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TOWN PLANNING SERVICES LTD

Lodematic Limited

**Demolition of part
of mill buildings,
conversion of part
of mill buildings
to 14 residential
apartments and
erection of four
residential
apartments**

**Primrose Works,
Primrose Road,
Clitheroe**

**Planning Support
Statement**

August 2016

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1. INTRODUCTION

1.1 This Planning Statement is submitted in support of a full planning application by Lodematic Ltd for a residential development at Primrose Works, Primrose Road, Clitheroe. The planning application is a resubmission of that approved in April 2016 under reference 3/2015/0266. The only difference between this submission and the previously approved scheme is the omission of affordable housing. This is as a direct result of the revised national planning policy / guidance context arising from the May 2016 Court of Appeal decision in the case of R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government. The development comprises demolition of existing workshop buildings (other than the main three-storey element), conversion of the main three-storey element to provide 14 residential apartments, the erection of 4 residential apartments, erection of a cycle / refuse store, laying out of parking and circulation areas, and associated landscaping. This Statement should be read in conjunction with the following documents also submitted in support of the application:

- Design and Access Statement – MCK Architects;
- Plans and Drawings illustrating the proposal – MCK Architects;
- Arboricultural impact Assessment – Bowland Tree Consultancy;
- Bat Survey and Report – Ribble Ecology Ltd and The Tyrer Partnership;
- Topographical Survey – Chris Heaton Surveys;
- Transport Statement – VTC Consultancy;
- Noise Survey and Report – Miller Goodall Environmental Services Ltd;
- Heritage Assessment – Stephen Haigh;
- Unilateral Undertaking – Foster Law Solicitors;
- Marketing and Property Market Assessment - Taylor Weaver Chartered Surveyors;
- Phase 1 Land Quality Assessment - PSA Designs;
- Utilities Assessment – PSA Designs; and

- Drainage Statement – PSA Designs.

1.2 For completeness, this Planning Statement provides a full justification for the proposal notwithstanding the recent decision to grant planning permission for development at the site, although this is clearly a very significant material planning consideration alongside the revised national planning policy / guidance context.

2. THE PROPOSAL

- 2.1 The application is made in full for a residential development at the Primrose Works site, comprising demolition of existing workshops buildings (other than the main three-storey element), conversion of the main three-storey element to provide 14 residential apartments, the erection of 4 residential apartments, erection of a cycle / refuse store, laying out of parking and circulation areas, and associated landscaping. Three of the proposed residential apartments are designed and would be constructed to the Lifetimes Homes Standard.
- 2.2 The Design and Access Statement, site layout plan and other plans / drawings describe in detail how the site is to be developed.

3. APPLICATION SITE AND SURROUNDINGS

- 3.1 The development site has an area of approximately 0.29 hectares, including the access from Woone Lane / Primrose Road. The site is located at the southern end of Woone Lane / north west end of Primrose Road Clitheroe. A large portion of the site is occupied by three parallel and attached ranges / bays of industrial workshop buildings, with smaller attached (out)buildings, dating from the 1800s and a detached industrial building dating from the second half of the twentieth century. The buildings have a floorspace of 1,702 square metres. Other parts of the site are either overgrown or occupied by a small yard area associated with the industrial use. The site is vacant, the former tenant having moved to more suitable modern premises elsewhere in the Borough. The primary access to the site is from the track running along the northern side of the site and connecting to Woone Lane. A secondary access is available from the shared yard to the south of the site and connecting to Primrose Road. The site was formerly occupied by Lodematic (Components) Ltd, who used the site for hydraulic cylinder design, engineering and precision part manufacturing.
- 3.2 The application site is bounded by an access track to the north, beyond which a redevelopment of the former Primrose Mill and an adjoining greenfield site is presently under way by Miller Homes Ltd (Montgomerie Gardens development), with the erection of some 230 dwellings. To the east of the site is an electricity sub-station with Woone Lane beyond. To the south of the site is Primrose Studios, sub-divided former mill premises with a variety of commercial (mainly storage) uses. To the west / south west of the site is Primrose House and gardens associated therewith. Woone Lane provides the most direct route to Clitheroe town centre. Primrose Road connects to the A671 Whalley Road, which runs between Clitheroe town centre and the A59 Skipton to Preston road.
- 3.3 More generally, the site is located within the built up area of Clitheroe, which is to be extended further (by the later phases of the adjoining Miller Homes

development) onto the field to the west of the application site. There is a mix of housing in the locality, including traditional stone terraced cottages and modern housing development of suburban character. Local convenience stores, a supermarket, a primary school and bus services (linking Clitheroe to Preston and Skipton, and a Clitheroe town circular route) are within 4 – 700 metres of the application site.

- 3.4 Clitheroe is the main town within the Ribble Valley. The town centre is within walking and cycling distance, some 1km to the north west of the application site. There is a wide variety of facilities and services to be found in Clitheroe and its town centre. These include a range of employment opportunities, food stores, a wide selection of comparison goods shops, including clothes and DIY, plus a post office, medical centre, dentists, opticians, pharmacies, hairdressers, cafes, pubs, restaurants, takeaways, banks and other financial services, solicitors, library, places of worship and Council offices. Clitheroe also benefits from good public transport and highway links. There is a bus station in the centre of Clitheroe, with services connecting to towns such as Preston, Skipton, Longridge, Blackburn, Accrington, and Burnley. Clitheroe rail station, has direct services running to Blackburn and Bolton with connecting services to Preston and Manchester. There is ready road access to the A59 with links east and west to Preston, Skipton, towns further afield and the motorway network, and with links south to the towns of east Lancashire.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history relating to the site is as follows:

- 03/2015/0266 – demolition of existing workshops buildings (other than workshop 3), conversion of workshop 3 to provide 14 residential apartments the erection of 4 residential apartments, erection of cycle/refuse store, laying out of parking and circulation areas, and associated landscaping. Planning permission granted 26 April 2016 (the decision notice is reproduced at Appendix A).

4.2 Subject to discharge of the pre-commencement conditions, the 2016 planning permission could be lawfully implemented.

4.3 The adjoining (former Primrose Mill) site to the north and the field to its south west has been the subject of a number of planning permissions over the past seven years. As a consequence of those planning permissions the site is presently being redeveloped with approximately 230 houses and apartments.

5. DEVELOPMENT PLAN POLICY

- 5.1 The relevant parts of the Development Plan for the purposes of this planning application are the adopted Ribble Valley Core Strategy and the Proposals Map
- 5.2 The Ribble Valley Core Strategy was adopted by the Council on 16 December 2014 following receipt of the Inspector's examination report which found the Plan to be sound, subject to a number of modifications being made.
- 5.3 The following Core Strategy policies (as modified) are relevant to consideration of the application proposal.
- 5.4 Key Statement DS1 (Development Strategy) - seeks to direct the majority of new housing development to the strategic (Standen) site and the principal settlements of the Borough (Clitheroe, Longridge and Whalley). A residual housing requirement of 240 dwellings (as at March 2014) is identified for Clitheroe.
- 5.5 Key Statement DS2 (Presumption in Favour of Sustainable Development) – sets out a presumption in favour of sustainable development and reiterates the provisions of paragraph 14 of the NPPF.
- 5.6 Key Statement EN4 (Biodiversity and Geodiversity) – seeks to conserve and enhance the area's biodiversity and geodiversity. Negative impacts on biodiversity through development proposals should be avoided.
- 5.7 Key Statement EN5 (Heritage Assets) – the historic environment and heritage assets will be conserved and enhanced in a manner appropriate to their significance for their heritage value.
- 5.8 Key Statement H1 (Housing Provision) – makes increased provision for 5,600 dwellings over the period 2008 to 2028 at a rate of 280 dwellings per year.
- 5.9 Key Statement H3 (Affordable and Special Needs Housing) – within Clitheroe and Longridge developments of ten or more dwelling units are expected to deliver 30% affordable housing. The policy also seeks delivery of housing

- suitable for the elderly at a rate of 15% of a development's yield, ie constructed to Lifetime Homes Standard, with 50% of that provision being affordable.
- 5.10 Key Statement EC1 (Business and Employment Development) – it is stated that proposals that result in the loss of employment sites to other forms of development will need to demonstrate that there will be no adverse impact upon the local economy.
- 5.11 Key Statement DMI2 (Transport Considerations) – new development should be located to minimise the need for travel.
- 5.12 Policy DMG1 (General Considerations) – sets out various criteria to be considered in assessing planning applications, including a high standard of building design, proposed development being sympathetic to existing land uses, highway safety and not adversely affecting the amenities of the area.
- 5.9 Policy DMG2 (Strategic Considerations) – expects development to be in accordance with the Development Strategy and that development proposals in defined settlements should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.
- 5.10 Policy DMG3 (Transport and Mobility) – in assessing proposals considerable weight will be attached to the availability and adequacy of public transport and associated infrastructure. The assessment criteria listed also include the location of development in areas which maintain and improve choice to walk, cycle or catch public transport rather than drive between homes and facilities. Adequate provision is to be made for parking.
- 5.11 Policy DME3 (Site and Species Protection and Conservation) – seeks to resist development proposals that are likely to adversely affect protected species unless the benefits of the development outweigh the impacts and suitable mitigation is provided for.

- 5.12 Policy DME4 (Protecting Heritage Assets) – sets out a presumption in favour of the conservation and enhancement of heritage assets and their settings.
- 5.13 Policy DMB1 (Supporting Business Growth and the Local Economy) - proposals for the development, redevelopment or conversion of sites with employment generating potential for alternative uses will be assessed with regard to various criteria, including the environmental benefits to be gained by the community, the economic and social impact caused by loss of employment opportunities to the Borough, and any attempts that have been made to secure an alternative employment generating use. The latter to be supported by evidence (such as property agents details, periods of marketing and responses) that the property / business has been marketed for business use for a minimum period of six months or information that demonstrates to the Council's satisfaction that the current use is not viable for employment purposes.
- 5.14 With the exception of the Standen site no site allocations are made by the Core Strategy. However, Clitheroe is shown as one of the three principal settlements in the Borough. Allocations are to follow in a Site Allocations Local Plan. The Council has yet to publish a consultation draft Site Allocations Local Plan.
- 5.15 The former Local Plan Proposals Map identifies the application site as wholly within the main settlement boundary of Clitheroe (former Local Plan Policy G2).

6. NATIONAL PLANNING POLICY AND GUIDANCE

6.1 The National Planning Policy Framework (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'.*

6.2 Paragraph 7 refers to the three dimensions of sustainable development – economic, social and environmental. 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.

6.3 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.

- 6.4 At paragraph 49 the NPPF states that *'housing applications should be considered in the context of the presumption in favour of sustainable development'*.
- 6.5 Paragraphs 2, 8, 13, 196 and 212 confirm that the NPPF is a material consideration in planning decisions.
- 6.6 Paragraph 17 encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.7 The main body of the NPPF addresses the components of sustainable development. The aspects of those components most relevant to the application 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. Paragraph 51 states that local planning authorities *'should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate'*;

- '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);
- '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); and
- 'conserving and enhancing the historic environment' – the significance of any heritage asset that may be affected by a proposal should be identified and assessed. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset (paragraph 128).

6.8 The May 2016 Court of Appeal decision in the case of R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government was the culmination of a legal process that followed a challenge made by the two Councils to the introduction of revised National Planning Guidance relating to planning obligations and restrictions on the circumstances in which affordable housing may be sought from market housing schemes. The effect of the original High Court challenge was for the revised Guidance to be withdrawn. The Court of Appeal decision found the original actions to revise the National Planning Guidance to be lawful. Following the May 2016 Court of Appeal decision National Planning Practice Guidance was updated on 19 May 2016. It included guidance on the

application of the Vacant Building Credit (VBC). The advice is reproduced at Appendix B.

- 6.9 In short, the VBC introduced an incentive for brownfield development. It provides for application of a 'credit' for existing floorspace in assessing the requirement for affordable housing within residential conversion / new build schemes.

7. OTHER RELEVANT POLICY / INFORMATION

Pre-Application Advice

- 7.1 Prior to submission of the previous application for planning permission (reference 3/2015/0266), the applicant sought advice from Ribble Valley Borough Council on the prospects of securing planning permission for a conversion / redevelopment residential scheme. The advice is reproduced at Appendix C. The advice provided supported the principle of some form of residential development at the site subject, in particular, to detailed consideration of heritage and marketing considerations. The previous planning application was prepared having full regard to the advice provided and, of course, was subsequently granted planning permission as recorded at section 4.1 above.

Employment Land Study

- 7.3 On behalf of Ribble Valley Borough Council the BE Group published an Employment Land Study Refresh in May 2013 as part of the evidence base for its then emerging Core Strategy to 2028. One of its key recommendations was that the Council should designate six 'key employment sites' to be safeguarded for 'B' uses. The application property was not included within, nor is it in close proximity to, any of the six sites listed. The report also makes reference to the emerging property trends. It states that companies are looking for higher quality accommodation and typically require dedicated, self-contained, secure yard areas, a one dock level loading bay and a 40 metre turning circle to allow HGV's access into and out of the unit.

RVBC Planning and Development Committee Report – Planning Application
3/2015/0266 – Lodematic Development

- 7.4 The previous planning application at the site (reference 3/2015/0266) was considered by the Council's Planning and Development Committee at its meeting on 20 August 2015. The officer recommendation, and resolution of the Committee, was to delegate authority to grant planning permission to the Director of Community Services subject to satisfactory completion of a section 106 legal agreement and suitable amendments to design details. Both matters were settled and planning permission granted in April 2016. A copy of the report is reproduced at Appendix D.

RVBC Planning and Development Committee Report - New Government
Policy / Section 106 Agreements

- 7.5 At its meeting on 30 June 2016, the Council's Planning and Development Committee received a report to update Members regarding the impact of the Court of Appeal decision on 13 May 2016, as referred to at section 6.8 above. The report is reproduced at Appendix E. The report explained that the decision reversed the former High Court judicial review ruling that the Written Ministerial Statement of 26 November 2014 and the subsequent issue of National Planning Guidance (which introduced a threshold of ten dwelling units below which contributions for affordable housing should not be sought) was unlawful. As a consequence of this decision the National Planning Guidance was updated to reintroduce the provisions previously ruled unlawful. The report stated that this *"change in the NPPG equates to the introduction of government policy and this change supersedes local policies within the Ribble Valley Core Strategy. It is therefore vital that weight is given to this change in policy when making planning decisions, regardless of whether or not the Core Strategy is in accordance with this new national policy"*. The report went on to state that *"it is evident that current and future planning applications (for ten or fewer dwellings) that the Council would have in the past sought an element of affordable housing, will no longer have to do so"*. The report concluded by

stating that "the recent High Court decision has overturned the judicial review and the legislation change is now in effect (as of 19 May 2016) and supersedes local policies within the Core Strategy. It is therefore a material consideration when determining planning applications".

- 7.6 The report made no specific reference to the Vacant Building Credit. However, the same situation applies. That is, the Vacant Building Credit provisions were removed from the National Planning Guidance following the High Court judicial review ruling. The May 2016 Court of Appeal decision found the original introduction of the Vacant Building Credit provisions (as with the affordable homes threshold) to have been found lawful and they have been re-introduced into National Planning Guidance (as described at section 6.8 above). As such the Vacant Building Credit must be viewed in the same way as the National Planning Guidance affordable housing thresholds, ie they supersede local policies within the Core Strategy.

8. PLANNING ASSESSMENT

8.1 Reflecting the nature of the proposal, its context, relevant national and local planning policies, and the Council's decision to grant planning permission 3/2015/0266, the main planning issues for consideration are as follows:

- the principle of the development;
- layout, design and visual amenity considerations;
- the heritage implications of the development;
- the implications of the development for the local economy;
- the highway safety implications of the development;
- the biodiversity implications of the development;
- the housing mix
- other relevant planning considerations.

Each of these issues is addressed in turn below.

The Principle of the Development

8.2 The principle of the development has been established by the very recent grant of planning permission 3/2015/0266. The present application makes no change to the physical form of the development proposed as compared to the permitted scheme. The only change in circumstance since the April 2016 decision date has been the Court of Appeal decision detailed at sections 6.8 and 7.5 / 7.6 above. The implications of this single change in circumstance are assessed at sections 8.14 to 8.19 below. Whilst the acceptability of the development is clearly established, the justification for the principle of the development is rehearsed below and full consideration given to each of the other detailed planning considerations.

8.3 The site lies within the settlement boundary for Clitheroe, as defined by the Local Plan Proposals Map, and contained within what is clearly the existing built up extent of Clitheroe. Indeed, the site is already developed and

contiguous with other development within Clitheroe. Accordingly, the proposal is fully aligned with Core Strategy Policies DS1 (Development Strategy) and DMG1 (Strategic Considerations), in that the proposal would consolidate development within the main settlement of Clitheroe. Clitheroe is, of course, the most sustainable location for development within Ribble Valley. The proposal would also make a positive contribution towards the supply of housing within Ribble Valley, in accordance with the overall housing requirement as set out by Core Strategy Policy H12 (Housing Provision) and the specific residual housing requirement for Clitheroe.

8.4 The key theme running throughout the NPPF is the delivery of sustainable development; applications for housing development are to be considered in the context of the presumption in favour of sustainable development. Furthermore, proposals in accordance with the Development Plan (which, in principle, this application is) should be approved without delay.

8.5 In common with the development granted planning permission on the adjoining sites (as referred to at 4.2 above), the proposed development is considered to be in a sustainable location; the site is located within Ribble Valley's principal settlement and Clitheroe is identified by the Development Plan as a location for further housing growth. The site is in a highly accessible location, with ready access to a wide range of services, facilities and employment opportunities within reasonable walking and cycling distance, ie without placing undue reliance on the private car. There are benefits associated with the development in relation to each of the dimensions of sustainable development as listed in the NPPF, paragraph 7. These are summarised below:

- economic – the construction of new housing would contribute to economic growth during the construction phase and through the future spend in the local economy resulting from introduction of new households to the area;

- social – the proposal would widen housing choice by providing apartment housing and housing designed to the Lifetime Homes Standard, for which there are identified needs; and
- environmental – the proposal provides an opportunity to deliver development on a brownfield site (which the NPPF specifically encourages) without harm to wildlife interests, on a site that does not fall within an area identified as being at risk of flooding, in a manner that would secure the conservation and re-use of a historic building, and with no undue impacts on the local townscape and landscape.

8.6 Having regard to various specific aspects of sustainability referred to within the NPPF:

- the proposal provides for a logical development well-related to and consolidating the existing pattern and built up form of Clitheroe, as such the proposal respects the form of the settlement;
- the proposal is for the redevelopment of previously developed land, which is not of high environmental value;
- the site is conveniently located for regular bus services, with bus stops on Whalley Road (400 metres walking distance). The services link directly to Clitheroe town centre and other towns including Whalley, Preston and Skipton. A Clitheroe circular bus route passes within 400 metres of the site, along Woone Lane / Victoria Street. A bus station in the centre of Clitheroe (1.3 km distance) provides links to other towns, eg Blackburn and within East Lancashire. A rail station, also in Clitheroe town centre, provides direct services to Blackburn (with onward links to Manchester, Bolton and Preston);
- there is a full range of services, facilities and employment opportunities within Clitheroe, within walking and / or cycling distance of the application site, with a convenience store and supermarket within 400 metres of the site;
- the proposal would secure the conservation and re-use of a historic building;

- the site's development would result in no harm to wildlife or ecological interests, nor would the proposed development impact upon the wildlife value of any other site; and
- the site is not within an area identified by the Environment Agency at being at risk of flooding. Nor, would the development result in an increased risk of flooding at other locations.

8.7 Having regard to the above, the application site is considered to be in a sustainable location, there are a range of benefits associated with the development, and the proposed development would constitute sustainable development (for which local and national policy sets a presumption in favour). In summary, the proposed development is appropriate in principle having regard to the provisions of the NPPF and the Council's Core Strategy and as evidenced by the grant of planning permission 3/2015/0266.

8.8 It should also be noted that the Council has granted a succession of planning permissions for the redevelopment of the adjoining Primrose Mill site for some 230 houses and apartments. In principle, the evidence is that there is every planning reason why development of the application site is equally acceptable.

Layout, Design and Visual Amenity Considerations

8.9 Core Strategy Policy DMG1 expresses design criteria for new development in only very generalised terms, with no other specific design guidance made available by the Council. The application site is not within a Conservation Area, nor near to one, nor are there any other policies or other designations that signal the local area to be of any special architectural or townscape value. Indeed, the local area is marked by a variety of different building styles, scale and ages.

8.10 As previously described, the development is well-related to the existing built up area of Clitheroe. The scale and form of the conversion element of the development is such that it would have no undue additional or undue outward

impact. Similarly, the two-storey scale of the new build element would be subordinate and sympathetic to the retained and nearby buildings. Indeed, with the removal of two of the wings of the mill building and the prominent modern building at the north western end of the site, the outward impact of the development would be lessened. The proposed scheme includes provision for new and replacement planting at the site, which would assist further in absorbing the development into its surroundings.

- 8.11 The conversion element of the development would retain the existing facing materials (primarily stone) to the building's facades and slate to the roof. The new build element of the development would utilise a palette of materials appropriate to the area, with stone to the main facades and a slate roof. In short, the proposed development would consolidate and complement the existing form of development at Clitheroe with no harmful outward visual or landscape impact.

The Heritage Implications of the Development

- 8.11 The significance of the application premises as a heritage asset has been assessed within the accompanying Heritage Statements. The conclusion reached is that the proposed scheme would have an overall neutral impact on the identified heritage assets at or adjacent to the site, by including at its core a sensitive and enhancing conversion of the most significant of the buildings at the Lodematic premises, in conjunction with the demolition of less significant parts of the site, and careful siting and design of modest new buildings, parking and service areas. Accordingly, the proposal is compliant with NPPF policy and Core Strategy policies EN5 and DME4.

The Implications of the Development for the Local Economy

- 8.12 As referred to at 7.3 above, the site is not one of those identified in the Council's evidence base to its Core Strategy as a 'key employment site'. Furthermore, the site is heavily constrained by the nature of its multi-level and old buildings, steep site topography, difficult access, and lack of parking

and servicing space. These characteristics are completely at odds with those which modern-day operators expect. Indeed, it is the constraints at the application site that have led to the tenants' decision to relocate to premises in Chatburn. A Marketing and Property Market Assessment accompanies the planning application. As evidenced by the report, the site and premises have been extensively marketed for in excess of six months. No serious interest has been generated from prospective purchasers / occupiers. This is of little surprise given the evident constraints of the site and the availability of alternative higher-quality premises in the Borough. In short, the site / premises are no longer viable as an employment site. National policy indicates that where there is an identified need for additional housing, which is evidently the case by reference to established Core Strategy housing requirements, planning applications for residential use of buildings in a 'B' use should be approved unless there are strong economic reasons why such development would be inappropriate. There are no such strong economic reasons in this instance; the site is not within a 'key employment site', the previous tenants have vacated the premises and it has been demonstrated through the marketing exercise that there is no reasonable prospect of the premises being re-occupied by an employment generating use. Furthermore, the previous tenant's relocation to alternative premises at Chatburn ensured that there was no loss of economic activity or employment from the Ribble Valley. For these same reasons, it is clear that the development would result in no adverse impact upon the local economy and be compliant with Core Strategy policies EC1 and DMB1.

The Highway Safety Implications of the Development

- 8.13 A Transport Statement is submitted in support of this application. It demonstrates that the proposed residential development would not have any significant adverse impacts on the operation or safety of the existing highway network and would result in a number of significant highway benefits. These highway benefits include removing the problem of large HGVs reversing into, and out of, the access road onto Woone Lane and the blocking of the access

road whilst vehicles load / unload. Adequate provision would be made within the site for parking and turning of vehicles. Adequate visibility is available at the junction of the access road with Woone Lane. The proposed residential development would be sustainable in transport terms being close to Clitheroe town centre and local bus services and shops etc. as such, there are considered to be no adverse highway implications arising from the proposal and it is compliant with Core Strategy policies DM12, DMG1 and DMG3.

Housing Mix

- 8.14 Within Clitheroe, the Council's Core Strategy policy seeks the delivery of on-site affordable housing, at a rate of 30% on sites yielding ten or more units. However, as detailed at section 6.8 above, in May 2016 the Government reintroduced provision for a Vacant Building Credit when calculating affordable housing requirements by way of a revision to National Planning Guidance. As with the affordable housing thresholds introduced at the same time and in the same way, this Government guidance supersedes related local planning policies (ie as contained within the Core Strategy). This approach is confirmed by the report to the Council's 30 June 2016 Planning and Development Committee, as detailed at section 7.4 above.
- 8.15 The Vacant Building Credit is a policy tool intended to prioritise brownfield development, ie exactly what is proposed with this planning application. In essence, the guidance is that affordable housing should only be sought in respect of any increase in floorspace within a proposed scheme relative to the existing floorspace. The existing buildings have a floorspace of 1,702 square metres. The proposed conversion scheme would have a floorspace of 1,033 square metres and the new build element a floorspace of 256 square metres. The total proposed residential floorspace is, thus, some 1,289 square metres, ie some 413 square metres less than the existing floorspace at the site. It is therefore clear that in the case of this proposal there is no increase in overall floorspace proposed at the application site. Indeed, the combined

floorspace of the conversion and new build elements are considerably less than the existing floorspace at the site.

8.16 It follows from the above floorspace figures that, to accord with the national Planning Practice Guidance, the Council should apply a credit in respect of the existing vacant buildings. Accordingly, no affordable housing is required as part of the proposed scheme.

8.17 In further consideration of the issue, and having regard to other matters mentioned in the national Planning Practice Guidance, it is confirmed that:

- the buildings have not been abandoned. Rather, they are 'empty and redundant' buildings as specifically referred to and allowed for within the national Planning Practice Guidance;
- the buildings have not been made vacant for the sole purpose of redevelopment. Rather, the former tenant gave 12 months' notice to the building owner (the applicant) of their intention to vacate the premises on 15 January 2014, the tenant having found more suitable premises elsewhere in the Borough, as detailed at section 2.2 of the initial 24 March 2014 pre-application submission. The tenant has since vacated the premises. Clearly, the building owner was then forced to consider the future for the site. The advice received was that the building was not suited to modern day business requirements, as is self-evident from any inspection of the site. Nevertheless, the premises have been marketed and no alternative business tenant / interest has been found, as is demonstrated by the Taylor Weaver report submitted in support of the planning application and referred to at section 8.12 above. Hence, the building owner has progressed with the proposal for a residential conversion / development.

8.18 Whilst the building is subject to an extant planning permission for the same development, that grant of planning permission was made under the National Planning Guidance available at the time of the planning decision. The National Planning Guidance has now changed and is a most significant material planning consideration in determination of the current planning

application. Indeed, the Planning Officer drafting the Committee report relating to this application showed prescience in asking Members to note that the situation relating to the Vacant Building Credit may be fluid and subject to further changes at a later date.

- 8.19 In short, and through the application of the Vacant Building Credit, the proposal as now presented is entirely in accord with the recently re-introduced revisions to the National Planning Guidance in that no affordable housing is required.
- 8.20 Core Strategy policy seeks delivery of 15% of all units to be constructed to Lifetime Homes Standard, suitable for occupation by the elderly. The proposal meets this policy expectation by provision of 3 units to the Lifetimes Homes Standard.

The Biodiversity Implications of the Development

- 8.21 Bat, breeding birds, barn owl and habitat surveys of the application site have been carried out and are submitted in support of the proposed development. The reports shows that the limited vegetation at the site not to be botanically noteworthy. The only evidence of protected species, at or in the near vicinity of the site, was of lone bats or low numbers of common pipistrelle and soprano pipistrelle bats. There would be a requirement for bat mitigation measures to be carried out, as outlined in the report, and for a licence to be obtained from Natural England. It is demonstrated that the proposed development can be carried out without having negative impacts upon the local bat populations. Accordingly, it is concluded that the proposed development would have no adverse impacts upon biodiversity interests either at the site or in the locality.

Other Relevant Planning Considerations

- 8.22 Having regard to the range of issues referred to in policy, including Policy DMG1 (General Considerations) an assessment of other relevant planning considerations has been undertaken. These are detailed below.
- 8.23 Neighbour Amenity - There are adequate separation distances provided between the proposed development and the dwellings presently under construction at the adjoining former Primrose Mill site and to Primrose House. As such, there would be no undue impact upon the amenities that occupiers of other housing in the locality may expect to enjoy, by reason of loss of privacy, overbearing or overshadowing. Similarly, the future occupiers of the proposed development are afforded good standards of privacy, outlook etc.
- 8.24 Noise - A noise assessment has been carried out and is submitted in support of the proposed development. In broad terms, the proposed development will change the interface of commercial and residential development from the north side of the application site (ie between the Lodematic site / operation and the redeveloped Primrose Mill / Miller Homes housing development) to the south side of the application site (ie between the proposed development and the commercial uses within the Primrose Studios site). The relationship between each of the above is similar and, as such, there is no overall change. That said, the noise assessment submitted predicts the potential impact of the existing noise climate on the amenities of the future occupiers of the proposed development. On-site noise measurements were undertaken and the data used to identify the predicted noise levels within the proposed apartments. The conclusion reached is that with the implementation of recommended mitigation measures the occupiers of the apartments will enjoy an acceptable noise environment.
- 8.25 Trees - A tree survey / arboricultural impact assessment has been carried out and is submitted in support of the proposed development. It indicates that the trees at the site are in the main unsuitable for retention, eg for reasons of projected structural displacement, or of low quality / in terminal decline with a short remaining life expectancy. The proposed layout plans show a

substantial number of new trees to be planted along with other landscaping measures. The new tree planting is projected to both offer a considerable long-term visual amenity value and sufficiently mitigate for the necessary development related tree losses.

- 8.26 **Land Quality** – A phase 1 land quality assessment accompanies the planning application. The report concludes that the site and its vicinity has a record of industrial activity and, as such, there is the potential for some contamination. Intrusive ground investigations would be required in advance of development to establish the presence / nature of any contamination. However, the proposed development represents an opportunity to ensure that any contamination at the site is appropriately treated. There are no reasons to consider that any contaminants at the site would preclude the proposed residential development.
- 8.27 **Utilities** – a Utilities Statement accompanies the planning application. It shows that all necessary services – gas, electricity, sewers, water, phone / broadband – are available in the vicinity of the site and sufficient capacity is available to serve the development.
- 8.28 **Flood Risk / Drainage** - The site lies within the Environment Agency Flood Risk Zone 1 (a less than 1 in 1,000 annual probability of river or sea flooding). That is, within an area of lowest flood risk to which NPPF expects development to be directed. Accordingly, the development would not be at risk of flooding. There would be significant reduction in impermeable areas at the site as a result of the development. The result being that, even taking account of a climate change allowance, there would be less surface water run-off from the site with the proposed development than as existing. As such, the development would not increase flood risk elsewhere. Existing foul sewers would be utilised to serve the proposed development. There are no known capacity issues associated with the local foul drainage network and the additional load from this modest development would be insignificant in the context of the present loads from existing development in the area and future

loads arising from other much larger developments currently under way in the area.

- 8.29 Education Infrastructure – in the assessment of the previous planning application 3/2015/0266 the Education Authority advised that the development would result in demand for one secondary school place that could not be met by existing school place provision. Accordingly, the Education Authority sought a contribution to enable provision of the one secondary school place. The applicant has submitted a draft Unilateral Undertaking with the current application to secure this contribution.

9. CONCLUSION

9.1 Clitheroe is the largest of the three principal and most sustainable settlements in the Borough, as identified by local planning policy. The site is wholly contained within the built up area and defined settlement boundary of Clitheroe.

9.2 The planning assessment demonstrates that the application proposal would:

- involve the development of a brownfield site, which the NPPF seeks to promote;
- constitute an appropriate and sustainable form of development having regard to the provisions of the NPPF. In particular, the site is well-located for public transport, a wide range of services, facilities and employment opportunities without dependence upon the private car as a mode of transport;
- constitute appropriate development of a site well-related to the built up area of Clitheroe and which would complement and consolidate the existing pattern of development within the settlement;
- be acceptable, in principle, as it accords with the development strategy of the Development Plan, in particular adopted Core Strategy Policy DS1, to concentrate development in the Borough's principal settlements;
- result in economic, social and environmental benefits as promoted by the NPPF;
- result in a form of development that would be neighbourly and not have any undue impact upon the character of the locality;
- result in a development which has an overall neutral impact on the identified heritage assets at or adjacent to the site;
- be for the development of an employment site that fails to meet present day business expectations / requirements and for which no serious interest has been shown following a marketing exercise. Its development for housing would result in no harm to the local economy;

- with appropriate mitigation, have no adverse biodiversity implications;
and
- take place in a sustainable location with no adverse highway or transport implications.

9.3 Indeed, in consideration of all these matters following submission of the previous planning application 3./2015/0266, planning permission was granted in April 2016 for an identical physical form of development.

9.4 Having regard to the revisions made to the National Planning Guidance since the April 2016 decision, it should be noted that the proposal relates to vacant premises, is for a brownfield conversion and new build development, and provides less floorspace than already exists at the site. Furthermore, it is evident that the buildings have not been made vacant for the sole purpose of redevelopment. In accordance with the provisions of the recently revised National Planning Guidance and, in particular, those relating to the Vacant Building Credit, there is no requirement to provide any affordable housing delivery from the proposed development. The only change between the previously approved scheme and the current submission is that the scheme is for wholly market housing. As such, the proposal reflects and accords with the revisions made to the National Planning Guidance in the month after the grant of the previous planning permission.

9.5 For the reasons set out above, the Council is respectfully invited to grant planning permission for this development proposal.

APPENDICES

Appendix A:

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7

2RA

Telephone: 01200 Fax: 01200 414488
425111

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2015/0266

DECISION DATE: 26 April 2016

DATE RECEIVED: 23/03/2015

APPLICANT:

Lodematic Ltd
Primrose Works
Primrose Road
Clitheroe
Lancashire
BB7 1BS

AGENT:

Mr Mike Gee
Janet Dixon Town Planners Ltd
144 Woone Lane
Clitheroe
Lancashire
BB7 1BN

DEVELOPMENT PROPOSED: Demolition of existing workshops buildings (other than workshop 3), conversion of workshop 3 to provide 14 residential apartments the erection of 4 residential apartments, erection of cycle/refuse store, laying out of parking and circulation areas, and associated landscaping

AT: Primrose Works Primrose Road Clitheroe Lancashire BB7 1BS

Ribble Valley Borough Council hereby give notice that permission has been granted for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

P.T.O.

TRIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED

APPLICATION NO. 3/2015/0266

DECISION DATE: 26 April 2016

2. Unless explicitly required by condition within this consent the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

- Proposed Floor Plans Plots 1 to 14 Drawing: 14-105-P01
- Proposed Elevations Plots 1 to 14 Drawing: 14-105-P02
- Proposed Plans and Elevations Plots 15 to 18 Drawing: 14-105-P03 Rev B
- Proposed South and East Elevations Plots 1 to 18 Drawing: 14-105-P04 Rev B
- Proposed North and West Elevations Plots 1 to 18 Drawing: 14-105-P05 Rev B
- Cycle and Refuse Store Drawing: 14-105-P06 Rev A
- Proposed Site Plan Drawing: 14-105-P10 Rev B

Reason: For the avoidance of doubt since the proposal was the subject of agreed design improvements/amendments and to clarify which plans are relevant.

3. Precise specifications or samples of all external surfaces, including surfacing materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. Prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation shall have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt the sections shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles and materials. The development shall be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

5. Notwithstanding the submitted details, prior to the commencement of the development, section details and/or elevations at a scale of not less than 1:20 of the proposed boundary treatments/fencing, walling including any coping details shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted version).

P.T.O.

RIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED

APPLICATION NO. 3/2015/0266

DECISION DATE: 26 April 2016

6. Prior to the commencement of the development, details of the car park surfacing/markings shall be submitted to and agreed in writing by the Local Planning Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved details, before the use of the premises hereby permitted becoming operative.

Reason: To allow for the effective use of the parking areas in accordance with Policies DMG1, DMG3 and DM12 of the Ribble Valley Core Strategy.

7. Notwithstanding the submitted details, prior to the commencement of the development, full details of the proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the landscaping details shall indicate all trees and hedgerows identified to be retained or how those adjacent to the proposed development and/or application area/boundary will be adequately protected during construction, in accordance with BS5837: 2012 'Trees in relation to design, demolition and construction' or equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

The approved landscaping scheme shall be implemented in the first planting season following first occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those original planted.

Reason: To protect trees and hedges on and adjacent to the site and to ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policies DME1 and DME3 of the Ribble Valley Core Strategy.

P.T.O.

**RIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED**

APPLICATION NO. 3/2015/0266

DECISION DATE: 26 April 2016

8. No development shall take place, including any demolition, until a Construction & Demolition Method Statement has been submitted to and approved in writing by the local planning authority has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

1. The parking of vehicles of site operatives and visitors
2. The loading and unloading of plant and materials
3. The storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding
5. Wheel washing facilities
6. Measures to control the emission of dirt and dust during construction
7. Details of working hours
8. Contact details of the site manager
9. The timing of the delivery of plant and material to site
10. A programme and timing for the mechanical sweeping of all adjacent roads during the construction and demolition phase of the development

Reason: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

9. Prior to the commencement of the demolition works on site, a methodology and schedule of works in relation to all proposed demolition shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall contain a further building condition survey relating to the buildings/structures to remain on site, details regarding the method and phasing of demolition and details in respect of demolition works relating to or affecting the main mill building

The schedule and timing of works shall also include detailed proposals to ensure the structural stability of the building(s) during the course of demolition and construction of the development and include elevational and engineering details as to how the building(s) will be retained in a satisfactory and sound condition thereafter. All works shall be carried out in strict accordance with the agreed details.

Reason: To protect and conserve the buildings proposed to be retained on site and to ensure that there is no significant deterioration in the condition of the building in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

P.T.O.

TRIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED

APPLICATION NO. 3/2015/0266

DECISION DATE: 26 April 2016

10. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

A.A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.

B.If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under Part IIA of the Environmental Protection Act 1990, focusing primarily on risks to human health and controlled waters. The investigation shall address implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and approved in writing by the LPA prior to the site investigation survey.

C.If the site investigation indicates remediation is necessary, a Remediation Statement detailing the recommendations and remedial measures to be implemented within the site shall be submitted to and approved in writing by the LPA. The remediation shall be carried out in accordance with the agreed statement and on completion of the development/remedial works, the developer shall submit a Verification Report to the LPA for approval in writing that certifies that all works were completed in accordance with the agreed Remediation Statement prior to the first occupation of the development.

Reason: To prevent pollution of ground and surface waters both on and off site and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy.

P.T.O.

**RIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED**

APPLICATION NO. 3/2015/0266

DECISION DATE: 26 April 2016

11. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1.A preliminary risk assessment which has identified:

"all previous uses;

"potential contaminants associated with those uses;

"a conceptual model of the site indicating sources, pathways and receptors; and

"potentially unacceptable risks arising from contamination at the site.

2.A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3.The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4.A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To assess the risk associated with the development and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy.

12. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To assess the risk associated with the development and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy.

P.T.O.

TRIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED

APPLICATION NO. 3/2015/0266

DECISION DATE: 26 April 2016

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To assess the risk associated with the development, to prevent the pollution of controlled waters from potential contamination on site and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy (Adopted Version).

14. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: To ensure and safeguard the recording of any archaeological deposits in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

15. Prior to the commencement of the development, including any demolition or site preparation works, a joint survey shall be carried out between the developer and the Highways Authority to determine the current pre-construction condition of Woone Lane. A similar repeat survey shall be carried out within six months of the completion of the last phase of the development hereby approved; the findings of the surveys shall be submitted to and agreed in writing by the Local Planning Authority.

For the avoidance of doubt the submitted details shall specify any works to be undertaken, and their timings, to make good any damage to Woone Lane attributable to this development as a result of construction works and to return the highway to the pre-construction situation/condition. The development and any remediation/repair works shall be carried out in strict accordance with the approved details.

Reason: To maintain the construction of Woone Lane and to ensure the safe operation of the immediate highway and to ensure no long-term damage to the highway as a result of the construction phase of the development in accordance with Policies DMG1, DMG3 and Key Statement DM12 of the Ribble Valley Core Strategy.

16. The bat mitigation proposals for the protection of bats as contained within the Inspection and Assessment in Relation to Bats Dated 18th June 2015 will be implemented in full, subject to any changes required by Natural England at the Licensing stage.

Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policy DMG1 and Key Statement EN4 of the Ribble Valley Core Strategy.

P.T.O.

KIBBLE VALLEY BOROUGH COUNCIL
PLANNING PERMISSION CONTINUED

APPLICATION NO. 3/2015/0266

DECISION DATE: 26 April 2016

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.
4. This permission should be read in conjunction with the Section 106 Legal Agreement signed and dated 18th April 2016.


JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

Appendix B:

Extracts from the National Planning Practice Guidance relating to the Vacant Building Credit

What is the vacant building credit?

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

What is the process for determining the vacant building credit?

Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.

Does the vacant building credit apply to any vacant building being brought back into use?

The vacant building credit applies where the building has not been abandoned.

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

Appendix C:

Ribble Valley Borough Council pre-application advice for development at the application site, dated 8 July 2014



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Rachel Horton
direct line: 01200 414501
e-mail: rachel.horton@ribblevalley.gov.uk
my ref: RV/2014/ENQ/00064
date: 8th July 2014

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

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

Dear Mr Smith

REQUEST FOR PRE-APPLICATION ADVICE RELATING TO PROPOSED RESIDENTIAL DEVELOPMENT ON SITE OF EXISTING LODEMATIC BUILDING AT PRIMROSE WORKS, PRIMROSE ROAD, CLITHEROE.

I write in response to your pre-application enquiry regarding a proposed residential scheme on the site of the existing Lodematic building at Primrose Works. Illustrative sketch schemes of the proposed floor plans have been submitted for consideration

- Option F – Conversion of No. 3 Workshop and demolition of No. 1 & 2 Workshop to provide fourteen 2Bed Units and five 1Bed Units.
- Option G – Demolition of the entire building and development of either:
 - Layout 1 – Four 2Bed, five 3Bed and four 4Bed
 - Layout 2 – Sixteen 2Bed

No detailed plans of the proposed design, appearance, parking and landscaping have been submitted for consideration at this stage, and therefore I am unable to comment on these aspects. A site meeting was held on the 30th of April with the following people in attendance:

- Mrs Rachel Horton – RVBC – Pre-planning advice officer
- Mr Adrian Dowd – RVBC – Conservation Officer
- Mr Paul Smith – Director – Acland Bracewell
- Mr Robert Rawlinson – Director – Acland Bracewell
- Mr Clive Thompson – Director – Lodematic
- Mr John Carruthers – Director – VTC Highway & Transport Consultancy

Principle of Development

As you aware the Council is progressing from the Districtwide Local Plan (DWLP) to the Core Strategy, which is currently out for consultation. Therefore, in the absence of an up to date plan, and in accordance with para.14 of the National Planning Policy Framework (NPPF), the authority should determine housing applications on the basis of a presumption in favour of sustainable development. 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. The NPPF also requires that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities (para. 55)

Chief Executive: Marshall Scott CPFA
Directors: John Heap B Eng, C Eng MICE, Jane Pearson CPFA

For information, 'The Core Strategy: A Local Plan for Ribbles Valley' has reached an advanced stage of preparation. Public consultation on a series of Proposed Main Modifications following the Hearing Sessions of the Examination in Public, took place during the period 23rd May – 7th July 2014 (available to view on the Council's website). These modifications were approved by the Council for public consultation and therefore represent the Council's current position. Although the Core Strategy is not yet adopted, it has reached an advanced stage in its preparation and so should be afforded appropriate weight in the decision making process. In addition, the Council's latest housing land position, as at 31st March 2014, is that there is 5.16 year supply of land with planning permission (utilising the overall requirement of 5600). The Council updates its supply position quarterly and the latest position at the point of determination of any application will be taken into account.

When assessing the proposal against the Core Strategy a central issue is whether the proposal would cause harm to the Development Strategy (policy DS1 of the Core Strategy). This policy seeks to direct the majority of new development to the Strategic site at Standen and the Principal settlements of Clitheroe, Longridge and Whalley. The site proposed for development is within the main settlement of Clitheroe (refer to policy G2 of the DWLP and, DMG1, DMG2, of the Core Strategy) and in relation to housing provision, taking account of the overall requirement of 5,600 and commitments up to March 2014, the residual requirement for Clitheroe is 240.

In this case, notwithstanding that the development will support the provision of housing within a principal settlement it will result in the loss of an existing business and building considered to be a non-designated heritage asset, and within close proximity of a Listed Building. In short, these main factors, in addition to other material considerations such as highways, design and appearance will be taken into account in the determination of the application which will be considered against 'the planning balance' i.e. the benefit against the harm (as per para. 14 of the NPPF and DS1, DS2 of the Core Strategy).

The principle of new-build residential development on this site, and at the present moment of time is acceptable. However, I am mindful of the large number of applications being submitted and approved within Clitheroe, therefore these comments relate to the Core Strategy as the position stands at the time of writing. Please note that it may change as the plan progresses towards adoption and that any application would be considered in relation to the up to date policy position at the point of determination.

Loss of Employment

I note that your submission is supported with a copy of a recent Appeal Decision at 'The Old Manchester Offices, Whalley New Road, Billington (Appeal Ref: APP/T2350/A/10/2120718) and the committee report relating to Hansons Garden Centre (Appn. 3/2013/0737) which makes specific reference to such issues as the relocation of these businesses, marketing and re-use. I acknowledge the comments made by the Inspectorate and case officer, but each application is to be determined on its own merits. I am of the opinion, in this case that any subsequent application will need to be supported by firm evidence which establishes the potential impact of the development upon the local economy. This site represents our inherent stock of recognised employment sites and there is concern with regards to further loss of buildings being used for employment use within the Borough (refer to policy EMP11 of the DWLP and EC1, DMB1 of the Core Strategy). As previously advised a full business plan should be submitted to clarify the intentions of the business. Is the business to relocate? Be sold off to other parties? Are the existing employees being relocated, and where? In addition, evidence will need to be shown which demonstrates why residential

development is considered to be the most viable option as opposed to an alternative employment use. In accordance with Policy EMP11 evidence of the building being marketed as a going concern for at least six months is required. This should include details of who it has been marketed with, what it has been marketed as and whether there has been any interest.

Loss of Non-Designated Heritage Asset

For information, I have consulted English Heritage to establish their views on the potential demolition of the building. They have advised that Oxford Archaeology is currently carrying out on-going work in relation to surveying Mills in Lancashire. Ian Miller of Oxford Archaeology has informed me that in 2012 it was concluded that the site as a whole was potentially of high significance, and thus was included on their initial list of sites that merited detailed archaeology survey. Since that time however, he is aware that one of the mills has been demolished, which in his opinion reduces its overall value as an integrated site. The component building which forms the focus of the current enquiry, in his opinion, is he believes, largely of a mid-nineteenth-century date, and is not of a sufficient interest to merit statutory protection as a listed building.

Having said this, he does suggest that 'the building is worthy of an archaeological survey prior to any demolition/refurbishment to ensure that a record is made of the historic fabric, and to check that there are no internal features, fixtures or fittings of particular significance'. Thus, whilst maybe not being worthy of Listing, in his opinion, he does consider, as does Adrian Dowd that the building is worthy of retention.

Adrian and I advised at our meeting that the site is not within a Conservation Area, nor is it a Listed Building. Notwithstanding this, Adrian raised strong concern with regards to the loss of what is inherently a building of historic interest and therefore total demolition of the building should be wholly justified and importantly a report should be carried out in order to establish its significance (in accordance with the above, para. 124., 132. of the NPPF and the HEPPG 'Planning for the Historic Environment March 2010'), also bearing in mind the provisions of the Planning (Listed Building and Conservation Areas) Act 1990. A statement of significance should be submitted as part of any subsequent application: the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. In addition, the building is in close proximity to Grade II Listed Building 'Primrose House' and therefore consideration will be made as to whether the development is likely to have an impact upon the setting of the Listed Building.

Paragraph 134 of the NPPF reinforces Key Statement EN5 of the Core Strategy in stating that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Authority recognises that the best way of ensuring the long term protection of heritage assets is to find an optimum viable use that strikes the correct balance between economic viability and impact on the significance of the asset.

Affordable Housing

Para. 51. of the NPPF states that change to residential use and any associated development from commercial buildings (currently in the B use class) shall normally be approved where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. Any subsequent proposal should include a suitable mix of housing and a percentage of which should be affordable (30%) in line with the Councils 'Addressing

Housing Needs' document of which 15% would be required for elderly provision all of which should be to lifetime homes standard (refer to Key Statement H2 & H3 of the Core Strategy). Housing Strategy Officer Rachael Stott has advised that there is support for affordable units in Clitheroe, and certainly some 1 bed accommodation. If prior to a formal submission you wish to speak to Rachael she can be contacted via telephone on 01200 414567 or e-mail rachael.stott@ribblesvalley.gov.uk.

Proposed Layout / Design Matters / Other Material Considerations

No detailed plans have been submitted to clearly illustrate the proposed appearance, materials used or design of either the partial conversion scheme or entirely new-build development and therefore I am unable to offer specific advice in relation to these matters. Any subsequent proposal should be mindful of saved Policy G1 of the DWLP and emerging Policy DMG1 of the Core Strategy both of which require that new developments should be sympathetic to existing land uses, and para 58. and 60. of the NPPF in relation to design. Development should also seek to sustain and enhance the significance of heritage assets (para. 126 of the NPPF).

In addition, the proposal should accord with saved policy ENV19 which seeks to preserve the setting of listed buildings and emerging CS Policy DME4, which relates to listed buildings and states that development which cause visual harm to the setting of a listed building will be resisted. Also the scheme should accord with CS Key Statement EN5 which requires careful consideration for any development proposals that adversely affect a heritage asset or its setting, and requires all development proposals to make a positive contribution to local distinctiveness / sense of place. As stated above, as this enquiry has been submitted without the submission of more detailed plans of the proposed scale, appearance, design etc. of the building proposed it is difficult for me to establish at this stage the potential harm upon the appearance and setting of the nearby Listed Building or the appearance of the general locality given its prominent position adjacent to a main road and public footpath (FP 17).

Given the potential close proximity of the dwellings to existing business premises at Primrose Mill, consideration will need to be made as to whether the site is suitable for residential development given potential noise disturbance, and therefore a noise assessment should be submitted with any subsequent application. I am also mindful of the potential conflict with existing businesses on the site and para. 123. of the NPPF which states that 'existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established'.

Highways

Development should ensure that a safe access is provided which is suitable to accommodate the scale and type of traffic likely to be generated and provide adequate car parking and servicing space. In general schemes offering opportunities for more sustainable means of transport (bus, cycle, walking) will be supported in line with the core sustainability principles of the NPPF and should be sought when drawing up the scheme (see policies T1 and T7 of the DWLP, policies DM12 and DMG3 of the Core Strategy and para. 32., 34. and 35. of the NPPF).

LCC Traffic and Development Engineer Trevor Lewis has been consulted and provided the following comments:

From the information provided it appears that the access is intended to be along a private road to the north of the site. This road joins Woone Lane at an acute angle and

the junction would need to be extensively improved to make it suitable for access and egress, especially for large vehicles wanting to turn right onto Woone Lane or left off Woone Lane. The private road should join Woone Lane at approximately right angles. In order to achieve a reasonable road alignment leading up to the junction with Woone Lane, a bend to the right (proceeding towards Woone Lane) would need to be introduced and this would have the effect of moving the junction towards the sharp bend near Scott Bridge. This may have the benefit of improving visibility along Woone Lane from the minor road. Woone Lane is subject to a 20mph speed limit and consequently a 2.4m by 25m visibility splay is required. The ramifications of these improvements on the junction of the other nearby private road (east of the site) junction with Woone Lane would have to be taken into consideration. This paragraph outlines the principle of the improvements required to the junction, but I am unable to advise whether this is practical or not. The practicality of making improvements to the junction will depend on the outcome of a detailed design based on an accurate topographical survey, which the developer should carry out.

The Miller residential development to the north does not appear to have any direct impact on this development proposal.

The carriageway in Woone Lane along the site frontage appears to be at least 6m which is acceptable.

Improvements to Woone Lane along the road frontage of the property to be developed would be requested and these include:

- Widen the footway in Woone Lane to 2m.
- Improvements to street lighting
- Close off the redundant part of the existing junction and extend the footway.

These improvements will require a strip of land from the property to be formally included in the adopted highway.

There is a public right of way along the private road, which will have to be accommodated in any improvements to the private road and to the junction with Woone Lane.

Full parking in terms of the parking standards should be provided within the site. This is important here because of the characteristics of the locality and local highways. Parking on the adopted highways from this proposed development would tend to create additional obstructions which would be to the detriment of the efficient flow of traffic and to highway safety. Based on the rough notes in the margins of the attached drawings, 32 or 33 on-site parking spaces will be required. These drawings indicate 20 or 21 on-site parking spaces and this is insufficient.

If you have any queries with regards to the above advice, please contact Trevor at trevor.lewis@lancashire.gov.uk / 0300 123 6780.

Ecology

There are a number of mature trees dotted around the site, and therefore as they are likely to be within influencing distance of the development a full Arboricultural Impact Assessment / Tree Constraints Plan should be carried out, the results of which should inform the proposed layout.

Biodiversity offsets should also be considered, further detail of which can be found via the following link: <https://www.gov.uk/biodiversity-offsetting>. Also any subsequent application is likely to be conditioned to ensure that provisions are made for building dependant species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites to be submitted and approved by the LPA prior to any development taking place.

If you wish to discuss this in more detail please contact Conservation Officers Dave Hewitt or Phil Johnson on 01200 414505 / dave.hewitt@ribblesvalley.gov.uk / phil.johnson@ribblesvalley.gov.uk

Additional Information:

If your client wishes to submit an application, please ensure that the following is included:

- Design and Access Statement / Planning Statement
- Heritage Statement
- Loss of Employment Land Study
- Loss of Employment Land Study
- Marketing Appraisal together with confirmation of the future prospects of the business and answer questions such as Why is the business no longer viable at the existing premises? Is all or part of the business relocating and where? Staff Numbers? Where is current staff to be relocated?
- Noise Assessment – considering proximity to existing business premises.
- Contaminated Land Report
- Utilities and Drainage Strategy
- Energy and Sustainability Report
- Full S.106 agreement
- Structural Survey - If the final scheme intends to convert part or the whole of the building.
- Ecology Report/Protected Species Survey of the building considering that the proposal involves demolition.
- Arboricultural Impact Assessment to BS5837 / Tree Constraints Plan to include topographical survey, the results of which should inform the layout – All trees/hedgerows/planting within influencing distance of the development should be plotted.
- Crime Prevention Statement – detailing crime prevention principles have been incorporated into the design of the proposals to minimise the opportunity for crime.
- If the development covers an area of 1 hectare or greater a Flood Risk Assessment will be required.
- If an Outline application is submitted, please include details of indicative heights of the proposed building and layout
- If an outline application is submitted it is likely that we will request as part of a reserved matters application full details of any lighting prior to its installation and use, including during the construction phase.

A copy of LCC Contributions was sent via e-mail on the 12th of May 2014 and I have enclosed a further copy for reference.

Conclusion

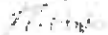
At this present time and based on the level of detail submitted the Council would in principle support some form of residential development on this site. However I am conscious, as outlined above, of not only the loss of a building used for employment use but also the loss of what is considered to be a non-designated heritage asset within close proximity of a Listed Building. Therefore whilst I consider the broad principle to be currently compliant with local and national policy, no detailed plans of the design, landscaping, materials used have been submitted for consideration in order to make a full assessment of the proposed impact of the development upon the setting/significance of the Listed Building, nor has any detailed marketing/loss of employment land study been carried out to establish the harm upon the local economy. In short, the outcome of any subsequent application will be based on the planning balance, i.e. the benefit against the harm which will require clear and convincing justification.

I must stress also at this stage that the current policy situation is subject to rapid change as RVBC progresses from the DWLP to the Core Strategy, therefore the position as outlined in this letter, and residual figure of 240 within Clitheroe may change. Decisions will have to be based on relevant policies at the time any application is determined.

Please be mindful of the fact that the above advice has been given on the basis of the level of information submitted as part of the pre-planning enquiry, which sought guidance on the general principle of residential development without the submission of more detailed plans; the position may be otherwise if there are additional or different material facts.

I trust that you find the above observations of use and stress that they represent officer opinion only, at the time of writing, given without prejudice to the final determination of any application submitted.

Yours sincerely



Rachel Horton
Pre- Planning Advice Officer

Mr Paul Smith
Adland Bracewell Surveyors Limited
The Barrons
Church Road
Tarleton
Preston
PR4 6UP

Appendix D:

RVBC Planning and Development Committee Report – Planning Application

3/2015/0266 – Lodematic Development

APPLICATION NO: 3/2015/0266/P (GRID REF: SD 373687 440694)
DEMOLITION OF EXISTING WORKSHOPS BUILDINGS (OTHER THAN WORKSHOP 3),
CONVERSION OF WORKSHOP 3 TO PROVIDE 14 RESIDENTIAL APARTMENTS THE
ERECTION OF 4 RESIDENTIAL APARTMENTS, ERECTION OF CYCLE/REFUSE STORE,
LAYING OUT OF PARKING AND CIRCULATION AREAS, AND ASSOCIATED
LANDSCAPING. PRIMROSE WORKS, PRIMROSE ROAD, CLITHEROE, LANCASHIRE BB7
1BS.



PARISH/TOWN COUNCIL:	The Town Council have no objection to the proposal subject to the following: • The traffic issues relating to the bend in the road be addressed. • Affordable provision is delivered on site. • The developer be required to make a financial contribution towards the cost of dealing with existing problems associated with the weir.
ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):	LCC Highways have no objection to the development subject to the imposition of relevant planning conditions and subject to the receipt of additional/amended information which is detailed later within this report.
ENVIRONMENT AGENCY:	No objection subject to the imposition of relevant planning conditions.
LCC CONTRIBUTIONS	The LCC Contributions Team have requested that a contribution of £18,126.38 for 1 secondary school place will be required in respect of educational provision relating to the development.
LCC ARCHAEOLOGY	No objection subject to the imposition of relevant planning conditions to secure a programme of archaeological work in accordance with a written scheme of investigation
UNITED UTILITIES	No objection subject to the imposition of relevant planning conditions.
RVBC ENGINEERS	No objection subject to the imposition of relevant planning conditions.
ADDITIONAL REPRESENTATIONS:	5 Letters of representation have been received objecting on the following grounds: • The loss of trees. • Inadequate parking and access. • Increased noise disturbance. • Safety issues relating to the existing public right of way. • Disruption during demolition. • Drainage and rainwater run-off. • Inaccuracies within the application.

Proposal

The proposal seeks consent for the demolition of 2 existing mill building and the conversion of the building to be retained to create 14 residential apartments. The submitted details also propose the erection of a two storey apartment block to provide four apartments.

The proposal involves associated landscaping and works to create an external parking area with the erection of a proposed cycle/refuse storage building also forming part of the proposal.

It is proposed that five of the apartments will be brought forward as affordable units, four of which will be Social Rented units with the fifth being delivered as a low cost market unit.

Site Location

The application relates to former Lodematic site located to the southern extents of Woone Lane. The site is occupied by three parallel and attached industrial workshop buildings, with smaller associated outbuildings dating from the 1800s and a detached industrial building dating from the second half of the twentieth century.

The application site is bounded to the north by an existing access track and public right of way (Footpath 17). Further to the north is the site of the redevelopment of the former Primrose Mill with construction still currently underway.

Relevant History

The site has no planning history that is directly relevant to the nature of the application submitted.

Relevant Policies

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS1 – Development Strategy
Key Statement DS2 – Presumption in Favour of Sustainable Development
Key Statement EN2 – Landscape
Key Statement EN3 – Sustainable Development and Climate Change
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement EN5 – Heritage Assets
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing
Key Statement DM1 – Planning Obligations
Key Statement DM2 – Transport Considerations
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME2 – Landscape and Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DME4 – Protecting Heritage Assets
Policy DME5 – Renewable Energy
Policy DME6 – Water Management
Policy DMH1 – Affordable Housing Criteria
Policy DMB4 – Open Space Provision
Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Technical Guidance to National Planning Policy Framework
Listed Building & Conservation Area Act.

Environmental, AONB, Human Rights and Other Issues

Principle of Development

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework adopted in 2012 (NPPF) is one such material consideration and whilst it does not change the

legal status of the development plan, it promotes a presumption in favour of sustainable development.

In terms of strategic considerations, Key Statement DS1 of the recently adopted Core Strategy outlines that the majority of new housing development will be concentrated within the identified strategic site to the south of Clitheroe (Standen); and the principal settlements of Clitheroe, Longridge and Whalley.

Whilst the Council can demonstrate a 5 year supply of housing land (5.59 as at 31 March 2015), Members need to be reminded that it is clearly stated that a 5 year supply is a minimum figure.

This development, although modest in numbers would assist in meeting the need, contribute to the 5 year supply and introduce some single storey accommodation and provide some local affordable units in a sustainable location within the centre of Longridge.

Affordable Housing Provision

The applicant has submitted a draft S.106 agreement which proposes that the 30% on site affordable provision, as required by Policy H3 of the adopted Core Strategy, will be delivered as a mix of four Social Rented units and one low cost market unit.

Members will note that the applicant, during the course of the application, in calculating the offer of affordable off-site provision, had applied the Vacant Building Credit (VBC) in respect of affordable provision that could be requested by the LPA, which had resulted in the removal of the offer of affordable housing provision on-site.

Following a judicial review between West Berkshire District and Reading Borough Council and the Department for Communities and Local Government. The Court's decision (which upheld all of the issues raised by the Claimants) was that those parts of the National Planning Practice Guidance, along with the Written Ministerial Statement (WMS), that reduced the affordable housing threshold to developments of ten or less units and introduced the vacant building credit last November were not lawful and must not be treated as a material consideration.

The effect is that planning applications must now be determined as if neither the statement or guidance had come into effect, this affects the consideration of all live planning applications and planning appeals currently lodged with the authority.

Subsequent to the outcome of the Judicial review the applicant has confirmed the willingness to revert back to the original terms contained within the S.106 agreement as detailed above. Members will note that the situation relating to the VBC may be fluid and subject to further changes at a later date.

Planning Obligations

Based upon the latest assessment, LCC Educational Contributions Team seek a contribution for 1 secondary school place. However, a contribution towards primary school places is not currently sought.

Calculated at the current rates, this would result in a claim of:

Secondary places:

$(£18,469 \times 0.9) \times \text{BCIS Indexation } (314.50 / 288.40 = 1.090499)$

= £18,126.38 per place

£18,126.38 x 1 place = £18,126.38

LCC Highways

The Highway Development Control Section does not have any objections in principle to the proposed housing development, subject to the imposition of planning conditions and providing the following observations are addressed:

The applicant has provided an acceptable Transport Statement by VTC (Highways & Transportation) Consultancy dated the 2nd February 2015. TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 120 vehicular movements a day with an estimated peak flow of (11) vehicles between 17:00 and 18:00.

Using the information above the peak flow traffic generated by the new housing development will decrease the amount of peak flow traffic using Primrose Road and Woone Road and also reduce the total number of light goods vehicles, vans and HGVs visiting the site. This agrees with the findings and conclusions in the Transport Statement by VTC (Highways & Transportation) Consultancy dated the 2nd February 2015.

Based on the Joint Lancashire Structure Plan the Highway Development Control Section is of the opinion that the applicant has provided adequate off-road parking provision for this type and size of development.

The Highway Development Control Section is of the opinion that the existing available sight line from the existing private site access road onto Primrose Road and Woone Road are acceptable and as such a sight line condition is not required.

The Lancashire County Council Sustainable Travel has requested improvements to the existing site access road as part of definitive footpath 3-1-FP17 these improvements includes the surfacing of the access road for the full frontage of the site and for the landowner of the site to designate the existing access road as a cycle route. This dedication would aid with the provision of a future cycle route from Henthorn Road to Woone Road, to aid social inclusion and the promotion of sustainable transport.

The Highway Development Control Section accepts the principle of shared access roads for this size of development but are of the opinion that the current site access is not safe for children and mobility impaired to enter and exit the site safely at the junction with Woone Road. The applicant is advised to prove the forward visibility for north bound traffic entering the private access road with an estimated 85th percentile speed of 15mph. All walls planting and fencing etc. within the forward visibility splay to be reduced to a height not more than 1m high. In the interest of highway safety, the promotion of sustainable transport and to aid social inclusion.

The Highway Development Control Section is of the opinion that the applicant should prove the existing site access with Woone Road by swept path analysis for a twin axle refuse vehicle to ensure refuse vehicle do not need to reverse back down Woone Road to serve the site as the current practice is at the detriment to highway safety.

The Highway Development Control Section is also of the opinion that the applicant should prove the car park entrance with the private access road by swept path analysis for a twin axle refuse vehicle to ensure refuse vehicles do not need to reverse back onto Woone Road at the detriment to highway safety.

A number of these issues are subject to on-going negotiations and are currently being addressed by the applicant, the outcome of which will be reported verbally.

Heritage Issues

The Councils conservation officer has raised concerns in respect of the application in that they are of the opinion that the duty at section 69 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be re-visited.

The Conservation officer makes reference to the specialist opinions to the site that consider that this area is of architectural importance and should be afforded conservation area status. It is the Conservation Officers opinion that this should be undertaken immediately because the current proposals will intrude irrevocably into the valley of the original water mills (the valley top also forms the designed curtilage boundary to Primrose House) and denude (e.g. mill manager's house) the core ensemble of its visual and architectural coherence and historic integrity.

Further concerns have also been raised in respect of the design of the new-build apartment block, members will note that negotiations are underway in respect of securing an appropriate design.

Whilst I am mindful of the observations made by the Conservation Officer, a number of these matters are subject to on-going discussions. I am also mindful of the observations made in relation to affording the area Conservation Area status and the potential implications as a result of the proposed demolition works. As no progress has been made in relation to the latter point I do not consider that it, in isolation, would be a sufficient reason to withhold the granting of planning permission.

Residential & Visual Amenity

I am mindful of the relationship between the proposal and that of existing neighbouring occupiers to the north and west. Taking into account the site topography and off-set distances proposed I do not consider that the proposal would be of significant detriment to the residential amenities of existing occupiers. I have some limited concerns in respect of the spatial relationship between the proposed new-build apartment block and that of the building to be retained and converted along with general concerns relating to the external appearance and design of the new-build element, these issues are currently the subject of on-going negotiations, the outcome of which will be reported verbally.

Discussions are also currently underway in relation to the internal treatment of the forecourt/parking area and the potential to retain a higher proportion of the northern mill-wall which will delineate the northern boundary and how it could be utilised as part of the hard-landscaping for the site.

Employment Use

The proposal will see the redevelopment of an existing Brownfield site and will secure the long term retention of the main mill building through its re-use and conversion. The applicant has submitted supporting information regarding the marketing of the site which has demonstrated there has been insufficient interest in respect of securing an occupier or purchaser who would operate the site in a similar manner to that of the previous.

The site is largely constrained by access arrangements, with limited parking provision for staff, the internal layout and configuration of the existing buildings are also thought to be inadequate to accommodate modern work practices or requirements, with other properties currently available within the borough that offer more efficient and unconstrained work spaces.

Benefits

It is considered that the development of this site offers the following benefits:

- The proposal will assist RVBC in boosting the supply of housing in the Borough.
- The proposal will deliver affordable housing (30%).
- The proposal would deliver significant some economic benefits through the creation or retention of jobs during the construction phase.
- New Homes Bonus payments to RVBC. The amount of New Homes Bonus would be £26,424 (18 x £1,468) a year with the total for the full six years being £158,544.
- Off site recreational contributions of £3888 which will go towards the green gym project at the Castle.

Conclusion

Having considered all the benefits and mindful of the concern in relation to heritage assets, I still consider that a positive recommendation is appropriate. As such, it is for the above reasons and having regard to all material matters raised that I recommend accordingly.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Community Services for approval following the satisfactory completion of a legal agreement (in the terms described in the developer contributions section of this report and subject to changes in CIL Regulations) and subject to the receipt of acceptable design amendments within 3 months from the date of this Committee meeting or delegated to the Director of Community Services in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and subject to the following conditions:

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. Unless explicitly required by condition within this consent the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

- N.B. Drawing number references to be confirmed following the receipt of amended plans

REASON: For the avoidance of doubt since the proposal was the subject of agreed design improvements/amendments and to clarify which plans are relevant.

3. Precise specifications or samples of all external surfaces, including surfacing materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted version).

4. Prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation shall have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt the sections shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles and materials. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted version)

5. Notwithstanding the submitted details, prior to the commencement of the development, section details and/or elevations at a scale of not less than 1:20 of the proposed boundary treatments/fencing, walling including any coping details shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted version).

6. Prior to the commencement of the development, details of the car park surfacing/markings shall be submitted to and agreed in writing by the Local Planning Authority. The car parking spaces and manoeuvring areas shall be marked out in accordance with the approved details, before the use of the premises hereby permitted becoming operative.

REASON: To allow for the effective use of the parking areas in accordance with Policies DMG1, DMG3 and DM12 of the Ribble Valley Core Strategy (Adopted version).

7. Notwithstanding the submitted details, prior to the commencement of the development, full details of the proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the landscaping details shall indicate all trees and hedgerows identified to be retained or how those adjacent to the proposed development and/or application area/boundary will be adequately protected during construction, in accordance with BS5837: 2012 'Trees in relation to design, demolition and construction' or equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

The approved landscaping scheme shall be implemented in the first planting season following first occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: To protect trees and hedges on and adjacent to the site and to ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policies DME1 and DME3 of the Ribble Valley Core Strategy (Adopted version).

9. No development shall take place, including any demolition, until a Construction & Demolition Method Statement has been submitted to and approved in writing by the local planning authority has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

1. The parking of vehicles of site operatives and visitors
2. The loading and unloading of plant and materials
3. The storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding
5. Wheel washing facilities
6. Measures to control the emission of dirt and dust during construction
7. Details of working hours
8. Contact details of the site manager

9. The timing of the delivery of plant and material to site
10. A programme and timing for the mechanical sweeping of all adjacent roads during the construction and demolition phase of the development

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy DMG1 of the Ribbles Valley Core Strategy (Adoption version).

10. Prior to the commencement of the demolition works on site, a methodology and schedule of works in relation to all proposed demolition shall be submitted to an agreed in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall contain a further building condition survey relating to the buildings/structures to remain on site, details regarding the method and phasing of demolition and details in respect of demolition works relating to or affecting the main mill building

The schedule and timing of works shall also include detailed proposals to ensure the structural stability of the building(s) during the course of demolition and construction of the development and include elevational and engineering details as to how the building(s) will be retained in a satisfactory and sound condition thereafter. All works shall be carried out in strict accordance with the agreed details.

REASON: To protect and conserve the buildings proposed to be retained on site and to ensure that there is no significant deterioration in the condition of the building in accordance with Policies DMG1 and DME4 of the Ribbles Valley Core Strategy (Adopted Version).

11. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

(a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.

(b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under Part IIA of the Environmental Protection Act 1990, focusing primarily on risks to human health and controlled waters. The investigation shall address implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and approved in writing by the LPA prior to the site investigation survey.

(c) If the site investigation indicates remediation is necessary, a Remediation Statement detailing the recommendations and remedial measures to be implemented within the site shall be submitted to and approved in writing by the LPA. The remediation shall be carried out in accordance with the agreed statement and on completion of the development/remedial works, the developer shall submit a Verification Report to the LPA for approval in writing that certifies that all works were completed in accordance with the agreed Remediation Statement prior to the first occupation of the development.

REASON: To prevent pollution of ground and surface waters both on and off site and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribbles Valley Core Strategy (Adopted Version).

12. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components

to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To assess the risk associated with the development and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy (Adopted Version)

13. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To assess the risk associated with the development and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy (Adopted Version).

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To assess the risk associated with the development, to prevent the pollution of controlled waters from potential contamination on site and to ensure the site is suitable for its end use in accordance with Key Statement EN4 and Policies DME2, DME3 and DMG1 of the Ribble Valley Core Strategy (Adopted Version).

15. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

REASON: To ensure and safeguard the recording of any archaeological deposits in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy (Adopted Version).

16. No part of the development shall be occupied until details of the forward visibility splays visibility have been approved by the planning authority and the land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the forward visibility splays in excess of 1.0 metre in height above the height at the centre line of Woone Road.

REASON: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy (Adopted Version).

17. Prior to the commencement of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Woone Road. A similar survey shall be carried out within six months of the completion of the last phase of development, and the developer shall make good any damage to Woone Road to return it to the pre-construction situation.

REASON: To maintain the construction of Woone Road in the interest of highway safety in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy (Adopted Version).

18. The bat mitigation proposals for the protection of bats as contained within the Inspection and Assessment in Relation to Bats Dated 18th June 2015 will be implemented in full, subject to any changes required by Natural England at the Licensing stage.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policy DMG1 and Key Statement EN4 of the Ribble Valley Core Strategy (Adopted Version).

Appendix E:

RVBC Planning and Development Committee Report - New Government Policy / Section 106 Agreements

INFORMATION

RIBBLE VALLEY BOROUGH COUNCIL **REPORT TO PLANNING & DEVELOPMENT COMMITTEE**

Agenda Item Five

meeting date: 30 JUNE 2016
title: NEW GOVERNMENT POLICY / SECTION 106 AGREEMENTS
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: ROBERT MAJOR

1 PURPOSE

- 1.1 To update Members of the impact of the recent High Court Challenge in relation to affordable housing contributions in respect to Section 106 contributions for small scale developments, which follows the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014.
- 1.2 To advise Members of the possible impact of this change on the implementation of the appropriate policies within the adopted Core Strategy.
- 1.2 Relevance to the Council's ambitions and priorities
 - Community Objectives - } To be a well managed Council providing efficient services and this would include delivery of affordable housing and infrastructure improvements utilising funds where appropriate.
 - Corporate Priorities - }
 - Other Considerations - }

2 BACKGROUND

2.1 Section 106 Contributions

On 28 November 2014 Brandon Lewis, the Minister of State for Communities and Local Government, announced changes to government policy in respect of planning obligations (Section 106 Agreements or Unilateral Undertakings). The Ministerial Statement was established as national guidance and was a significant material consideration in decision making. Following this statement, the National Planning Practice Guidance (NPPG) was amended as follows.

- Contributions for affordable housing and tariff style planning applications should not be sought for development of 10 units or less and which have a maximum to combined gross floor space of no more than 1000m².
- Tariff style contributions are defined as planning obligations contributing to pooled funding pots intended to provide common types of infrastructure such as open space, recreation facilities, education facilities.
- Local planning authorities may choose to apply a lower threshold of 5 units or less to developments in designated rural areas being areas as defined under Section 157 of the Housing Act 1985 and also includes National Parks and Areas of Outstanding

Natural Beauty. No affordable housing or tariff style contribution should then be sought from these developments. Only in cases of the lower threshold Councils should only seek contributions from developments of between 6-10 units as a financial contribution and not on site. Any payments made should also be commuted until after completion of units within developments.

- Authorities can still seek obligations for site specific infrastructure such as improvements to road access or a specific project.

2.2 In January 2015 Reading and West Berkshire Councils challenged this legislation on the grounds that this change in policy would severely impact their delivery of affordable housing. In August 2015 their legal challenge was successful in the High Court and resolutely the above Ministerial Statement was removed from the National Planning Policy Guidance and authorities were free to seek tariff style contributions in accordance with their own Local Policies.

2.3 The Department for Government and Local Communities challenged the decision of the High Court and in May 2016 the Court of Appeal overturned the High Court's decision. As a result of this the NPPG was updated on 19 May 2016 with Paragraph 31 of the "Planning Obligations" section of the NPPG now reading as follows:

"As set out in the Starter Homes Written Ministerial Statement of 2 March 2015, starter homes exception sites should not be required to make affordable housing or tariff-style section 106 contributions. There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-built development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account. These circumstances are that:

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm;*
- *In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 0 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty;*
- *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home"*

2.4 This change in the NPPG equates to the introduction of government policy and this change supersedes local policies within the Ribbles Valley Core Strategy. It is therefore vital that weight is given to this change in policy when making planning decisions,

- regardless of whether or not the Core Strategy is in accordance with this new national policy.
- 2.5 At present Key Statement H3 (Affordable Housing) of the Ribble Valley Core Strategy states "On developments of 5 or more dwellings (or sites of 0.2 hectares or more irrespective of the number of dwellings) the Council will require 30% affordable units on site."
- 2.6 The new national policy states that affordable housing, or other tariff style contributions, are not required for any development which seeks consent for five or less houses, and this therefore supersedes the section of Key Statement H3 which requires sites of 0.2 hectares or more to provide affordable housing. As such the Council can no longer seek affordable housing contributions for any development for five or less houses, regardless of the size of the site.
- 2.7 A recent example of the impact of this change in policy is highlighted within application 15/2015/D313/P – Whalley Road, Mellor Brook. This application sought consent for four dwellings, and as the site area measured more than 0.2 hectares the Council had successfully negotiated that one of these dwellings would be an affordable unit in accordance with Key Statement H3 of the Core Strategy. During the course of this application the change in policy came into effect and as the development was for less than six dwellings the Council could no longer seek an affordable unit on site, or an off-site financial contribution, as part of this scheme. The application has therefore been approved with no affordable unit on site because of the recent legislation change.
- 2.8 The new national policy also states that developments for between 6 – 10 dwellings can only seek affordable housing contributions where the site is within a rural location. This differs from Key Statement H3 which requires all developments for five or more dwellings, regardless of whether they are within a rural location or not, to provide affordable housing, either on site or via an off-site contribution. Consequently the Council can now only require affordable housing be provided for developments of between 6 – 10 houses if the site is located within a designated rural location. It is the author's opinion that these financial contributions do not have the same benefits as the provision of an affordable unit on site, as a number of contributions would need to be pooled together to have sufficient finances for an affordable development scheme. Additionally, in rural locations the availability of sites that can be developed for affordable housing is severely restricted, and therefore whilst the Council can still seek financial contributions for developments of between 6 – 10 dwellings in rural locations, the practicality of delivering affordable housing units in these locations has been significantly impacted by this change in policy.
- 2.9 The list of rural locations for Ribble Valley includes the parishes of Bolton-by-Bowland, Bashall Eaves, Chabum, Clayton-le-Dale, Dinckley, Dutton, Gisburn, Great Mitton, Horton, Hothersall, Little Mitton, Mearley, Middop, Newsholme, Osbaldeston, Paythorne, Ramsgrave, Read, Ribchester, Rimington, Salesbury, Simonstone, Waddington, West Bradford, Wiswell and Worston. The borough is also subject to an Area of Outstanding Natural Beauty which would include numerous other parishes such as Chipping, Stalldum and other rural areas. Therefore, within these rural areas affordable housing can still be required for developments of between 6 – 10 dwellings.
- 2.10 It should be noted that some of the parishes that are excluded from the rural location designation include amongst others, Wipshire, Langho, Billington, Mellor and Mellor Brook and the main settlements of Clitheroe, Longridge and Whalley.

2.11 In relation to applications for 11 or more dwellings, affordable housing will be required regardless of the location, and the requirements of Key Statement H3 will therefore be applied.

2.12 It is evident that current and future planning applications that the Council would have in the past sought an element of affordable housing, will no longer have to do so, and this change in policy will undoubtedly make it more difficult for the Council to meet its affordable housing requirements throughout the borough.

3 ISSUES

3.1 It is clear that this change in guidance and the previous restriction on the number of pooled Section 106 Agreements (which came into force from April 2015) will have an impact on the ability to resource affordable housing within the borough. It will potentially have significant financial implications and also impact upon the assessment of the planning balance of any planning application if it is no longer possible to insist on an element of affordable housing within a development proposal or request contributions for infrastructure schemes such as education and recreation improvements.

3.2 The updated Guidance within the NPPF also states that where a contribution is required for developments of between 6 – 10 units (in rural locations), Local Planning Authorities should only seek affordable housing contributions as financial contributions and not affordable housing units on site. Whilst Key Statement H3 of the Core Strategy does allow for consideration of a financial contribution in certain circumstances, the new guidance only permit contributions rather than new build units on site.

3.3 It is clear that many LPA's are concerned about the impact of the new legislation, particularly that the changes will result in Authorities missing out on contributions for community improvements including highways, education and the provision of affordable housing. These concerns resulted in the judicial review undertaken by Reading and West Berkshire Council's which delayed the implementation of this legislation by over 18 months. However the recent High Court decision has overturned the judicial review and the legislation change is now in effect (as of 19 May 2016) and supersedes local policies within the Core Strategy. It is therefore a material consideration when determining planning applications.

4 CONCLUSION

4.1 Committee note this report and the impact of the High Court decision in relation to the impact this would have on the deliverability of affordable housing.

ROBERT MAJOR
PRINCIPAL PLANNING OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

Ministerial Statement from Brandon Lewis dated 28 November 2014.

Revisions to National Planning Practice Guidance – 28 November 2014.

Revisions to National Planning Practice Guidance – 14 August 2015.

New Government Policy Section 106 Agreements – report of Director of Community Services sent to Planning and Development Committee 12 February 2015.

Revisions to National Planning Practice Guidance – 19 May 2016.

For further information please ask for Robert Major, extension 4516.

