

Memo

From: PHILIP DAGNALL

To: Stephen Kilmartin

cc: Colin Hirst

Ref: PD/SK1

Ext: 4570

Date: 24-4-13

Re: COMMENTS ON APPLICATION 3/2013/0169 PENDLE GARAGE, CLITHEROE
ROAD, BARROW

Dear Stephen,

Brief Description of Proposal

The proposal involves the development of 29 housing units, 30% of which will be for affordable housing, on an apparently currently unused brownfield site adjoining the eastern side of Clitheroe Road, to the south of and outside the currently defined settlement boundary of Barrow and therefore lies in currently defined open countryside.

Policy Background – Current Development Plan and NPPF. Discussion

In assessing this application in relation to the principle of development it is important to begin with an outline of the current position of the authority in producing its Core Strategy, the National Planning Policy Framework (NPPF), which is now in force, and the relevance of the current District Wide Local Plan (DWLP) and the associated Regional Spatial Strategy (RSS) and how all these bear on this application.

Current Development Plan status

The Development Plan for the borough, which comprises the DWLP and the RSS, is the starting point unless material considerations indicate otherwise. However it is recognised that the government intends to abolish the RS and that this abolition is imminent and therefore limited weight can be attached to RS policies in practice. Also it has to be recognised that the strategic policy base of the DWLP is also significantly out of date, including the established settlement boundaries. Detailed DWLP Development Management policies are still valid where they conform to the NPPF.

DWLP policies that seek to establish the general extent of Open Countryside for example, which is relevant in this case, will still have some relevance in setting a context but should not in themselves be solely relied on to judge the application. The specific DWLP policies that would apply here, given the position of the site in the Open Countryside outside the currently defined settlement boundary of Barrow are Policy G5, H2 and Policy ENV3.

G5 lays out a set of criteria that relate to the consenting of small scale development which include development "essential to the local economy or the social well being of the area" and "sites developed for local needs housing"

H2 relates to dwellings in the open countryside and again sets out criteria concerning consent that include emphasis on development specifically intended to meet local need

ENV3 relates to the need for development to be in keeping with the area's character and reflect local vernacular styles, scale, features and materials.

The tenor of these policies is reflected in some Core Strategy DM policies (see later DMG2 and DMH3)

In addition, as an established part of the employment land resource of the area DWLP policy EMP11 is also relevant. In short it requires that proposed changes need to be assessed in terms of their impact on the local economy in terms of jobs and attempts to secure alternative employment uses on a site. The tenor of this policy is reflected in Core Strategy DM policy DMB1.

NPPF

The NPPF represents an important change to previous underlying approaches. While it confirms the plan led approach above it is clear that where relevant policies are out of date the NPPF becomes the policy framework against which proposals should be judged.

As a matter of principle NPPF lays out the following key considerations in determining applications, over and above the principle that all applications should be judged on their merits. NPPF para 14 states that:

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

For **decision-taking** this means:

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

In addition, and specifically in relation to residential development, NPPF makes two important points that are also relevant to this application. The first is that it specifically reinforces that housing applications should be considered in the context of the above presumption in favour of sustainable development. The second (NPPF para 49) is that relevant policies for the supply of housing should not be considered up to date if the authority cannot demonstrate a five year supply of deliverable housing land.

Given the fact that the current Development Plan (DWLP and soon to be abolished RSS) is considered out of date, the presumption in favour of sustainable development in NPPF is now triggered in relation to considering this application.

While currently (as of 31-3-13) the Council has a five year supply and therefore the second point mentioned above does not seem to automatically indicate that the Council's housing policies are out to date, this matter is of secondary importance to the first point above ie the presumption in favour of sustainable development and the need to consider whether there are any impacts that would outweigh the benefits of the proposal.

Going further the application therefore needs, in addition to other material considerations, to be judged against the NPPF definitions of sustainable development. These are set out briefly in NPPF para 7 as being comprised of:

- An economic role – supporting growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing a supply of housing to meet the present and future needs of the community.
- An environmental role – contributing to protecting and enhancing the natural and built environment.

It is important to consider whether this development could be considered as “sustainable” within the above definition.

Also of relevance given the position of this development is NPPF para 55 which states that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as essential need of a rural worker, optimal viable use of a heritage asset; re-use redundant or disused buildings or be of exceptional quality or innovative design.”

It is important to consider whether this proposal could be considered as “isolated” development in the above.

Core Strategy

NPPF also requires proposals to be judged against other important material considerations. Within this lies the important matter of the extent to which the Council's submitted Core Strategy should be considered relevant to such an application.

As a submitted Core Strategy the document has reached a significant and relatively advanced stage in its preparation towards eventually becoming the new Development Plan for the area. The Council has positively progressed its development, as required by NPPF, through several key stages involving at least three major public consultations. The Examination by the Planning Inspectorate is currently suspended pending a review of parts of the evidence base. Nevertheless the Council considers that it has a significantly developed document that sets out a preferred Development Strategy and a suite of Development Management Policies that have bearing on the consideration of planning applications taken together with the NPPF issues mentioned above.

It should also be borne in mind that the Council's approach within the Core Strategy has been tested through the Sustainability Appraisal process and found to be overall the most sustainable option.

Within the Core Strategy the Development Strategy (Key Statement DS1) makes it clear that:

“ the majority of future housing development will take place within the three urban areas of the Borough and the strategic site at Standen, adjacent to Clitheroe. 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.”

“Settlement” is defined in the Core Strategy Glossary as:

- Including all properties physically linked to the main (built) part of the settlement.
- Includes all undeveloped areas of existing planning consents related to the settlement
- Includes residential curtilages.
- Boundaries do not include properties separated from the main body of the settlement by areas of open land nor forming a residential cartilage
- In most cases single depth development (ribbon development) along roads leading out of the settlement will be excluded unless they are physically well related to the settlement.

Also Key Statement EN2 – Landscape also (para 5.2) emphasises the need to ensure that the open countryside (as opposed to the AONB or Green Belt areas, which are dealt with separately) is protected from inappropriate development.

“Open Countryside” is defined in the Core Strategy Glossary as:

a designation currently defined within the proposals map of the District Wide Local Plan mainly of land outside Settlement Areas but not designated Greenbelt or AONB.

Policy DMH3 (Dwellings in the Open Countryside) provides a series of criteria to be applied to such development in judging its suitability. These criteria include:

"Development essential for the purposes of agriculture or residential development which meets an identified local need."

Development Management Policy DMG2 adds further detail by defining a series of criteria relating to development outside settlement boundaries including whether the development is needed for local needs housing which meets an identified local need.

Following conversations with the Housing Strategy Officer I understand that there are extant affordable housing needs in the Barrow area, though you may wish to clarify this in detail with her.

It should also be borne in mind that the Barrow area currently has unimplemented permissions for 122 units and while the smaller settlements of the borough taken as a whole are considered to be able to accommodate some new development within the emerging Core Strategy no quotient of future development has been established for each settlement or criteria for developing such quotients. There is an issue of incremental development in the area in the absence of an established agreed level of future development in Barrow. Regard should be given to the strategy of the Core Strategy Submission version which seeks to establish guidance on the anticipated levels of development at settlements such as Barrow.

In addition there is an employment land related issue in that the site does form a part of the employment land resource of the Borough, as mentioned above in relation to the DWLP. Core Strategy policy DMB1 re-emphasises the main points of the DWLP policy EMP11 regarding the need to assess the impacts of redevelopment on the economy and attempts made to secure continued employment uses on the site.

Discussion

As mentioned above the principle of this development has to be judged by applying the presumption in favour of sustainable development in NPPF given the lesser weight that can be attached to the DWLP and particularly bearing in mind the need for adverse impacts to significantly outweigh the benefits. It is also important to identify any other relevant material considerations.

Firstly considering whether the site taken in isolation could be considered as "sustainable" my understanding from descriptions by colleagues who have visited it is that it is unused and unsightly land with no current employment use that has been unused for a significant period. Given that the development of this site for housing could be considered as contributing to local housing supply and, given the indications that there is extant local need for affordable housing, this site could be argued to address the social strand of sustainability. Also, by its development removing an environmental eyesore it could also be seen to address the environmental strand. Therefore it could be argued that the site is sustainable in NPPF terms.

This should be seen to be weighed against the fact that the borough has a five-year housing supply. However, as mentioned above, this itself has to be considered within the wider presumption and significant adverse harm associated with sustainable development in NPPF (para 49).

Secondly it needs to be seen in its physical context in relation to the settlement of Barrow and the area's open countryside. As mentioned above the site does lie in currently defined Open

Countryside but that the current settlement boundaries of the DWLP are out of date and, pending future work on new boundaries within a site allocations DPD, as yet no replacement boundaries are in place. NPPF para 55 emphasises that the development of isolated homes in the countryside should be avoided unless there are special circumstances. This involves a judgement as to whether this site is isolated. Given its position opposite a public house, adjacent to an industrial park and near to a terrace of houses it would be difficult to consider such a development as isolated and therefore would not appear to definitely contradict para 55.

In addition and relating to the employment land situation, conversations with the Council's economic regeneration officer indicate that the site is no longer used for employment purposes and sufficient attempts have been made to promote further employment on the site without any success. It therefore is potentially appropriate for other non-employment related uses.

Therefore, given that the site can be considered as sustainable in NPPF terms and, while being in the Open Countryside, is not isolated there would appear to be benefits to this proposal which are not significantly outweighed by adverse impacts in terms of the Borough's current five year supply and the extant unimplemented permissions in Barrow and their implications.

Conclusion

In conclusion I consider that, in principle there are no significant grounds on which to base a refusal and therefore this proposal could be supported. This view is given without prejudice to other potential issues you may wish to consider.

I trust the above is of assistance. Phil Dagnall, Assistant Planning Officer, Forward Plans