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July 2013

**Hanson's Garden Centre, Barrow, Clitheroe**

**Planning Policy Statement in support of  
Outline Planning Application (All Matters Reserved  
Except Partial Means of Access to, but not within,  
the Site) For residential development**

On behalf of

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- 1 Appeal Decision – APP/T2350/A/12/2188887 – Land at Mitton Road, Whalley, Lancashire – Erection of 116 dwellings – APPEAL ALLOWED**

## 1.0 Introduction

- 1.1 This Planning Policy Statement has been prepared on behalf of Chris Hanson to support an outline planning application (all matters reserved except partial means of access to, but not within, the site) for residential development of up to 62 dwellings ("the Proposed Development") on land at Hanson Garden Centre, Barrow, Clitheroe ("the site").
- 1.2 This Statement describes the application site and proposed development before identifying and examining the issues relevant to the application. In seeking to establish whether the proposed use is appropriate, particular regard has been had to the statutory development plan and the National Planning Policy Framework (NPPF).
- 1.3 The proposed development has been subject to pre-application discussions with the Council. An initial meeting was held on 14 May 2013 with Councils' response received 22 July 2013. A follow up meeting was held with the Planning Officer on 24 July 2013 where points raised in Council's response were discussed. In particular issues relating to Landscape Impact, Housing supply and 'employment generating uses' were discussed. The points discussed are addressed in the planning submission.
- 1.4 In this case, it is considered the saved policies of the Local Plan are somewhat out of date whilst the Core Strategy is yet to be subject to an independent examination. As such the weight afforded to these two documents is limited. As such the most recent and up to date policy guidance is set out in the NPPF which seeks to encourage sustainable development.
- 1.5 A number of recent appeal decisions (at Barrow Brook Business Village [PINs ref APP/T2350/A/12/2176977] and at Henthorn Road, Clitheroe [PINs ref APP/T2350/A/11/2161186]), ongoing appeals (in particular for residential development on land at Whalley Road, Barrow [June 2013 Public Inquiry]) and planning permissions granted by the Council (in particular, scheme for residential development at Whiteacre Lane, Barrow [3/2011/0776]) all indicate that whilst the Local Plan and Core Strategy are material considerations, the weight afforded to them is limited and as such the NPPF provides the basis on which to assess and determine planning applications.
- 1.6 Furthermore, it is accepted that there has been a great deal of discussion on the Council's ability to be able to demonstrate (at least) a deliverable 5 year supply of housing sites with the aforementioned appeal at Whalley Road focussing on this point. Whilst a lack of 5 year housing supply would assist in supporting the case for the Proposed Development, the key issue with this submission is the redevelopment of a brownfield / previously developed site. Pre-application discussions have indicated a need to assess the effect of the loss of the site on the local economy and supply of employment land. However, the site itself is not considered to be in employment use (established use is A1 retail). Furthermore, the use of the site for such purposes is unrealistic due to existing alternative sites and its relatively poor location making it unattractive for potential employment uses (B1, B2 and B8).
- 1.7 With the above in mind, a recent appeal decision (27 June 2013), for residential development in Whalley is noted. The appeal was allowed with the

clear on the relative weight of Local Plan and Core Strategy Policies and importantly the Councils Housing Land Supply which she considers to be at 4.5years (at best). A copy of this appeal decision is attached at **Appendix 1** as is considered to be a significant material consideration in the assessment of the proposal.

1.8 With regards these points, the NPPF makes is clear that:

- there should be a presumption in favour of sustainable development (paras 14, 47 and 49) especially where a 5 year housing supply cannot be demonstrated;
- that redevelopment of such sites should be supported where the proposal would not have a greater impact than the existing use; and
- at paragraph 22, the NPPF advises that where there is no reasonable prospect of a site being used for employment use, applications for alternative uses should be treated on their merits.

1.9 It is also noted that planning permission has recently (Feb 2013) been granted for 6ha of employment land at Barrow Brook (LPA ref 3/2012/0346/P). The Committee Report prepared in support of the application makes it clear that the 6ha would contribute to the 9ha required throughout the District. More importantly, the report states the strategic importance of the site in employment terms. It also advises on weight to be afforded to

1.10 The application is supported by the following documents and plans:

- Application Forms And Certificates;
- Location Plan;
- Layout Plan;
- Phase 1 Environmental Desk Study;
- Transport Assessment;
- Economic Statement;
- Ecological Risk Assessment Report;
- Design and Access Statement;
- Tree Survey;
- Statement of Community Involvement;
- Flood Risk and Drainage Impact Assessment;
- S106 Heads of Terms;
- Planning Policy Statement; and
- EIA Screening Opinion Request



## 2.0 Site Description and Planning History

### Site Description

- 2.1 The site is located at the northern end of Barrow adjacent to Clitheroe Golf Course. The site is currently operating as Hanson's Garden Centre and as such comprises previously developed land.
- 2.2 The site is identified as being located in 'open countryside' in the Local Plan as it sits just outside the settlement limits for Barrow. Whilst the local plan suggests the site is in 'countryside', it is clearly not a rural location, rather it is seen as a developed site on the edge of the village. There is existing residential development opposite the site with the club house for the golf club to the north. There is existing development in close proximity to the site with dwellings opposite and the start of the village only 200m to the south.
- 2.3 The site area is 1.9ha and comprises previously developed land with the majority of the site currently covered in buildings and areas of car parking / hardstanding.
- 2.4 Within the 1.9ha site area, existing buildings have a total built footprint of 3674 sqm with a further 15,922 sqm of hardstanding within the site.
- 2.5 Access is taken from Whalley Road.
- 2.6 The site is not within a Conservation Area, does not contain any listed buildings and falls within Flood Zone 1. Further initial survey work indicates there are no constraints to development of the site arising from trees or ecology. Existing trees along the north west, north east and south west boundaries have been surveyed and are to be retained.
- 2.7 There is a bus stop outside the site entrance with services to Clitheroe (Number 5 from Chipping to Clitheroe). From Clitheroe there are further bus and rail services. Rail services are also available at nearby Whalley (also accessible by bus from the site). The site is circa 3km from Clitheroe and as such is within reasonable cycling distance.

### Planning History

- 2.8 The only planning history identified for the site related to development of polytunnels and glasshouses.
- 2.9 The established use of the site is considered to be a garden centre (A1 retail)
- 2.10 As set out in the Introduction, there are a number of relevant planning applications and appeals relating to housing and employment developments in Barrow / Whalley. For various reasons, these are deemed to be material considerations in the assessment of this application.
- 2.11 Of particular relevance are the recent decisions (approvals) at Barrow Brook for 6ha of employment land (LPA ref 3/2012/0346/P – in particular Committee Report dated 14 Feb 2013) and residential development (appeal allowed – PINS ref APP/T2350/A/12/2176977). A further appeal decision relating to a site in North Yorkshire (PINs ref APP/G2713/A/13/2191568 - letter dated 4 July 2013) will be referenced as appropriate where it deals with paragraph 22 of the NPPF and the release of 'employment site' for residential use where there is no reasonable prospect of the site being used for said use.
- 2.12 These decisions will be referenced later in the Planning Statement.

### 3.0 The Proposed Development

- 3.1 The planning application is submitted in outline (all matters reserved except for partial means of access to, but not within, the site) for a residential development of up to 62 dwellings.
- 3.2 Details of the site access point accompanies the application but all other matters will form part of a reserved matters submission.
- 3.3 Notwithstanding this the Design and Access Statement and submitted indicative plans show how the site could be developed in a manner which has regard to the site's surroundings.
- 3.4 It is envisaged the site would be laid out for family housing with the submitted layout showing a mix of 2, 3 and 4 bed dwellings including a number of bungalows. For the avoidance of doubt, the layout plans are for illustrative purposes only. However they demonstrate how the proposed residential development could be accommodated on the site.
- 3.5 Access to the site is proposed via the existing access point from Whalley Road. The access point is in the centre of the site and would facilitate a suitable residential layout within the site
- 3.6 Existing trees along the NW, NE and SW boundaries are to be retained as part of the proposed development together with existing hedgerows.
- 3.7 The outline application is submitted on the basis the redevelopment of this previously developed site would provide housing in a sustainable location and assist the Council in meeting its housing supply targets. Development of this brownfield site would also provide the Council with an opportunity to resist greenfield developments. Furthermore, the redevelopment of this previously developed site would be consistent with the general thrust of guidance set out in the NPPF which seeks to encourage sustainable development and supports the principle of redevelopment in the countryside where the resulting development would not have a greater impact than the existing use



## 4.0 Planning Policy Review

### National Planning Policy Framework

4.1 The National Planning Policy Framework (“NPPF”) was published in March 2012 and replaces the majority of all previous national guidance. The introduction to the document confirms it should be a material consideration in the determination of planning applications.

4.2 Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. It advises at paragraph 7 that:

*“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

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

4.3 Paragraph 8 advises these three dimensions cannot be considered in isolation. It states:

*“These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”*

4.4 Paragraph 14 sets out the Government’s commitment to supporting sustainable development. In relation to decision taking, it states:

*“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."*

4.5 Paragraph 17 of the NPPF sets out 12 key principles which planning should seek to adhere to. These include:

- *Proactively drive and support sustainable economic development to deliver the homes and thriving places the country needs;*
- *Seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings;*
- *Take account of the different roles and character of different areas, promoting the vitality of our main urban areas; and*
- *Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.*

4.6 Paragraph 22 of the NPPF is of key relevance to the application proposal which seeks to redevelop an existing garden centre (A1 retail use) site (which the Council indicate is an 'employment generating use') where (notwithstanding our opinion that this site should not be considered as an employment site) land should not be retained for employment purposes for which there is no demand or reasonable prospect of it being used as such. It states:-

*"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."*

4.7 Paragraphs 47 to 55 of the NPPF relate to the Government's commitment to deliver a wide choice of quality homes. Paragraph 47 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. This supply should also include an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

4.8 Paragraph 49 of the NPPF states housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable housing sites.

4.9 In addition to this, the NPPF states there is a need to deliver a wide choice of homes and paragraph 50 sets out what local authorities should do to deliver the housing that is required. It states:



*“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- *Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
- *Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.*

4.10 Paragraph 55 of the NPPF relates to development in rural areas. Whilst the site is not rural, this paragraph is relevant as it relates to residential development in the countryside stating such development may be acceptable where redundant or disused buildings are re-used with a resulting enhancement to the immediate setting. The issue of redevelopment in the ‘countryside’ is addressed further in the NPPF at paragraph 89 as set out below.

4.11 The NPPF also considers design matters and states the Government attaches great importance to the design of the built environment (paragraph 56). Paragraph 58 sets out a list of design criteria which Local Planning Authorities should ensure developments:

- *“Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *Optimise the potential of the site to accommodate development;*
- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping.”*

4.12 Matters of design will be addressed at Reserved Matters stage although the application is accompanied by an Indicative Site Layout and Design & Access Statement setting out how the site could be laid out.

4.13 Paragraphs 79 – 92 relate to development in the Green Belt. Whilst it is accepted the site is not in the Green Belt, the NPPF sets out some relevant guidance in terms of redevelopment of sites in the Green Belt. By their very nature, Green Belt sites are likely to be outside settlement boundaries and, as with the application site, sit in open ‘countryside’. Whilst there is generally a presumption against inappropriate development in the Green Belt, paragraph 89 of the NPPF sets out the types of new development that are appropriate. This includes (at the final bullet point) the:

- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater*

*impact on the openness of the green belt and the purpose of including land within it than the existing development'*

- 4.14 The relevance of this point is addressed in Section 5. However, in summary, if such redevelopment is appropriate in the Green Belt, where there is a clearly an established and understood presumption against inappropriate development, then the same principles (redevelopment of a brownfield site resulting in a lesser impact than existing use) can reasonably be applied to other 'countryside' sites (such as the application site) which are not afforded the same level of general protection as those in the Green Belt.
- 4.15 Finally, the NPPF states from the date of the document's publication, decision makers may continue to give full weight to relevant policies adopted since 2004 (paragraph 214). In addition to this, the NPPF states weight can also be given to policies in emerging plans according to their stage of preparation and the more advanced the plan, the greater the weight.
- 4.16 With regards paragraph 214 of the NPPF, it is considered the saved policies of the Ribble Valley District Wide Local Plan (RVDWLP)(1998) are out of date, and given the Core Strategy has yet to be subject to an Independent Examination it too should be afforded limited weight. As such guidance set out in the NPPF should be afforded significant weight and forms the basis for determining the outline planning application.

## **Statutory Development Plan**

- 4.17 In this instance the statutory development plan is comprised of the Ribble Valley District Wide Local Plan (1998). The Local Plan was prepared to provide a detailed policy framework for the District up to 2006. A number of policies were saved in 2007 until replaced by the Core Strategy. In the continued absence of a Core Strategy, the saved policies are still relevant although the weight afforded to them is limited.

### **Ribble Valley District Wide Local Plan (RVDWLP) 1998**

- 4.18 The relevant policies of the RVDWLP are summarised below. Each policy is assessed further in Section 5.
- 4.19 Policy G1 is a criteria based policy setting out the general development control considerations against which planning applications should be assessed.
- 4.20 Policies G2-4 set out the settlement hierarchy for the Borough and outline the general scale of development. For Barrow, Policy G4 states that planning permission will be granted for proposals that affect allocated sites, constitute infilling or the re-use of existing buildings or proposals which contribute to the solution of a particular local housing, social, community or employment problem.
- 4.21 Policy G5 seeks to resist development outside of village boundaries. However, the Council have acknowledged (at p8 of the Committee Report dated 14 Feb 2013 for employment development at Barrow Brook [3/2012/0346/P]) that this policy is out of date and not in accordance with more recent Government advice.



- 4.22 Policy ENV3 seeks to ensure development proposals are in keeping with their surroundings, reflect local vernacular (design and materials) and landscape features / natural habitats are conserved and enhanced.
- 4.23 The Council consider the existing use 'generates employment'. Whilst this is disputed (and discussed later in Section 5) (the site is an established retail / A1 use) Policy EMP11 relates to the loss of employment land. Policy EMP11 states that proposals for redevelopment of industrial or employment generating sites will be assessed against the following criteria:
- (i) The provisions of Policy G1.
  - (ii) The compatibility of the proposal with other policies of this plan.
  - (iii) The environmental benefits to be gained by the community.
  - (iv) The potential economic and social damage caused by loss of jobs in the community.
  - (v) Any attempts that have been made to secure an alternative employment generating use for the site
- 4.24 For the same reasons set out by the Council in relation to Policy G5 (see para 4.22 above) the weight afforded to this policy is considered to be limited given advice set out in paragraph 22 of the NPPF (2012). The Council's February 2013 Committee Report for 6ha of employment land at Barrow Brook also advises this policy is out of date.

## Other Material Considerations

- 4.25 In addition to the adopted local guidance, the Council has prepared their Core Strategy (Submission Draft May 2012) which, whilst of limited weight due to its current status, is considered to be material considerations in the assessment of the proposed development.

### **Core Strategy 2008-2028 A Local Plan for Ribble Valley (Reg 22 Submission Draft)**

- 4.26 The Core Strategy was submitted to the Secretary of State in September 2012. The appointed Inspector requested further information which has now (July 2013) been provided. The Inquiry is expected to start in September 2013. At this stage, the Core Strategy is considered to have limited weight. The relevant policies are however set out below.
- 4.27 Policy DMG1 sets out the general considerations to be applied when assessing planning applications with Policy DMG2 setting out criteria for development outside the settlement area. Policy DMG3 requires the LPA to consider the transport and mobility credentials of development proposals in terms of impacts on the road network, access to and provision for sustainable transport modes.
- 4.28 Policy DMH3 relates to dwellings in the open countryside, although the relevance of this is our view limited given the brownfield nature of the site
- 4.29 Policy DME2 relates to development in open countryside and seeks to resist harm to important landscapes or landscape features

- 4.30 Policy DMB1 seeks to support the local economy and as such the policy sets out a number of criteria against which proposals for the redevelopment of sites with 'employment generating potential' should be assessed.
- 4.31 Policy EC1 is also noted. This sets out the Council's aim to allocate a further 9 ha of employment land in the District within the lifetime of the plan.



## 5.0 Planning Assessment

### Principle of Development

- 5.1 The site is shown to be outside the settlement limits of Barrow and as such is considered to be in 'open countryside'. However, whilst the site is outside the settlement limits, housing exists opposite the site with further housing to the north and south together with the golf course to the north. The site could not therefore be considered to be remote or rural, instead it has a clear relationship with the existing settlement and nearby dwellings.
- 5.2 The case in support of the proposed development can be presented in a number of ways. Given the limited weight afforded to the RVDWLP and emerging Core Strategy, the starting point for assessing the proposal should be the NPPF.
- 5.3 As previously stated, the case in support of the proposal is not principally based on a housing land supply point given the previous discussions that have taken place during other applications / appeals. As such it is considered the proposal can be supported on other grounds, details of which are set out below.

#### Housing Land Supply position

- 5.4 However, it is noted that a recent appeal decision for residential development in Whalley (attached at **Appendix 1**) clearly states that, in the view of the Inspector, the Council only has a **4.5 yr** supply of deliverable housing sites. This is consistent with a previous appeal at Land off Henthorn Road, Clitheroe (PINs ref APP/T2350/A/11/2161186) which also questioned the Council's housing land supply.
- 5.5 On the basis the Council cannot demonstrate a 5 year supply of deliverable housing land, the NPPF states that there should be a presumption in favour of residential development.
- 5.6 This adds further weight in support of the proposal when considered with lack of impact on existing use, highways and visual amenity. These points are discussed below.

#### Redevelopment of a brownfield site

- 5.7 The NPPF seeks to encourage sustainable development and as such guidance contained therein identifies a number of significant changes when compared with former PPGs / PPSs. One such change relates to guidance given with regards previously developed sites in the countryside.
- 5.8 Paragraph 55 of the NPPF allows for residential development in the countryside where it re-uses redundant or disused buildings and would lead to an enhancement to the immediate setting. The thrust here is to facilitate redevelopment of sites in the countryside where there would be an enhancement to setting. Whilst the current buildings are not redundant or disused, they are considered to be of no particular architectural merit and do not positively contribute to the character of the area. Furthermore the expanse of hardstanding and temporary buildings further detracts from the character of the area. Arguably, the redevelopment of the site for residential use would result in significant benefits to the appearance of the site and its surrounds,

especially given the opportunity to retain trees / hedges and decrease areas of hardstanding.

- 5.9 The principle of redevelopment of existing developed sites is explored further at paragraph 89 of the NPPF. This relates to appropriate forms of development in the green belt. Whilst it is noted the site is not within the green belt, it is considered green belt per se is generally subject to a more restrictive policy approach to development than other areas of countryside. As such if redevelopment of the green belt is acceptable then it is reasonable to adopt a similar approach in other non green belt, countryside locations.
- 5.10 As such the guidance set out at para 89 of the NPPF is considered a material consideration in the assessment of the proposed development.
- 5.11 Paragraph 89 advises that the redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on openness than the existing development would constitute appropriate development.
- 5.12 In this case the site is clearly previously developed and the redevelopment for residential use would result in significant reduction in built development.
- 5.13 The current garden centre (A1 retail) use has a total built footprint of 3674 sq m with a further 15,922 sq m of hardstanding. Thus within a site of 19,794 sqm (1.97ha), 19,596 sqm is buildings or hardstanding. The footprint of existing buildings on site varies including units of 17.5 x 30m, 32 x 15.3, 41 x 16 and 34 x 22. These are sizeable buildings.
- 5.14 A residential development on the site would result in a significant reduction in built footprint and hardstanding as well as resulting in smaller buildings resulting in the site having a more open and attractive character and appearance. A typical 3 bed semi would have a footprint of 4.8m x 9m, this is significantly smaller than existing buildings on site. The reduced scale and massing of dwellings compared with existing buildings, together with retention of trees on boundary and lack of distant views of the site ensures the development will not be prominent in the landscape.
- 5.15 The indicative layout submitted shows how the site could be laid out for 62 dwellings with a built footprint (including garages) of 3060 sqm. This in itself represents a 17% reduction in built footprint. If area of roads and drives is included this would add a further 3455 sqm of 'hardstanding' to the built footprint of dwellings. The total area of buildings / hardstanding associated with a residential development would therefore be 6515 sqm. When compared to the existing position on site (19,794 sqm buildings and hardstanding), this constitutes a reduction of 13,081 sqm or 1.3ha or 67%. Alternatively the scheme could be seen to be providing 1.3ha of garden land with its associated benefits in terms of drainage, ecology / habitat creation and visual amenity. This increased 'greenspace' together with retention of trees and hedges surrounding the site will result in significant benefits to the character and appearance of the 'countryside'.
- 5.16 In light of the above it is considered the redevelopment of this brownfield site would result in significant environmental benefits to the site and its surrounds. Furthermore, the residential development of the site would result in economic and social benefits in terms of job creation, increased spending in the local economy, provision of affordable housing and contributions for greenspace and education improvements respectively. The proposed development is



therefore considered to constitute sustainable development and thus complies with the general thrust of the NPPF.

- 5.17 Notwithstanding the above, the Council have indicated the site should be considered as an 'employment generating use' and assessed against relevant Local Plan and Core Strategy policies.
- 5.18 In the first instance, we dispute the view that the site falls within the expected definition of an 'employment generating use'. Such a definition would normally relate to B1, B2 or B8 use classes, not a retail use as the garden centre is. It is considered the Council would not seek to apply these Local Plan and Core Strategy policies to a supermarket use if that was to be redeveloped for residential development and as such the garden centre should also not be subject to that consideration.
- 5.19 Furthermore, as stated previously, the weight afforded to saved RVDWLP policies and emerging Core Strategy policies is limited and as such consideration should be given to relevant guidance set out in the NPPF. For completeness, consideration has been given below to relevant RVDWLP and Core Strategy policies. However in the first instance, the relevant NPPF guidance is considered.
- 5.20 Whilst it is noted the NPPF sets out the Government's commitment to securing economic growth, it clearly states at paragraph 22 that applications for alternative uses (to employment) should be considered on their merits where, having regard to market signals and relative need for employment land, there is no reasonable prospect of that site being used for employment use.
- 5.21 With this in mind, Eddisons have been commissioned to provide an Economic Statement in support of the proposal. This should be read in conjunction with the points raised in this Planning Statement.
- 5.22 It is considered the site itself has no reasonable prospect of being used, or indeed being attractive or suitable for employment / industrial uses. These reasons are summarised below:
- The site is off the strategic road network (A59) and is not therefore as accessible as other existing employment sites
  - 6ha of employment land has recently (Feb 2013) been approved at Barrow Brook. The Barrow Brook site is acknowledged and promoted by the Council in the emerging Core Strategy and related Supporting Documentation as an important strategic site on the A59. It will be far more attractive to investors / developers / local businesses than the site at Hanson Garden Centre.
  - The 6ha approved at Barrow Brook accounts for circa 60% of the Councils stated requirement for 9ha of new employment land in the Core Strategy. A further 2ha at Hanson Garden Centre is considered illogical and unsustainable as effort should be made to allocate the further 3ha in other locations within the District.
  - Notwithstanding the fact 6ha of new employment land has been approved at Barrow Brook it is noted there is existing land and buildings already available at Barrow Brook. Thus there is arguably no further capacity or need or demand for additional employment development at the garden centre site.

- The lack of demand was recently evidenced in the appeal decision for residential development at Barrow Brook (PINs ref APP/T2350/A/12/2176977 – decision letter dated 30 November 2012). This site, with an extant office approval, was extensively marketed without any firm interest and as such the Inspector allowed residential development on the basis of guidance set out at para 22 of the NPPF. If this site at Barrow Brook was not attractive to employers, then it is considered the garden centre site would be even less attractive given its location off the main A59.
- Furthermore, a recent appeal for residential development on an allocated employment site in Dalton, North Yorkshire was also allowed on the basis the Inspector accepted the site was not in a location that would be attractive to employers / businesses. The Inspector also gave weight to the existing supply of employment land in the District. In allowing the appeal, the Inspector made reference to paragraph 22 of the NPPF. (The appeal reference is APP/G2713/A/13/2191568 – para 13 refers to NPPF para 22).
- The development of the site with large industrial units (typical eaves heights for a warehouse building would be 8m to the haunch) would result in greater harm to the visual amenity of the 'countryside' with associated vehicle movements, including HGV, being unsuitable on this road and at the edge of the village. Indeed, an industrial use on the site, with possible increase in HGV traffic could lead to increased movements through the village where highways issues are known to be a concern to local residents. In essence, the site is not considered suitable for employment or industrial uses.

5.23 It is therefore considered the site would have no reasonable prospect of coming forward for a more traditional employment / industrial use and therefore paragraph 22 of the NPPF is relevant. To insist the site should be retained or redeveloped as such would therefore be contrary to guidance set out in the NPPF.

5.24 Turning briefly to saved RVDWLP policy and emerging Core Strategy policies these are noted as EMP11 and DMB1 respectively. Both policies set out a number of criteria to be considered when considering the redevelopment of industrial or employment generating sites. Again it is re-iterated that we do not consider the site to fall within the definition of an industrial or employment generating site, the garden centre's established use is retail (A1) and whilst it does employ a limited number of staff (5 full time), retail uses would not normally fall within the general remit of these policies. Policies EMP11 and DMB1 are assessed below.

5.25 RVDWLP Policy EMP11 states that redevelopment of industrial or employment generating sites will be assessed with regard to a number of criteria. These criteria are assessed in turn:

- The proposed development would comply with the requirements of Policy G1, in particular being sympathetic to existing land uses surrounding the site (indeed it would result in a significant reduction in built development on the site), provides safe access, would not result in loss of open space or harm any nature conservation interests and retains native vegetation.



- The local plan is accepted as being out of date and as such saved policies can be afforded little weight.
  - The proposed development would result in significant reduction in built development on site. The proposed development will be much more open with the introduction of garden / green areas with associated visual, ecological and drainage benefits. Trees and hedges along the site boundaries will also be retained. Thus the proposal will result in significant environmental benefits to the community
  - The potential economic damage resulting from the loss of jobs is limited. The garden centre only employs 5 permanent staff with the remainder being casual staff. Arguably, the development of the site for housing will provide more construction jobs (albeit in the short term) than the existing business. In addition, a residential development on the site will increase spending in the local economy and provide contributions for local schools, greenspace and affordable housing. There are therefore net benefits in terms of economic and social effects arising from the proposed development.
  - The site is currently operational as a garden centre and as such has not been subject to any marketing. However, as set out above, the site is considered unsuitable for employment uses and is likely to be unattractive to local businesses. Furthermore, recent approvals at Barrow Brook will provide a further 6ha of employment land in a more accessible location.
- 5.26 In light of the above it is considered the requirements of Policy EMP11 have been satisfactorily addressed.
- 5.27 Core Strategy policy DMB1 reiterates the principles set out in EMP11. Given the comments set out above with regards EMP11, it is considered the criteria set out in DMB1 have been addressed
- 5.28 In light of the above, it is considered the proposal constitutes the sustainable redevelopment of a brownfield site with demonstrable environmental, social and economic benefits. The principle of residential development in this location is therefore acceptable and in accordance with national and local planning policy.

## Design

- 5.29 The Design and Access Statement which accompanies this application, provides details of the design of the scheme and the indicative scheme submitted as part of the planning submission demonstrates how development could be accommodated on the site.
- 5.30 In terms of the layout within the site, although this is not for approval at this stage, the indicative layout demonstrates how the housing on this site could be accommodated with all of the houses having front and rear gardens and garages. The proposed access point from Whalley Road utilises the existing site access point. In addition, further to comments received at the public consultation event, an increased distance is shown at the rear of the site from the golf course to ensure adequate amenity for future residents. Whilst this is indicative and is a matter to be resolved at Reserved Matters, the layout demonstrates how 62 dwellings could be laid out on site.

- 5.31 In terms of scale, the planning application seeks outline consent for up to 62 family dwellings with a mix of 2, 3 and 4 bed units proposed including a number of single storey dwellings. The site would allow a reasonably open layout to be achieved (circa 30dph) with boundary trees and hedges retained. As previously advised, a residential development would result in a significant reduction of built footprint / hardstanding with increased 'green' areas in the form of gardens. The design and layout of a residential development would be an improvement visually on the current site.
- 5.32 The access point and indicative layout ensures the majority of tree / hedgerow around the site boundaries is maintained whilst providing an opportunity for ecological and landscape enhancements through additional planting in garden areas.
- 5.33 Local Plan Policy G1 and emerging Core Strategy Policy DMG1 set out a number of general design considerations. The relevant criteria set out in DMG1 are addressed out below. The proposed development:
- Will, at the appropriate stage (reserved matters), meet the required high quality design standards in terms of architecture, materials and landscaping
  - Constitutes a significant improvement in terms of the visual amenity of the site and its surrounds when compared with the existing use. A residential development with retention of boundary trees / hedgerows would be sympathetic to this edge of village site and its surrounds which includes existing residential development and a golf course.
  - Will not give rise to any highways capacity / safety issues with the submitted layout demonstrating how cars can be parked off street
  - Provides a safe access from Whalley Road
  - Will provide future residents with acceptable living conditions in terms of private amenity space. The indicative layout shows how the site could be developed to ensure day lighting and privacy 'standards' are met
  - Will not give rise to any adverse ecological or environmental issues. The proposal will provide opportunities for habitat creation and reduce areas of hardstanding (with associated benefits in terms of reduced run-off / increased infiltration)
  - Will not affect any heritage assets
  - Will result in biodiversity improvements through retention of trees / hedges and increased habitat creation in garden areas
  - The site is not located in a coal mining area
  - Will make efficient use of this brownfield site
  - Will, at the appropriate stage (reserved matters), consider the principles of secured by design in designing out crime from the development
  - Seeks to deliver up to 62 units on the site. This equates to circa 30 dwellings per hectare which is appropriate in this location and represents a significant reduction in built footprint / area of hardstanding when compared with current garden centre use



- Will not harm amenities of the surrounding area. Indeed the proposal will result in increased spending in the local economy, provide housing within close proximity of the strategic employment site at Barrow Brook and provide contributions for affordable housing, education and greenspace provision in the village.

5.34 Although matters of design are not for approval at this stage, the submitted indicative plans demonstrate how a suitable development is achievable in line with the NPPF, Local Plan policies G1 and ENV3 and Core Strategy Policy DME2.

## **Drainage and Flood Risk**

5.35 In summary the site is located in Flood Zone 1 and is considered to be at a low risk of flooding. The proposed development is therefore suitable for this location. Furthermore, the proposal will result in a significant reduction in buildings / area of hardstanding with net benefits in terms of surface water drainage.

5.36 It is therefore considered the proposals are in accordance with the requirements of the NPPF.

## **Ecology**

5.37 An initial Ecological Assessment of the site has taken place. Given the limited size of the site, the predominance of buildings and hardstanding and lack of trees on site, the site is considered to be of low ecological value. Existing trees and hedges surrounding the site are to be retained as part of the proposed development with the indicative layout complying with required root protection areas.

5.38 There is no apparent evidence of protected species or important habitat on site and it is not subject to any ecological designations.

5.39 The proposed development provides opportunities for ecological enhancement through creation of new garden areas and associated planting together with opportunities to use bat / bird bricks in houses.

5.40 In light of the above and the proposed mitigation measures, the proposals are therefore considered to be in accordance with the NPPF.

## **Highways**

5.41 Access to the site will be taken from Whalley Road via the existing access point. It is envisaged each dwelling would be served by 2 parking spaces.

5.42 Further details on highways and access are set out in the accompanying Transport Assessment.

5.43 The visibility splays will be 2.4m x 40m. The speed limit along this section is 30mph.

- 5.44 Trip generation from 62 units will be negligible and as such is unlikely to give rise to any capacity or highway safety issues.
- 5.45 The site is located on the edge of the village but within walking distance of local shops, services and schools as well as bus stops serving the wider area. The site is therefore in a sustainable location.
- 5.46 In light of the above it is considered the proposed development will not have a detrimental impact on the local highway network and is in accordance with the NPPF and emerging Core Strategy Policy DMG3.

## **Landscape**

- 5.47 The application is supported by a Tree Survey. This survey has informed the indicative layout.
- 5.48 Existing trees and hedgerows surrounding the site are to be retained with indicative layout prepared taking into account requisite root protection areas. As such the indicative layout is considered to be deliverable and would not provide risk to trees or result in pressure from future residents for removal due to loss of light.
- 5.49 The proposed development will also provide opportunities for new planting within the site in garden areas. The removal of large buildings and significant areas of hardstanding on the site will provide significant landscape benefits to the site and its surrounds.
- 5.50 As confirmed in the Council's pre-application comments, views of the site are limited due to existing landscaping and topography. In addition the proposed dwellings are much smaller in terms of scale and massing than existing retail / garden centre buildings resulting in improvements to the appearance of the site and its surrounds.
- 5.51 The proposed development will not therefore harm the character or appearance of the existing countryside and will provide opportunities for landscape enhancement through additional planting
- 5.52 Again this scheme is indicative at the outline application stage and full details of landscaping will be covered by the reserved matters application. Nevertheless, it is considered the proposals comply with Policy G1 of the RVDWLP and DMG1 of the emerging Core Strategy insofar as they are relevant at this stage.



## 6.0 Conclusions

- 6.1 This Planning Policy Statement has been prepared on behalf of Chris Hanson to support an outline planning application (all matters reserved except partial means of access to, but not within, the site) for residential development of up to 62 dwellings ("the Proposed Development") on land at Hanson Garden Centre, Barrow, Clitheroe ("the site").
- 6.2 In this case, it is considered the saved policies of the Local Plan are somewhat out of date whilst the Core Strategy is yet to be subject to an independent examination. As such the weight afforded to these two documents is limited. As such the most recent and up to date policy guidance is set out in the NPPF which seeks to encourage sustainable development.
- 6.3 A number of recent appeal decisions (at Barrow Brook Business Village [PINs ref APP/T2350/A/12/2176977] and at Henthorn Road, Clitheroe [PINs ref APP/T2350/A/11/2161186]), ongoing appeals (in particular for residential development on land at Whalley Road, Barrow [June 2013 Public Inquiry]) and planning permissions granted by the Council (in particular, scheme for residential development at Whiteacre Lane, Barrow [3/2011/0776]) all indicate that whilst the Local Plan and Core Strategy are material considerations, the weight afforded to them is limited and as such the NPPF provides a reasonable basis on which to assess and determine planning applications.
- 6.4 It is accepted that there has been a great deal of discussion on the Council's ability to be able to demonstrate (at least) a deliverable 5 year supply of housing sites with the aforementioned appeal at Whalley Road focussing on this point.
- 6.5 Furthermore, it is accepted that there has been a great deal of discussion on the Council's ability to be able to demonstrate (at least) a deliverable 5 year supply of housing sites with the aforementioned appeal at Whalley Road focussing on this point.
- 6.6 With the above in mind, a recent appeal decision (27 June 2013), for residential development in Whalley is noted. The appeal was allowed with the Inspector clear on the relative weight of Local Plan and Core Strategy Policies and importantly the Councils Housing Land Supply which she considers to be at 4.5years (at best). A copy of this appeal decision is attached at **Appendix 1** as is considered to be a significant material consideration in the assessment of the proposal.
- 6.7 Pre-application discussions have indicated a need to assess the effect of the loss of the site on the local economy and supply of employment land. The site itself is not considered to be in employment use and in any event, the use of the site for such purposes is unlikely due to existing alternative sites and its relatively poor location making it unattractive for potential employment uses (B1, B2 and B8). Further details on this are set out in Eddisons Economic Statement.
- 6.8 With regards these points, the NPPF makes is clear that there should be a presumption in favour of sustainable development (paras 14, 47 and 49) especially where a 5 year housing supply cannot be demonstrated, that redevelopment of such sites should be supported where the proposal would not

have a greater impact than the existing use (paras 55 and 89) and, at paragraph 22, the NPPF advises that where there is no reasonable prospect of a site being used for employment use, applications for alternative uses should be treated on their merits.

- 6.9 It is also noted that planning permission has recently (Feb 2013) been granted for 6ha of employment land at Barrow Brook (LPA ref 3/2012/0346/P). The Committee Report prepared in support of the application makes it clear that the 6ha would contribute to the 9ha required throughout the District to 2026. More importantly, the report states the strategic importance of the site in employment terms.
- 6.10 In summary, the redevelopment of this site will result in a significant reduction in built footprint and area of hardstanding (circa 67%) with associated benefits to the visual appearance of the site and its surrounds. The redevelopment of this sustainable brownfield site is consistent with principles set out in the NPPF.
- 6.11 Comment has been made regarding loss of employment land. It is considered the site is not a traditional employment generating use (it is an A1 retail use) and as such policies seeking to resist loss of such land should be afforded little weight. However, in the interests of completeness, the site has been assessed with regards potential for employment uses and is deemed to be in an unsuitable location and therefore unattractive to local businesses. In addition, 6ha of new employment land has recently been approved at the nearby Barrow Brook Enterprise Park and, as a strategic location, this would be a more attractive and sensible location for employment uses in this part of the District. Furthermore, the garden centre currently employs 5 people and as such its loss would not have a significant effect on the local economy. Indeed, the construction of new dwellings is likely to generate more jobs, albeit in the short term. However, a new housing development will bring increased spending to the local economy together with social benefits in terms of affordable housing and contributions for greenspace and education.
- 6.12 Overall the redevelopment of this brownfield site for residential development is in accordance with guidance set out in the NPPF.
- 6.13 Indicative drawings submitted as part of this application demonstrate how the proposed residential development can be accommodated on the site, utilising the existing access point and ensuring off site trees and hedges are retained as a feature of the site and its surrounds.
- 6.14 The site is not subject to any ecological or heritage designations, falls with Flood Zone 1 and can be safely accessed without harm to the surrounding highway network.
- 6.15 In view of the above, it is considered the scheme satisfies national and local policy (albeit local policies should be afforded weight) and represents a suitable development proposal for the site that addresses all the relevant and material considerations. In this context, the proposal satisfies Section 38(6) of the Planning and Compulsory Purchase Act 2004 and it is considered that planning permission should be granted.

**Appeal Decision – APP/T2350/A/12/2188887  
Land at Mitton Road, Whalley, Lancashire  
Erection of 116 dwellings  
APPEAL ALLOWED**





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## Appeal Decision

Inquiry held on 15-17 & 21-23 May 2013

Site visit made on 24 May 2013

**by Louise Crosby MA MRTPI**

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

**Decision date: 27 June 2013**

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### **Appeal Ref: APP/T2350/A/12/2188887 Land at Mitton Road, Whalley, Lancashire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by David Wilson Homes North West and AC Surveyors & Valuers against Ribble Valley Borough Council.
  - The application Ref: 3/2012/0637, is dated 18 July 2012.
  - The development proposed is for the erection of 116 No two, three, four and five bedroom dwellings and 21 No one bedroom bungalows, together with associated landscaping, open space, drainage infrastructure, car parking and access roads.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of 116 No two, three, four and five bedroom dwellings and 21 No one bedroom bungalows, together with associated landscaping, open space, drainage infrastructure, car parking and access roads at Mitton Road, Whalley, Lancashire in accordance with the terms of the application, Ref: 3/2012/0637, dated 18 July 2012 and subject to the schedule of conditions set out in the attached Annex.

### **Procedural matter**

2. A draft Unilateral Undertaking (UU) was submitted at the inquiry. By the close of the inquiry the UU, although agreed, still required signing. I gave the appellants time to submit it after the close of the inquiry. A signed version was received by me on 20 June 2013. The UU secures an education contribution of £297,011; a transport contribution of £105,000; and a Travel Plan contribution of £50,000. It would ensure that 30% of the dwellings are 'affordable units' and that 15% of the total number of dwellings are single storey, single bedroom dwellings for the elderly. Also, 50% of this type of dwelling would be 'affordable units'. I shall deal with this in more detail below.

### **Main issues**

3. The main issues are:
  - i) the effect of the proposal on the character and appearance of the surrounding area;

- ii) the effect of the proposal on the setting of the Whalley Conservation Area;
- iii) whether the proposal would preserve the setting of Whalley Viaduct, Whalley Abbey and Whalley Abbey Gatehouse; and
- iv) the effect of the proposal on housing land supply.

## **Reasons**

### *Background and policy context*

4. The North West Regional Spatial Strategy has recently been abolished and so in this case the only relevant adopted development plan is the Ribble Valley Districtwide Local Plan (1998) (LP). It was agreed at the inquiry that its housing policies and policy ENV19 are out of date and so carry very little weight. The emerging Core Strategy: 2008-2028 – A Local Plan for Ribble Valley is due to be examined in July this year. Given the stage that this plan has reached the Council say that the policies within it should be afforded only limited weight in this decision and I agree.
5. The site is identified in the Council's Strategic Housing Land Availability Assessment (2009) (SHLAA). It assesses numerous sites in Whalley and after consideration, in line with an adopted methodology, some were excluded and others included. The appeal site was included and identified as being available within the next 5 years and deliverable within a 6-10 year period. It also says that there is a reasonable prospect that housing will be developed on this site and that in determining any future planning applications the impact on the Viaduct, but mainly on the open nature of the countryside, should be borne in mind.
6. The appeal site is located outside, but adjacent to, the settlement limits for Whalley as defined in the LP. However the main parties agree that the settlement boundary is out of date and will need to expand to accommodate the projected growth within the borough and therefore more weight should be placed on the emerging Core Strategy in this regard. This identifies Whalley as being a key service centre expected to accommodate a significant level of growth over the plan period (2008-2028). While Clitheroe is at the top of the hierarchy of most sustainable settlements, Whalley and Longridge both rank 2<sup>nd</sup>. Importantly, unlike Longridge, Whalley has a railway station that is very close to the appeal site.

### *The effect of the proposal on the character and appearance of the surrounding area*

7. The site is currently an agricultural field that is divided by a belt of trees. It is contained within existing clearly defined boundaries. To the west of the site is the elevated A59, to the north the existing traditional dwellings on Mitton Road, to the south Ridding Lane and to the east Broad Lane and Whalley Viaduct. The Viaduct, Whalley Abbey ruins and Whalley Abbey Gatehouse are all listed buildings; and Whalley Abbey ruins and Whalley Abbey Gatehouse are also scheduled ancient monuments (SAMs). In addition, the site lies adjacent to Whalley Conservation Area. The main parties agree that the central most visible part of the Viaduct, part of which is within Whalley Conservation Area, is the most important section to be taken into account when considering this scheme. Having visited the site and the surrounding area, I agree.

8. The appeal site is located in the River Calder valley bottom, close to the river. The appeal site can be seen from many near and elevated, distant vantage points. I shall discuss what I consider to be the most important ones below. The proposal would consist of a mix of single storey, 2 storey and 2/3 storey dwellings. The western corner of the site would contain a play area and open green space. The single storey dwellings would be mainly located in the area around Cross House, an existing 1½ storey traditional dwelling on the corner of Broad Lane and Ridding Lane. The 2/3 storey townhouses would be positioned along the eastern boundary of the site, adjacent to Broad Lane. These dwellings have been designed with staggered roofs and elevations which greatly reduces their overall scale and mass.
9. This part of the site is closest to the grade II listed Viaduct which is an important landscape feature here. The highest part of the 2/3 storey dwellings would be around 4m lower than the Viaduct and the distance from the rear elevation of these dwellings to the Viaduct would be between 30m and 37m. Those set farthest away would be screened by existing mature trees located along the boundary of the site.
10. It seems from evidence before me that the Council encouraged the general design principles that have been adopted here i.e. a gradual increase in height of development across the site towards the Viaduct and leaving part of the site undeveloped. This would result in the greatest impact being on Broad Lane, but from here the dwellings would still appear modest in scale compared to the Viaduct, particularly when their distance from Broad Lane is taken into account, along with their detailed design and landscaping.
11. The development would be set back from Ridding Lane by an area of landscaped green space and a play area. Also, the dwellings on this part of the site would be 2 storeys high and on the opposite side of Ridding Lane there are open fields with the river beyond. Some views towards the Viaduct from the part of Ridding Lane close to Cross House would be interrupted by the 2/3 storey dwellings close to Broad Lane, but the best views (where one can see through the arches) near Cross House, would be preserved as this part of the site would contain bungalows. From further back along Ridding Lane (towards the A59), the taller dwellings would interrupt views of part of the Viaduct, but not the central most visible section. As such, the rural character and appearance of this lane would not be unduly harmed and views of the central most visible part of the Viaduct would, in the main, be preserved.
12. Ridding Lane also extends eastwards, under the Viaduct, and eventually joins with The Sands. From here limited views of the appeal site are available because of the angle of view through many of the arches and their depth. Where there is a clear view through the arches this would be to the part of the site near Cross House which would contain bungalows. Some of the taller houses beyond would be visible to a very limited degree, but overall from here the proposal would not result in any discernible visual impact.
13. On the busy elevated A59 the main view of the site is from a lay-by where people are likely to stop for short periods. From here, views of the proposed development (which would be set back from this road and embankment), would be filtered by trees and hedges along the edge of the carriageway and thus not appear unduly harmful.



14. Clearly, when viewed from Mitton Road (close to the entrance to the site), the landscape would change by virtue of the introduction of housing. However, from Mitton Road the development would be experienced in the context of existing residential development along this road. Views from here of the Viaduct would be greatly reduced, but the current view is very much shielded by trees and there are far better views of the Viaduct from other parts of Whalley and the surrounding area. From the rear gardens and windows of the existing dwellings on Mitton Road, abutting the appeal site, again the views would change greatly. Nevertheless, some views of the Viaduct would still be available.
15. From various points along public footpaths on The Nab and the area around Painter Wood, some of the finest views of the Viaduct are available, with the appeal site beyond. From these elevated vantage points the sheer length and uniformity of the arches can be more readily appreciated. Also from here existing development can be seen at either end of both sides of the Viaduct. From slightly lower down, on Whalley Road and Longworth Road, closer views are available although it is the central section spanning the river that is most prominent. From here it is generally seen in the context of a flat rural landscape with the river running through it and The Judge Walmsley Mill Complex beyond.
16. The appellants' photomontages show that from the distant, elevated views on The Nab the proposed development would be visible and appear as a sizable extension to the housing that currently exists in this area. However, it would not appear as an alien feature in this landscape which is already layered with built development. Importantly it would not detract from the character and appearance of the surrounding area, the overall dominant features would be the Viaduct, the remaining (most prominent) fields, the river and the hills in the distance. From lower down, on Whalley Road and Longworth Road, the proposed development would be barely noticeable beyond the viaduct.
17. Taking all of the above into account, including the position of the site on the edge of the existing village with clear defensible boundaries the proposal would have only a moderate adverse impact on the character and appearance of the surrounding area. Nevertheless, conflict with LP policy ENV3 occurs, in so far as it aims to conserve and enhance the open countryside and only allow development that benefits the area<sup>1</sup>.

*The effect of the proposal on the setting of Whalley Conservation Area*

18. As a consequence of Whalley Conservation Area being extended in 2007, part of the central most visible section of the Viaduct; Cross House; and parts of Broad Lane fall within it. Whalley Conservation Area Appraisal (2005) (CAA), which recommended this extension describes the Viaduct as a local landmark and a dominant feature within the landscape to the west of Whalley and says that this particular area has a rural, open character which relates well to the first part of The Sands and the medieval route out of the Abbey to the west. The Sands area is identified as having a number of principal positive features and these include views to the west through the arched openings of the red brick Viaduct; a rural open character with trees and open green spaces; and little traffic and peaceful character.

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<sup>1</sup> Para 4.2.13 of Ribble Valley Districtwide Local Plan

19. The CAA highlights as an opportunity the open fields to the west of The Sands and south of the River Calder. Two of these are adjacent to the Viaduct. It identifies them as particularly valuable assets which should be included in the extended conservation area and protected from development. However, I note that in doing this it did not seek to protect the appeal site, at the other side of the Viaduct, in the same manner or indeed at all.
20. English Heritage<sup>2</sup> advises that setting is the surroundings in which an asset is experienced. The appeal site lies adjacent to the western edge of the conservation area. It is within its setting and has an open rural character. Clearly the open setting of the conservation area, provided by the appeal site, would be greatly reduced if the appeal site were developed.
21. The development would be experienced mainly from the area around Broad Lane and Ridding Lane (west of the Viaduct), but some limited glimpsed views through the arches would be available when travelling along The Sands/Ridding Lane (east of the viaduct). From Broad Lane and Ridding Lane some of the proposed 2/3 storey dwellings along the eastern boundary of the site would appear dominant when viewed from this small part of the Conservation Area.
22. The tranquillity in the part of the conservation area along Broad Lane would be reduced as the area would generally become busier and noisier. However, I saw when I visited the site that Broad Lane already carries a limited number of vehicles. From time to time these break the solitude in this area along with the passing trains and the noise of traffic from the elevated A59 road and Mitton Road. Importantly Broad Lane would only be used as an emergency access from the site for motor vehicles. So the main increases in noise along Broad Lane would be from within the appeal site. Following the construction phase, this is not likely to be excessive.
23. Given the overall scale of the proposal, in comparison to the open rural character that exists at present, the proposal would have a moderate adverse effect on the setting of this discrete part of the conservation area and thus its character and appearance. This harm would be ameliorated to some degree by the existing and proposed landscaping which would soften the effect of the built development. The proposal would lead to a modest degree of harm to the setting of the Whalley Conservation Area (and thus lead to much less than substantial harm to the significance of this designated heritage asset). As such, it would conflict with LP policy ENV16.

*Whether the proposal would preserve the setting of Whalley Viaduct, Whalley Abbey and Whalley Abbey Gatehouse*

24. Whalley Viaduct is a Grade II listed building. It is the longest in Lancashire with 48 round headed arches on battered piers. It is an impressive structure and feat of engineering. It was opened in 1850 and its purpose was and still is to span the River Calder valley floor. Unusually, it has 2 'blind' arches at either side of the arch that spans The Sands (a narrow road). These are ecclesiastical in style and reference the historical route to the Abbey through the Gatehouse.
25. The Viaduct is clearly important as a local landmark and is very dominant in views into and out of Whalley village. Indeed, images of it appear in numerous places including on a mural at Whalley Railway Station (painted by local school

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<sup>2</sup> English Heritage Guidance – The Setting of Heritage Assets

children); in magazine articles about Whalley; and in the opening credits of a local television news programme.

26. Since the function of the Viaduct is to span the open valley floor, this landscape is integral to its design, although it is a functional structure with no formal or indeed designed setting. It is the landscape features that made the Viaduct necessary in the first place and these contribute towards the setting of the asset and are an integral part of its significance. Both main parties agree that the Viaduct has a linear setting and that the appeal site falls within it and I agree.
27. Turning to consider the degree to which the setting makes a contribution to the significance of the heritage asset. Clearly the open countryside setting is important to its significance. The contrast between the undeveloped open countryside to the west of the Viaduct (including the appeal site) allows one to appreciate the sheer height and scale of the Viaduct. The close up views from Broad Lane, the appeal site and Ridding Lane allow for a comparison with the human scale, which is undoubtedly striking. With the proposed development, these would, on the whole, still remain as would the way in which one experiences the Viaduct from these places.
28. This Viaduct and its setting are best appreciated in long distance elevated views, such as from The Nab and Painter Wood. From these elevated areas the Viaduct is extremely striking and impressive because one can clearly see the central section of the Viaduct spanning the valley floor with the open countryside (including the appeal site) beyond. The proposal would lead to the appeal site being partially developed with dwellings, associated infrastructure and amenity space. This would lead to a reduction in the open green space which contributes towards the setting of the Viaduct. However, as I have already found, from these elevated areas the proposed development would be seen in the context of other development and more important open aspects of the valley floor, closer to the river, would remain.
29. The Council agree that, in principle, some development could take place here. The amount of development proposed in this case would have a modest effect on the setting of the designated heritage asset. Overall, given the distance between the Viaduct and the proposed dwellings and the dominant scale of it, which would still prevail, this small degree of harm to the setting of the designated heritage asset and thus to its significance would be less than substantial.
30. I will now consider the effect of the proposal on the setting of Whalley Abbey and its Gatehouse, both of these are grade I listed buildings and scheduled ancient monuments. They lie to the east of the appeal site, beyond the Viaduct. The Cistercian Abbey ruins enable visitors to observe the plan form of the development and understand how individual buildings would have related to one another. According to the list entry for Whalley Abbey building work began on the site in c.1320. The Abbey has formed part of an established community since it was founded.
31. The Gatehouse was built in 1480 and is likely to be the oldest remaining building within the Abbey complex and is significant as the main entranceway to the Abbey and as the last remaining component of the precinct walls. It is a functional and fortified Gatehouse and is visually prominent because it is a standalone feature separate from the main Abbey complex. The Sands/Ridding



Lane and Broad Lane are elements of the setting of the Gatehouse that contribute to its significance as they formed the medieval route to the Abbey. While the development would be clearly visible from Broad Lane, the historic route would still exist and Broad Lane would still appear as a narrow lane although its semi-rural character would be diminished slightly.

32. Consequently the character of this part of the setting would be affected to a minor degree, but I am not convinced that this would result in material harm to the significance of the setting of these heritage assets. Moreover, this would be the only harm to the setting as the important undeveloped area around The Sands/Ridding Lane and its major contribution to the significance of the heritage assets would be largely unchanged by the proposal. Overall the proposal would preserve the setting of Whalley Abbey and its Gatehouse and result in less than substantial harm to the significance of both these listed buildings.

#### *Housing land supply*

33. The main parties agree that even if the Council can demonstrate that they have a 5-year supply of housing land that would not in itself be a reason to prevent other housing sites being approved. The Council accepts that the housing policies in the LP are out of date and so the default position in paragraph 14 of the National Planning Policy Framework applies. This advises that where the development plan is out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies (such as those protecting designated heritage assets) in the Framework indicate development should be restricted.
34. Both main parties have reached different conclusions in relation to the Council's current housing land supply. This is principally because of the different calculation methods used. The appellants favour the Sedgefield approach<sup>3</sup> and the Council the residual method. The other variables which are in dispute are firstly whether a site in Whalley, with outline planning permission, (Lawsonsteads) should be included in the supply side of the calculation; and secondly whether the non-delivery discount to be applied should be 10% or 20%.
35. Dealing first with the calculation method, the key difference is that the residual method spreads the existing shortfall, which is agreed, over the plan period (around 15 years in this case), whereas the Sedgefield approach deals with the shortfall over the first 5 years. The Framework requires a 20% buffer (in cases where there has been persistent undersupply) to be brought forward from later in the plan period. To my mind it must then follow that the historic under-supply should be given the same priority. In doing this it is envisaged that a greater supply would increase the prospect of delivery and ensure choice and competition in the market for land<sup>4</sup>. This is critical if the supply of housing is to be significantly boosted.
36. So, taking the Sedgefield approach, regardless of whether Lawsonsteads is included or whether a non-delivery discount of 10% or 20% is applied the Council cannot demonstrate a 5-year supply of housing. At best, they have a

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<sup>3</sup> This refers to the methodology used by Sedgefield Borough Council in calculating its 5-year supply requirement.

<sup>4</sup> Para 47 of the Framework

4.5 year supply, based on the inclusion of Lawsonsteads and a 10% non-delivery discount. This scheme would provide 116 dwellings on the edge of one of the most sustainable locations in the borough and even more importantly 30% of them would be affordable units. When considered in the context of the unmet housing need in this area and in particular the need for affordable homes, this benefit attracts significant weight in the overall planning balance.

#### *Other matters*

37. Third parties have expressed concerns about a number of other matters not already dealt with above and so I shall deal with the principal ones now. In terms of highway safety and traffic issues, the planning application was accompanied by a traffic impact assessment and this was subsequently added to at the request of Lancashire County Council (LCC). On the basis of this information the County Highway Engineer concluded that there was sufficient capacity on the relevant part of the road network to accommodate the additional traffic from this development. Taking this into account as well as my observations when I drove around Whalley during the morning peak-time, I agree.
38. In reaching this conclusion I have also had regard to the fact that the proposed dwellings would be within a very short walking distance of Whalley railway station and bus stops. Between them they provide regular services to a number of places including Clitheroe, Preston, Bolton, Blackburn and Manchester. This is likely to reduce the number of trips made by car and Whalley village centre contains a variety of shops and services, within walking or cycling distance of the appeal site. Moreover, 30% of the dwellings would be 1 bedroom bungalows for the elderly and these residents would be less likely to be using the roads at peak times than younger people travelling to school and work.
39. In terms of highway and pedestrian safety, while there is a footpath in front of the appeal site it terminates in front of the dwellings on Mitton Road. At this point pedestrians would have to cross to the footpath on the other side of the road via a new traffic island in the road. Given that the road is in a built-up area with a speed limit of 30mph I am satisfied that this would be safe.
40. Moreover, there would be a network of paths within the site leading onto Broad Lane, close to No 4. Although Broad Lane also has no footpath, it is a short walk to the one on Mitton Road and Broad Lane is restricted to 'access only' for motorised vehicles. Some additional works are proposed by the appellants to improve highway and pedestrian safety in this area. I am also content that the visibility splays at the junction of the site and Mitton Road would be adequate.
41. I appreciate that car parking in Whalley village is also of concern to local residents. It seems that free car parking is at a premium and in high demand, but on the day I carried out my site visit I saw that the pay and display car park in the centre of the village was not full. Overall, on the basis of the evidence before me the proposal would not be detrimental to highway or pedestrian safety or overload the existing highway network.
42. The amount of available school places in local schools is of real concern to local residents. However, following lengthy negotiations between LCC Education Department and the appellants, LCC have confirmed that there is likely to be

sufficient capacity at the local secondary schools to accommodate need arising from the proposal. At Whalley Primary School there would be a lack of places in some years, based on projections. LCC have raised no objection to the proposal subject to a contribution being secured to fund additional primary school places. The submitted UU satisfies this requirement.

43. In relation to flooding and drainage the planning application was supported by a detailed flood and drainage assessment and the proposed dwellings would be placed within the area of the site at the lowest risk of flooding. On this basis the Environment Agency and United Utilities have raised no objections subject to the imposition of planning conditions. These would ensure that, among other things, finished floor levels are set at a certain level, surface water run-off is controlled and the site is developed with a drainage scheme based on sustainable drainage principles. I agree with this approach.
44. Local residents have suggested that the site may contain archaeology linked to the fact that the site is close to the original medieval entrance to the Abbey. However, following some investigative trial trenching by the appellants, the County Archaeologist is content that the site could be developed without the need for any further investigative work. While I can understand local residents' concerns in this regard, on the basis of the work that has been undertaken already, I concur with this professional advice. As such, it would be unreasonable to impose an archaeology related condition.
45. Turning to the matter of living conditions, the residents of the dwellings on Mitton Road, which abut the appeal site, would have a different outlook if the appeal site were to be developed. However, the separation distances between existing and proposed dwellings would be ample and so no harmful levels of overlooking would occur. Moreover, the fact that the view for existing residents would change is not in itself a reason to withhold planning permission. While there would be some increase in noise and disturbance during the construction of the dwellings and associated infrastructure this could be controlled to an acceptable degree with the use of a planning condition to ensure that development takes place within the parameters of an agreed construction management plan.

#### *Unilateral Undertaking*

46. A UU under S106 of the Town and Country Planning Act 1990 has been submitted relating to the provision of the contributions and matters set out above. The UU binds the owner to covenants with both Ribble Valley Borough Council and LCC. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation providing for contributions, such as those set out above, 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.
47. The covenants with Ribble Valley Borough Council relate to the provision of the number and proportion of affordable dwellings, as set out above. This is in accordance with the Council's document '*Addressing Housing Need in Ribble Valley*' (January 2012) which sets out the type and tenure of affordable housing that is required. On the basis of the advice in this document and the data from the Whalley Housing Needs Survey 2011, I am satisfied that the need for affordable housing in this development is justified.



48. As already mentioned there is insufficient capacity within the local primary school to be able to accommodate the additional pupils the proposed new housing is likely to generate. Specific information and calculations have been provided in an open and transparent manner by LCC to show where the deficit in school places would occur as a result of this development. The commuted sum is derived from this evidence and based on the LCC document '*Lancashire County Council - Planning Obligations in Lancashire Methodology – Contributions towards education places – Update December 2012*'. The owner covenants with LCC to provide a commuted sum (as set out above) towards the provision of the necessary primary school places.
49. The owner also covenants with LCC to provide commuted sums in relation to off-site highway improvement works and Travel Plan funds. Detailed evidence has been provided to show how the contributions have been arrived at, including a break down of off-site works. These are in accordance with '*The Lancashire County Council document: Planning Obligations in Lancashire Policy 2008*'.
50. I am satisfied that the provisions of the submitted UU would meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests in the Framework.

#### *Conditions*

51. In addition to the standard time condition, and those already mentioned, a number of other planning conditions are required. An implementation condition is reasonable to ensure that the development is carried out in accordance with the approved proposed plans, for the avoidance of doubt and in the interests of proper planning. External materials will require the prior written approval of the Council to ensure that they respect the character and appearance of the surrounding area. Conditions in respect of renewable energy and the code for sustainable homes are necessary to comply with the policies in the Council's LP and emerging Core Strategy.
52. Landscaping and tree conditions are important since this existing site contains some fine mature landscaping and along with additional planting this will help settle the built development into its surroundings. Ecology related conditions are necessary to protect nature conservation issues and avoid the disturbance of habitats of protected species. Because of the proximity of some of the dwellings and gardens to the elevated A59 road a condition is necessary to ensure that the noise environment is satisfactory and thus the living conditions of the future occupiers of these units are protected.

#### **Overall Conclusion**

53. The appeal site is identified in the Council's SHLAA as being suitable for housing and is located on the edge of one of the most sustainable locations in the borough where there is a historic and current unmet need for both market housing and affordable housing. In addition, the Council cannot demonstrate that they have a 5-year supply of specific deliverable sites for housing. The proposal would also bring some economic benefits in terms of construction jobs and to the local economy from the increased population.
54. While the development would result in some moderate harm to the character and appearance of the surrounding area; and only minor harm to the settings of a number of designated heritage assets these would not significantly and

demonstrably outweigh the benefits, summarised above, when assessed against the policies in the Framework taken as a whole; or specific policies which seek to protect heritage assets. So, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Louise Crosby*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Giles Cannock	Of Counsel. Instructed by the Solicitor to Ribble Valley Borough Council
He called	Mr Aydin Zorlutana Mr Adrian Dowd Mr John Macholc Mr Colin Hirst

### FOR THE APPELLANTS:

Mr Christopher Boyle QC	Of Counsel. Instructed by Graham Love of Turley Associates
He called	Mr Roger Mascall Mr Jonathan Berry Mr Graham Love Mr Phillip Livesley

### INTERESTED PERSONS:

Ms Copley	CPRE
Mr M Diack	Local resident
Mr R J M Loebell	As above
Ms K Czapowski	As above
Mr S Scott	As above
Mr M Harper	As above
Mrs Higgins	As above
Mr N Walker	As above
Mr Barker	As above

## DOCUMENTS

- 1 Copy of letter of notification of the inquiry
- 2 Photographs of Stockport Viaduct
- 3 Appellants' rebuttal statement in relation to an education contribution
- 4 Appellants' position statement in relation to an education contribution
- 5 Statement of Common Ground – highway matters
- 6 Draft Section 106 agreement (v10)
- 7 Statement of Common Ground – design matters
- 8 Opening submissions on behalf of the appellants
- 9 Mrs Copley's statement to the inquiry on behalf of CPRE
- 10 Mr N Walker's (local resident) statement to the inquiry
- 11 Written statement from Save Whalley Action Group (Mrs Higgins) statement to the inquiry
- 12 Mr R J M Loebell's (local resident) statement to the inquiry
- 13 Ms K Czapowski's (local resident) statement to the inquiry
- 14 Statement on behalf of Lancashire County Council in relation to education
- 15 Agreed education position statement between the main parties
- 16 Mr M Diack's (local resident) statement to the inquiry
- 17 Updated HLS calculation (17 May 2013)
- 18 Copies of correspondence between Mr M Diack and Mr Moir (County



