

PLANNING STATEMENT

APPLICANT:
The Strategic Land Group

SITE:
Land at Henthorn Road, Clitheroe

DATE:
29 April 2017

Report Drafted By	Report Checked By	Report Approved By
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1. INTRODUCTION

BRIEF

1.1 Hourigan Connolly is instructed by The Strategic Land Group (hereafter referred to as the 'applicant') to prepare and submit an outline planning application to Ribble Valley Borough Council (hereafter referred to as 'the Council'). The application site is land at Henthorn Road, Clitheroe.

1.2 The description of development given in the planning application forms is:

"Residential development and associated infrastructure."

1.3 The application is made in outline, with all matters reserved for later consideration with the exception of access. The application is accompanied by a series of supporting documents which address key technical and site-specific planning matters.

BACKGROUND

1.4 All Councils in England are required to significantly boost the supply of housing (see Paragraph 47 of the National Planning Policy Framework [hereafter referred to as the Framework]). As a minimum, Councils must maintain a 5-year supply of deliverable housing land (see Paragraph 47 of the Framework).

1.5 Ribble Valley Borough Council currently claim a five year supply of housing land, however it is demonstrated later within this statement that this position is fragile and shown herein to be incorrect. We therefore state that the Council cannot demonstrate a five year supply of housing land and therefore policies contained in the Development Plan which are relevant to the supply of housing are to be considered out-of-date having regard to Paragraph 49 of the Framework. This has implications for the pre-weighted tests contained within Paragraph 14 of the Framework which are explored fully in this Planning Statement.

1.6 Notwithstanding the housing land supply position in the Ribble Valley this is a scheme that will be shown to be compliant with Development Plan policy and which is supported by a raft of other material considerations which do not indicate that planning permission ought to be refused. Accordingly, having regard to statutory provisions and those contained within the Framework this is a scheme that ought to be approved without delay as it will deliver significant benefits across all three dimensions of sustainable development: economic, social and environmental, as set out herein.

PURPOSE

- 1.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This Planning Statement will demonstrate that the proposals accord with the provisions of the Development Plan and that other material considerations also indicate that planning permission ought to be granted.
- 1.8 The purpose of this Planning Statement is as follows:
- To describe the site and surrounding area.
 - To examine relevant planning decisions that have been made in relation to the site or immediate surrounding area.
 - To identify any statutory or local planning-related designations affecting the site.
 - To provide details of the scheme that is now being brought forward.
 - To describe the pre-application engagement that has taken place.
 - To outline the other documents submitted in support of the proposals.
 - To consider the proposed development having regard to the provisions of the Development Plan.
 - To consider any other material considerations.
 - To outline the benefits of the scheme.
 - To demonstrate that the planning balance lies clearly in favour of the proposals.
- 1.9 This document should be read in conjunction with the suite of documents submitted in support of the planning application.

2. THE SITE & SURROUNDING AREA

SITE LOCATION

- 2.1 The application site is located to the south west of Clitheroe town centre and lies south of Henthorn Road. The site is bound to the north by a Story Homes development site that is under construction and is accessed off Henthorn Road.
- 2.2 The approximate location of the site is shown below for reference purposes; the precise boundaries of the site are indicated on the submitted Location Plan.

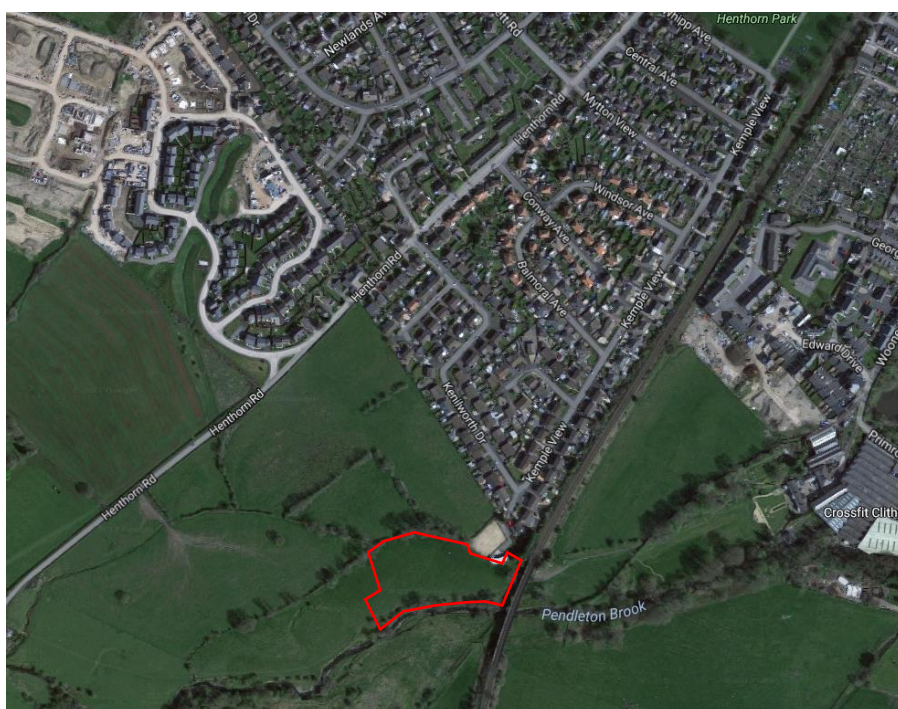


Figure. 2.1 Approximate Site Location (denoted in red, not to scale).

- 2.3 The supporting Transport Statement (TS) prepared by Croft Transport Solutions contains a Chapter which details the accessibility of the site, confirming that the site is accessible by a number of transport modes including by foot, cycle, bus and rail.

SITE DESCRIPTION

- 2.4 The application site measures an area of circa 0.97 hectares and comprises greenfield land with a generally flat topography, although the site level does drop down to Pendleton Brook. The site is immediately adjacent to the urban area of Clitheroe, being located to the west of an established residential area. Greenfield land extends to the west and north west of application site. The northern boundary of the site is formed by the current Story Homes development. Directly to the south of the site is the Pendleton Brook.

- 2.5 The perimeter of the site is bounded by post and wire fencing with mature trees and hedgerows (with some gaps).
- 2.6 Vehicular access into the site is not currently possible, however the proposed development would be accessed via the approved and under construction spine road associated with the Story Homes development to the north.
- 2.7 A Public Right of Way (PROW) is located along the southern boundary of the site.

SUMMARY

- 2.8 The site is located adjoining the built up area in a part of Clitheroe that is clearly a sustainable location for residential development with easy access to shops services and public transport to meet day-to-day needs.
- 2.9 Whilst the site is undeveloped it is unremarkable in appearance and has no constraints that cannot be incorporated into a development scheme or mitigated against.

3. PLANNING HISTORY

SITE SPECIFIC PLANNING HISTORY

- 3.1 There is no planning history specifically in relation to this application site. However, there are a number of planning applications and permissions in the immediate vicinity which are of relevance and of particular importance being the Story Homes development directly to the north, from which access is proposed.

OTHER RELEVANT PLANNING HISTORY

- 3.2 Relevant planning history comprises applications relating to the adjacent parcel of land (see Figure 3.1 below).



Figure 3.1 Approved Story Homes development to the North

- 3.3 The above relates to the approved Reserved Matters site layout plan for 130 units and sets out how the site is proposed to be accessed (application reference: 3/2015/00446). It is proposed that the application that is the subject of this Planning Statement would take vehicular access from the main spine road shown on the approved layout above. This site is currently under construction.
- 3.4 In addition to the Story Homes development site, further north on the opposite side of Henthorn Road a Taylor Wimpey development is also under construction. The reserved matters to secure

the details of this scheme were approved under reference: 3/2013/0035 in April 2013 for 270 dwellings. However there have been a number of amendments and alterations to this scheme, including a re-plan of 80 units (application reference: 3/2014/0381).

CONCLUSIONS

- 3.5 The application site itself has no planning history, however the nearby and adjacent sites have relevant planning history that show support for the principle of residential development in this location. It is also evident that there is significant developer interest in this area and it is therefore evident that this site would be deliverable quickly.

4. STATUTORY AND OTHER DESIGNATIONS

FLOOD RISK

- 4.1 According to the Environment Agency's Map for flood risk, the application site is located in Flood Zone 1 where there is a 1 in 1000 year probability of the site being the subject of river or sea flooding. However, the southern boundary of the site is made up of the Pendleton Brook which is located within Flood Zones 2 and 3.
- 4.2 As per the pre-application advice received, the site area is below 1ha, therefore a Flood Risk Assessment is not required.

HERITAGE DESIGNATIONS

- 4.3 The application site does not contain or affect any listed buildings and it is not within a designated Conservation Area or World Heritage Site. The site does not lie within the boundary of a Scheduled Ancient Monument (SAM).

ECOLOGICAL DESIGNATIONS

- 4.4 The site is not subject to any statutory ecology related designations; there are no National Nature Reserves, Ramsar sites, Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSIs) or Special Area of Conservation (SACs) within 2km of the site. The application is supported by an Extended Phase 1 Habitat Survey prepared by Rachel Hacking Ecology; the results from this survey confirm that the main habitat within the site is species poor grassland, managed by grazing. There are no protected species found within the site.
- 4.5 The Extended Phase 1 Habitat Survey submitted with the application advises that Nesting Birds will be the main factor from an ecology perspective and that should any vegetation clearance work need to be carried out during the nesting season (March to August) then a nesting bird survey will be required by site personnel immediately prior to work commencing.
- 4.6 In addition, an easement from the Brook has been designed into the development proposals. This will protect the Brook from the construction of the development.

TREE PRESERVATION ORDERS

- 4.7 There are no trees subject to a Tree Preservation Order within the site boundaries. The accompanying Tree Survey Report prepared by TPM Landscape contains a schedule of trees positioned within the site boundaries and within the site itself. The Tree Survey Report also contains an assessment of the quality/value of the existing trees and hedges. Where feasible, the development proposals have sought to retain the existing trees, particularly those which are

graded as Category 'A' or 'B' trees, to seek to ensure that the proposals integrate these existing trees into the development to result in a well-designed and attractive development.

- 4.8 The proposal would result in the loss of two trees within the red line boundary, a further two trees are recommended for felling. The proposed loss of trees will be mitigated through new planting along the site boundaries.

GROUND CONDITIONS

- 4.9 A Phase 1 Geo-Environmental Site Assessment has been prepared by e3p in support of this application. This assessment notes that the site has been historically occupied by agricultural land and limited made ground is anticipated at the site. No significant contamination issues have been identified with the site in its present configuration. The proposed development site is located within a largely agricultural and residential area with only limited commercial and industrial premises in the surrounding area. The Phase 1 Geo-Environmental Site Assessment does recommend that a detailed Phase 2 site investigation is undertaken to confirm these findings.

PUBLIC RIGHTS OF WAY

- 4.10 As previously mentioned, there is a Public Rights of Way (PROW) which is located along the southern boundary of the application site. The PROW is known as Number 17 and, as shown on the submitted Indicative Layout, the existing route is capable of being accommodated into the development proposals.

SUMMARY

- 4.11 There are no statutory designations effecting the application site which would preclude development in the manner proposed subject to standard planning conditions.

5. THE PROPOSED SCHEME

DESCRIPTION OF DEVELOPMENT

- 5.1 This application seeks outline planning permission for the following:

“Residential development and associated infrastructure.”

- 5.2 The application is made in outline with all matters reserved except for the proposed means of access.

DEVELOPMENT CONCEPT

- 5.3 The primary objective of this proposal is to deliver a high quality residential development.
- 5.4 The application is accompanied by an Illustrative Masterplan (drawing reference: 17/018/P01), an Illustrative Proposed Street Scene (drawing reference: 17/018/P02) and a Design and Access Statement prepared by LMP Architectural Consultants which explains in full the adopted development concept.
- 5.5 The Illustrative Masterplan shows how a residential development in the order of 25 no. dwellings could be delivered at a density of 25 dwellings per hectare (dph) within a safe, high quality residential environment, accessed off the spine road of the currently under construction Story Homes development directly to the north (which in turn is accessed from Henthorn Road).
- 5.6 The Illustrative Masterplan includes a mix of dwelling types to meet a range of requirements. This would provide a mix of market housing from first time homes to family homes. The new homes are likely to be a mix of one and two storeys in height and, as highlighted in the Design and Access Statement, the design and massing of the development would be in-keeping with the residential properties in the local vicinity.
- 5.7 In compliance with adopted planning policy, 30% of the proposed dwellings (7 units in total) would be affordable to meet identified local needs.
- 5.8 The Illustrative Masterplan shows how the proposal could include hard and soft landscaping with existing vegetation around the border of the site being retained and supplemented by new planting to create an attractively landscaped environment which brings about positive benefits to biodiversity. The proposal includes an attenuation pond to the west of the site.
- 5.9 Different surface materials could be used to define the transition between different areas of the site.
- 5.10 The proposals are described in greater detail in the accompanying Design and Access Statement.

6. PRE-APPLICATION CONSULTATION

TECHNICAL PRE-APPLICATION DISCUSSIONS

- 6.1 Formal pre-application discussions have taken place with the Council in the form of a meeting with Victoria Walmsley, Pre-Planning Advice Officer at the Council.
- 6.2 The pre-application advice received confirmed that the principle of residential development on the site is acceptable subject to changes to the site boundary presented at the pre-application stage. The changes required to the site boundary have been made as part of the application, this change essentially reduced the size of the site.
- 6.3 This Planning Statement draws together the key technical considerations and provides a detailed assessment against the provisions of the Development Plan at Chapter 9, and other material considerations at Chapter 10.

7. DOCUMENTS SUBMITTED IN SUPPORT OF THE PLANNING APPLICATION

7.1 This Planning Statement should be read in conjunction with the following suite of documents which are submitted in support of the outline planning application:

- Application form, Certificates and Notices.
- Location Plan (drawing reference 17-018-L01) - by LMP Architectural Consultants.
- Proposed Site Access Arrangement (drawing reference: 1820-F01) – by Croft Transport Solutions.
- Illustrative Masterplan (drawing reference: 17/018/P01) - by LMP Architectural Consultants.
- Illustrative Proposed Street Scene (drawing reference 17/018/P02) - by LMP Architectural Consultants.
- Topographical Survey (drawing reference: 6447/03 – 2 sheets submitted) – by Powers & Tiltman.
- Design and Access Statement – by LMP Architectural Consultants.
- Transport Statement - by Croft Transport Solutions.
- Indicative Landscape Strategy Plan (drawing reference 201 Rev A).
- Tree Survey Report – by TPM Landscape.
- Phase 1 Geo-Environmental Site Assessment – by e3p.
- Extended Phase I Habitat Survey– by Rachel Hacking Ecology.
- Utilities Statement – by Hourigan Connolly.

7.2 The scope of the outline planning application, including the comprehensive list of documents to be submitted, was agreed with the Council at the pre-application stage.

7.3 The planning application is supported by an Illustrative Masterplan (drawing reference 17/018/P01) providing illustrative detail of the layout of the proposals. In accordance with the amendment to the Development Management Procedures Order (2012)¹ [S.I 2012 No.3109], this information is no longer required where layout and scale are reserved matters. It is provided nonetheless to inform the Council and other interested parties and clearly shows that a high quality development could be delivered.

SUMMARY

7.4 The Council has been presented with a comprehensive suite of documents to enable it to fully assess and determine the application. The documents submitted in support of the outline planning application demonstrate that the site is suitable for development and that the proposal is deliverable.

8. PLANS AND DRAWINGS TO BE CONSIDERED

8.1 The applicant invites the Council to have regard to all of the documents submitted in support of the planning application but as this is an outline planning application with all matters reserved except for means of access the only plans which the applicant wishes to be listed as approved plans and drawings in any Decision Notice, should the Council be minded to support the scheme are:

- Location Plan – 17-018-L01.
- Proposed Site Access Arrangement – 1820-F01.

9. THE DEVELOPMENT PLAN

INTRODUCTION

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

9.2 In this instance, the Development Plan comprises:

- Ribble Valley Core Strategy (adopted December 2014).
- Saved Policies of the Ribble Valley Local Plan (adopted 1999).

RIBBLE VALLEY CORE STRATEGY

9.3 The Ribble Valley Core Strategy was adopted by the Council in December 2014, however the Council has not yet adopted a revised Proposals Map, and therefore the Proposals Map contained within the former Districtwide Local Plan remains in place. According to the Districtwide Local Plan Proposals Map the application site lies outside the settlement boundary for Clitheroe, but otherwise remains unallocated.

9.4 Firstly, it is worthy of note that the policies have been assessed according to National guidelines provided at Paragraph 215 of the Framework. This guidance states that in cases where local policies were adopted prior to the adoption of the Framework *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

9.5 In addition, Paragraph 49 of the Framework confirms that *‘relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’.*

9.6 A recent Court of Appeal Judgment was handed down on 17 March 2016 and dealt with this specific matter in the case of Suffolk Coastal District Council v Hopkins Homes Ltd & Anor and Richborough Estates Partnership LLP v Cheshire East Borough Council and Anor [2016] EWCA Civ 168.

9.7 The key conclusion from the Court of Appeal case is that Paragraph 49 of the Framework should be interpreted widely, and that it applies to all policies which are restrictive of where development can go. The Court of Appeal made clear that the phrase “should not be considered up-to-date” in Paragraph 49, should be seen in this context, as meaning the same as “out- of-date” in

Paragraph 14 of the Framework. So, if there is no 5 year supply of housing land, environmental policies are to be seen as out of date.

- 9.8 The Council's latest Housing Land Availability Survey October 2016 (and further confirmed in the Report to Planning Committee dated 15th December 2016) sets out the Council's housing requirement and existing supply. The Council set out that they have a 5 year requirement of 2511 dwellings (502 annually) and a 5 year supply of 2674 units. However, it is contested that the methodology is flawed and as such the Council's calculations are incorrect.
- 9.9 The Council have confirmed a need for a 20% buffer, however this buffer has only been applied to the planned provision five year requirement (i.e. only applied to the 1400). The buffer should be added to the five year requirement plus the shortfall, i.e $1400 + 831 + 20\% \text{ buffer}$, which results in a five year requirement of $1400 + 831 = 2,231 + 20\% = \mathbf{2677 \text{ units}}$. On the basis of a claimed supply of 2674 units the Council have just under 5 years of housing land supply.
- 9.10 This is the position without a full and detailed assessment of all the sites and figures that make up the Council's supply. The Council's position in their regard, based upon the high- watermark of their own supply case, is flawed and entirely marginal. This matter is addressed in detail later in this statement.
- 9.11 Accordingly, Paragraph 49 of the Framework is engaged and relevant policies for the supply of housing should not be considered up-to-date. This has implications for applying the pre-weighted decision tests in Paragraph 14 of the Framework, a matter discussed later in this Statement in further detail.

RELEVANT POLICIES OF THE RIBBLE VALLEY CORE STRATEGY (ADOPTED DECEMBER 2014)

POLICY DS1 – DEVELOPMENT STRATEGY

- 9.12 **Policy DS1** states that the majority of new housing will be located in the three Principle Settlements of Clitheroe, Longridge and Whalley. The Policy goes on to note that Clitheroe will provide for 2,320 dwellings over the plan period, it should be noted that this is a guide and should not be viewed as a maximum number. Even if this figure is met, the LPA should consider further development in sustainable locations, in accordance with the Framework and the need to significantly boost housing land supply.
- 9.13 The application site is located in Clitheroe directly adjacent to an approved housing development. It would therefore form an organic extension to this approved development. The proposal is entirely in accordance with this policy.

POLICY EN2 - LANDSCAPE

- 9.14 **Policy EN2** states that the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, features and building materials.
- 9.15 A Landscape Strategy Plan is submitted as part of this application. The landscaping will provide texture and make the development feel established. Careful choice of plants will significantly improve the biodiversity of the site and provide a habitat for wildlife. Landscaping and the street furniture have been given significant weight at the inception stage to ensure it is fully integrated.

POLICY EN3 – SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE

- 9.16 **Policy EN3** states that all development will be required to demonstrate how it will contribute towards reducing the Borough's carbon footprint.
- 9.17 The proposed development will be designed to reduce the consumption of water and energy by means of water-saving and energy efficient appliances and fittings.

POLICY EN4 – BIODIVERSITY AND GEODIVERSITY

- 9.18 **Policy EN4** seeks to conserve and enhance where possible the area's biodiversity and geodiversity and to avoid the fragmentation and isolation of natural habitats and help develop green corridors.
- 9.19 An Extended Phase 1 Habitat Survey has been undertaken at the site and has identified that no protected species would be affected by development. The Survey does provide recommendations in relation to nesting birds, a buffer to the Brook and a sensitive lighting scheme, all of which will be adhered to and worked through in the detailed Reserved Matters application, should outline planning permission be forthcoming.

POLICY H1 – HOUSING PROVISION

- 9.20 **Policy H1** states that land for residential development will be made available to deliver 5,600 dwellings, with an estimated annual completion of at least 280 dwellings per annum over the period 2008 to 2028. It is set out elsewhere in this statement that the Council cannot demonstrate a five year housing land supply and even if they could their position is marginal and fragile. This site is sustainably located, adjacent to an approved residential development in a clearly sustainable location. There are no technical constraints to development and as a result this site will contribute to the delivery of a five year housing land supply.

POLICY H3 - AFFORDABLE HOUSING

- 9.21 **Policy H3** requires the provision of 30% affordable housing units on sites of 10 or more dwellings in Clitheroe. This application seeks to provide 30% affordable housing in accordance with this policy.

POLICY DMG1 – GENERAL CONSIDERATIONS

- 9.22 This policy covers 5 considerations, each of which are detailed in the below tables:

Design

Be of a high standard of building design which considers the 8 Building in Context Principles (from the CABE/English Heritage building on context toolkit).	To be dealt with at reserved matters stage.
Be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.	The proposals are compatible with neighbouring land uses and will result in a well-designed and appealing residential development adjoining the built up area. Further details on materials, style and massing etc would be determined at the reserved matters stage.
Consider the density, layout and relationship between buildings, which is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.	This outline application is accompanied by an illustrative site layout plan which shows how the site could be developed in a manner that respects and reflects its surroundings.
Use sustainable construction techniques where possible and provide evidence that energy efficiency, as described within policy DME5, has been incorporated into schemes where possible.	To be dealt with at reserved matters stage.
The code for sustainable homes and lifetime homes, or any subsequent nationally recognised equivalent standards, should be incorporated into schemes.	To be dealt with at reserved matters stage.

Access

Consider the potential traffic and car parking implications.	Potential traffic has been assessed via the submitted Transport Statement, this confirms that the site is sustainably located for alternative modes of transport to be used, other than private car. The proposals would have a negligible impact on the local highway network, adding just 13 two way trips in the AM peak hour and 14 trips in the PM peak hour.
Ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.	The site will take access from the approved residential development to the north, as a continuation of the approved spine road therein.
Consider the protection and enhancement of public rights of way and access.	There is a public right of way running through the site along its southern boundary with the Brook, this will be retained and protected as part of the proposals.

Amenity

Not adversely affect the amenities of the surrounding area.	The proposals would not affect the amenities of the surrounding area. The DAS provides details on the potential design of the scheme and standoff distances, all of which confirm that the proposed development would protect the amenity of existing properties, whilst ensuring that of the proposed dwellings. Further details to be confirmed at the reserved matters stage.
Provide adequate day lighting and privacy distances.	The DAS details how interface distances could be complied with and just one option of how the site could be developed. Further details to be confirmed at the reserved matters stage.
Have regard to public safety and secured by design principles.	To be dealt with at reserved matters stage.

Consider air quality and mitigate adverse impacts where possible.	This part of the policy is not considered applicable to this outline application.
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Environment

Consider the environmental implications such as SSSIs, County Heritage Sites, Local Nature Reserves, Biodiversity Action Plan (BAP) Habitats and Species, Special Areas Of Conservation And Special Protected Areas, Protected Species, Green Corridors and other sites of nature conservation.	An Extended Phase 1 Habitat Survey has been prepared, which outlines measures which are to be undertaken to enhance the biodiversity of the site in it's own right, and as part of the wider local network of green spaces.
With regards to possible effects upon the natural environment, the council propose that the principles of the mitigation hierarchy be followed. This gives sequential preference to the following: 1) enhance the environment 2) avoid the impact 3) minimise the impact 4) restore the damage 5) compensate for the damage 6) offset the damage.	As above an Extended Phase 1 Habitat Survey has been prepared, which outlines measures which are to be undertaken to enhance the biodiversity of the site in it's own right, and as part of the wider local network of green spaces.
All development must protect and enhance heritage assets and their settings.	The site does not contain any heritage assets, nor would the proposals affect any heritage assets.
All new development proposals will be required to take into account the risks arising from former coal mining and, where necessary, incorporate suitable mitigation measures to address them.	N/A
Achieve efficient land use and the reuse and remediation of previously developed sites where possible. Previously developed sites should always be used instead of greenfield sites where possible.	The site is greenfield, however it is sustainably located in one of the principal settlements for new development.

Infrastructure

Not result in the net loss of important open space, including public and private playing fields without a robust assessment that the sites are surplus to need. In assessing this, regard must be had to the level of provision and standard of public open space in the area, the importance of playing fields and the need to protect school playing fields to meet future needs. Regard will also be had to the landscape or townscape of an area and the importance the open space has on this.	The proposals will not result in the loss of any important open space.
Have regard to the availability to key infrastructure with capacity. Where key infrastructure with capacity is not available it may be necessary to phase development to allow infrastructure enhancements to take place.	The site is located adjacent to Clitheroe, a principal settlement. A Utilities Statement submitted with the application also confirms the suitability of the site for the development proposed.
Consider the potential impact on social infrastructure provision.	The development site benefits from good links into the shopping hubs and wider transport network. The development would support and strengthen the existing social infrastructure provision in the area.

Other

Not prejudice future development which would provide significant environmental and amenity improvements.	This proposal does not prejudice any future development.
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POLICY DMG2 – STRATEGIC CONSIDERATIONS

- 9.23 **Policy DMG2** sets out that development proposals in the principal settlements (which includes Clitheroe) 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.

- 9.24 The proposals seek to extend and round off an existing residential development site directly adjacent to the built up area of Clitheroe. The proposed scale of development is appropriate in this context and reflects the surrounding existing development and the development under construction to the north. It therefore accords with this policy.

POLICY DMG3 – TRANSPORT AND MOBILITY

- 9.25 **Policy DMG3** seeks to ensure that developments are located with good access to public transport services and connectivity via pedestrian and cycling routes.
- 9.26 The application site is well connected to the road network and public transport network with bus stops located on Garentt Road approximately 600 metres north-east of the site, in addition a hail and ride service is available from Kenilworth Drive/Kemple View which is also close to the site.
- 9.27 Pedestrian access to the site will be afforded via the proposed vehicular access point that leads through the Story Homes site onto Henthorn Road. The internal highway infrastructure will be designed used guidance within Manual for Streets 2 ensuring a pedestrian friendly environment.
- 9.28 Given the recent planning permissions granted for residential development in the area, it is clear that the Local Planning and Highway Authorities consider that the site is accessible on foot and that the existing and proposed pedestrian infrastructure will facilitate safe and direct pedestrian linkages between the site and local destinations.

POLICY DME1 – PROTECTING TREES AND WOODLANDS

- 9.29 **Policy DME1** confirms a presumption against the clearance of broad-leaved woodland for development purposes. Applications that are likely to have a substantial effect on tree cover will be required to provide a detailed arboriculturally survey.
- 9.30 This application is accompanied by an Arboricultural Survey which identifies and assesses the quality of trees within the site. This concludes that the trees proposed to be lost to facilitate development can be mitigated through new planting within the site.

POLICY DME3 – SITE AND SPECIES PROTECTION AND CONSERVATION

- 9.31 **Policy DME3** stipulates *inter alia* that for new developments reasonable provision should be made for wildlife habitats to be conserved and enhanced as part of new development.
- 9.32 An Extended Phase 1 Habitat Survey has been submitted in support of the application which addresses the protection and enhancement of existing and potential habitats in the area.
- 9.33 The proposals are compliant with Policy DME3.

SUMMARY

- 9.34 It has been shown that the development is in accordance with the provisions of relevant policies contained within the Development Plan. Commensurate with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application should be approved unless material considerations indicate otherwise.
- 9.35 Other material considerations relevant to the determination of the subject application are discussed in Chapter 10.

10. OTHER MATERIAL CONSIDERATIONS

INTRODUCTION

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

“In principle...any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances” (Stringer v MHLG 1971).

- 10.2 Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v Westminster CC ex-parte Monahan 1989 refers*).
- 10.3 The Courts are the arbiters of what constitutes a material consideration. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.
- 10.4 The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (*E C Grandsen and Co Ltd v SSE and Gillingham BC 1985 refers*).
- 10.5 Emerging policies, in the form of draft policy statements and guidance, can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account.
- 10.6 In those cases where the Development Plan is not relevant, for example because there are no relevant policies, or policies in the DPDs pull in opposite directions so that there is no clear guide for a particular proposal, the planning application should be determined on its merits in the light of all the material considerations.
- 10.7 In this case the following material considerations are relevant.

THE NATIONAL PLANNING POLICY FRAMEWORK

- 10.8 The Framework was published and came into force on 27 March 2012. In general terms it is considered that the Framework significantly supports the case for the redevelopment of the site for residential development.

STATUS

- 10.9 Paragraph 1 of the Framework states that:

“The National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied.”

- 10.10 Publication of the Framework saw the cancellation of 44 planning policy documents, including all extant PPG, PPS⁸, and a number of Circulars and Letters to Chief Planning Officers.

- 10.11 Regard must now be had to the Framework as a material consideration in planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 14 of the Framework states:

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

For decision-taking this means approving development proposals that accord with the development plan without delay”.

- 10.12 The tenet of the Framework could not be clearer. In this instance, the proposals accord with the Development Plan and should, therefore, benefit from the presumption in favour of sustainable development and be approved without delay.
- 10.13 Sustainable development is broadly defined in Paragraph 7 of the Framework as having three dimensions; namely economic, social and environmental. In relation to these dimensions we comment as follows:

ECONOMIC

- 10.14 The construction of the proposal would contribute to generating full-time equivalent (FTE) jobs within the construction industry over the build period, which would be a benefit to the economy of the local area.
- 10.15 Moreover, the proposals would also generate an additional expenditure within the local economy, supporting local shops, services and businesses. This level of expenditure would in turn support

⁸

Save PPS10 for a limited period

jobs in the Authority area as well as potentially creating additional public sector jobs (e.g. teachers, doctors etc.) as a direct consequence of the proposals and additional residents.

- 10.16 New residents occupying the development would also generate demand for health, education and other services off the site (e.g. schools, hospitals, public administration), thus supporting further public sector employment.
- 10.17 Lastly, the proposals would generate an additional capital receipt for Ribble Valley Borough Council via New Homes Bonus payments, based on the properties adding to the net supply of housing in the Authority area.
- 10.18 Overall it is submitted that the application proposals are fully commensurate with the economic dimension of sustainable development and would represent a significant economic boost for the area.

SOCIAL

- 10.19 There is no doubt that this site would make a meaningful contribution to meeting housing need within the local community.
- 10.20 The proposals could also result in the creation of a high quality living environment comprising a mix of dwellings and would support any future community's health, social and cultural well-being. It would also facilitate the creation of jobs within the local labour pool, both during construction and the operational phase.
- 10.21 The site is considered to be well located in relation to local services and has the potential to reduce reliance on the private motor vehicle. For these reasons, it is considered that the proposals would also be socially sustainable.

ENVIRONMENTAL

- 10.22 The site is not subject to any statutory ecological designations, nor is it within an area at risk of flooding as defined by the Environment Agency (the developable area of the site). The proposed development retains existing boundary trees and groups where possible, with minimal tree removal. The proposals comprise a high quality residential development which is sympathetic to, and in-keeping with, the local character and which will provide for new tree planting and biodiversity improvements which should be treated as significant benefits in consideration of this scheme.

MUTUAL DEPENDENCY

- 10.23 Paragraph 8 of the Framework indicates that the economic, social and environmental roles of sustainability are mutually dependent and should be sought jointly and simultaneously through the planning system.

- 10.24 In this case the proposals would secure economic, social and environmental benefits which would result in a sustainable solution to meeting housing needs.

THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 10.25 Paragraph 14 of the Framework establishes a presumption in favour of sustainable development.
- 10.26 The site would meet current (housing) needs in a manner which does not compromise the ability of future generations to meet their own needs. The proposals are compliant with the provisions of the Development Plan and comprise sustainable development; accordingly the scheme benefits from the presumption in favour of such development as stated in Paragraph 14 of the Framework. The Council should therefore grant planning permission without delay having regard to Paragraph 14 of the Framework.

FIVE YEAR HOUSING LAND SUPPLY

- 10.27 In relation to housing land supply matters and in order to boost significantly the supply of housing in England, Paragraph 47 of the Framework requires Local Planning Authorities to *inter alia*:

...."identify and update annually a supply of specific deliverable sites sufficient to provide 5 year's worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving planned supply and to ensure choice and competition in the market for land".

- 10.28 Failure to provide the minimum quantum of deliverable housing land as set out above renders the Council's Development Plan policies out-of-date according to Paragraph 49 of the Framework. Such a situation has important implications for decision taking having regard to the tests set out in Paragraph 14 of the Framework.
- 10.29 As a pretext to this, an appeal in Cornwall tackled the issue of whether, if the 5 year requirement (plus buffer) is met, whether additional housing beyond that point would cause harm⁹. In that respect the Inspector stated at Paragraph 51 that:

"Nevertheless, irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some

⁹ PINS Ref: APP/D0840/A/13/2209757 Land North of Upper Chapel, Launceston (xx).

kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant. An excess of permissions in a situation where supply may already meet the estimated level of need does not represent harm, having regard to the objectives of NPPF”.

10.30 There is no harm if the five year supply is exceeded. Paragraph 47 of the Framework sets out a need for Council's to identify a supply of sites for 6-10 years and where possible 11-15 years. There is also a current national imperative to boost the supply of housing, and therefore in recognition of this, even where a five year supply can be demonstrated, this alone should not be used as a reason for refusal.

10.31 Very recently, there have been a succession of appeal decisions relating to sites outside defined settlement boundaries (in recently adopted Development Plans), which have been allowed despite the Inspector concluding that the Council could demonstrate a five year supply. In allowing a development of 250 dwellings on 13 February 2017 at Curborough, Lichfield¹⁰, the SOS concluded that whilst the LPA are able to demonstrate a five year supply of housing land, and the proposal is not in accordance with a number of adopted Development Plan policies, there are material considerations that indicate the proposal should be approved. The SOS attached:

“...very substantial weight to the benefits of the provision of affordable and market housing.

In doing so he considers that the appeal proposal advances the social and economic roles identified in paragraphs 7 and 8 of the Framework which are not diminished owing to the Council now being able to demonstrate a five year supply.”

10.32 Furthermore, in allowing a development of 70 dwellings on 3 September 2015 at Davenham¹¹ in Cheshire West, the Inspector concluded:

“41. The proposal would deliver social and economic benefits by providing up to 70 new homes, 30% of which would be affordable, in a reasonably accessible location that would help to meet identified housing needs and support services and businesses in Davenham, Northwich and elsewhere in the borough. There would also be shorter term local economic benefits arising from additional construction activity.

42. There is nothing to lead me to conclude that the development would not take place in the near future if the appeal were to be allowed. Whilst the site is not currently needed in order to ensure an adequate supply of deliverable sites, there is nothing in the NPPF to suggest that the existence of a five year

¹⁰ PINS Ref: APP/K3415?A/14/2224354 Land and Buildings off Watery Lane, Curborough, Lichfield.

¹¹ PINS Ref: APP/A0665/A/14/2226994 Land at Fountain Lane, Davenham, Cheshire.

supply should be regarded as a cap on further development, and indeed policies STRAT2 and SRAT5 of the CWCLP Part One set minimum targets for housing delivery. In this context, and given the need to deliver affordable homes in the area and the fact that recent levels of provision have been below identified requirements, I attach significant weight to the social and economic benefits associated with the proposal.” (my emphasis)

- 10.33 On the same day as the Davenham decision was issued, a second appeal was also allowed in Cheshire West. In the Northwich¹² decision, the Inspector reached a similar conclusion on five year supply matters but was similarly content that the benefits of the proposals outweighed the conflict with the Development Plan:

“67. As acknowledged earlier in this decision the proposed development is in conflict with Policy GS5 of the BLP and STRAT 9 of the LP. On the other hand the fact that Northwich is a focus for growth, and that the southern part of the town seems likely to form a logical area for development means that LP Policy STRAT 2 lends a degree of support.

68. Notwithstanding these policy matters I have examined the reasons given for opposing the development earlier in this decision. In my judgement none of these matters establishes that there would be harm which is significant or demonstrably outweighs the benefits, the most significant of which include housing provision, affordable housing provision, and improvements to the highway network. The material considerations in support of the development are such that they outweigh any development plan conflict. It follows that the appeal should succeed”.

- 10.34 Furthermore, in allowing an appeal for 90 dwellings in Mickleton¹³ (Cotswold District) on 23 September 2015, an Inspector commented that:

“62. I have found that a 5-year supply of deliverable housing land is likely to exist, given the level of ‘objectively assessed housing need’ that I find likely to suffice. Even so, I consider that the provision of some 45 units (50%) as affordable dwellings would make an important contribution to addressing the ‘affordability gap’ evident in the District. The scheme would not seriously impinge on the amenity of local residents and, with the landscaping and planting proposed, it could be accommodated in this landscape without any significant adverse effects and without seriously impairing the character of the village. As the proposal would represent sustainable development in a reasonably sustainable place, and as its few adverse impacts would be clearly

¹² PINS Ref: APP/A0665/W/14/3000528 Land at Hill Top Farm, By-Pass Road, Northwich.

¹³ PINS Ref: APP/F1610/A/14/2228762 Land to the east of Broad Marston Road, Mickleton, Gloucestershire.

outweighed by the many benefits of the scheme, I conclude that this appeal should succeed in accordance with the advice in the Framework, subject to the conditions listed in the attached schedule”.

- 10.35 Most recently, in allowing at appeal by Gladman for 120 dwellings in Drakes Broughton, Worcestershire¹⁴ on 14 January 2016, where both parties agreed that the Council could demonstrate a 6.82 year supply, Inspector Downes concluded:

“17.Many [Inspectors] have noted that the District Council has worked hard to address past housing shortfalls and identify sufficient land to meets its FOAN. However this does not mean that sustainable developments should be turned away. The presumption in its favour applies whether or not a five year supply of housing land can be demonstrated.

18. In this case the LP is not absent or silent in terms of the matters relevant to this appeal and its policies are not out-of-date. The appeal proposal therefore falls to be determined in accordance with the relevant saved policies in the LP, unless material considerations indicate otherwise. There is no dispute that it conflicts with saved Policy GD1 as it involves development in the countryside outside the settlement boundary of Drakes Broughton”.

- 10.36 The Inspector continued:

“37. The appeal development would be on greenfield land within a countryside location outwith the development boundary of Drakes Broughton. It would be contrary to saved Policy GD1 in the LP and also conflict with emerging Policy SWDP 2 (as proposed to be modified) in the emerging SWDP. The statutory starting point is the development plan which, in this case, is not out-of-date for the reasons I have given. In such instances the Framework makes clear that the presumption in favour of sustainable development means that determination should be in accordance with that plan unless material considerations indicate otherwise.

- 10.37 Ultimately, the Inspector concluded:

“38. ...I conclude that the various environmental, social and economic benefits would be substantial in this case. These material considerations are sufficient to outweigh the harm caused by the policy conflict and the landscape detriment that has been identified. The proposal would represent sustainable development for which planning permission should be granted”.

¹⁴ PINS Ref: APP/H1840/W/15/3008340 Land off Worcester Road, Drakes Broughton, Worcestershire.

- 10.38 Of particular note, the Secretary of State has very recently endorsed these views on 15 February 2016, in allowing a recovered appeal in Ashby-de-la-Zouche in North West Leicestershire District Council¹⁵. Para. 14 of the decision letter states:

“14. ...The Secretary of State notes that the appellant has not disputed the Council’s contention that it has a five year supply of housing land (IR87). He agrees with the Inspector that local planning authorities must also plan for housing supply beyond the five year period and, as set out in paragraph 47 of the Framework, identify a supply of sites for 6-10 years and, where possible, 11-15 years (IR87). He agrees with the Inspector that there is also a current national imperative to boost the supply of housing and, in recognition of this, the Council rightly does not cite their five year housing land supply as a reason to withhold planning permission (IR87).”

- 10.39 These recent decisions reinforce the proper interpretation of the five year housing land supply debate and accord with the earlier Launceston decision.
- 10.40 This Planning Statement sets out that the Council is unable to demonstrate a five year housing land supply as required under Paragraph 47 of the Framework. Accordingly, Paragraph 49 is engaged.

DEALING WITH BACKLOG OR PREVIOUS UNDER PERFORMANCE

- 10.41 It is considered that backlog (or previous under performance) should be addressed promptly and for the purpose of calculating the housing land supply position the backlog should be included in the 5 year housing land supply calculation; this methodology being known in planning circles as the Sedgefield approach and which is favoured in the PPG (ID 3-035-20140306 refers).
- 10.42 The PPG essentially codified the following appeal decisions (prior to and post publication of the Framework) which suggest that previous under-performance should be made up in the short term i.e. 5 years from the base date of the assessment.
- Land between Station Road and Dudley Road, Honeybourne, Worcestershire (APP/H1840/A/12/2171339) (24-08-12)
 - Land to the west of Station Road, Long Buckby, Northamptonshire (APP/Y2810/A/12/2174386) (19-10-12)
 - Land south of Moira Road, Ashby-de-la-Zouch LE65 2NJ (APP/G2435/A/13/2192131) (30-05-13)

¹⁵ PINS Ref: APP/G2435/A/14/2228806 Money Hill, Land north of Wood Street, Ashby-de-la-Zouch, Leicestershire.

- 10.43 It is noted that Ribble Valley Borough Council adopt the Sedgefield method, this is entirely consistent with national guidance and the objective within the Framework to boost the supply of housing. Accordingly the above-mentioned appeals are not reproduced.

ESTABLISHING THE APPROPRIATE BUFFER

- 10.44 Having regard to Paragraph 47 of the Framework and ID 3-035-20140306 of the PPG determination of the appropriate buffer (5% or 20%) to be applied to the housing land supply calculation is fact sensitive on a case by case basis. In this case, the Council accept that a 20% buffer should be applied as there has been a persistent under delivery of housing in Ribble Valley. Accordingly, in this case there is no need to reproduce appeal decisions debating whether a 5% or 20% buffer is appropriate.

APPLYING THE BUFFER

- 10.45 As for applying the 20% buffer, there are primarily two approaches used to apply the buffer.
- 10.46 The first approach is to apply the buffer to the five year requirement only and then to deal with the accumulated shortfall separately in order to arrive at a total 5 year requirement. This is the Council's preferred approach in this case.
- 10.47 In the alternative, the buffer is applied to both the five year requirement taken together with the accumulated shortfall. In our view this is the correct approach to adopt for the reasons outlined below. However it is noted in passing that such an approach does not artificially inflate the housing requirement over the current five year period and neither does it result in any double counting, it merely brings forward housing from later in the Plan period to assist the Council in meeting its requirement sooner. This interpretation is also consistent with the objective within the Framework of boosting the supply of housing.

THE PULLEY LANE, DROITWICH CASE

- 10.48 This approach was endorsed in a Secretary of State appeal decision dated 2 July 2014 in relation to major residential developments in the District of Wychavon¹⁶. In those cases the Inspector states at Paragraph 8.46 *inter alia*:

"It is also clear that the 20% buffer should be applied to the entire 5-year requirement (including the historic shortfall). The Council could not point to any provision in policy or previous decisions which supports the contention that the 20% should not apply to the historic shortfall".

- 10.49 This approach was endorsed by the Secretary of State at Paragraph 14 of the appeal Decision Letter.

¹⁶ PINS Ref: APP/H1840/A/13/2199085 (Appeal A) & APP/H1840/A/13/2199426 (Appeal B) Land at Pulley Lane, Droitwich, Wychavon.

AMBER VALLEY LOCAL PLAN EXAMINATION

- 10.50 Of particular note, the Pulley Lane decision was also referenced by Inspector Foster on 10 August 2015 in the context of the Amber Valley Local Plan Part 1 Core Strategy Examination. This letter acknowledges that the Secretary of State may have taken a different approach on the application of the buffer in relation to an appeal at Gresty Lane in Crewe but that decision was “...*outside the SoS’s ‘normal’ approach. The model set out at 2199085 [Pulley Lane, Droitwich] is therefore the one which should be followed*”.

THE LANGFORD CASE

- 10.51 Hourigan Connolly pursued the argument relating to application of the buffer in relation to an appeal at Langford¹⁷, Central Bedfordshire. The Inspector concluded in his Decision Letter dated 29 June 2015:

“16. Third, I share the appellant’s view that the 20% buffer, which the Council agrees should be applied to the five year housing land requirement, should also be applied to the shortfall. I accept that relevant decision-makers have taken contrary positions on this matter...Given that the Framework (paragraph 47) seeks to boost significantly the supply of housing, and noting that – on its own figures – the Council accepts that a step change is needed over and above previous rates of housing delivery, the greater flexibility that would derive from applying the 20% buffer to the shortfall would assist the likelihood of achieving the required supply..”

WEST OXFORDSHIRE LOCAL PLAN EXAMINATION

- 10.52 Inspector Emerson who examined the West Oxfordshire Local Plan drew the following conclusion on this specific issue in December 2015¹⁸:

“In passing, I would comment that the Council’s calculation (HOU5, Table 1) appears to apply the 5% buffer only to the normal annualised requirement and not to the shortfall. It should apply to both since the buffer is intended to boost supply to give greater confidence that the overall housing requirement will be delivered” (Paragraph 2.15 refers).

THE BUBB LANE, EASTLEIGH CASE

- 10.53 An appeal by Gladman Developments Limited was dismissed on 24 May 2016 relating to proposals for up to 335 dwellings in respect of land at Bubb Lane, Eastleigh. Inspector Woolcock

¹⁷ PINS Ref: APP/P0240/A/14/2228154 - Land to the East of Station Road, Langford, Bedfordshire.

¹⁸ West Oxfordshire Local Plan Examination Document IN016.

could not have been clearer in his view as to how the buffer should be applied and that is set out at Paragraph 43 of his Decision Letter that is reproduced below for ease of reference:

“I have had regard to the views expressed by other Inspectors and the Secretary of State about the application of the 20% buffer to any shortfall. However, I disagree with the case argued by EBC at the Inquiry, and find that the 20% buffer should apply to both the housing requirement and shortfall, because it seems to me that this would accord better with the aims of the Framework to boost significantly the supply of housing and to ensure choice and competition in the market for land. I note also that this would be consistent with the approach that EBC adopted in the evidence base underlying the SELP, where it applied the buffer to both the requirement and shortfall.

THE BOTLEY ROAD, WEST END, EASTLEIGH CASE

- 10.54 On 7 October 2016 Inspector Bore allowed Gladman Developments Limited’s appeal in relation to the above-mentioned site¹⁹. The Appellant was represented by Hourigan Connolly in respect of housing land supply matters. At Paragraph 9 of his Decision Letter Inspector Bore adopts the same approach to application of the buffer as his colleague did in the Bubb Lane case in the same local authority on 24 May 2016.

LAND TO THE NORTH WEST OF BOORLEY GREEN, WINCHESTER ROAD, BOORLEY GREEN, EASTLEIGH

- 10.55 On 30 November 2016 the Secretary of State allowed the above mentioned recovered appeal for 680 dwellings and associated uses and works²⁰. Leading Counsel for the Local Planning Authority had specifically asked the Inspector to comment on the application of the buffer and for the Secretary of State to do the same.
- 10.56 At Paragraph 12.14 of his report the Inspector clearly outlines his preference for the buffer to apply to both requirement and past under-performance. At Paragraph 17 of the decision the Secretary of State agrees with his Inspector’s assessment of the housing land supply position and hence he must also agree that the buffer ought to apply to the strategic housing requirement and accumulated shortfall otherwise he would have arrived at a different housing land supply figure.

¹⁹ PINS Ref: APP/W1715/W/15/ 3139371 - Land off Botley Road, West End, Eastleigh, Hampshire.

²⁰ PINS Ref: APP/W1715/W/15/ 3130073 - Land To The North West Of Boorley Green, Winchester Road, Boorley Green, Eastleigh.

THE LAND OFF RIPON ROAD, KILLINGHALL CASE

- 10.57 This appeal²¹ by Gladman Developments Limited for 75 new homes was allowed on 7 December 2016. At Paragraph 23 of the Decision Letter Inspector McCoy agreed with the Appellant that the buffer should apply to both the housing requirement and previous under-performance.

SUMMARY – APPLICATION OF THE BUFFER

- 10.58 On the basis of the foregoing decisions, it is entirely reasonable to apply the buffer to both the five year requirement and the accumulated shortfall.

OVERALL SUPPLY POSITION

- 10.59 The Council's latest housing land supply position, was reported to the Planning & Development Control Committee on 15 December 2016²² and contends that the supply position at 30 September 2016 was 5.32 years; however if the approach adopted by the Secretary of State to the application of buffer is adopted the position is 4.99 years and that is before any interrogation of claimed deliverable sites is undertaken. Hence, on a binary assessment of the supply position adopting the correct approach to buffer leads to the conclusion that there isn't a 5 year supply of deliverable dwellings and that Paragraph 49 of the Framework is engaged as are the pre-weighted decision tests in Paragraph 14 of the Framework.

PLANNING PRACTICE GUIDANCE

- 10.60 On 28 August 2013 the government launched its draft Planning Practice Guidance (PPG). The draft PPG was subject to consultation for 6 weeks and was launched on 6 March in its final form. The PPG replaces some 230 planning guidance documents but will result in no amendments to the Framework.
- 10.61 The PPG makes it clear that planning policies and decisions should seek to ensure the physical environment supports the three strands of sustainable development (i.e. economic, social and environmental) and in doing so issues including the promotion of local character; designing safe connected and efficient streets; incorporating a network of greenspaces; promoting cohesive and vibrant neighbourhoods, should all be given careful consideration.
- 10.62 The PPG also reiterates the guidance set out in the Framework, that both Local Plans and planning decisions should be based upon and reflect the presumption in favour of sustainable development (paragraph ID 21b-006-20140306).

²¹ PINS Ref: APP/E2734/W/16/3153512 - Land off Ripon Road, Killinghall, Harrogate.

²² https://www.ribblevalley.gov.uk/download/meetings/id/5807/agenda_item_10_-_housing_land_availability

- 10.63 This Planning Statement and the submitted Design and Access Statement have shown how the proposals have addressed the key design issues above and have the potential to deliver a high quality residential development although it must be appreciated that many of the detailed design aspects of the scheme will be dealt with at the reserved matters stage.

NEW HOMES BONUS

- 10.64 The New Homes Bonus is paid by the government each year for 6 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use.
- 10.65 Using Council Tax Band D as a guide (having regard to the Council Tax Band information in relation to house values taken from the Council's website), and in accordance with the government's online calculator, the development proposed could generate local contributions to Ribble Valley Borough Council of £178,030.00 via the New Homes Bonus. These significant monies are a material consideration having regard to Section 143 of Part 6 of the Localism Act 2011.

THE EMERGING HOUSING AND ECONOMIC DPD

- 10.66 This plan will set out more detailed policy coverage for matters relating to housing and the economy to fully implement the policies of the Core Strategy. The HEDDPD will be accompanied by a Proposals Maps which will show the extent of allocations and designations arising from the Core Strategy, this will include amended Settlement Boundaries.
- 10.67 In respect of Clitheroe, the Issues and Options Consultation (Regulation 18) which closed in October 2016, proposed an amended settlement boundary which encompasses the Story Homes development site to the north of subject site. This establishes that the LPA has to extend the settlement boundary in this area and it is demonstrated throughout this Statement that the development of this site would result in a logical and organic rounding off of the settlement.

SUMMARY

- 10.68 Taking into account the planning policy and guidance at a national level and the other material considerations, the proposals comprise a high quality sustainable development at a time when national guidance states that Councils must boost significantly the supply of housing.
- 10.69 The development proposals represent sustainable development and would make a positive contribution to the Council's ongoing need to provide a continuing supply of housing, thereby achieving this objective. This is especially pertinent given that the Council cannot currently demonstrate a 5 year supply of deliverable housing land
- 10.70 The site is suitable, available and achievable now. It has been demonstrated that no demonstrable or significant harm would occur from the delivery of the application proposals.

11. CONDITIONS

- 11.1 As stated previously the only plans which the applicants wish to be listed as approved plans and drawings in any Decision Notice are:
- Location Plan – reference 17-018-L01.
 - Proposed Site Access Arrangement – 1820-F01.
- 11.2 The applicant is agreeable to discussions with the Council with regard to any relevant conditions that would need to be imposed should the Council be minded to grant planning permission.
- 11.3 However, with regard to pre-commencement conditions the Council is respectfully reminded of the provisions of the PPG and the Government's intention to review the use of such conditions in the forthcoming Neighbourhood Planning and Infrastructure Bill, the emphasis being that such conditions should only be used where absolutely necessary.
- 11.4 Given the significant economic, social and environmental benefits of this scheme it is important that a reserved matters application can be submitted and determined and a start made on site as soon as possible after any positive determination of the outline planning application. Put simply the sooner a house builder is able to start on the development the quicker the benefits will materialise.

12. PLANNING OBLIGATIONS

- 12.1 The applicant is willing to discuss with the Council any planning obligations that may reasonably be necessary to make the proposals acceptable in planning terms having regard to the provisions of the Community Infrastructure Levy Regulations.

13. SUMMARY OF BENEFITS AND CONCLUSIONS

13.1 Hourigan Connolly is instructed by The Strategic Land Group to prepare and submit an outline planning application to Ribble Valley Borough Council for residential development of relating to land at Henthorn Road, Clitheroe.

13.2 The application is made in outline, with all matters reserved for later consideration with the exception of access.

13.3 The application is accompanied by a number of supporting documents which address key technical and site-specific planning matters. The description of development given in the planning application forms is:

“Residential development and associated infrastructure.”

13.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

13.5 It has been demonstrated in our Planning Statement that the application proposals are in accordance with the provisions of the Development Plan and under the provisions of Paragraph 14 of the Framework they comprise sustainable development and should be approved without delay.

THE BENEFITS OF THE PROPOSALS

- The proposals are in a sustainable location, with good accessibility to local services, facilities and public transport.
- The site is not constrained by any local, regional or national statutory or non-statutory designations that would preclude its development in the manner proposed.
- The proposals will deliver new homes in an accessible area, thus helping to boost housing supply in a sustainable location that cannot currently demonstrate a 5 year supply of housing sites.
- The development would result in investment and additional expenditure in the Authority area and would generate jobs during the construction phase and within the local economy thereafter.
- The proposals can be delivered without having an adverse effect on the highway network.

- The proposals can be delivered without having an adverse effect on the landscape or surrounding environment or ecological interests.
- The proposals will generate New Homes Bonus monies for Ribble Valley Borough Council.
- There are no technical reasons why the site cannot be developed in the manner proposed.

13.6 The only disbenefit of the scheme is that it would result in the development of an unremarkable undeveloped site, however in the context that the scheme is compliant with the Development Plan this does not significantly or demonstrably outweigh the benefits arising from the development.

13.7 For the reasons set out above we respectfully request, on behalf of our client, that the Council grants outline planning permission for the proposed development without delay.