

9th December 2020

Mr A Birkett
Principal Planning Officer
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe BB7 2RA

Your ref: 3/2019/0545
Our ref: MAPL101

By email only

Dear Adam,

HYBRID PLANNING APPLICATION FOR MIXED EMPLOYMENT AND COMMERCIAL DEVELOPMENT, RESIDENTIAL CARE AND SPECIALIST BUNGALOWS FOR OLDER PEOPLE LAND BETWEEN CLITHEROE ROAD AND A59 / A671 JUNCTION, BARROW

We are writing to submit the following revised plans and additional information in support of the planning application. These address the outstanding matters we have discussed and we hope that officers will now be able to support the application and report it to Members in early 2021 with a recommendation for approval.

- Revised hybrid / development zone arrangement plan - drwg. no. P5035-1150 Rev B
- Revised illustrative masterplan - drwg. no. P5035-SK002 Rev 4
- LVIA Viewpoint 16 night time photograph taken from the AONB
- Transport assessment addendum - Revision A
- Market need and demand report for the age-restricted older people's bungalows

Principle of development - specialist housing for older people (age-restricted bungalows)

Policy DMG2

Section 5.3 to 5.9 and Figure 5 of the submitted Planning Statement explain that the part of the hybrid planning application for the residential care home and the age-restricted bungalows is made on the basis that it accords with Key Statement DS1 and Policy DMG2 (part one) because it constitutes the acceptable 'expansion' of a Tier 1 Village. This is because the proposed development;

- 1) directly adjoins the settlement boundary of Barrow;
- 2) is closely related to the main built up area; and,
- 3) is appropriate to the scale of, and keeping with, the existing settlement.

The development can also be said to be 'consolidation' on the basis that it occupies and will infill land between the settlement boundary and outlying development on Clitheroe Road, and which is contained by the A59 embankment and the proposed employment and commercial development which accords with Key Statement DS1 and Policy EC1 and which the planning authority has confirmed is acceptable in principle.

Since we submitted the planning application there have been three appeal decisions in Ribble Valley which clarify the correct interpretation and application of Policy DMG2 in accordance with its terms of 'expansion', 'consolidation' and 'rounding-off' as defined in the Core Strategy glossary. These are;

- 1) APP/T2350/W/19/3223816: Chatburn Old Road, Chatburn - allowed 23rd January 2020
- 2) APP/T2350/W/20/3248156: Wiswell Lane, Whalley - dismissed 9th October 2020
- 3) APP/T2350/W/20/3253310: Chatburn Road, Clitheroe - allowed 10th November 2020

The Chatburn Old Road, Chatburn decision confirms that the approach taken to the interpretation and application of Policy DMG2 in the previous Henthorn Road, Clitheroe (APP/T2350/W/19/3221189) appeal decision of 19th June 2019 was correct. Costs were awarded against the Council for seeking to derive and apply a different interpretation.

At Wiswell Lane, Whalley the Inspector was minded to dismiss the appeal on the pre-qualifying ground that the proposed development was not in keeping with the existing settlement. As such, he did not make a full and proper objective interpretation of Policy DMG2 and the glossary definitions, and the decision, with respect to the Inspector, was not correct. It therefore does not justify reaching a different outcome to the Henthorn Road and Chatburn Old Road appeals, which together with the most recent decision of 10th November 2020 at Chatburn Road, Clitheroe, remain the most relevant and closely-matched decisions to the circumstances of this application.

The Chatburn Road, Clitheroe decision confirms that the interpretation and application of Policy DMG2 in the Henthorn decision and the Chatburn Old Road decision was correct, and thereby confirms that the interpretation in the Wiswell Lane decision was incorrect. Costs were awarded against the Council for a second time for seeking to derive and apply a different interpretation.

The Chatburn Road, Clitheroe appeal decision therefore confirms that the approach we have taken in this application to the interpretation and application of Policy DMG2 as defined by the glossary terms, is correct. We maintain that the proposed residential care home and age-restricted bungalow component of the proposed development is therefore in accordance with Policy DMG2 (part one) and comprises an acceptable 'expansion' and/or 'consolidation' of a Tier 1 Village.

Policy DMH3

We previously put forward an alternative proposition at Section 5.10 to 5.12 of the Planning Statement that, in the event the authority disagrees with our position that the bungalows and care home accord with Policy DMG2 (part one), they nevertheless comprise a type of development for which there is a local identified need in accordance with Policy DMG2 (part two) and Policy DMH3.

This proposition is no longer necessary following the very clear appeal decision at Chatburn Road, Clitheroe on the correct interpretation and application of Policy DMG2 and the second award of costs against the Council, but the need to address Policy DMH3 must still be considered.

The requirement of Policy DMH3 was recently considered as a standalone matter in the appeal APP/T2350/W/20/3247676 for 24 no. bungalows on land south west of Clitheroe Golf Club at Barrow which was dismissed on 12th November 2020. The appeal failed because the evidence put forward by the applicant to demonstrate an identified local need for the proposed number and type of bungalows in the parishes of Barrow, Whalley and Wiswell, was not considered to be sufficiently compelling.

The Golf Club decision is distinct and materially different to this application because that appeal site is detached and remote from the settlement boundary for Barrow. It was common ground that it was located in the open countryside and therefore did not accord with the Key Statement DS1 spatial development strategy and could not be determined against part one of Policy DMG2. On the basis that it must satisfy Policy DMH3 (and Policy DMG2 part two) as the only means to justify development in the countryside, the proposed development had to meet a local identified need in order to accord with the development plan, and on the basis that its relevant policies had to be given full weight as they are not out of date and the Council can demonstrate a 5+ year housing land supply.

In contrast, this application engages Policy DMG2 (part one) and therefore the tension between it and Policy DMH3 has to be considered. This was done by the Inspectors in the Chatburn Old Road, Chatburn and Chatburn Road, Clitheroe decisions. In the first case, there was a residual housing requirement at Chatburn which was taken to be a local identified need for the purposes of Policy DMH3 and meant that the Inspector did not need to address the tension. In the Chatburn Road, Clitheroe decision the Inspector avoided dealing with the tension head-on by conducting a planning balance which concluded that the benefits of development outweighed the conflict with Policy DMH3 and therefore justified the grant of planning permission.

The planning balance carried out by the Inspector in the Chatburn Road, Clitheroe appeal is therefore relevant to the determination of this application;

- At paragraph 21 of the decision letter, the Inspector notes the conflict with Policy DMH3 and the lack of evidence to demonstrate that the proposal would meet an identified local need, and sets this against the fact that, as in this application, the proposal would amount to a form of consolidation provided for and supported by Policy DMG2 (part one). The appeal site is on the periphery of Clitheroe which, due by virtue of complying with Policy DMG2, the Inspector considered 'is thus well-related to the main built up area and built form of Clitheroe'.
- At paragraph 22 he considered that the appeal site is a suitable and sustainable location for housing, which is the same in this application. The proposed development is next to previously approved older people's bungalow development (by Applethwaite) and there has been very substantial new housing growth elsewhere around Barrow. In addition, this application is for mixed use development including a new convenience store, and both i) the previous appeal decision of 30th July 2015 (APP/T2350/W/15/3005882) on the adjacent site (see Section 2.9 to 2.10 of the Planning Statement), and ii) paragraph 58 of the Clitheroe Golf Club appeal decision (APP/T2350/W/20/3247676), confirm that Barrow, as a Tier 1 Village, is a sustainable location for new housing and older people's housing.
- At paragraph 23 the Inspector concludes that the proposal will provide a 'not insignificant boost to housing supply'. He emphasises that this is notwithstanding the existence of a 5+ year housing land supply as that is not a ceiling or a maxima, and particularly so in light of the Framework's commitment to significantly boost the supply of homes. He reports; 'That the proposal would boost the supply of homes in a logical location well-related to built residential development in an accessible and sustainable location directly adjacent to the defined settlement boundary in a manner that would consolidate development in a manner provided for by Policy DMG2, weighs significantly and positively in support of the proposal.' The same considerations apply and the same conclusion is reached in this application.

- At paragraph 24 the Inspector notes that there is no suggestion that Clitheroe is unable to accommodate the 39 no. dwellings proposed in that appeal. The same is true for Barrow in this case. He also says that while there was no evidence to support the provision of local needs housing as a justification for the proposal, it would 'contribute towards meeting a borough-wide affordable housing need and would boost the supply of homes within the borough.' The Inspector gives the provisions of both Policy DMG2 and Policy DMH3 full weight but having considered the positive aspects of the proposal and other benefits arising from it in the planning balance, he concluded that 'the proposal's open countryside location and absence of an identified local need in this instance, is outweighed by other material considerations as outlined above.'

In this application, the benefits of boosting the supply of housing, and specifically housing in the form of age-restricted over 55, Part M4(2) compliant adaptable and accessible general market bungalows (i.e. the first type of specialist housing for older people defined in the Planning Practice Guidance ref. 63-010-20190626), is a substantial benefit which must be given significant weight.

Whereas in the case of the Clitheroe Golf Course appeal, this type of bungalow (albeit not Part M4(2) compliant) was not considered to meet a local identified need such that the benefits of developing in that location in the countryside remote from a settlement boundary were not sufficient to outweigh the conflict with Policy DMH3, the planning balance in this application must be approached in the same way as the Chatburn Road, Clitheroe appeal decision, albeit instead of providing affordable housing, the housing in this case is specialist bungalows for older people. In other words, the inability to demonstrate a local identified need is not fatal to this application because that, and the limited harm from developing in the countryside, must be balanced against the general benefits of providing specialist housing for older people in accordance with Policy DMG2 (part one) in a logical and sustainable location adjoining a Tier 1 Village, together with boosting the supply of homes in general.

The benefits of increasing the supply and quality, and widening the options and choice of specialist bungalows in Ribble Valley, regardless of whether they meet a local identified need or not, are set out in full in the Planning Statement, and in summary are;

- the housing market offers limited choice and options exclusively for people over 55, and age-restricted general market bungalows enable older people to access and live safely, comfortably and independently in their own homes for as long as possible;
- an increasing number of retired and active-elderly people want to downsize by moving to a smaller property, but cannot 'right-size' as their requirements and aspirations are overlooked by the serviced-apartment retirement market; and,
- the mainstream house building industry does not deliver a sufficient number, range, choice and quality of bungalows for private sale and this is evident in Ribble Valley in terms of the very limited available stock of larger size, age-restricted, general market bungalows.

These benefits still apply and carry significant weight. In addition, to update and provide further support and independent verification of the benefits, we have commissioned the enclosed market needs supply and demand report for age-restricted adaptable bungalows in Ribble Valley from the specialist and highly-experienced older peoples' housing consultant Contact Consulting Ltd. This is formally submitted in support of the application.

The report has been prepared with input from Ribble Valley estate agents and explains the quantitative and qualitative market needs, aspirations and demand drivers for older peoples' housing, and challenges the misplaced generalisations made by the Inspector in the Clitheroe Golf Course, Barrow appeal decision. The Inspector concluded that Policy H3 is functioning adequately such that a sufficient supply, range and choice of options of age-restricted specialist bungalows is being provided for older people in Ribble Valley which is adequate to meet the diversity of requirements and market demands. We and Contact Consulting consider that the Inspector's comments do not demonstrate full understanding of the complex quantitative and qualitative factors which drive market demand for age-restricted bungalows and the benefits they provide, and we do not consider that his generalised conclusions should be followed in determining this application.

The report clearly shows that Ribble Valley has a substantial and growing number of older people, some of whom will wish to make pre-emptive moves into specialist bungalows which will prolong their capacity for independent living if a sufficient market supply and choice of attractive and appropriate accommodation is available to them. The benefits to those individuals and their families will be substantial, as will the public benefit, not least in mitigating the impact of the ageing population on public and private health and social care provision and hospital services.

Therefore, it remains our firm conclusion that the residential part of the proposed development (i.e. the specialist bungalows for older people and care home) is in full accordance with Policy DMG2 (part one) and acceptable in principle, and insofar as there is limited conflict with Policy DMH3 in terms of its countryside location and whether it meets an identified local need, any harm is clearly outweighed by the positive aspects of the development and the wide range of compelling, social wellbeing and other benefits it will deliver, and which carry substantial weight in the planning balance.

Highway matters

Detailed discussions have taken place throughout 2020 between Lancashire County Council (Neil Stevens) and the applicant's transport consultant Vectos in response to the initial LCC consultation response of 7th January 2020. A comprehensive response and additional information was provided to LCC in a Transport Assessment Addendum in July 2020 and a response was received in October 2020. Further discussion took place in November 2020 and the final updated Transport Assessment Addendum (Revision A) was submitted to LCC on 3rd December 2020. A copy is enclosed with this letter for formal submission.

In summary, the proposed access arrangements to the development from the A59 have been amended to reflect all of LCC's comments together with updated trip forecast information. The effects of these changes have been considered through an updated junction assessment exercise and this demonstrates that the proposed development traffic can be suitably accommodated on the local highway network. The complete list of resolved highway matters is;

- Revised A59 / A671 roundabout access arrangement design and Road Safety Audit of the proposed fourth arm;
- Commentary provided on the likely future operation of the outline elements of the proposed development, in terms of highway operation;
- Commentary provided on the proposed parking provision for the employment element of the development;

- Further detail provided on the public right of way (PRoW) protection strategy (construction and operation phases of development);
- Revised Clitheroe Road access arrangement design and revised bin store location on the proposed residential road;
- Details provided of the pedestrian and cycle access route from Clitheroe Road to the proposed drive-thru prior to construction of the employment phase of development;
- Provision of additional trip rate and trip generation information;
- Provision of additional trip distribution information;
- Provision of future year traffic forecasts; and,
- Provision of revised junction assessments including further commentary on the modelling approach.

In addition, the Residential Travel Plan for the proposed bungalow development and care home has been updated to include detail on the proposed funding of measures.

It is therefore demonstrated that the proposed development is acceptable in highway terms and there is no reason to refuse planning permission on accessibility and transportation grounds.

Noise

The Environmental Health Officer has confirmed that the findings of the SRL noise impact assessment submitted with the application are acceptable. The majority of the proposed bungalows and care home bedrooms will provide an adequate internal living environment and only those facing Clitheroe Road and care home elevation adjacent to the A59, will need to be fitted with non-opening, acoustic glazing windows with trickle ventilation. The rear gardens of the bungalows are within acceptable daytime noise exposure limits but the external amenity space to the rear of the care home requires a acoustic fence / barrier to be provided alongside the A59.

We confirm that these noise mitigation measures are acceptable, together with a suitable limit (rating level) to be placed on the cumulative operation of night time external plant and equipment associated with the detailed development of the employment part of the development, and a restriction on the opening hours of the petrol filling station and convenience store from 06:00 hrs to 23:00 hrs. These controls can be imposed via suitably worded conditions and on this basis, there is no objection to the proposed development on noise grounds.

Lighting assessment and the effect on the Forest of Bowland AONB

The original Environmental Health Officer comments also asked for a lighting assessment to be carried out, the purpose of which was to prevent light from the commercial development impacting the occupiers of the proposed bungalows and care home. The updated comments repeat this and add that the assessment should comply with the IPL Guidance 'Reduction of Obtrusive Light' GN01:2011 and add that this is also (incorrectly) required because the application is within the AONB, albeit landscape matters are not within the environmental health officer's remit.

We plainly cannot produce a lighting assessment to gauge the impact of commercial lighting on the bungalows and care home when the employment element of the development is entirely in outline at this stage, and nor could one produced on an illustrative /indicative basis be given weight as a material consideration in determining the application, such that it has little purpose and benefit.

The matter can, and must, only be assessed when detailed proposals for lighting come forward in connection with an employment scheme/s for reserved matter approval, and at which time the effect of lighting on the bungalows and care home must be taken into account and appropriately controlled by ensuring compliance with approved lighting details and/or via operating conditions. If it is considered necessary, we would not object to this being made clear via a condition/s imposed on a hybrid planning permission specifying the requirement to submit lighting details (and if necessary a lighting assessment) with each application for the approval of reserved matters schemes for the employment development. The future development of the employment units will nevertheless take best practice lighting design into account to prevent harm to residential settings by setting maximum illumination (lux) levels and use of low-wattage LED units; the height of lighting units above ground level; the design of directional lighting head units and baffles to prevent light spill; and use of PIR motion-activated and automatically-dimming lighting when not in use.

In terms of the potential visual impact of the development on the AONB setting, the AONB Partnership officer alleges adverse impact (daytime and night time) in views from the AONB at solely Viewpoint 16 of the submitted LVIA. It is clear that at higher elevations, the distance between the application site and viewpoint receptor location increases, such that the application site becomes indistinguishable in the landscape, and at lower elevations from and below Wiswell village, the available views of the site are obscured by intervening trees and vegetation. Therefore, insofar as there is potential for the development to harm the setting of the AONB, this exists solely at the contour height and separation distance represented by the available view from Viewpoint 16.

It is also a material consideration that from Viewpoint 16, all of the commercial development at the Barrow Brook Enterprise Site is clearly visible during the day and night, and that the highway lighting along the A59 corridor and at roundabout junctions, is visible at night. It is also only the commercial element of the proposed development which will have the potential / requirement for night time illumination, and the effect of this in relation to harm to the AONB is not referenced in the spatial development strategy for employment uses which directs commercial development to key locations (such as major junctions) along the A59 corridor, and specifically to the Barrow Brook Enterprise site which is allocated in the Core Strategy and HEDDPD for substantial future growth.

Notwithstanding the development plan policy context, and existing and planned precedent commercial development within the vicinity of the AONB along the A59 corridor, we have produced a night time image of Viewpoint 16 which is submitted with this letter. The application site is visible immediately left of the centre of the image, and shows the highway lighting (the effectiveness of LED downlighting columns) around the A59 / A671 junction and along Clitheroe Road at the rear of the site. The concentration of lights on the left hand edge of the image is at Whalley and the concentration on the right is Barrow Brook Enterprise Site.

The image clearly shows that the setting of the AONB is clearly characterised by multiple illuminated developments within a mixed urban and rural landscape, such that adding the proposed development and applying much better, modern LED zero-upward emission lighting systems than those at Barrow Brook, will not be out of character and will not have a readily discernible and adverse impact on the setting of the AONB. For information, we have also included two additional photographs (daytime and night time) of the view of the current development at Barrow Brook Enterprise Site from the AONB on the road north of Wiswell (i.e. McDonalds, Cooperative store and petrol station, Starbucks, KFC, Loom Loft and Total Food Service factory).

In respect of the AONB officer's comment about the daytime effect of the proposed development on the merger of settlements and narrowing of the gap between Barrow and Whalley, this can also only be perceived from Viewpoint 16 and it is not clear how that relates to harm to the setting of the AONB anymore than development in principle. The gap is not an identified in policy as an area of separation and it is noted that the impact on the gap and any harm to the setting of the AONB was not raised by any party or the Inspector in connection with the appeal at Wiswell Lane, Whalley (APP/T2350/W/20/3248156) which is located on the other side of the A59 within the same gap.

Overall we consider that the proposed development will not result in any meaningful daytime and night time landscape harm to the setting AONB, and the AONB Partnership officer's concerns and comments are overstated.

Site layout and design

Finally, updated versions of two application drawings are submitted with this letter. These are the planning application arrangement plan (drwg. no. P5035-1150 Rev B) showing the extent of the full and outline components of the hybrid scheme and the revised illustrative masterplan (drwg. no. P5035-SK002 Rev 4). Both drawings have been updated to incorporate the following revisions;

- Reconfigured employment units to suit RVBC comments
- A59 roundabout access and entrance road LCC highway requirements
- Internal highway layout changes required by LCC
- PRow and temporary footpath / cycleway connection required by LCC
- Increased A59 frontage landscaping and tree planting to soften views from the AONB
- Location of the acoustic fence / barrier along the A59 behind the proposed care home

No other design and layout comments have been raised and it is considered that the proposed development is therefore now acceptable in this respect.

Conclusion

We trust we have supplied the necessary revised drawings and supporting technical information and justification evidence, to address all of the comments raised by officers and outstanding matters raised by consultees. We hope that officers will now be able to support the application and recommend its approval to Members and that it will be reported to a committee in early 2021.

We look forward to hearing from you and please contact me in the meantime if you have any questions relating to the information submitted with this supporting letter or require anything additional.

Yours sincerely

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cc: Mr N Putnam, Maple Grove Developments
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Encs.