

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

www.gladman.co.uk

Mr Robert Major
Planning Department
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
BB7 2RA

14th November 2018

SENT BY EMAIL ONLY

Re: 3/2018/0688 - Outline planning application for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road. All matters reserved except for means of access.

Dear Robert,

I write with reference to the above application and the recent decision by Members to defer the application at the 1st November 2018 Planning Committee.

Whilst we accept that it is in the Members interest to be fully informed to justify their support of applications, we were disappointed with the decision to defer the application.

Gladman are in agreement with the conclusions and recommendations of the committee report. The Site represents a suitable and sustainable location for housing adjacent to the urban area of Clitheroe and its associated services. The proposal complies with the policies contained in the Development Plan which permits development such as this, in principal settlements, such as Clitheroe. There are no technical objections from statutory consultees or environmental impacts identified that would outweigh the substantial benefits of the scheme. The proposed development is in accordance with the development plan and therefore, in accordance with paragraph 11c) of the NPPF2018 the application should be approved without delay.

It is acknowledged in the committee report that the Council cannot demonstrate a 5 years supply of deliverable housing sites. In accordance with paragraph 11d) of the revised Framework the tilted balance is engaged and the policies most important for determining the application are out-of-date and can only be afforded limited weight in the determination of the application.

In addition, the proposal will deliver significant benefits, which include but are not limited to:

- 30% affordable housing
- 15% of the dwellings will be suitable for over 55's

- Economic benefits including:
 - a New Homes Bonus totalling £700,000 (over a 4 year period); and
 - annual resident annual expenditure of £2.8m.
- 1.79ha of green infrastructure (34% of the total site area) which will result in net gains in both planting and biodiversity habitat;
- A play area accessible to both new and existing residents;
- Financial contributions towards:
 - Leisure Facilities of circa £55,000;
 - Education of circa £500,000; and
 - £200,000 towards public transport.

Members raised the question of whether the minimum level of growth allocated to Clitheroe through the Core Strategy had been delivered. The housing requirement as set out in the Core Strategy is a minimum requirement, as is the distribution of this requirement through the settlement hierarchy. As such, consideration should not be given to whether Clitheroe has delivered the minimum housing requirement set out in the Core Strategy but if there is any evidenced harm of permitting development over and above the minimum level. As established, there is no harm evidenced as a result of the proposed development that would outweigh the substantial benefits of the scheme. To treat the housing requirement as a ceiling would be in conflict to the Government's objective of significantly boosting the supply of housing and be a fundamental misinterpretation of the Council's own policies.

As required by paragraph 38 of the revised Framework, Gladman are keen to continue to work proactively with the Council to ensure that any issues with the proposal can be addressed, therefore enabling Members to make a positive recommendation.

Highways:

To fully address Members' concerns, Gladman have instructed a third party Highways Consultant (WYG) to independently review the submitted Transport Assessment (TA) and specifically comment on the Eshton Terrace/Henthorn Road junction which was the main cause of concern for Members, as well as the sustainability of the site and the bus service. WYG have reached the same conclusions as the submitted TA and LCC Highways Authority. There are now three independent highways experts that have all concluded that the proposal will not have an unacceptable impact on highway safety, a severe impact on the road network and that the site is sustainability located.

With regards to Members concerns with highways capacity; this was addressed to an extent by the appeal (APP/T2350/A/11/2161186) for the adjoining site in 2012. Inspector Stephens concluded that:

43. The Council, Mr Butterworth and others are concerned about the operation of traffic at other key traffic junctions including Henthorn Road/Bawdlands, Henthorn Road/Thorn Street and Eshton Terrace and the railway crossing. From the evidence that is before me, including the video evidence, it is clear that the appeal proposal would have no material traffic impact on the operation of the key traffic junctions of Henthorn Road/Bawdlands or the Henthorn Road/Thorn Street junctions. This is the position agreed by LCC. Similarly, on the basis of the Appellant's survey work including the video evidence, the appeal proposal would have no material impact on Eshton Terrace and the railway crossing. I have

not identified any material detrimental impacts of the appeal proposal elsewhere in Clitheroe. In short, there is clear objective evidence before me that the traffic concerns raised by the Council and other interested persons are not warranted, for all that there may be a genuinely held perception on the part of some. I conclude on the second issue that traffic generated by the appeal proposal would not lead to unacceptable highway conditions...

Whilst there has been additional development along Henthorn Road since 2012, on the basis of the professional opinion of three separate highways experts confirming that this proposal, in conjunction with those approved schemes, will not have any unacceptable impact on highway safety or a severe impact on the road network. Members queried whether there was a definition of severe. While there is no definition of severe in the NPPF2018 or its predecessor, the conclusions of the TA have been agreed by three independent highway experts, who have all agreed with the findings the TA, that the wider road network will operate within capacity. It can therefore not reasonably be concluded that the impact on the road network will be severe.

Additionally, the Inspector's comments still stand that *'for all that there may be a genuinely held perception on the part of some I conclude on the second issue that traffic generated by the appeal proposal would not lead to unacceptable highway conditions.'* As this matter has been explored by three separate highways experts and deemed to be acceptable at appeal, it would clearly be unreasonable for Members to refuse this scheme on the grounds of highways impact, in the absence of any technical evidence or advice to the contrary.

With regards to the location of the site in relation to services and facilities; this was also explored at length at the appeal. The Inspector makes it clear that Henthorn Road is *'a location where growth would be expected to be directed.'* Inspector Stephens goes on to state:

27. ...In my view, the development of site immediately adjacent to the built up area of Clitheroe would in principle be 'sustainable' because that is where the predominance of services and facilities are to be found. That is in part because such a location would reduce reliance upon the private car.

In addition to this the site is adjacent to an existing bus stop (within 300m) which has a service that runs directly to the centre of Clitheroe within 12 minutes and stops in close proximity to the train station. The first bus service starts at 7.27am and the last returns to the stop by the site at 6.27pm. The frequency of the service is every 30 minutes and provides residents with a genuine opportunity to make trips to services and facilities by bus. There are also three school bus services that all stop within walking distance of the site. In order to support this service further the proposal includes a contribution of £200,000 as did the 2012 appeal scheme and which was deemed acceptable by the Inspector. The contribution will not fund the bus service but will promote and sustain the use of public transport. Following the 5 year period the expectation is that public transport habits would have been installed and the bus service would benefit from and be sustained from increased fare revenue.

Other Matters Raised:

Members also raised secondary concerns in relation to healthcare, how the education contribution is calculated and pollution from vehicular movements generated on site.

Healthcare:

The 2012 scheme included provision for a doctor's surgery, however the applicant understands that the Clinical Commissioning Groups (CCG) turned down the site as they have sufficient capacity at the existing surgery. Furthermore the existing surgeries have capacity and are currently taking on new patients. In fact, the GP to patient ratio at both of the closest surgeries is significantly below the 1,800 patients per GP as recommended by the Royal College of General Practitioners. Furthermore, no contributions have been sought and any such request from Members on this regard would be unlikely to meet the CIL tests.

Education:

Members suggested that the number of school age children anticipated to live on the proposed scheme was low and should be '50'. Lancashire County Council (LCC) are the relevant education authority for Ribble Valley and use a standard formula to anticipate pupil yield across the 12 authorities that they govern. The relevant formula and how this was calculated are outlined in the detailed consultation response from LCC which was summarised in the Committee report. The formula will be included in the S.106 legal agreement so that the pupil yield relevant to the final housing mix can be agreed at the detailed application stage is accurate.

Pollution from vehicular movements generated from the proposal:

The application is supported by a Noise Screening Assessment which identifies that there will be an imperceptible increase in noise as a result of the development. The application was also supported by an Air Quality Assessment which confirmed that there are no material reasons in relation to air pollution that the proposal should be refused. The Council's Environmental Health Officer raised no objection to the proposal in relation to air or noise pollution as a result of the additional vehicular movements generated from the proposal, as summarised in the Committee report.

Draft Conditions

Further to your email on the 8th November 2018, I can confirm that Gladman would not object to a condition reducing the timeframe for submission of the Reserved Matters to 18months and implementation to 18months following the approval of Reserved Matters should that ensure the support of Members at committee.

As discussed during our phone conversation on the 8th November 2018 we would also like to make minor amendments to two of the suggested conditions as follows:

3. Can this be altered to use 'general accordance' rather than 'complete accordance' as this is not a technical drawing and if, at the S.278 stage, there are slight tweaks required to the plan the development would be in breach of this condition and a S.73 application would be required.

3. Unless explicitly required by condition within this consent, the vehicle access shall be constructed in general accordance with the detailed shown on drawings:

1616/13 rev B (proposed access arrangements)

22. The Condition relating to charging points for all dwellings, could this please be altered so that a scheme can be submitted for approval as set out below:

22. The reserved matters details to be submitted for approval referred to in condition 1 shall include details of a scheme of Electric Vehicle charging points for each residential property. All Vehicle charging points shall be provided in accordance with the agreed details prior to the first occupation of each property.

As also discussed during our phone conversation, we agree to an extension of time until the 3rd December 2018 to enable the application to be heard at Planning Committee on 28 November 2018. If the application is approved we will agree to a further extension to allow the S.106 to be completed.

Thank you once again for your continued efforts in progressing this application. Should you have any questions or require any further information then please do not hesitate to contact me.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Neil Lewis', with a stylized flourish at the end.

Neil Lewis
Senior Planner
Gladman Developments
Email: n.lewis@gladman.co.uk
Tel: 01260 288835