

**OUTLINE PLANNING APPLICATION
TO
RIBBLE VALLEY BOROUGH COUNCIL
BY
MR AND MRS K BENTLEY
FOR
THE ERECTION OF A SINGLE DWELLING
ON LAND AT
39 CLITHEROE ROAD,
WHALLEY,
LANCASHIRE.
BB7 9AD**

PLANNING STATEMENT

SEPTEMBER 2014

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1. INTRODUCTION

- 1.1 This Planning Statement is in support of an outline planning application submitted by Mr and Mrs K Bentley for the erection of a single dwelling on land at 39 Clitheroe Road Whalley.

2. THE PROPOSAL

- 2.1 This outline application relates proposes a single dwelling. The application seeks approval in outline for the means of access with all other matters reserved. The layout, appearance, scale, landscaping, and associated details are reserved for future consideration.
- 2.2 A site plan showing the means of access and the extent of the site is submitted with the application. The site plan shows the extent of the site, the site boundaries and relationship to the neighbouring residential properties.
- 2.3 This statement should be read with the following information submitted with this application:
- Existing plans and site survey TRI 1113 01 A1
Location plan/site plan 1:1250
Tree Roots Constraints Plan 4386-01 (showing the details of the proposed driveway).
Tree Constraints Report
Visibility splay drawing 4386-02

3. APPLICATION SITE AND SURROUNDINGS

- 3.1 The site presently forms part of the large garden area associated with the dwelling 39 Clitheroe Road Whalley. The site area is approximately 0.34 hectares. The site has a road frontage of 36m and there is an existing gated vehicle access with dropped crossing onto Clitheroe Road within that frontage. The site forms part of the extensive residential curtilage to 39 Clitheroe Road, the house being positioned in the northern part of the curtilage with its own vehicle access off Clitheroe Road. Within the site are several mature trees.

- 3.2 The character of this part of Clitheroe Road is one of large detached houses set within extensive gardens. This applies to the application site and its neighbour 41 Clitheroe Road to the north. This pattern extends south towards the village centre with large detached houses on slightly smaller but still substantial gardens. The houses on the west side of Clitheroe Road appear to have been constructed in the late Victorian period and early twentieth century. On the opposite side of Clitheroe Road set back from the main road with their own private access, are the houses on Maple Close. Again these are large detached houses set within substantial gardens constructed in the twentieth century.
- 3.3 The application site is within an area designated as 'open countryside' but only 19m from the settlement boundary of Whalley as designated in the adopted Ribble Valley Districtwide Local Plan. There is a bus stop close to the site at 41 Clitheroe Road. Clitheroe Road carries the main and frequent bus service from Clitheroe to Blackburn and Preston. The site is 1km from Whalley railway station and 600m from the village centre. There is a range of community services in Whalley including a primary school, library, and shops.

4. PLANNING HISTORY

- 4.1 The recent planning history of the site is as follows:
- 3/2004/0522 Proposed new utility room approved 06/07/2004.
- 3/2004/0537 Erection of a single storey timber framed glazed conservatory upon a dwarf wall. Approved 12/07/2004
- 3/2008/0683 Erection of hardwood timber conservatory with clear toughened double glazing, dwarf brick wall to match existing approved. 02/10/2008

5. THE DEVELOPMENT PLAN

- 5.1 The relevant part of the Development Plan for the purposes of this application is the saved policies of the Ribble Valley Local Plan (adopted in June 1998).

Ribble Valley Local Plan

- 5.2 The following saved policies of the adopted Ribble Valley Local Plan (which was adopted in June 1998 and written to plan for development over the period 1991-2006) are relevant to the proposal.

- 5.3 Policy G1: Development Control – all development proposals will be expected to provide a high standard of building design and landscape quality. The various detailed criteria to be applied in deciding planning applications are set out in the policy.
- 5.4 Policy G5: Settlement Strategy – outside the main settlements and village boundaries planning consent will only be granted for small scale developments which fall within specified categories.
- 5.5 Policy ENV3: Open Countryside – in the open countryside and immediately adjacent development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and materials.
- 5.6 Policy ENV13: Landscape Protection – development proposals which harm important landscape features will be refused.
- 5.7 Policy H2: Dwellings in the Open Countryside - outside the settlement boundaries residential developments will be limited to specified categories.
- 5.8 Policy T1: Transport – a list is provided of criteria to which the Council will attach weight in deciding planning applications.
- 5.9 Policy T7: Parking Provision – requires all development proposals to provide adequate car parking and servicing space.
- 5.10 The Local Plan Proposals Map identifies the application site as within an area of open countryside (Policy G5).

6. THE NATIONAL PLANNING POLICY FRAMEWORK

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

- 6.2 The NPPF clearly states *‘that the purpose of the planning system is to contribute to the achievement of sustainable development’* (paragraph 6). Paragraph 197 confirms that *‘in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development’*. Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the NPPF. It goes on to say that *‘for decision-taking this means:*
- *Approving development proposals that accord with the development plan without delay; and*
 - *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or*
 - *specific policies in this Framework indicate development should be restricted’.*
- 6.3 At paragraph 7, the three dimensions of sustainable development (economic, social and environmental) are outlined. An elaboration of the Government’s view of what sustainable development means in practice for the planning system is detailed later in the NPPF. Relevant parts are referred to at paragraph 6.7 below.
- 6.4 The NPPF (paragraphs 2, 11, 12 and 196) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise, ie the development plan is the starting point for decision making.
- 6.5 The NPPF, published in March 2012, highlights the importance of development plans being kept up to date (paragraph 12). Decision taking in the absence of an up to date development plan is addressed at paragraph 14 (see 6.2 above). At paragraph 215 it is confirmed that *‘due weight should be given to relevant policies in existing plans according to the degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given)’*. Paragraph 49 provides further guidance on the matter. It states

‘housing applications should be considered in the context of the presumption in favour of sustainable development’.

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

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

- ‘promoting sustainable transport’ – decisions should take account of whether safe and suitable access to the site can be achieved for all people and development should only be refused where the residual impacts of development are severe (paragraph 32);
- ‘delivering a wide choice of high quality homes’ – local planning authorities are expected to boost the supply of housing (paragraph 47). In this regard, local planning authorities should *‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements’*. Paragraph 47 goes on to require an additional ‘buffer’ of 5% to ensure choice and competition in the market for land. Local planning authorities should increase the ‘buffer’ to 20% where there has been a record of persistent under delivery of housing;
- ‘requiring good design’ – developments should add to the quality of the area, and reinforce local distinctiveness;
- ‘meeting the challenge of climate change, flooding and coastal change’ – it is expected that *‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk’* (paragraph 100) and that *‘when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’* (paragraph 103); and
- ‘conserving and enhancing the natural environment’ – in deciding planning applications local planning authorities should aim to conserve and enhance biodiversity by applying various principles including resisting development resulting in the loss or deterioration of irreplaceable habitats (paragraph 118).

7. EMERGING LOCAL DEVELOPMENT FRAMEWORK

Ribble Valley Borough Council Core Strategy

- 7.1 In summary, the Core Strategy is currently at the submission stage. However, the Inspector appointed to examine the soundness of the Core Strategy in his letter dated 31 January 2014 has highlighted the need for the Council to increase its target of delivering 250 dwellings per annum to 280 dwellings per annum. The Council has published proposed modifications to the Core Strategy in response to the Inspectors comments, for consultation. Appendix 1
- 7.2 The following policies of the submitted Core Strategy are relevant to consideration of the proposal – DMG1 (General Considerations), DME2 (Landscape and Townscape Protection), DME3 (Site and Species Protection and Conservation) and DMH3 (Dwellings in the Open Countryside and AONB).
- 7.3 The Core Strategy development management statements and policies generally re-affirm those identified as relevant in the Local Plan.
- 7.4 The Council currently expresses in a report to the 29th May Planning Committee that the Council can demonstrate a 5.16 year housing supply.

8. LOCAL DEVELOPMENT FRAMEWORK EVIDENCE DOCUMENTS AND OTHER RELEVANT POLICY DOCUMENTS / INFORMATION

Ribble Valley Borough Council Strategic Housing Market Assessment

- 8.1 The Council's Strategic Housing Market Assessment (SHMA) was published in December 2008 and was updated in 2013. It concluded that Ribble Valley has high levels of owner-occupation, with considerable numbers of large detached houses and a relatively small social housing stock. The Borough's population is growing and average household sizes continue to shrink. More housing needs to be constructed. In short, the SHMA points to a need to increase the supply of housing. The 2013 update identifies a requirement to provide 280 dwellings per year to meet the full evidenced housing needs of the Borough.

9. PLANNING ASSESSMENT

9.1 Having regard to the nature of the proposal, its context, relevant national and local planning policies, the main planning issues for consideration, are as follows:

- status of the adopted Ribble Valley Local Plan having regard to the NPPF;
- assessment of adopted Local Plan policies relating to the application site;
- assessment in relation to NPPF;
- highway safety;
- layout, design and landscape impact;
- trees and;
- neighbour amenity.

Each of these issues is addressed in turn below.

Status of the adopted Ribble Valley Local Plan having regard to the NPPF

9.2 Given the age of the Local Plan greater weight should be given to the policies of the NPPF and its presumption in favour of sustainable development. Specifically, whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits associated with the development, in particular the delivery of additional and needed housing.

9.3 The Council is claiming that it has a 5.16 year housing supply. However it should be noted that there is no local or national planning policy basis upon which to resist development even if there is a five year supply of deliverable housing sites.

Assessment of adopted Local Plan policies relating to the application site

9.4 Notwithstanding the conclusion reached in the previous section in respect of the status to be accorded to the supply of housing provisions of the Local Plan, the Local Plan policies relating to the application site are reviewed.

9.5 The site lies outside of (but well related to) the settlement boundary of Whalley within an area designated as Open Countryside by the Local Plan. So, Local Plan policies H2, G5 and ENV3 are relevant. The designation means that

opportunities for development are somewhat restrictive. Development schemes in the open countryside will be required to be in keeping with the character of the landscape area and should reflect local vernacular style features and building materials. Policy G5 allows small-scale developments outside main settlement and village boundaries providing they conform to other policies within the Local Plan. Policy H2 of the Local Plan states that the impact of proposals on the countryside will be an important consideration in determining all planning applications, and that development should be appropriately sited and landscaped, and must reflect the character and nature of the area. Development at this site would have no adverse landscape impact given that the site is adjacent to the settlement boundary and is infill between existing dwellings inside and beyond the existing settlement boundary. National planning policy also needs to be considered in addition to the DWLP policies outlined above.

9.6 We will set out reasons why it is more appropriate to look beyond the specific Local Plan policies and these are set out below:

- the Local Plan only provided for development needs for the period up to 2006. That the Local Plan is 'out of date' has been confirmed by the Council. A report to the Council's Planning and Development Committee on 17 June 2010 acknowledged that there is '*very limited capacity (for development and growth) within existing tightly drawn settlement boundaries and (there are) no further (Local Plan) allocations of housing land in particular to be brought forward*'. The report also states that Core Strategy options developed so far would require the release of extensive areas of greenfield land;
- circumstances have changed considerably since preparation of the Local Plan. The Local Plan was prepared in the context of the then current Lancashire Structure Plan (1991-2006). That document has since been superseded with provision for higher levels of housing growth in the Borough; and
- on the basis of latest evidence, and for the purposes of its Core Strategy, the Council has adopted a still higher housing provision figure (250 dwellings per year which will need to be increased to 280 dwellings per year) than the 160 within the (now revoked) RSS and the 200 dwellings per year previously regarded as the Borough's annual housing requirement.

- 9.7 So, the appropriate planning test is compliance with the overall Local Plan development strategy. In this regard, the Local Plan seeks to avoid isolated development in the open countryside. It is clear that the small scale and the general location of the proposal accords with the overall development / settlement strategy for the Borough as set out in the Local Plan.
- 9.8 The site is close to the settlement boundary of Whalley which has been identified as a key service centre. There are very limited opportunities for development within the settlement boundary of Whalley so new development to meet housing requirements will need to be beyond the existing settlement boundary. The proposed development is amongst a group of dwellings on the edge of Whalley. The development proposal cannot be describe as isolated development in the open countryside.

Assessment in relation to NPPF

- 9.9 Against this background, what also becomes central to the decision-making process is the statement at paragraph 14 of NPPF (see paragraph 6.2 above) and not the specific requirements of out-of-date Local Plan policies. That is, the proposal should be considered against the presumption in favour of sustainable development and planning permission should be granted unless there are specific adverse impacts that outweigh the benefits or that specific policies in the NPPF indicate that the development should be restricted. The benefits of the development are considered in the following paragraph. Issues drawn from NPPF policies and relevant aspects of sustainable development, along with detailed considerations arising from Local Plan and submitted Core Strategy development management polices, are examined in the subsequent sections.
- 9.10 The proposal represents sustainable development and there are benefits associated with the development, as summarised below:
- economic – the construction of new housing would contribute to economic growth, during the construction phase and through the introduction of new households to the area;

- social – the proposal would contribute to the provision of housing, for which there is a need; and
- environmental – the proposal provides an opportunity to provide new development without any harm to wildlife, landscape, heritage or other environmental considerations.

9.11 It is clear that the site is not isolated or remote from other built development. The site is situated on a main transport corridor and is conveniently located for a frequent bus service. As such, the proposal is considered to be a sustainable location for housing development. Based on the current policy situation, the dwelling could appropriately be developed for market housing.

9.12 Whalley was considered to be in the top tier of settlements (policy G2) in the Local Plan. Its status as top tier settlement has been retained in the Core Strategy.

Assessment in relation to the Core Strategy

9.13 Policy DS1 states that in addition to the identified strategic site at Standen, in general, the scale of planned housing growth will be managed to reflect existing population size, the availability of, or opportunities to provide facilities to serve the development and the extent to which the development can be accommodated with the local area. No allocations have yet been made (except for Standen) and the Development Strategy is at the consultation stage. Whalley is one of the principle settlements in the Ribble Valley and is located on the main transport route, it has a railway station and a variety of community services, school, employment and shops. The development Policy DS2 of the Core Strategy states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the Nation Planning Policy Framework.

9.14 The information provided in the consultation document- Development Strategy- Defining the more sustainable settlements and patterns of housing development. Suggests that the number of houses to be provided in Whalley over the plan period should be 520 and that permissions have been granted for 588 units. The Core Strategy and the 'allocation' of housing numbers is meant to guide development rather than to express a 'ceiling' limit in order to impose a

moratorium. The numbers of units granted planning permissions which make up the 588 figure may fluctuate between now and the completions of these development. A single additional unit in this highly sustainable location will make little impact on the Borough overall housing figures. The settlement boundaries of Whalley as shown on the adopted Local Plan are now very outdated particularly with the planning permissions that have recently been granted. The development of the site will consolidate the development along Clitheroe Road on the edge of the village at a density and in a location which is appropriate to the character of the area.

Highway Safety

- 9.15 We have had pre-applications with the Council's Traffic and Development Engineer Trevor Lewis. He suggested that the existing access is suitable to serve the proposed development and suggested sight lines distances of 2.4m by 43m in each direction. He also confirmed that a single width access would be acceptable. His comments are included in appendix 2. We have included his recommendations in the proposed design of the access. Drawing 4386-02 confirms that the requested visibility splays are available within the existing footpath adjacent to the highway which is unusually wide. Drawing 4356-02 indicates the proposed access into the site. The existing opening has a width of 3.596m and the existing gate will be removed. The access then extends into the site between the trees.

Layout, Design and Landscape Impact

- 9.16 Whilst precise details of the proposed development have not been submitted with the application it is clear that there is ample space within the site to erect one dwelling. The trees and shrubs in and around the site would ensure that the new dwellings would not be particularly visible from the road or from the surrounding landscape. The development would not be visually prominent and the scale of the development in relation to the surrounding properties would ensure that it would harmonises with the area generally

Trees

- 9.17 We have checked the list of Tree Preservation Orders for Whalley and it appears that some of the trees on the site may be protected by a tree preservation order.

The Order that appears to relate to the site was made in 1957. The application does not propose the removal of any tree from the site.

- 9.18 A tree survey has been submitted with the application indicating the position and condition of the trees on the site. The access from Clitheroe Road is proposed using the existing gated access point and pavement crossing. The existing width of the access at the gate is 3.596m and it is proposed to retain the access point at this width only removing the gate as requested by The Council's Highway Engineer. See appendix 2. The access then extends into the site at a single width. The proposed driveway will run within the identified root protection area of T6 and T1 show on the tree constraints report. In order to protect the tree roots it is proposed to use a 3D cellular confinement system, this will cover less than 20% the root protection area of T6 and T15. This is less than the limit of 20% recommended in the British Standard. We have demonstrated that an access into the site through the existing tree belt adjacent to Clitheroe Road is feasible without damage to the trees.

Neighbour Amenity

- 9.19 The proposed development is surrounded to the north east and south by existing residential development. However each of the neighbouring dwellings are more than 21m away from the boundary of the application site. There is sufficient space within the site position a dwelling to ensure that there would be no harmful impact on the amenities of existing residents, by reason of loss of outlook, loss of privacy, overbearing or overshadowing. The traffic generation associated with a single dwelling would be low and would have no discernible impact on the amenities of the occupiers of any nearby houses.

10. CONCLUSION

- 10.1 The proposal is for residential development adjacent to the settlement boundary of Whalley. The Local Plan was adopted in 1998 and can no longer be regarded as 'up-to-date'. Nevertheless, the proposal accords with the overall Local Plan strategy which seeks to avoid isolated development in the open countryside. The proposal would represent a sustainable form of development very accessible to local services. There is a national planning policy presumption in favour of sustainable development, and there are no adverse impacts which would outweigh the benefits

of the development. For these reasons, the Council is respectfully invited to grant planning permission for this small scale development proposal.

APPENDICES

Appendix 1 Inspectors letter to Council 31 January 2014

Appendix 2 LCC Highway Engineer's Comments 3 July 2014

September 2014

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