalent figure derived from the data at paragraph 2.4;

- The 'identified supply' at Appendices 1 and 2 of the Committee report include 164 units on sites which are subject to the prior completion of section 106 agreements before planning permission may be granted. This is confirmed at paragraph 2.4 of the Committee report. The housing supply calculation must be based on sites which are deliverable, ie at least having the benefit of a planning permission. The sites subject to prior completion of a section 106 agreement do not have planning permission, their delivery cannot be assured and they can not be properly regarded as 'deliverable' for housing supply calculation purposes.

To sum, there are three sources of inaccuracy in the Council's housing land availability calculations:

- The lack of a robust assessment of site deliverability. For a single site we have assessed and produced evidence to demonstrate that between 70 and 150 units could not be delivered within a five year period;
- Inadvertent 'double counting' increased the calculated available supply by 48 units; and
- Inclusion of sites without the benefit of planning permission increased the calculated available supply by 164 units.

The effect of the above is that the available supply is reduced by between 282 and 362 units ($70 + 48 = 118$; $150 + 48 = 198$; $198 - 118 = 80$). In turn, this would alter the supply calculation (based on Regional

Spatial Strategy (RSS) housing provision levels) to between 4.45 and 4.8 years and (based on emerging Core Strategy housing provision levels) to between 3.8 and 4.1 years. The calculations are shown below:

	Council's total supply figure	Less our supply reduction assessment range	Equals	Divided by annual housing requirement figure	Equals years supply
RSS housing provision levels	1395	362	1033	232	4.45
	1395	282	1113	232	4.8
Emerging Core Strategy housing provision levels	1395	362	1033	272	3.8
	1395	282	1113	272	4.1

Given it is demonstrated that there is less than a five year supply of housing sites the provisions of NPPF paragraph 49 apply, ie relevant planning policies should not be considered up to date.