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Mr Robert Major
Planning Department
Ribble Valley Borough Council
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25th January 2019

SENT BY EMAIL ONLY

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,

We have today submitted the above Application via the planning portal (Ref: PP-07573729). This is a resubmission of application 3/2018/0688 which was submitted by Gladman in August 2018. The application was recommended for approval by the council's Planning Officers but resolved to be refused by Members of the Planning Committee on the 29th November 2018. The two reasons for refusal, locational sustainability and highways, were taken back to committee on the 10th January 2019. Given that LCC raised no objections, Members were advised verbally that the Council had contacted 5 highways consultants with a view of defending the proposed reasons for refusal at appeal and all 5 consultants declined. Despite this, Members resolved to refuse the application but only on the basis of locational sustainability. Gladman consider that Members acted unreasonably by refusing the application on these grounds. This is highlighted by the Council electing to redraw the settlement boundary around the recent housing developments immediately adjoining the application site's eastern and southern boundaries. This would in effect mean that the proposed properties would be equidistant from the services and facilities as the properties now being included within the settlement boundary to the south of the application site.

Gladman are in agreement with the conclusions and recommendations of the committee reports for application 3/2018/0688. The Site represents a suitable and sustainable location for housing adjoining the revised settlement boundary on two sides. 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 Gladman's view that the Council cannot demonstrate a 5 year 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. The Council's latest position is that they can demonstrate a five year supply. Despite this, the Council should see this as a minimum target and not prevent further sustainable sites with no technical objections, such as this proposal, coming forward.

Members raised the question of whether the minimum level of growth allocated to Clitheroe through the Core Strategy had been delivered. Due to the failure of the Standen SUE to deliver fully within the plan period, Clitheroe now have a residual shortfall and will not be able to meet its requirement set out in the spatial strategy in the plan period. In any case, 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. This would also be contrary to the position the Council put forward at the eLP hearing sessions. The Council advised that policies (namely DMG2) in the Core Strategy allow for flexibility for applications such as to be approved regardless of the 5 year housing land supply position.

Sustainability:

To fully address Members' concerns, Gladman instructed a third party Highways Consultant (WYG) to independently review the submitted Transport Assessment (TA) including the sustainability of the site and the bus service. WYG 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 site is sustainability located. In addition to this, the Council asked 5 independent highways consultant to defend their position at appeal and all 5 declined to defend the reason for refusal.

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

It was also confirmed in the 10th January 2019 committee report that LCC '*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.*'

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.

In addition to there being no technical objections to this sustainable site, 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.

As outlined above, the proposal is in accordance with the development plan, the Council are not going to meet their spatial strategy outlined in the Core Strategy and they cannot demonstrate a five year housing land supply. In addition, the site has no technical issues, offers significant benefits and is a sustainable site adjoining a principle settlement. Therefore, Gladman deem it wholly unreasonable to refuse this application and the application should be approved without delay negating the requirement to go to appeal thereby avoiding the associated costs for both parties. Should the application go to appeal, then Gladman would have no option but to apply for costs on the grounds of unreasonable behaviour, as the application has been refused on unsubstantiated grounds against the overwhelming professional opinion of a significant number of highways and planning experts.

Enclosed with this letter is a CD containing an electronic version of the documents (Listed below) that were uploaded to the planning portal:

1. Application Form and Certificate
2. Location Plan
3. Development Framework Plan
4. Proposed Access Drawing
5. Design and Access Statement

6. Landscape and Visual Impact Assessment
7. Transport Assessment
8. Framework Travel Plan
9. Arboricultural Assessment
10. Ecological Appraisal
11. Breeding Bird Report
12. Flood Risk Assessment and Water Drainage Strategy
13. Phase 1 Site Investigation Report
14. Foul Drainage Analysis
15. Air Quality Screening Report
16. Noise Assessment
17. Archaeological Desk Based Assessment
18. Crime Impact Assessment
19. Socio-Economic Statement
20. Statement of Community Involvement
21. Planning Statement
22. Additional Transport Technical File note

Please note that the Statement of Community Involvement (SCI) contains complete copies of all correspondence received during the Pre-Application Consultation. Some of the correspondence includes personal details such as names, addresses, email addresses, which have been provided in an unaltered form, to ensure full transparency.

Fair Processing Notices were included on the Consultation Leaflets and Website, which made it clear to members of public, that when providing this data, it would be forwarded to the Council as part of a Planning Application and that the Council may publish it online.

Should the Council publish this information online, it will of course need to do so, in line with its own data protection policies.

As this is a resubmission of a recently refused application there is no requirement for a further planning application fee.

We trust the enclosed information is sufficient to enable our Planning Application to be validated at your earliest opportunity, however, should you have any queries or require any further information, please do not hesitate to contact me.

Yours Sincerely,



Neil Lewis
Senior Planner
Gladman Developments

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