

Planning Statement

Design & Access Statement | Affordable Housing Statement

On behalf of:

Admiral Taverns (Cygnet) Limited

Proposal:

Outline application with all matters reserved for residential development of 23 dwellings, with access,
parking and associated landscaping

Development Site:

Land at Nos.23-25 Old Row, Barrow, Clitheroe

320120623P

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Site •

Land at Nos 23-25 Old Row, Barrow, Clitheroe

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Document revisions •

No	Details	Date
CC/450/13	For pre-app submission	21/01/2011
CC/450/18	Planning Submission	21/06/2012

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1.0 Introduction

- 1.1 This Statement has been prepared on behalf of Admiral Taverns (Cygnet) Limited in support of their Outline Planning Application with all matters reserved for a residential development of 23 dwellings with access, parking and associated landscaping at the former La Taverna Restaurant – Nos.23-25 Old Row – in Barrow, nr Clitheroe.
- 1.2 This statement includes a description of the development site and planning history, an evaluation of the context of the site, an appraisal of all relevant planning policies, followed by a Design and Access Statement to justify the design rationale behind the proposed development. The statement is concluded with a summary of the main planning considerations relevant to this case.
- 1.3 This Statement should be read in conjunction with the proposal drawings and accompanying documents:
- Sursham Tompkins & Partners drawing no.5251/00 – Site location plan
 - Topographical Survey
 - Feasibility layout plan 5251/06 by Sursham Tompkins & Partners
 - Feasibility access plan 5251/05b by Sursham Tompkins & Partners
 - Transport Assessment by Opus
 - Flood Risk Assessment by AAH Planning
 - Ecology Study by Bowland Ecology
 - Contaminated Land Study by Opus

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2.0 Site & Surroundings

- 2.1 The proposal site is located on the north eastern side of the village of Barrow and comprises land in the ownership of Admiral Taverns.
- 2.2 The village is located between Whalley (approximately 1.2 miles to the south) and Clitheroe (approximately 2.1 miles to the north) and bypassed to the west by the A59, a major primary route linking Preston and the M6 in the west to Clitheroe and Skipton beyond.

- 2.3 The rectangular 1.13 hectare site is associated with the former King Charles Public House that was subsequently trading as the La Taverna Italian Restaurant for around four years, but is now closed. The site comprises two distinct parts. The two storey former restaurant is located at the western side of the site extending to 0.34 hectares. The property sits within the village and fronts onto Whalley Road. To the south side of the building is a vehicle access leading to a car park that also provides access to the rear of properties on Old Row. The car park contains space for approximately 53 cars if marked out. The curtilage of the restaurant extends to 0.34 hectares and comprises the western section of the site.
- 2.4 The eastern section of the site, which is to the east of the former restaurant car park, comprises vacant greenfield scrub and agricultural land that extends to 0.79 hectares. The land has no separate vehicle access and access can be gained from a 3 bar gate to the car park on its western side. A public right of way footpath runs to the north of the site from the rear of Barrow Primary School to the A59 to the south east. The site is generally flat and is defined around its boundaries by mature trees and hedgerows.

Surroundings

- 2.5 Barrow had a population of 659 in 2001. It has a primary school, the Bay Horse Public House, take-away restaurant, day care facility, public open space, children's play area, a Lancashire mobile library stop, Co-operative convenience shop and petrol filling station and McDonalds. There is the major employment site at Barrow Brook to the east side of the village with consent for live/work units, the Aspire Centre and a significant amount of Use Class B1 employment floorspace. The main settlement of Clitheroe is nearby with all the services that the town offers. Barrow is situated on the former main road linking Clitheroe and Whalley that now forms a bus route operating frequent services throughout the week.
- 2.6 The northern boundary is formed by a low fence with open agricultural land beyond. Beyond the north west corner of the site are the playing fields for Barrow Primary School. To the south west is Washbrook Close, a small housing estate containing semi-detached and terraced housing and bungalows. A small children's play space separates Washbrook Close from the car park. A path links Washbrook Close to the car park.

Planning History

- 2.7 An application for the change of use to market (car boot selling) on land to the rear of the King Charles was refused in September 2006.

3.0 The Proposed Development

- 3.1 An Outline Planning Application is submitted for the principle of the residential development of the site. All other matters are reserved therefore 'access', 'layout', 'scale', 'appearance' and 'landscaping' comprise the Reserved Matters. The following information on use, amount, access, layout and scale parameters is provided in accordance with Article 4 of the Town & Country Planning (Development Management Procedure) (England) Order 2010 and Circular 01/2006.

Use

- 3.2 The proposed use is to be residential. Car parking for residents of Old Row will be formalised by the provision of a maximum 18 space car park along the western boundary to the rear of Nos.14-21 Old Row.

Amount of Development

- 3.3 This application proposes 23 dwellings. The exact mix of bedroom sizes is not known at this stage, however local market conditions indicate a need for a range of 2, 3 and 4 bedroom family housing of various sizes. The indicative layout shows a mixed development with a range of house sizes

Access

- 3.4 The indicative access onto Whalley Road is shown on Sursham Tompkins & Partners Drawing No.5251/05 and will be delivered following the demolition of the former La Taverna Restaurant. The vehicular and pedestrian access to and within the site would measure 5 metres wide, with 6 metre radii onto Whalley Road and 2 metre wide footpaths to either side. An adoptable standard turning head will be provided within the site.

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Indicative Layout

- 3.5 Sursham Tompkins & Partners Drawing No.5251/06 shows how the residential development of 23 dwellings could be laid out in accordance with established urban design, access, amenity and landscape considerations.
- 3.6 A landscape buffer to the eastern boundary will screen the future employment development of that land.
- 3.7 Car parking is reserved along the western boundary to the rears of nos.14-21 Old Row.

Scale Parameters

- 3.8 All dwellings will be no higher than two storeys in height. A variety of dwelling sizes, widths and depths will be proposed.
- 3.9 Full justifications for the proposed use, amount, access, layout and scale parameters are contained within the Design & Access Statements.

4.0 Constraints Analysis

- 4.1 An analysis of local and national designations provides the following review of site constraints:
- Heritage Assets – There are no designated heritage assets in the site or locality
 - Flood Risk – The Environment Agency flood maps confirm the site is within Flood Zone 1 and at a low risk from flooding
 - Air Quality – The site is not within or adjacent to an Air Quality Management Area
 - Biodiversity and Geology – There are no local, national or international designations on or in the immediate locality of the proposal site
 - Landscape – The site is not subject to a local or national landscape designation. Barrow is located within the Undulating Lowland Landscape Character Area that is defined by farmland
 - Green Belt – The site is not located within the green belt

- Footpaths – Public right of way footpath FP.1 links Whalley Road to FP.2 to the east of the A59, the footpath runs along the northern boundary and then at a diagonal from the south side of the school playing field towards the A59 roundabout
- Local Plan – The car park to the rear of the restaurant is within the Ribble Valley Local Plan Policy G4 village settlement boundary and is designated as 'essential open space' under Policy G6. The remainder of the site to the east is neither undesignated nor allocated for any purpose and is open countryside.
- Access – Access is available to the western parcel from Whalley Road via the exiting car park access

4.2 As a result, the proposal site is not considered to be a significant and environmentally sensitive site.

5.0 Involvement

- 5.1 A meeting was held on 8th March 2011 with Colin Sharpe (Senior Planning Officer), Diane Caffrey (Planning Policy Officer), Martin Nugent (Lancashire County Council Highways) and Craig Matthews (Ribble Valley Economic Development Officer) to discuss proposals for the Admiral Taverns landholding at Barrow. A copy of the pre-application response is included within Appendix B.
- 5.2 Subsequent telephone conversations with Colin Sharpe and Colin Hirst have updated the planning policy situation concerning housing land supply and the emerging Core Strategy.

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6.0 The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*". This plan-led approach to decision taking is reinforced by paragraphs 2, 11, 12 and 196 of the National Planning Policy Framework (NPPF).

- 6.2 The NPPF includes a guide on the status of existing and emerging local plans and the impact of the introduction of the NPPF on them – paragraphs 214 and 215 refer.
- 6.3 The current planning policies for Ribble Valley Borough Council are those saved from the Ribble Valley Districtwide Local Plan (RVLP) adopted June 1998. As this Local Plan pre-dates the 2004 Act, paragraph 215 'other cases' applies. Therefore, in line with NPPF paragraph 215, when making decision on planning applications, the RVLP policies will continue to be used where they are consistent with the NPPF. In cases where policies are not consistent with the NPPF, the policies in the NPPF will take precedence.
- 6.4 The North West England Regional Spatial Strategy to 2021 published September 2008 (RSS) is also part of the Development Plan. Full weight can be given to relevant policies in the RSS for a period of 12 months, unless there is a more than limited degree of conflict with the NPPF, or until such time as formal revocation has occurred.

National Planning Policy

National Planning Policy Framework (NPPF) published 27th March 2012

- 6.5 The NPPF states that there should be a presumption in favour of delivering sustainable development (Paragraphs 6, 11, 14, 15, 16 and 197). Paragraph 7 sets out what sustainable development means for the planning system by identifying three roles; economic, social and environmental. Paragraph 14 requires the decision-taker to grant permission for sustainable development, subject to two exceptions.
- 6.6 Paragraph 17 sets down the twelve core planning principles which underpin both plan-making and decision-taking.
- 6.7 Paragraph 32 requires transport decisions should take into account; the opportunities for sustainable transport modes; safe and suitable access can be achieved; and development should only be prevented on transport grounds where the residual cumulative impacts are severe.

- 6.8 Section 6 sets out the Government's policies to deliver a wide choice of high quality homes with an overarching aim in paragraph 47 to boost significant the supply of housing. Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development, with a presumption in favour of granting permission when LPAs cannot demonstrate a five year supply of deliverable sites. Paragraph 50 aims to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities, including the provision of affordable housing
- 6.9 Paragraph 55 promotes sustainable development in rural areas through locating housing "where it will enhance or maintain the vitality of rural communities".
- 6.10 Section 7 refers to the importance of delivering good design as a key aspect of sustainable development. Paragraphs 56, 58, 60, 61 and 64 are relevant to the appeal proposal in relating to taking planning decisions in ensuring high quality design.
- 6.11 Paragraphs 73 to 77 refer to protecting 'high quality open spaces' that 'can make an important contribution to the health and well-being of communities'.
- 6.12 Paragraph 111 states planning decisions should encourage the effective use of land by re-using land that has been previously developed.

Regional Spatial Strategy

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- 6.13 Policy DP1 sets out the spatial principles that underpin the RSS to; promote sustainable communities, promote sustainable economic development, make the best use of existing resources and infrastructure, manage traffic demand, marry opportunity and need, promote environmental quality, mainstream rural issues and reduce emissions and adapt to climate change.
- 6.14 Policy DP2 requires the creation of sustainable communities, combining places where people want to live and work in both urban and rural areas.

- 6.15 The promotion of sustainable economic development is a fundamental principle of the RSS. Policy DP3 seeks to support and promote sustainable economic growth and reduce inequalities.
- 6.16 Policy DP4 requires priority to be given to developments in locations consistent with the spatial frameworks where there are opportunities to build upon existing concentrations of activities and existing infrastructure. A third stage sequential approach is proposed to first concentrate development within settlements on previously developed land, before looking to develop in other locations.
- 6.17 Policy DP5 requires development to be located so as to reduce the need to travel, provide safe and sustainable access for all, taking into account public transport, cycling and walking accessibility.
- 6.18 Policy DP7 highlights the need to promote all aspects of environmental quality to ensure development lives within environmental limits, respects the environment, natural resources and biodiversity.
- 6.19 Policy DP9 sets two aims, to reduce emissions and adapt to climate change, and sets out measures to deliver these objectives in planning decisions.
- 6.20 The regional spatial priorities are set out in Policy RDF1. In non-specified locations development may be acceptable where it meets the spatial and sustainable principles of policies DP1 to DP2 that underpin the RSS.
- 6.21 Policy L4 requires local authorities to monitor and manage the availability of land to achieve the housing provision, of 2,900 dwellings (net) in Ribble Valley in the period 2003-2021 through; addressing the housing requirement of different groups to ensure the construction of a mixture of appropriate house types and sizes; using up to date strategies to inform development control decisions on specific sites; encourage new homes to be built to the Code for Sustainable Homes standards; ensure new housing does not have an adverse impact on the existing housing stock and market; meeting the infrastructure needs; secure the orderly and managed release of housing land in line with the sequential approach; meet the transport demands of development; and maximise the reuse of previously developed land and buildings.

Local Planning Policy

Ribble Valley Districtwide Local Plan

- 6.22 Policy G1 sets out the general criteria to guide all new development proposals with the aim to provide a high standard of building design and landscape quality and amenity protection.

- (a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature.*
- (b) The likely scale and type of traffic generation will be assessed in relationship to the highway infrastructure and the proposed and existing public transport network. This will include safety, operational efficiency, amenity and environmental considerations.*
- (c) Developments should make adequate arrangements for car parking (see Policy T7).*
- (d) A safe access should be provided which is suitable to accommodate the scale and type of traffic likely to be generated.*
- (e) The density, layout and relationship between buildings is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings as well as the effects of development on existing amenities.*
- (f) Developments should provide adequate arrangements for servicing and public utilities.*
- (g) Developments should provide adequate daylighting and privacy.*
- (h) Materials used should be sympathetic to the character of the area.*
- (i) Developments should not result in the loss of important open space including public and private playing fields.*
- (j) Developments should not damage SSSI's, County Heritage Sites, Local Nature Reserves or other sites of nature conservation importance.*
- (k) Development should not require culverting, artificial channelling or destruction of a watercourse. Wherever possible watercourses should be maintained within a reasonable corridor of native vegetation.*
- (l) Developments should be economic in the use of land, water and aggregates and should not prejudice future development which would provide significant environmental and amenity improvements.*

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(m) Where it is the intention to rely upon a private water supply, developments should provide an adequate means of water supply, which will not derogate existing users.

6.23 Policy G2 sets out the overall settlement strategy for Ribble Valley where new development will be mainly directed towards land within the main settlement boundaries of Wilpshire, Clitheroe, Billington, Longridge and Whalley.

6.24 Barrow was categorised as a village under Policy G4 with a village development boundary defined. Planning permission will be granted for proposals falling within the following categories:

- a) *The development of sites allocated in this plan.*
- b) *The use of infill sites not defined as essential open spaces.*
- c) *The rehabilitation and reuse of rural buildings.*
- d) *Proposals which contribute to the solution of a particular local housing, social, community or employment problem.*

6.25 Policy G5 controls development outside of the main settlement boundaries and the village boundaries. Planning permission will only be granted for small scale developments which are:

- i. *Essential to the local economy or the social well being of the area; or*
- ii. *Needed for the purposes of agriculture or forestry; or*
- iii. *Sites developed for local needs housing; or*
- iv. *Small scale tourism developments and small scale recreational developments appropriate to a rural area; or*
- v. *Other small-scale uses appropriate to a rural area which conform to the policies of this plan.*

6.26 Land has been designated as 'Essential Open Space'. Policy G6 states:

"Development will not be permitted on land which is designated as essential open space on the Proposals Map unless it does not compromise the visual quality and value of general openness or the recreational value of the site or unless warranted by overriding material considerations in the public interest."

6.27 Policy ENV3 states:

"In the open countryside outside the AONB and areas immediately adjacent to it, development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and building materials. Proposals to conserve, renew and enhance landscape features will be permitted, providing regard has been given for the characteristic landscape features of the area "

6.28 Policy H2 sets out the circumstances when new residential development will be permitted outside of the settlement boundaries, including; development essential for the purposes of agriculture or forestry, the conversion of rural buildings and residential development specifically intended to meet a proven local need.

6.29 Policy T1 sets out the criteria to assess the overall highways and transport impact of new development

- *The availability and adequacy of public transport to serve those moving to and from the development;*
- *The relationship of the site to the primary route network;*
- *The provision made for access to the development by pedestrian, cyclists and those with reduced mobility.*
- *Proposals which promote development within existing developed areas at locations which are highly accessible by means other than the private car;*
- *Proposals which locate major generators of travel demand in existing centres which are highly accessible by means other than the private car;*
- *Proposals which strengthen existing town and village centres which offer a range of everyday community shopping and employment opportunities by protecting and enhancing their viability and vitality;*
- *Proposals which locate developments in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities which they need to visit regularly;*
- *Proposals which limit parking provision for developments and other on or off street parking provision to discourage reliance on the car for work and other journeys where there are effective alternatives.*

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- 6.30 Policy T7 requires all development proposals to provide adequate car parking and servicing space.

Emerging Ribble Valley Local Development Framework

- 6.31 Paragraph 216 of the NPPF advises decisions-takers may also give weight to relevant policies in emerging plans according to; the stage of preparation; the extent to which there are unresolved objections; and the degree of consistency to the NPPF
- 6.32 The Core Strategy 2008-2028 – A Local Plan for Ribble Valley' (RVCS) Regulation 19 Consultation Draft was first published in May 2012. The strategy sets out the chosen option for the Borough between 2008 and 2028, as an *“area with an exceptional environment and quality of life for all, sustained by vital and vibrant market towns and villages acting as thriving service centres, meeting the needs of residents, businesses and visitors”*.
- 6.33 The RVCS remains at an advanced stage in the plan-making process, setting out the chosen option for development, backed by an evidence base of supporting documents.
- 6.34 Key Statement DS1 sets out the development strategy; to be concentrated within “an identified strategic site south of Clitheroe and the main urban areas in the Borough. Strategic employment opportunities will be promoted through the development of the Barrow Enterprise Site...”, which is not defined within the RVCS. Furthermore the Policy explains “development that has recognised regeneration benefits, is for identified local needs or satisfies neighbourhood planning legislation, will be considered in all the Borough's settlements, including small scale development in the smaller settlements that are appropriate for consolidation and expansion or rounding-off of the built-up area ”
- 6.35 Key Statement H1 establishes land for residential development will be made available to deliver 4,000 dwellings over the Plan period.
- 6.36 Statement H2 requires residential development to deliver a “suitable mix of housing that accords with the projected future household requirements and local

needs across the Ribble Valley as a whole as evidence by the Strategic Housing Market Assessment”.

- 6.37 Statement H3 sets out the strategy to deliver affordable housing through new residential developments, requiring 30% affordable housing on developments of 5 or more dwellings / 0.2 hectares or more outside of Clitheroe and Longridge.

Material Considerations

- 6.38 The Affordable Housing Memorandum of Understanding was published in July 2009. This establishes developments of 3 or more dwellings (or sites of 0.1 hectares or more) outside of Clitheroe and Longridge have a target of 30% affordable housing to be provided on site.
- 6.39 Ribble Valley Settlement Hierarchy Paper - The paper was published in 2008 and a guide to assist planning decisions for the scale and future location of new housing, leisure, employment and other development across the Borough. The level of access to services and facilities in terms of employment, transport, accessibility, convenience, community, health and education were considered. The village of Barrow is within the third tier of settlements behind Clitheroe, Longridge and Whalley with 21 large and small villages.
- 6.40 Ribble Valley Strategic Housing Land Availability Assessment (SHLAA) includes the whole 4.15 hectare landholding by Admiral Taverns as a potential element of future housing supply (Site 123 refers).
- 6.41 The Strategic Housing Market Area (SHMA) Report was published in December 2008 to establish the evidence base to enable long term strategic view of the housing need and demand in the Borough to inform the emerging planning policy framework.

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7.0 Planning Analysis

Whether RVBC presently meet the requirements of paragraph 47 of the NPPF?

- 7.1 The Ribble Valley Local Plan (RVLP) is time-expired, having been designed to meet the needs of the Borough from 1991 until mid 2006. Presently RSS Policy L4 sets the housing land target, this requires a minimum of 2,900 dwellings (net) in Ribble Valley in the period 2003-2021
- 7.2 The Ribble Valley Housing Land Availability Report (HLA) dated 24th May 2012 – Appendix C – indicates RVBC has a 5.2 year supply as of the 1st April 2012, when judged against the RSS requirement. However, this Report is not compliant with the NPPF and other material considerations, consequently RVBC cannot demonstrate a five year supply of housing.
- 7.3 No detailed site adjustments have been made for deliverability – as confirmed by Colin Hirst on 15th June 2012. Furthermore, the Report does not take into account the requirements of point 1 of paragraph 47 concerning an evidence base led approach to determining housing need; point 2 concerning the additional buffer requirements; and the recommendations of the Inspector in the Henthorn Road appeal.
- 7.4 Paragraph 20 of the Henthorn Road decision – see Appendix D – confirms “that the appropriate housing requirement figure to be used in determining this appeal should be not less than 200 dwellings per annum”. The use of this figure is supported by the February 2012 resolution by RVBC, the evidence developed as part of the Nathaniel Lichfield and Partners Report dated 25th July 2011 as the continuation of this ‘at least 200dpa’ figure within the emerging RVBC Core Strategy Regulation 19 Consultation draft, although the evidence indicates RVBC should realistically be planning for 220 or more dwellings per annum. The conclusions of the Inspector should weigh heavily in favour of using the ‘a minimum of 200dpa over the period 2008-2028’ to form the basis for assessing whether RVBC can meet the requirements of paragraphs 47, 48, 49 and 159 of the NPPF.

- 7.5 In respect of the buffer required by the NPPF, no buffer is included within the HLA Report. RVBC have not been able to demonstrate a 5 year supply for several years and completions have not met the annual requirement (when judged against the RSS) for the past six years, and seven years against the 200dpa target. Furthermore, completions are projected to fall short of the emerging Core Strategy in the absence of a range of allocated sites. It is therefore entirely appropriate for the 5 year land supply to be currently subject to an additional 20% buffer.
- 7.6 Taking the above considerations into account the five year housing supply in RVBC should be assessed against a minimum of 200dpa for the period 2008-2028, as shown in Figure 1

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Figure 1 – Indicative Five year supply calculation against the Core Strategy Housing Target As recommended by the Inspector to be used to determine housing supply		
	Total	Per Annum
Housing Provision 2008-2028	4000	200 per year
Net dwellings completed 2008-2028	380 (75+89+69+147)	95 per year
Net dwellings required 2012-2028	3620	226 per year
Adjusted 5 year net requirement 2012-2017	1131	226 per year
Adjusted for 20% underperformance allowance	1357	271 per year
Expected supply of deliverable sites*	999	199
Surplus over requirement	-358	-72
Number of years supply	3.7 years	3.7 Years
* Note – RVBC presently has not undertaken any Housing Land Deliverability Assessment therefore the 999 figure is based on the RVBC guestimate within the 2012 HLA Report. The use of this figure does not accept that quoted. It would be unreasonable for an applicant to undertake their own survey of housing within the Borough.		

- 7.7 RVBC has at best a 3.7 years supply of housing, potentially fewer years supply. This is due to limited weight given to the 'expected supply of deliverable sites' as no formal assessment has been undertaken to demonstrate said sites are 'available now, offer a suitable location for development now, and be achievable with the realistic prospect that housing will be delivered on the site within five years and in particular that the development of the site is viable'.

- 7.8 Having regard to paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up-to-date. Within RVBC, secondary weight can be given to RVLP Policy G4 settlement boundaries as such designations restrict land available to meet the objective of the NPPF to 'boost significantly the supply of housing'.
- 7.9 There is a significant risk that should the local authority not approve this application 'without delay' in accordance with NPPF paragraph 14, current and future housing needs will fail to be met and sustainable development will not be delivered. This application will contribute to the Council's shortfall of housing delivery, therefore assisting with the sustainable delivery of housing to meet an identified need in the short term as the land is suitable, developable and deliverable.

Presumption in favour of sustainable development

- 7.10 Because the RVLP is out-of-date, no locally adopted policies exist to address the housing supply shortfall and RVBC cannot demonstrate a five year supply of deliverable housing sites, NPPF paragraph 49 requires "housing applications should be considered in the context of the presumption in favour of sustainable development".

Contribution towards the supply of housing land

- 7.11 The proposed 23 dwellings would make a significant contribution towards boosting the supply of housing within RVBC – when assessed cumulatively with other consents – to go towards the minimum 200dpa strategic target, as amended by the buffer requirements. The proposal would add to the portfolio of deliverable housing sites to provide choice and competition in the market for land; as required by paragraphs 47, 48 and 49 of the NPPF.
- 7.12 Market interest in developing medium sized housing sites in Barrow remains strong, however that desire has been constrained by the lack of available land free from planning constraints within the RVLP Policy G4 boundary. The recently approved 64 dwellings at Barrow Brook to the south have eroded a source of employment land supply at the Business Village. Furthermore, a recent attempt to apply for housing within the designated employment site at 'Site 2 Barrow Brook Business Village' was refused in May 2012 – application 3-2012-0158

refers – due to the need to protect land as a strategic employment site. Given the lack of deliverable housing sites within Barrow, this site is therefore reasonably expected to deliver housing in the short term.

7.13 Elsewhere in Ribble Valley, alternative housing site options identified within the Strategic Housing Land Availability Assessment in and around the main settlements are entirely greenfield or heavily constrained by environmental issues or existing uses that are not sequentially preferable to the proposal site.

7.14 It is important to note that the Ribble Valley SHLAA includes the whole 4.15 hectare landholding as a potential element of future housing supply (Site 123 refers). Given the benefits highlighted in the Employment Land Study this proposal strikes an appropriate balance, excluding the eastern portion of the landholding which is proposed for employment on application 3-2012-0346, and developing an element of housing through a minor extension of the village to meet emerging needs to add to the overall sustainability of Barrow as the most sustainable village outside of the three main settlements.

The development would widen the choice of high quality homes

7.15 The proposed residential development will include a good mix of housing sizes – including a mixture of 2, 3 and 4 bedroom units. The provision of a mixture of sizes accords with the findings of the SHMA 2008 and Wiswell and Barrow Housing Needs Survey 2011 which reveals a strong demand for smaller family housing.

7.16 The contribution also adds to the choice of high quality homes for the community through the provision of a target of 30% of the total units as affordable housing – in accordance with the Affordable Housing Memorandum of Understanding in July 2009 and RVCS Policy H3. The proposed 6.9 affordable housing units would make an important and welcome contribution towards delivering the 264 new affordable houses in the Borough per annum identified in the SHMA and towards meeting the housing need identified within the Wiswell and Barrow Housing Needs Survey; in accordance with paragraph 50 of the NPPF. A percentage of the total units may be provided in the affordable category for affordable rent or intermediate housing to meet local housing needs.

- 7.17 High quality housing can be achieved on this site in accordance with these key principles; to positively reflect the local vernacular through the size, height, layout, design and materials; developing in a sustainable manner by creating an energy efficient development and reducing carbon emissions, through a commitment to construct the dwellings to meet the prevailing standard of the Code for Sustainable Homes and meeting part of the predicted energy demand through on-site renewable; creating an excellent landscaped setting for the proposed housing through the retention of key existing landscape features; and meeting the amenity space and parking needs of future residents on site. The Design & Access Statement describe the principles that the reserved matters will adhere to and achieve high quality housing. The proposal will therefore conform to NPPF paragraphs 17, 56, 58 and 96.

A suitable location for development

- 7.18 The pre-application response dated 18th March 2011 – see Appendix B – confirmed the site is suitable and a sustainable location for housing development now. There have been no material changes in circumstances since that assessment was made.
- 7.19 Barrow is situated along the strategically important A59 corridor, a main focus for development and driver to deliver economic growth for the Borough. While, Barrow is not one of the three main urban areas identified in RVLP Policy G2 or RVCS Statement DS1, both RVLP Policy G4 and RVCS Statement DS1 support further development. The 2008 Settlement Hierarchy Paper highlights Barrow as within the first category of the most sustainable villages outside of the main settlements, a level of accessibility and sustainability that will only become enhanced through the completion of the existing consents at Barrow Brook Business Village.
- 7.20 Key Statement DS1 recognises small scale development will be appropriate within the smaller settlements on sites that are appropriate for consolidation and expansion or rounding-off of the built-up area. The application site is wholly contained within the built-up area defined by Whalley Road to the west, primary school to the north, open space and existing business park to the south and the proposed employment site to the east – application 3-2012-0346 refers. This appropriate development within, and on the edge of the Barrow Village

Development Limit, makes an efficient and effective use of land as a logical and sustainable minor extension to the village, in keeping with the character of the village.

Would respect the character and appearance of the area

- 7.21 The village of Barrow comprises both older traditional linear ribbon development of terraced housing along Whalley Road, together with estate forms of housing development at Whiteacre Lane, Chestnut Crescent, The Brambles and Washbrook Close. The development reflects this character and will provide a street frontage onto Whalley Road with a residential development behind that would have an informal layout centred around courtyards and greenspaces.
- 7.22 The site is located at the eastern edge of the village and is situated between village development to the north (Primary School and grounds) and south (Washbrook Close and Barrow Brook) that both project somewhat back from Whalley Road. These boundaries are clearly defined by existing mature trees and hedgerows that assist to screen the development. Set against these neighbouring uses the residential development will fill a gap in the built-up area of the village. The creation of the new landscape buffer along the eastern boundary will allow a well defined edge of the settlement that will lead to the formation of a robust residential village boundary.

Would re-use previously developed land

- 7.23 Policy DP4 of the North West RSS recommends a sequential approach to the location of new development with the aim of first directing development to previously developed land within settlements, secondly using other suitable infill opportunities and thirdly the development of other land where this is well located in relation to housing, jobs, other services and infrastructure. The priority afforded to previously developed land remains within paragraphs 17 and 111 of the NPPF. The proposed residential site comprises land within the first (0.34 hectares) and third categories (0.76 hectares) as the western section of the site is previously developed land within the saved RVLP Policy G4 Village Development Boundary, whereas the eastern section is greenfield land. The development of a significant proportion of land that has been previously developed should weigh heavily in favour of supporting the proposal in accordance with paragraphs 17 and 111 of the NPPF.

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Would not result in the loss of land with significant amenity or recreational value

- 7.24 The western section of the site extending to 0.78 hectares is designated under RVLP Policy G6 as 'Essential Open Space' and as such under the RVLP there is a presumption against its development "unless it does not compromise the visual quality and value of general openness or the recreational value of the site, or unless warranted by overriding material considerations in the public interest".
- 7.25 The 2011 Audit of the G6 designations is flawed in considering the designation covering the car park of the former restaurant should be retained. Clearly the site has no 'significant amenity or recreational amenity value' as required by Policy G6. The land is brownfield and comprises a hardstanding car park situated between the school playing field and children's play area, with no visual, open space, recreational or high environmental value that warrants its protection under paragraphs 17, 73-77 and 111 of the NPPF.

The development can be delivered free from constraints

- 7.26 There are no technical constraints to development and safe access can be achieved via the proposed estate road onto Whalley Road on the west side of the site in accordance with Lancashire County Council standards, as outlined in the Transport Statement.
- 7.27 The site is located within Flood Zone 1. The accompanying Flood Risk Assessment provided by AAH Planning assesses the flood risk of the site from all sources and recommends mitigation measures to ensure the impact of any flooding events is minimised. Consequently, the proposal complies with NPPF paragraphs 99-104 in respect of assessing flood risk and drainage.
- 7.28 The site is not locally or nationally designated as an important ecological site. A Phase 1 Habitats Study is provided in support of this application because of the current grassland status of the site. The report by Bowland Ecology concludes no protected species have been identified on or adjoining the site; the site has an inherent low ecological value and no ecological mitigation measures are considered necessary to enable the proposed residential development.
- 7.29 A Phase 1 Contaminated Land Study by Opus is provided in support of this application in accordance with PPS23. The Study provides an investigation of the

land use history of the site and surroundings to establish whether any contamination is present that may impact on a sensitive end land use.

7.30 Services are available on Whalley Road and there are no known public utility easements crossing the site.

7.31 The car parking needs of neighbouring residents who presently utilise the former restaurant car park can be met within land to be excluded from the developable area, that will create a car park directly to the rear of Nos 14-21 with 18 parking spaces provided.

7.32 All available evidence demonstrates that no constraints are likely to preclude the development of this land for housing in accordance with NPPF paragraphs 17, 99-104 and 109

Conclusion

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7.33 NPPF Paragraph 14 provides the guiding principle that Local Planning Authorities should grant permission for sustainable development subject to two exceptions. The first exception to granting permission is when any adverse impacts of doing so would "significantly and demonstrably outweigh the benefits". The second exception states permission should not be granted when "specific policies in the Framework indicate development should be restricted".

7.34 Having regard to the above, there are considered to be no adverse impacts which would significantly and demonstrably outweigh the benefits of granting planning permission. The scheme delivers much needed housing in a sustainable location in a logical extension of the village. RVBC cannot presently demonstrate an NPPF paragraph 47 compliant five year housing supply under the minimum 200dpa requirement as established by the Planning Inspector and as taken forward in the emerging RVCS. The site is a sustainable and suitable location to meet future housing needs and is not of high environmental value, restricted by physical constraints or nationally important planning designations that would indicate development should be restricted under the NPPF.

- 7.35 Consequently, under the presumption in favour of sustainable development, the application should be approved.

8.0 Affordable Housing Statement

- 8.1 In accordance with the RVBC Affordable Housing Memorandum of Understanding dated July 2009 and Key Statement H3 of the RVCS, a target of 30% of the proposed houses will be provided as affordable housing to meet local housing needs. This would equate to the provision of up to 6.9 affordable housing units on this development.
- 8.2 The affordable housing units would include an appropriate mixture of dwelling sizes and tenures – ‘affordable rent’ and ‘intermediate housing’ – to be negotiated with Officers.

9.0 Planning Obligations Statement

- 9.1 In terms of other Planning Obligations secured under RVLP Policy RT8 and Lancashire County Council requirements, we await written confirmation of whether any planning obligations in the form of financial contributions towards social infrastructure, including meeting the educational needs arising from the development and off-site public open space – to improve the facilities available at the children’s play area and playing field at Washbrook Close – and the justification for doing so in accordance with the Regulations.
- 9.2 My client would only agree to enter into such a s106 agreement on presentation of evidence that the obligations meet the relevant tests in paragraph 204 of the NPPF, are demonstrated to be directly related to the proposed development (in accordance with the CIL Regulations). Furthermore, my client retains the right to reassess any planning obligations offered, including affordable housing, following a review of the economic viability of the proposed housing development at any point throughout the planning application process. If this is the case, viability evidence will be presented to assist negotiations.

10.0 Design Statement

- 10.1 The following sections explain how the proposed residential development addresses the site context, planning policies and local characteristics in respect of its use, amount, layout, scale, appearance, landscaping and access to meet the requirements of paragraph 53 of Circular 01/2006

Use

- 10.2 The proposed use is residential and this statement demonstrates why this would accord with local and national planning policies.

Amount

- 10.3 The residential development proposes a maximum of 23 dwellings to be constructed. This would include a range of house types and a mix of two, three and four bedroom properties of various sizes.
- 10.4 The application site extends to 1.13 hectares, however only 1.05 hectares is the developable area due to the need to provide car parking for neighbouring residents of Old Row. This equates to a density of development at 22 dwellings per hectare. This density would be in-keeping with the character of the village and will ensure the land is efficiently redeveloped.

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Layout

- 10.5 Having regard to the local context and RVLP Policy G1, the key layout principles to be taken into account in the submission of the reserved matters are:
- A car park will be provided to the western boundary with the rear of properties on Old Row to meet parking needs displaced by the loss of the car park.
 - Housing will be laid out to front onto and provide natural surveillance over the site entrance onto Whalley Road and the new estate road; to ensure the layout is secure.
 - There is an opportunity to front housing onto Whalley Road along the western boundary.
 - Houses will be set back into their plot behind a landscaped front garden with in-curtilage car parking provided to the front or side of dwellings where appropriate.

- Rear gardens will be private spaces and their depths will extend from 9 metres to 14 metres where appropriate.
- Suitable separation distances will be provided to the site boundaries from habitable room windows, to ensure the amenities of neighbouring residents is not adversely affected through overlooking.
- Rear access will be provided to all gardens where possible.
- Pedestrian access will be provided to the children's play area to the south.

Scale & Appearance

10.6 Having regard to the local context and RVLP Policy G1, the key scale and appearance principles to be taken into account in the submission of the reserved matters are:

- All houses will be no higher than two storeys in height, at varying ridges and eaves heights throughout the development.
- Roofs will be pitched and primarily gabled ended, although the use of hipped roofs may be appropriate to some plots.
- The affordable housing dwellings will be indistinguishable in appearance from the market housing.
- A mixture of dwelling types, building lines, heights and frontage widths are required to reflect the edge of settlement semi-rural character and appearance, while providing continuity to the appearance through the use of design features and materials.
- Suitable facing materials for the proposed elevations will include red/brown brick or reconstituted stone.
- Roofs are to be tiled, with a slate type material appropriate to this location.

Landscaping

10.7 Having regard to the local context and RVLP Policy G1, the key landscaping principles to be taken into account in the submission of the reserved matters are:

- Opportunities for soft landscaping may exist within the development, particularly around the turning head as a visual stop and focus within the group. New tree planting will be important as the site currently has no important natural features.

- A landscape buffer will be created to the eastern boundary to provide a screen to the future employment development.
- Front gardens will be defined by boundary treatments to define the public and private spaces.

Climate Change Mitigation

10.8 With reference to NPPF paragraph 95 the design of the scheme can help to mitigate climate change and adapt to the future climate through:

- Being located in an sustainable village with local services and facilities within walking distance;
- The flood risk has been assessed and takes into account the effects of climate change on all means of flooding;
- Be orientated to take advantage of solar gain;
- Any south facing roof planes offer an excellent opportunity for future residents to install photovoltaic cells to provide on-site small scale renewable energy to reduce carbon emissions; and
- The dwellings could be constructed to meet the prevailing minimum standard of the Code for Sustainable Homes and would meet the improved Building Regulations that would ensure a high standard of efficient use of energy at construction and post construction phases.

11.0 Access Statement

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Access

11.1 Access to the site will be taken from Whalley Road, with the indicative position as shown on Sursham Tompkins & Partners drawing no.5251/05B shows the indicative access and its dimensions. The access will involve the modification of the existing access to a suitable standard to serve a residential development of up to 23 dwellings and parking for neighbouring residents.

11.2 Having regard to the local context, the Manual for Streets and the Lancashire County Council requirements, the key access principles to be taken into account in the submission of the reserved matter for access are:

- The design of the access will accord with Lancashire County Council Highway Standards

- The proposed access would measure 5.5 metres wide with a 6 metre radius and 1.8 metre wide footway on either side. Visibility splays of 2.4 metres by 45 metres to the north and 2.4 metres by 49 metres to the south will be provided.
- A turning head will be provided within the site to ensure cars, a fire appliance and Pantehnicon can turn.
- Off street car parking will be provided for all dwellings at a ratio of 2 spaces per 2 or 3 bedroom house and at least 3 spaces per 4 bedroom house.
- Space for undesignated visitor parking could be provided.
- Pedestrian intervisibility splays will be provided at each driveway where appropriate.
- Secure cycle storage will be provided within the garages or garden shed, where appropriate.
- Sufficient space will be provided within each curtilage for waste and recyclable waste storage, which will be within a reasonable carry distance of the public highway for collection.
- In accordance with Part M of The Building Regulations, level access thresholds will be provided at the dwelling entrance. Within each building all requirements of Part M of The Building Regulations will be met.
- All affordable housing dwellings will be constructed to the relevant 'Lifetime Homes' standard, or similar, to ensure future residents can adapt their home to their changing circumstances.

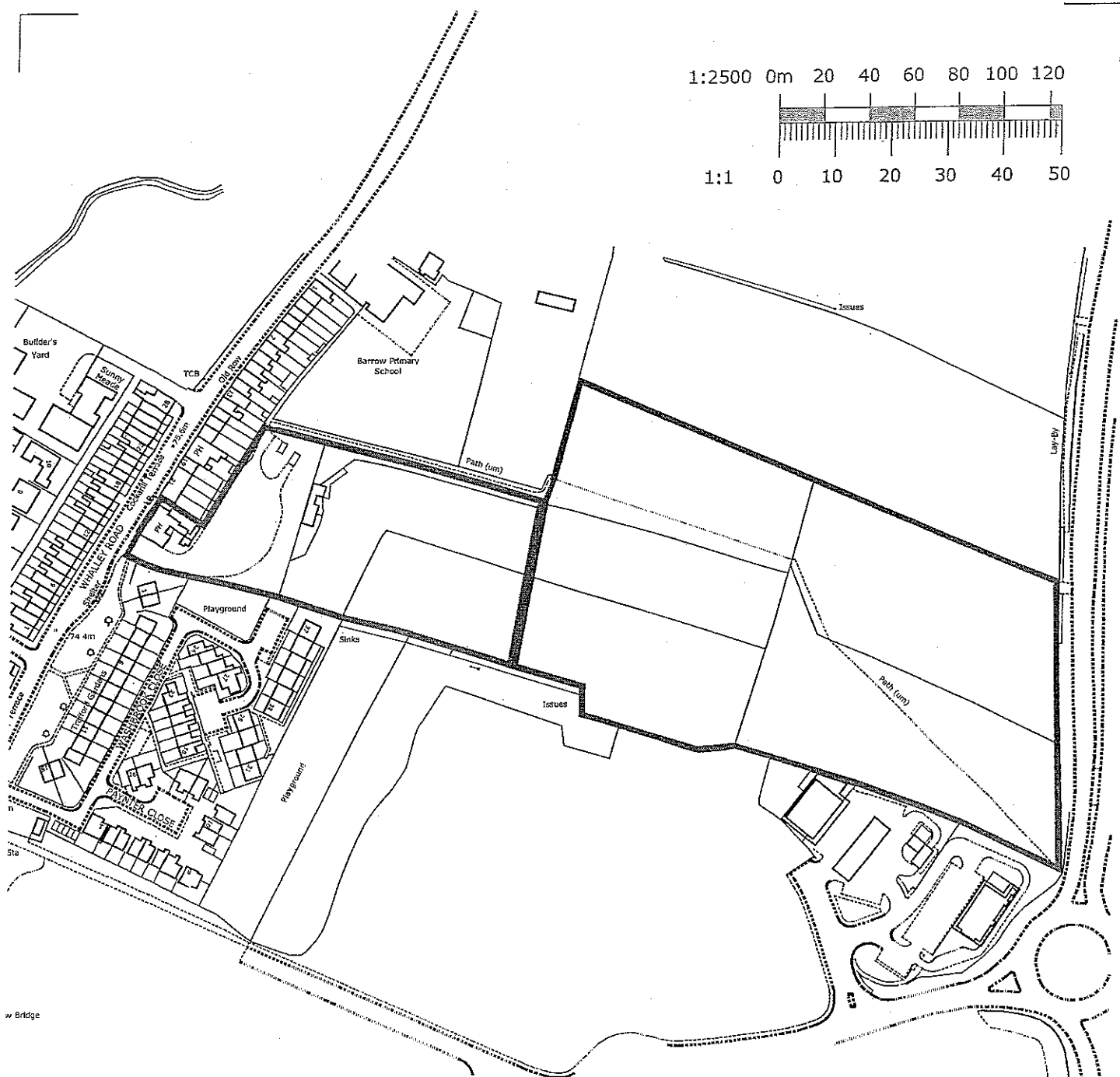
12.0 Conclusion

- 12.1 The housing land allocations in the Local Plan have been taken up and there is a demonstrable shortfall of deliverable housing land in Ribble Valley Borough when assessed against the latest evidence of strategic housing needs – which has been taken forward in the emerging Core Strategy and the use of this higher figure has been supported at appeal. Without deliverable housing supply RVBC fails to meet the requirement for a continuous five year supply of housing land and wider objectives of the NPPF to significantly boost housing provision, which should weigh heavily in favour of approving the proposed development.

- 12.2 Barrow is a highly sustainable village with a good range of services, excellent range of employment opportunities and good public transport links to nearby towns. It is a sustainable location for a housing development of the size proposed that would be in-scale with the village and would relate well to the physical form of the settlement to meet local housing needs, including that for affordable housing.
- 12.3 The site is a suitable housing location as it is not subject to any significant planning, environmental or physical constraints that would preclude the deliverability of a residential development of 23 dwellings.
- 12.4 The proposal is a sustainable form of development which would make a significant contribution to housing land supply in the short term. The strong presumption in favour of sustainable development in these circumstances is not outweighed by any limited harm caused by conflict with Local Plan Policies G4, G6 and H2.
- 12.5 As the relevant Development Plan policies are out-of-date, permission should therefore be granted as there would be no adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, furthermore, no specific policies in the NPPF indicate development should be restricted in this location.
- 12.6 In the light of the above we consider that Ribble Valley should actively support this Outline Planning Application as it accords with the key objectives of the Local Plan, the emerging Core Strategy, the RSS and would contribute towards the delivery of sustainable development under paragraphs 11, 14, 17, 47, 48, 49, 50, 111, 159 and 197 of the NPPF.

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Appendix A – Site Location Plan



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on behalf of:

caldecotte CC

site area:

1.128 hectares / 2.786 acres

issued for:

PLANNING

project:

LAND OFF WHALLEY ROAD
BARROW

drawing:

LOCATION PLAN

project
number:

5251

drawing
number:

00

north:



revision:

sursham tompkins
architectural services & project management

est 1961



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■ w: www.surshamtompkins.co.uk

scale: 1:2500 paper size: A4 SA drawn by: date: 20/06/12 checked: date: XX/XX/XX

Appendix B – Pre-app Response

RIBBLE VALLEY BOROUGH COUNCIL

please ask for: COLIN SHARPE
direct line: 01200 414500
e-mail: colin.sharpe@ribblevalley.gov.uk
my ref: CS/CMS/ENQ/2011/0031
your ref:
date: 18 March 2011

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111
Fax: 01200 414487
DX: Clitheroe 15157
www.ribblevalley.gov.uk

320120623 P

Dear Aaron

RE: PROPOSED MIXED USE DEVELOPMENT COMPRISING B1 AND B2
INDUSTRIAL USE, B1 OFFICE USE AND 24 DWELLINGS ON LAND
NORTH OF BARROW BROOK BUSINESS PARK, BARROW

This letter is the Council's formal response to your pre-application enquiry concerning the above-mentioned matter about which a meeting was held in these offices on Tuesday, 8 March 2011.

I trust you found the meeting useful and I noticed that you took notes of some of the comments made by myself and my colleagues. In this formal response letter I will try to summarise the main points made at the meeting, and will incorporate some written comments that have been prepared by my colleagues to assist in this response to the enquiry. As there are a number of elements to the enquiry, I will use headings in order, hopefully, to assist in the clarity of the letter.

The Principle of the Residential Development

The village of Barrow is defined within the adopted Districtwide Local Plan (DWLP) as a policy G4 settlement. A small element of the site falls within this settlement and, from the information submitted to date, would house some of the proposed 24 dwellings.

Policy G4 relates to development taking place within defined village boundaries and allows for "infill" development subject to other relevant policies. The definition of infill development in the DWLP is "the filling of small gaps within small groups of houses". Although the development site is situated between houses along the roadside, the proposals would also involve the development of the parcel of land to the rear of the site, which would not, in the strictest terms, be defined as infill development. Any development not defined as infill development would need to contribute to the solution of a particular local housing need in accordance with policy H20 of the DWLP.

It is accepted based on the information submitted to date, that the proposals would not lead to ribbon development or a fragmented pattern of development. However, it is recognised that an element of the proposals are for residential development, and therefore

PPS3 must be considered. RVBC cannot currently demonstrate a five-year supply of deliverable housing sites. Paragraph 71 of this planning statement states that where there is less than five years supply of deliverable sites, LPAs should consider favourably planning applications for housing, having regard to the policy in PPS3 including the consideration in paragraph 69.

Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to:

- achieving high quality design,
- ensuring developments achieve a good mix of housing,
- the suitability of a site for housing, including its environmental sustainability,
- using land effectively and efficiently; and
- ensuring the proposed development is in line with planning for housing objectives.

Bullet point 3 above relates to the need for Local Planning Authorities to have regard to the suitability of a site for housing, including its environmental sustainability. An element of the site is situated within the main built up area of Barrow, with the remainder adjacent to the settlement boundary, and it is considered that (on the information received to date) in principle, the site meets paragraph 69, bullet point 3 of the PPS3 criteria.

It is therefore accepted that residential development on this policy G4 parcel of the site is acceptable in principle (providing proposals reflect the character of the village in terms of scale, design and density and do not have any detrimental visual impact on the locality). The Affordable Housing Memorandum of Understanding (AHMU), which is a material planning consideration and supplemental to the policies in the Development Plan, states that in this location where there is the development of 3 or more dwellings the Council will seek 30% affordable units on the site.

Although the development of the policy G4 element of the site is acceptable in principle, it is important to acknowledge that residential development on this part of the site would also involve the development of part of a DWLP policy G6 site. Policy G6 defines land as Essential Open Space and states that development will not be permitted on land which is designated as Essential Open Space unless it does not compromise the visual quality and value and general openness of the recreational value of the site or unless warranted by overriding material considerations in the public interest. A review of this policy was undertaken in 2010, wherein it was recommended that some parcels of G6 land have this G6 designation withdrawn. The assessment was made using a criteria based approach. This survey has not yet been through public consultation though this is anticipated to take place in Summer 2011. The survey does not recommend that the G6 designation on this parcel of land be removed. Therefore any application made on this site at the present time would be contrary to DWLP policy G6.

The Principle of the Commercial/Industrial Development

In addition to the residential development, proposals are also for the development of 11,700sqm B1 & B2, and 6000sqm B1 office space. The site proposed for this element of the development is designated as policy ENV3 (open countryside) and G5 of the DWLP. Policy ENV3 of the Districtwide Local Plan requires that any development must be in keeping with the character of the landscape area, and reflect local vernacular, scale,

style, features and building material. In addition, the policy sets out that only development that has benefits to the area will be allowed. Even when such development is accepted it must acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. The site is closely related to other existing commercial/ industrial development sites at Barrow Brook, as well as the necessary road infrastructure to support such a development and it is therefore considered that the proposals would be in keeping with the character of the landscape area as set out in ENV3.

It is considered that the proposed landscape buffer will be integral to the two main elements of this scheme relating well to one another.

Affordable Housing

As previously stated, in this location the Council will seek 30% affordable units on the site. In the meeting, the Council's Housing Strategy Officer, Rachael Stott, advised you that a Housing Needs Survey for Barrow is presently being carried out and was 4-5 weeks away from completion. Rachael advised that there is an existing stock of social housing in Barrow for which there is always high demand; in particular, she said, there is a waiting list for 3 and 4 bedroomed houses. Finally, Rachael has your contact details and says she will advise you of the outcome of the Housing Needs Survey as soon as it is available.

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Highway Matters

The County Highway Engineer, Martin Nugent, was present at the meeting, and made the following comments:

- No objections in principle to the 'Business' element of the proposed development being served by a link road from the adjoining business park to the south of the site.
- In relation to the residential development, a visibility splay of 2.4m x 70m would be required at the junction of the new road with Whalley Road.
- Parking should be provided on the basis of 2 spaces for every unit with 3 or more bedrooms, whilst achieving an overall provision for the development of 1.5 spaces per unit.
- The access road should have 1.8m wide footways, the carriageway should be 5.5m wide for the section closest to the junction with Whalley Road, but could be reduced to less than this width further into the site.
- The proposed provision of parking for existing residents of Whalley Road is welcomed.

Public Open Space

On all residential development sites of over 1 hectare (this site is 1.1 hectares) saved Policy RI8 of the Local Plan states that the layout will be expected to provide adequate and useable public open space. The Policy also states that the Council will also negotiate for provision on smaller sites, or seek to secure a contribution towards provisions for sport and recreational facilities or public open space within the area where the overall level of supply is inadequate.

In the draft layout submitted with your enquiry, I note that no area of public open space is shown within the site. The Council does not have a set formula for working out the size of such an area and this would be dictated to a degree by the type of accommodation to be provided on the site. Ultimately the decision would be yours with a justification to be given for the approach taken in the submission of any formal planning application. I would advise that it is not the Council's intention to take on any future management/maintenance responsibilities associated with such areas and it would be for any developer to determine how this will be handled/managed.

Another option that is available, would be the provision of a commuted sum in lieu of actual public open space within the development site to be used elsewhere within the immediate vicinity to either provide public open space or improve an existing public open space. In this particular case, an obvious possibility would be a financial contribution to upgrade the existing children's playgrounds (2 no) that immediately adjoin the southern boundary of the site. I would suggest that the layout of the residential part of the proposal could also be designed to incorporate access into these areas from the development site.

I must make it clear that these comments in respect of this particular detailed aspect of the proposed development are my own initial opinions, and I have not discussed the matter with the Council's Head of Engineering. We could discuss this matter further after I have spoken to the relevant officers, and you have discussed this particular issue with your clients.

Details of Business Use

At the meeting, Craig Matthews expressed a preference for B1 office and 'light industrial' use on the site, explaining that we have available sites elsewhere (such as Link 59) that are more appropriate for B2 use. Craig commented that B2 use could be detrimental to the rest of the site. In response to a question from yourself, Craig explained that enquiries for B1 were high, dependent upon the size of the units. There was also a discussion about whether Block F would be one unit or multiple units. It was agreed that you would liaise with Craig in respect of the details of the business use; and I have provided you with Craig's contact details since the meeting.

Public Footpath

The development of the site is dependent upon the diversion of a public footpath. Whilst this might seem a minor detail, applications to divert footpaths are not always approved as a 'foregone conclusion'. It might therefore be advisable for your client to commence the footpath diversion procedure sooner rather than later, as it would be unfortunate (to say the least) if this detail prevented or delayed the development of the site.

Financial Contributions

The County Council has been consulted on this pre-application enquiry and requested to provide an estimate of what financial contributions they might request in the event that the enquiry progresses to the submission of a formal planning application. I am awaiting a response and will inform you (probably by e-mail) as soon as it is received.

Type and Content of Planning Application

You have expressed a preference for the submission of an outline application with only details of the access to be considered at outline application stage. The Council has no objections to the submission of an application in this form and would prefer it to be a single application for both the business and housing elements of the proposal. I would, however, suggest that, if your clients do decide to submit an application in this form, then you should include as much detail as possible of the layout and height of the respective buildings on plans notated 'for illustrative purposes only'. A draft Section 106 Agreement should also be submitted with the application. This shall relate to the affordable housing aspects of the proposal, and its contents could be discussed between yourself and Rachael Stott at a later date once the results of the Housing Needs Survey are known. If any financial contributions are to be required then such a requirement would be added to the draft Section 106 Agreement.

Conclusion

Based on the information included within your enquiry, the proposals appear to satisfy the PPS3 criteria and Policy G4 of the Local Plan and the Affordable Housing Memorandum of Understanding providing that 30% of the housing units are for affordable local needs. However, as stated previously, the proposal is contrary to saved Policy G6 of the Local Plan. You would need, in any planning application, to include a justification for any part of the development that would be on the G6 land. I am not, at this stage, giving any indication that the Council would accept such a justification, and a refusal due to non-compliance with Policy G6 remains a possibility. In relation to the commercial/industrial element of the proposal, these are acceptable in planning policy terms.

Whilst I trust you will find this letter of assistance, I must point out that it is written at officer level only and is entirely without prejudice to the Council's formal determination of any planning applications that are submitted.

If you have any queries concerning any aspects of this letter, do not hesitate to contact me.

Yours sincerely

320120623 P

COLIN SHARPE
SENIOR PLANNING OFFICER

Aaron Smith
Caldecotte Consultants
Unit A
Bourton Business Centre
Manor Farm
Buckingham MK18 7DS

Appendix C – Housing Land Availability Report May 2012

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 24 MAY 2012
 title: HOUSING LAND AVAILABILITY
 submitted by: CHIEF EXECUTIVE
 principal author: COLIN HIRST – HEAD OF REGENERATION AND HOUSING

1 PURPOSE

1.1 To provide Members with information on the most recent results of the Housing Land Availability Survey.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions – Understanding the housing position is key to the delivery of the Council's ambition to match the supply of homes in our area to identify needs.
- Community Objectives – The information in this report relates to a number of community objectives but is particularly relevant to the broad objective of conserving our countryside and enhancing the local environment.
- Corporate Priorities - This information is relevant to the local development framework which is the spatial expression of the Community Strategy.
- Other Consideration – None.

2 INFORMATION

2.1 The Council monitors housing land availability twice a year and produces a housing land availability report. This document provides the information with which to monitor housing development across the Borough. Monitoring continues to be critical to the process of determining planning applications and the Council's duty to ensure a 5 year supply of developable land.

2.2 The report provides detailed information on sites with planning permission, sites under construction and enables the Council to create a picture of construction trends and activity rates together with base line evidence on the amount of land that is available to be brought forward. Copies of the full report are available for reference at Planning Reception and the members room on Level D.

2.3 Members will be aware that the relevant strategic basis against which housing land supply is currently monitored is the Regional Spatial Plan (RSS). The Council continues to monitor against the provision of 2900 homes between 2003 and 2021 to provide for a strategic provision of some 161 units per year. Although a revised requirement has been established to inform the Core Strategy, the Council has not adopted this for decision-making purposes as yet. The formulation of a revised requirement has been subject to public consultation and remains an issue to be resolved through the Examination in Public to be held as part of the Core Strategy process when those issues/objections that remain, can be considered.

2.4 The supply position for dwelling units as at April 2012 is summarised as follows:

• Units with full planning permission	219
• Units with outline planning permission	399
• Sites commenced, units remaining but not started	75
• Units under construction	79
• Conversions - not started	71
• Conversions –under construction	45
Total	888

208 Affordable housing units have permission (not started) and are included in the housing land supply report schedules once they commence but for calculating the 5 - year figure are taken into account.

The table at appendix 1 sets out a 5-year statement, as at April 2012 taking account of the necessary adjustments and smoothing to reflect activity over the monitoring period. Given that we currently plan for 161 units per year this shows that the Council can demonstrate an ongoing 5 - year supply of housing land.

- 2.5 Members are reminded that planning approvals for sites awaiting the completion of a Section 106 Agreement cannot be taken into account. As Members are aware, measures have been put in place to promote the completion of agreements by applicants to avoid any potential over-supply and to ensure the housing supply reflects commitments.

CHIEF EXECUTIVE

BACKGROUND PAPERS

- 1 Housing Land Availability Survey files
- 2 North West of England Plan Regional Spatial Strategy to 2021 – GONW- Sept 2008

For details of the Housing Land Availability Schedule contact Sharon O'Neill extension 4506.

For further information on housing and strategic policy issues please ask for Colin Hirst, extension 4503.

1 APRIL 2012

APPENDIX 1

Five year supply (2012-2017) based on previously adopted RSS figures and including permissions and completions up until 1 April 2012

Planned Provision

a) Housing provision 2003/2021	2900	161/yr
b) Net dwellings completed 2003-2012 (9yrs)	1178	131 (1178/9)
c) Net dwellings required 2012-2021 (9 years) (adjusted to a revised annual rate)	1722/9	191/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	955	191*5 (annual equivalent smoothed over plan period)

- a) Strategic housing provision based on previously adopted RSS figures
- b) Actual completions in monitoring period divided by number of years
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirements based on the revised/adjusted annualised rate.

Identified Supply

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Supply of deliverable sites over 5 years (Housing Land Availability Survey April 2011)	
Sites under construction	124
Deliverable permissions	(972)
(discounted by 10% slippage allowance but including affordable units)	875
Total Supply	999
Equates to <u>5.2 yrs supply</u> at 5 year adjusted rate at 01/04/12	

Actual supply: 5.2 yrs supply (999/191)

Appendix D – Appeal Decision APP/T/2350/A/11/2161186



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.
-

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

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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

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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

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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 85%ile ought to have been used rather than the average. The Council claims that the TRICS 85%ile figures adopted by Mr Davis are a better guide to future trip generation by the appeal development. Dr Ashley has produced the 85%ile 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 85%ile 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

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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

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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
	Masterplan Correspondence
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
	Lancashire County Council Contributions Correspondence
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
	PCT/Doctors Surgery Correspondence
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

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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 included 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.

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