

Land off Henthorn Road, Clitheroe
Ribble Valley Borough Council

Statement of Common Ground between
Gladman Developments Ltd and Ribble Valley Borough Council

ThirdDraft

Proposed development for up to 110 dwellings with associated open space
with all matters reserved saved for access

APP/T2350/W/19/3221189



March 2019

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1 INTRODUCTION

1.1 Background

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared by Gladman Developments Ltd (the Appellant) and Ribble Valley Borough Council (RVBC/the Council) and identifies the areas of common ground between them.
- 1.1.2 It has been prepared in accordance with Annexe T of the PINS Procedural Guide, Planning Appeals – England January 2019).
- 1.1.3 The Statement is based upon the five reasons for refusal and statutory consultation responses received in respect of the application.

1.2 Parties

- 1.2.1 The SoCG is jointly agreed by:

Signed:

Date:

Neil Lewis

On behalf of Gladman Developments Ltd

Signed:

Date:

XXXXXXX

On behalf of Ribble Valley Borough Council

2 SITE LOCATION AND DESCRIPTION

2.1 The Appeal Site

2.1.1 The 5.2 ha site lies adjacent to the existing residential development on the edge of Clitheroe. Clitheroe is a town with a population of over 14,500. The site is bound by agricultural land to the south west, two new developments to the south east and north east and a country park created as part of one of the new developments to the north west. Henthorn Road runs along the south east boundary of the site.

2.1.2 The site is situated within approximately 1.5km of the centre of Clitheroe. Clitheroe is a principle settlement and therefore, offers a wide range of shops, services and employment opportunities in the town that are situated in walking and cycling distance.

2.2 The Appeal Proposal

2.2.1 The appeal seeks outline planning permission with all matters reserved, save for access, for residential development comprising:

- The erection of up to 110 dwellings, of which 30% will be affordable homes
- 15% housing onsite for over 55s
- Vehicular access off Henthorn Road
- Structural landscape planting and the retention and positive management of key landscape features;
- 1.79 ha of formal and informal open space (circa 34% of the gross site outline application area);
- Public access to land previously not available;
- New access arrangements including an informal footpath/cycle link and highway improvements to Henthorn Road;
- A financial contribution of £200,000 over five years towards public transport; and
- A comprehensive surface water drainage scheme.

2.2.2 The appeal proposals include an illustrative Framework Plan showing one example of how the proposed development could be accommodated on site. The illustrative Framework Plan demonstrates a proposed residential area of 3.16ha. The density on site would be 35 dwellings per hectare for 110 dwellings, with units ranging from 1-5 bedrooms. The development would also include 1.79ha of open space. The drawings for which planning permission are sought are as follows:

Drawing ref	Drawing Name
8439-L-04	Location Plan

1616/13/B Access Plan

2.2.3 The indicative drawing submitted for information:

8439-L-02 Framework Plan

2.3 Planning History

2.3.1 There is no relevant planning history associated with this site.

3 THE DEVELOPMENT PLAN

3.1 The extent of the Development Plan

3.1.1 The Development Plan currently comprises (so far as material for the purposes of this appeal):

- Ribble Valley Core Strategy, (2014);
- The Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, (2009); and
- The Joint Lancashire Minerals and Waste Local Plan: Site Allocation and Development Management Policies (2013).

3.1.2 While the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, (2009) and Joint Lancashire Minerals and Waste Local Plan: Site Allocation and Development Management Policies (2013) form part of the Development Plan they are not relevant to this proposal and therefore not considered further in this statement.

3.1.3 The parties agree that as all policies pre-date the revised National Planning Policy Framework (the revised Framework) an assessment of the relevant policies and their consistency with the revised Framework must be made as per paragraph 213 of the revised Framework.

3.1.4 The PPG refers to the requirements of Article 35 of the Town and Country Planning (Development Procedure) (England) Order 2015 which includes the requirements for LPAs that “... *where planning permission is refused, to state clearly and precisely the full reasons for refusal, specifying all policies and proposals in the development plan that are relevant to the decision*”. As such, both parties agree that it is only the policies listed in the Reason for Refusal (RfR) that the Council consider the proposal to conflict with. The proposal must therefore accord/not conflict with all other policies of the Development Plan.

3.2 Ribble Valley Core Strategy

3.2.1 Ribble Valley’s Core Strategy was adopted in December 2014 to guide development in the Borough from 2008 until 2028. It sets out the overall strategy for development which includes focussing development in the principal settlements; including Clitheroe.

3.2.2 The parties agree the following policies are relevant to this appeal:

- **H1: Housing Provision**
- **DS1: Development Strategy**
- **DS2: Presumption in Favour of Sustainable Development**
- **H2: Housing Balance**
- **H3: Affordable Housing**
- **DMH1: Affordable Housing Criteria**
- **DMG1: General Considerations**
- **DMG2: Strategic Considerations**
- **DMH3: Dwellings in the Open Countryside and AONB**

3.3 The Emerging Development Plan

3.3.1 RVBC are currently working on a Housing and Economic Development DPD (HED DPD). The intention of this plan is to set out more detailed policies on housing and economy to support the Core Strategy. The HED DPD was submitted to the Secretary of State on the 28th July 2017 and a public consultation was held from July to September 2017. The examination hearings were due to begin in July 2018; however, on the 12th June 2018, the council wrote to the Inspector requesting that the examination is postponed following the Longridge appeal decision where the Inspector concluded that the Council couldn't demonstrate a five year housing land supply.

3.3.2 The Council then published a Housing Land Availability Survey in July 2018, which concluded a supply of 5.3 years against a 5% buffer and 4.6 year supply against a 20% buffer. The survey was considered at a Special Planning and Development Committee on the 17th June 2018. The minutes of the meeting identified that:

"... Planning on the basis of the 5% buffer assumption not only brings with it the risk of unsounding the plan but also a potential risk of costs against appealed planning decisions, should it be shown that the Council should have adopted the 20% buffer on the evidence available.

The identified buffer residual should be met by way of additional allocations which would be put forward as part of the Examination process as proposed main modifications for considerations by the Inspector."

"... Members considered the report... it was felt that in order to cover ourselves the Council had no option."

3.3.3 Therefore, the HED DPD was postponed until November 2018 and the Council consulted on a document containing additional allocations from July to September 2018. The Council then released an additional Housing Land Availability Survey in November 2018, which concluded a 6.1 year supply; despite signing a Statement of Common Ground to confirm that the Council could only

demonstrate a 4.3 year supply with a 20% buffer at the Hammond Ground, Read appeal earlier in the same month. The publication of this survey resulted in further postponement of the hearing sessions until January 2019. A Housing Position Paper was also released on the 5th December 2018 setting out the Council's position of a 6.1 year supply for the upcoming examination.

- 3.3.4 At the January 2019 examination hearing sessions the Council's case was that no further allocations were necessary over and above those set out in the July 2018 'Proposed Main Modifications' because the policies of Core Strategy provide sufficient flexibility (namely through policy DMG2), to allow development, such as the appeal proposal, on the edge of existing settlements.
- 3.3.5 A Consultation on the July 2018 'Proposed Main Modifications: Additional Housing Allocations' was undertaken between 1st March and 12th April 2019. The consultation document reaffirms the Council's position in relation to the flexibility of the policies within the Core Strategy stating in section 1:
- 3.3.6 The previous consultation was predicated upon the need to ensure sufficient land was identified to meet 5 year supply, however the Council is mindful to ensure that there is sufficient flexibility in the plan to secure a stable and robust supply position which is capable of being delivered by the plan. This is achieved by flexible policies in the Core Strategy that enable development to be brought forward in a sustainable manner and by way of a reserve of allocated sites. Consequently the Council is proposing a number of additional sites are allocated to allow flexibility. There are significant unresolved objections to the HED DPD as evidenced at the hearing sessions. In accordance with paragraph 48 of the revised Framework, because of the significant unresolved objections to the HED DPD, it carries only limited weight.

4 AREAS OF COMMON GROUND

- 4.1.1 This section of the Statement sets out the matters that are agreed between the two parties.

4.2 The National Planning Policy Framework

- 4.2.1 The parties agree that, under the provision of section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2.2 Paragraph 2 of the revised Framework makes clear that the Framework is a material consideration in determining planning applications. The two parties are in agreement that the revised Framework is a material consideration in the determination of this appeal.
- 4.2.3 The parties agree that paragraphs 10, 11 – 12 of the revised Framework and the "Presumption in Favour of Sustainable Development" are pertinent to the appeal, along with Paragraph 7, which states:

“The purpose of the planning system is to contribute to the achievement of sustainable development.”

- 4.2.4 The weight to be attached to relevant policies in the adopted and any emerging development plan needs to be considered having regard to the degree of consistency with the revised Framework in accordance with the advice set out in paragraphs 212– 213.
- 4.2.5 Both parties agree that in the absence of a 5 Year Housing Land Supply, policies most important for determining the appeal including relevant policies for the supply of housing, are out of date, and the tilted balance in paragraph 11 is engaged in respect of the appeal proposal. It is further agreed that no specific policies indicate development should be restricted.

4.3 The Development Plan

- 4.3.1 It is agreed by both parties that the proposal is in accordance with the development plan (policies DS1, H1 and DMG2). Therefore, as set out in paragraph 11 c) of the Framework, development proposals that accord with an up-to-date development plan should be approved without delay.
- 4.3.2 It is agreed that as confirmed by the Council at the eLP hearing sessions (22nd and 23rd January 2019) that the intention of policy DMG2 is to provide flexibility in the Core Strategy and approve sustainable sites such as the appeal site, outside of settlement boundaries even at times when the Council can demonstrate a five year housing supply.

4.4 Settlement Sustainability, Site Status and Designations

- 4.4.1 The two parties agree that:
- The appeal site is situated outside, but directly adjacent to, the settlement boundary of Clitheroe on two sides of the development and therefore accords with Core Strategy policy DMG2;
 - The Site is not allocated for any purpose within the adopted Development Plan;
 - The Site is not the subject of any planning designations, including any environmental, historic environment, open space or landscape designations.
 - The Site is not a valued landscape for the purposes of paragraph 170 of the revised Framework;
 - Clitheroe is the most sustainable settlement in Ribble Valley as stated in the Settlement Hierarchy Paper (2008). This is reflected in its placing in the settlement hierarchy and has a range of services and facilities capable of meeting day to day needs and accommodating additional housing development.
 - The site is well linked by sustainable modes of transport and/or by foot to the existing services within Clitheroe. The site is considered to be well located with regards to accessibility to key services and facilities. This is confirmed by the appeal Inspector for the adjoining site (3/2013/0035) who stated:

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.

Therefore, the site is in a sustainable location for development.

- Clitheroe is a sustainable location for housing and subject to other considerations, is an appropriate location for housing growth within the Ribble Valley area;
- An increase in the number of houses would continue to support local services and businesses; and
- There are no harms that would arise from this development in this location.

4.5 Clitheroe Services and Facilities

4.5.1 The site is located within walking and cycling distance of a range of shops, services and community facilities in Clitheroe. A table containing the distances to the local amenities along with a walk isochrone are contained in Appendix 1.

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- 4.5.2 The site is locationally sustainable with access to a wide variety of services and facilities and all of the facilities listed above are within an acceptable walking/cycling distance.

4.6 Transport Links

- 4.6.1 The parties agree that Clitheroe is a sustainable settlement in terms of access to public transport.
- 4.6.2 The closest bus stop to the site is located on Blakewater Road, opposite Lune Road, approximately 325m from the centre of the site. The No 2 bus service functions as a town circular service via Low Moor. The bus service operates on a 30-minute frequency, Monday to Saturday from 07:27 to 18:27 with the last return from Clitheroe at 18:15.
- 4.6.3 The existing bus services operating in the vicinity of the Site offer frequent travel into Clitheroe. The services coincide with typical workplace start and finish times meaning that residents of the Site have genuine opportunity to complete commuting journeys via bus. The service can also be used for a range of other journey purposes, such as, leisure and shopping.
- 4.6.4 It is agreed therefore that the bus presents a realistic and viable alternative to travelling by car to the centre of Clitheroe.
- 4.6.5 The bus provides access to Clitheroe train station in approximately 12 minutes. Clitheroe train station offers hourly services to destinations including Blackburn, Bolton and Manchester. With access to Blackburn and Bolton in 22 and 52 minutes respectively by rail, there is opportunity for residents of the site to make journeys to work by bus and rail to both Bolton and Blackburn..
- 4.6.6 Therefore, it is agreed that the site has good public transport accessibility, with journeys to/from the site by bus to a range of locations. It is also agreed that there is an opportunity for site residents to complete journeys by rail.

4.7 Highways & Access

- 4.7.1 The application was accompanied by an access plan 1616/13/B which was subject to a Road Safety Audit that demonstrates that the proposal is a suitable and safe vehicular access to the site from Henthorn Road.
- 4.7.2 The proposed development provides suitable passage for pedestrians between the development site, Clitheroe town centre and bus stops. The 20mph speed limit on Henthorn Road also provides safe cycling conditions. This is outlined in the Transport Assessment by Ashley Helme submitted with the application and also within the peer review that was undertaken by WYG. As such, the proposal would not be detrimental to the safety of pedestrians and is locationally sustainable. The 10th January 2019 committee report confirmed this by stating that LCC Highways

5.1.9...raised no objection to the sustainability of the location, subject to a financial contribution of £200,000 (£40,000 per annum for five years) in respect of sustaining and promoting local public transport in this area. The applicant has agreed to this financial contribution.

- 4.7.3 Therefore, both transport consultants and LCC Highways believe that this is a sustainable location for development.
- 4.7.4 Both parties agree that the proposal would not result in any unacceptable impact in terms of capacity or safety on the existing highway network.
- 4.7.5 The parties agree that the Travel Plan provides an adequate framework for travel planning initiatives for the new development and that it would encourage the use of public transport and other non-car modes to minimise car journeys to and from the site. A full Travel Plan can be secured by an appropriately worded condition.
- 4.7.6 The parties agree that Planning Committee Members were advised ahead of resolving to refuse the application that five independent highways consultants had been contacted by the Council to establish if they would defend the reasons at appeal but all 5 declined to defend the proposed reasons for refusal.

4.8 Design and Residential Amenity

- 4.8.1 The application was submitted in outline and was accompanied by a Framework Plan and a Design and Access Statement, as such, no detailed design evidence will be presented by either party and as design is not a reason for refusal, both parties agree that an acceptable design would be secured at the reserved matters stage.
- 4.8.2 Notwithstanding that the proposals are in outline only, there are no amenity impact concerns such to dismiss the appeal.

4.9 Archaeology

- 4.9.1 It is agreed by both parties that LCC Archaeology service raised no objection to the application subject to a suitably worded condition requiring an archaeological programme to be implemented prior to commencement of development on site.
- 4.9.2 As such, both parties agree that with the imposition of a suitable condition, the scheme is entirely acceptable in archaeological terms.

4.10 Heritage

- 4.10.1 Both parties agree that there would be no impact on any heritage assets as a result of the appeal proposals with the imposition of a condition requiring a reserved matters application to include full details of the recommended mitigation measures.

4.11 Landscape and Visual Impact

- 4.11.1 Both parties agree that the appeal site is not located within an area of land that is covered by national, local or international landscape designations.
- 4.11.2 This limited harm is localised and subject to the use of a good layout and design, will not amount to a significant impact upon the character of the area.
- 4.11.3 Up to 110 dwellings can satisfactorily be accommodated on the site whilst preserving the character of the area.

4.12 Arboriculture

- 4.12.1 There are no trees within the site boundary which are the subject of TPO (Tree Preservation Orders) and no trees/hedgerows will be unacceptably harmed as a result of the proposal with the vast majority retained.
- 4.12.2 The proposal will result in significant additional tree and hedgerow planting around the boundary of the site, which will prevent any development within the root protection zones.

4.13 Ecology

- 4.13.1 Both parties agree that adequate ecological surveys have been carried out which demonstrate that there is no ecological reason to prevent the development of the proposal. Both parties agree that the development will result in a net biodiversity gain.

4.14 Economic Benefits

- 4.14.1 It is agreed that in accordance with paragraph 80 and 81 of the revised Framework, significant weight should be attributed to the economic benefits of the proposal which includes 98 construction jobs and spend of circa £11.8 million, GVA of £3.7 million over the build period with residents generating total gross expenditure once the development is completed of £2.8 million annually to support local shops and services.

4.15 Affordable Housing

- 4.15.1 Both parties agree that 30% of the proposed residential dwellings shall be affordable homes and that this is compliant with Policy DMH1. It is also agreed that 15% of these homes would be units specifically for over 55s.
- 4.15.2 It is agreed that the provision of affordable housing represents a significant social benefit of development and contributes towards social sustainability as outlined in paragraph 8 of the revised Framework.

4.16 Flood Risk and Drainage

- 4.16.1 The area of the site to be developed is situated within Flood Risk Zone 1, an area at least risk from flooding (<0.1% chance), where the principle of residential development is considered acceptable.
- 4.16.2 It is confirmed that the discharge rates will be limited to the greenfield runoff rate, this has been agreed with the Lead Local Flood Authority (LLFA).
- 4.16.3 There is no objection from the LLFA and it is recommended that conditions would ensure an appropriate drainage system at the reserved matters stage. It is agreed that the proposal would not result in any unacceptable impacts upon flood risk and drainage.

4.17 Open Space

- 4.17.1 The scheme proposes 1.79ha of open space on site. The parties agree that details of layout, maintenance and management of on-site POS would be secured through planning conditions and through a Planning Obligation.
- 4.17.2 The appeal proposal includes facilities for the use of the general public and local community in the form of informal recreational routes, public open space and play space. Both parties agree that the aforementioned are a benefit arising as a result of the appeal proposal.

4.18 Planning Obligations

- 4.18.1 It is agreed by both parties that all planning obligations must be reasonably related in scale and kind to the proposed development and must also meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. It is also agreed that contributions cannot be sought towards infrastructure which have been the subject of planning obligations if 5 or more planning obligations providing for that infrastructure project or that type of infrastructure have been entered into on or after 6th April 2010.

5 AREA OF DISAGREEMENT

5.1.1 The principle issues on which the parties do not agree are:

- The lack of cycling and suitable pedestrian access to the town centre means residents would be wholly reliant on the car.