

Proposed mixed use development of age-restricted bungalows for people over 55 and a residential care home, Classes B1, B2 and/or B8 employment, a combined petrol filling station and convenience store, and a drive-through coffee shop, with access, car parking and landscaping (hybrid application)

Land between Clitheroe Road and the junction of the A59 and A671, Barrow

Planning, Affordable Housing and Retail Statement

Maple Grove Developments, Applethwaite and Eric Wright Health and Care

September 2019

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1 Introduction

- 1.1 This Planning, Affordable Housing and Retail Statement has been prepared by Smith & Love Planning Consultants on behalf of Maple Grove Developments, Applethwaite Ltd and Eric Wright Health and Care ('the applicant'), in support of its planning application for mixed use development of age-restricted bungalows for people over 55 (Class C3), a residential care home (Class C2), flexible employment floor space (Classes B1, B2 and/or B8), a drive-through coffee shop (Class A3) and a combined petrol filling station (sui generis) and convenience store (Class A1), with associated access, car parking and landscaping, on land between Clitheroe Road and the junction of the A59 and A671 at Barrow.
- 1.2 The planning application is submitted in a hybrid (i.e. part-full and part-outline) format and proposes;
- Mixed use development comprising;
 - a) in full: 48 no. bungalows for people aged 55 years and over (Class C3) and a 64 no. bedroom care home (Class C2) with vehicular and pedestrian access from Clitheroe Road and associated car parking, landscaping and external works;
 - b) in full: a drive-through coffee shop (Class A3) and associated customer car parking, landscaping and external works with vehicular access from the A59, and;
 - c) in outline: employment units (Class B1 and/or Class B2 and/or Class B8 under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) and a petrol filling station (sui generis) and convenience store (Class A1) with vehicular access from the A59 and associated customer car parking, landscaping and external works, and with all other matters reserved.
- 1.3 This Statement sets out the background and context for the application, providing a description of the site and surroundings, the proposed development scheme and a summary of the relevant policies of the statutory development plan. It assesses the merit of the proposals against the identified policies, national policy in the Framework 2019 and all other material considerations.
- 1.4 It demonstrates that
- age-restricted general market housing is a recognised form of specialist housing for older people and there is an extensive body of evidence and policy research which underlines the need for and benefits of high-quality mainstream bungalows;

- the housing market offers limited choice for people over 55 and age-restricted general market bungalows enable older people to 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;
- the house building industry does not deliver a sufficient number 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;
- there is a net shortfall in the stock of good-quality private Class C2 care home bed-spaces in Ribble Valley and an evidenced need for additional capacity;
- there is evidenced demand for small to medium-sized industrial units in accessible locations in Ribble Valley offering flexible space and leases, and;
- the proposed development will deliver a wide range of significant and compelling social, economic and environmental benefits to which substantial weight must be attached.

1.5 This Statement concludes that the proposed development is in accordance with the relevant strategic development, housing for older people, economic development, retail and general development management policies of the adopted Ribble Valley Local Plan Core Strategy 2008 - 2028 viewed as a whole, and Government policy aimed at increasing the supply and range of housing and residential care for older people, boosting housing supply and creating sustainable economic growth and building successful, mixed new communities.

1.6 Consequently, having regard to the development plan and all material considerations, there is a compelling case for planning permission to be granted without delay, in accordance with the presumption in favour of sustainable development at Paragraph 11(c) of the National Planning Policy Framework.

Supporting information

1.7 This Statement should be read together with the following drawings, reports and supporting material submitted with the planning application;

a) Drawings:

- Site location plan
- Existing site plan
- Existing topographic survey (three sheets)

- Proposed site layout plan
- Proposed site layout plan - hybrid planning application arrangement plan
- Proposed site layout plan - age-restricted bungalows (full component)
- Proposed site layout plan - care home (full component)
- Proposed site layout plan - drive-through (full component)
- Proposed site layout plan - development parameters (outline components)
- Proposed site layout plan - illustrative master plan¹

- Proposed landscape structure plan
- Proposed landscape plan and planting schedule - bungalows
- Proposed landscape plan and planting schedule - care home

- Proposed vehicular access layout plan - A59 roundabout
- Proposed vehicular access layout plan - Clitheroe Road

- Proposed bungalow Type A(B) - floor plan and elevations
- Proposed bungalow Type A(R) - floor plan and elevations
- Proposed bungalow Type B(B) - floor plan and elevations
- Proposed bungalow Type B(R) - floor plan and elevations
- Proposed bungalow Type C(B) - floor plan and elevations
- Proposed bungalow Type C(R) - floor plan and elevations
- Proposed bungalow Type D(B) - floor plan and elevations
- Proposed bungalow Type D(R) - floor plan and elevations

- Proposed care home - ground floor plan
- Proposed care home - first floor plan
- Proposed care home - elevations (two sheets)
- Proposed care home - sections

- Proposed drive-through coffee shop - floor plan
- Proposed drive-through coffee shop - roof plan
- Proposed drive-through coffee shop - elevations
- Proposed drive-through coffee shop - sections and details

b) Documents:

- Application form and Certificate B
- Residential care market report
- Employment land market report

¹ Indicative only - not for approval

- Design and access statement
- Landscape and visual impact assessment
- Arboricultural impact assessment
- Ecological assessment
- Air quality assessment
- Noise impact assessment
- Flood risk assessment and drainage strategy
- Geo-environmental report
- Transport statement and framework travel plan
- Mineral safeguarding assessment

2 The site and surroundings

- 2.1 The 6.38 hectare application site comprises two fields currently used for grazing, which are separated and enclosed by hedgerows and contain isolated trees. The site is set below the level of the A59 carriageway and roundabout embankment forming the eastern boundary, and it slopes down to Clitheroe Road and adjacent development which forms the western boundary.
- 2.2 The developed area of Barrow adjoins the northern edge of the site and comprises a two-storey affordable housing development and a scheme of bungalows for people over 55 which were previously developed by the applicant (Applethwaite Ltd) in 2015², with industrial development beyond and a public house and coffee shop north of the site on the western side of Clitheroe Road. A private house (Mead Croft) and tree nursery adjoins the southwest corner of the site.
- 2.3 A splayed vehicle entrance and hard standing provides access to the site from Clitheroe Road and a public footpath (PROW 3-45 FP-11) crosses the land centrally from east to west, between the A59 roundabout and the residential curtilage of Mead Croft.



Figure 1: Aerial view of the site

The surrounding area

- 2.4 The site adjoins the southern edge of Barrow³ which is a large and growing sustainable village that contains a mix of residential, business / employment, commercial and leisure uses, and provides a range of local services and community facilities. The village is a popular location for retired and older households and a number of small bungalow schemes have been approved and developed in the recent years.

² Planning application ref. 3/2014/1061 - see planning history

³ Barrow is defined as a 'Tier 1 Village' in the Ribble Valley settlement hierarchy (Core Strategy - Policy DS1)

- 2.5 The centre of the principal settlement of Whalley lies 1 km to the south of the site and is easily accessible by walking along a continuous, level on-street footpath and by cycle. Whalley is a highly-sustainable, vibrant and accessible centre⁴, and provides a wide range of shopping, leisure, services and amenities, as well as a bus station and a railway station from which regular direct train services are available to Clitheroe, Blackburn, Preston and Manchester.
- 2.6 Bus stops are also located adjacent to the site on Clitheroe Road from which 30 minute and 60 minute weekday and weekend services operate to Whalley, Clitheroe and Preston.

Relevant planning history

- 2.7 There is no known planning history directly related to the application site, however there have been applications, planning permissions and an appeal in the immediate vicinity. Those of most relevance to the proposed application are listed below;

Application	Site	Development	Decision
3/2017/0565	Mead Croft, Clitheroe Road	Retrospective change of use to grow / store Christmas trees and store / distribute palm trees and to retain poly-tunnel	Permission granted 7 th February 2018
3/2014/1061	Lamb Roe Gardens, Clitheroe Road	Erection of 8 no. bungalows for people aged over 55 (previous Applethwaite scheme)	Permission granted 16 th April 2015
3/2014/0684 APP/T2350/ W/15/3005882	Mead Croft, Clitheroe Road	Outline application with all matters reserved for demolition of the current property and erection of 9 no. dwellings	Appeal dismissed 30 th July 2015
3/2013/0169	Wheatsheaf Close, Clitheroe Road	Development of 28 no. dwellings for a 100% affordable housing scheme with associated works and services	Permission granted 7 th April 2014

- 2.8 Planning application 3/2014/1061 was submitted by the applicant (Applethwaite Ltd) in 2014 and relates to the bungalow development it built in 2015 adjacent to the northwest corner of the site. These are two and three bedroom properties for people aged 55 and over, and very similar to the proposed development. The scheme was extremely popular when launched and fully sold within a short time, and is now a well-established community of residents. It demonstrates that the southern part of Barrow is a suitable and viable location for quality market housing for people aged over 55 approaching retirement and/or newly-retired and older people.

⁴ Whalley - Ribble Valley Service Centre Health Checks report - August 2018

2.9 The appealed application 3/2014/0684 (PINS ref. APP/T2350/W/15/3005882) was awaiting determination when the bungalow scheme developed by Applethwaite was approved. This was an outline proposal for 9 no. dwellings on the plot occupied by Mead Croft adjoining the south west corner of the application site. The Inspector's decision letter explains that the appeal was dismissed because (if developed in isolation) that site is detached and visually divorced from Barrow, raising a conflict with Policy DMG2 (paragraph 6) and harm to the character and appearance of the area as it would not read as a logical expansion of the village (paragraph 18).

2.10 The Inspector also noted;

- Paragraph 23the Council has not raised any concerns regarding the density of development, the living conditions of neighbours, access, parking provision, the use of the land or ecology. Based on the evidence provided, I find no reasons to disagree.
- Paragraph 24furthermore, during my site visit I saw that Barrow and Whalley are only a short walk away, with a bus stop opposite the site providing connections to the wider area. Potential future occupants would therefore be able to access a range of local services, shops and facilities without using a private car. In this regard the proposal meets the requirements of other local and national planning policies which seek to promote more sustainable travel patterns.

2.11 A copy of the Inspector's decision letter is attached at Appendix 1.

3 Proposed development

- 3.1 The planning application has been devised to enable full (detailed) planning permission to be granted for the age-restricted bungalows for people over 55 and the residential care home which are likely to be delivered as the first phase of development, together with the drive-through coffee shop and the site access road from the A59.
- 3.2 The employment development and the combined petrol filling station and convenience store will be delivered separately by a future developer and/or operator/s, and consequently only outline planning permission is sought for these elements at this stage.

Components and phases of the hybrid planning application

- 3.3 The submitted Hybrid Application Plan (P5035_1150) see Figure 2 below, and the Parameter Plan (P5035_1204) show the arrangement of the hybrid planning application within the site;

- | | |
|--|---|
| a) Development for which full planning permission is sought | This applies to the western part of the site in which the residential care home and age-restricted bungalows are proposed, together with the part of the site on the eastern boundary which will accommodate the drive-through coffee shop (grey areas) |
| b) Development for which outline planning permission is sought | This applies to the eastern part of the site where the employment development and the combined petrol filling station and convenience store are proposed (pink area) |



Figure 2: Full and outline components of the hybrid planning application

a) Development for which full planning permission is sought

3.4 The proposed development is described in detail in the Design and Access Statement and application drawings, and is summarised below.

Age-restricted bungalows

3.5 This comprises a scheme of 48 no. single storey bungalows for people over 55 providing a mix of one, two and three bedroom dwellings, all of which are designed to comply with Part M4(2) Category 2: 'accessible and adaptable dwellings' of the Approved Document 2010 Building Regulations. The proposed mix is shown in the table below with the majority (50%) being two bedroom homes.

Size of bungalow	Number of bungalows	Semi-detached		Detached	
		No.	%	No.	%
1 bedroom	5 (10%)	5	100	0	0
2 bedroom	24 (50%)	16	67	8	33
3 bedroom	19 (40%)	0	0	19	100

3.6 A range of 4 no. bungalow designs are proposed as follows;

- Type A one bedroom semi-detached design;
- Type B two bedroom semi-detached design;
- Type C two bedroom detached design, and;
- Type D three bedroom detached design

3.7 The bungalows are all single storey designs to create a uniform roof-scape throughout and use render and brick as the main facing material with variant half-timber gable details, and varying porch, bay window and integral garage designs, and grey concrete roof tiles. Windows will be white uPVC with artificial stone heads and sills, and entrance and garage doors, fascias and rainwater goods will be black uPVC. The designs and materials will largely match the development built previously by Applethwaite Ltd on the northern boundary of the site.

3.8 The development is arranged around a road network from a single point of access onto Clitheroe Road, providing frontage development served from private drives and grouped around turning-heads. Each bungalow plot will have front and rear gardens and either an integral or detached garage and/or external parking spaces.

3.9 Occupation of the bungalows will be restricted to people (one or more within a household) aged 55 or over by planning obligation.

Residential care home

- 3.10 This is a two storey pitched roof building arranged in a rectangle around a central open courtyard. It will provide 64 no. en-suite bedrooms and a range of communal rooms and a café and bar. The design features external rendered walls with stone clad feature gables on all elevations and a stone entrance bay. The building is stepped to follow the sloping ground contour of the site and provides a varied roof profile and ridge line.
- 3.11 It is set in communal gardens with all ground floor residents' rooms having external doors and individual patio / seating areas. Car parking is provided to the front and side and access is provided from the estate road for the bungalow development from Clitheroe Road.

Drive-through coffee shop

- 3.12 This is proposed to be operated by Costa. It comprises a single-storey render and timber-clad building with a mono-pitch roof. It has entrance doors and main windows on the front and side elevation and the drive-through customer collection window at the rear. The drive-through lane encircles the building, and a landscaped car park is laid out to the front providing 33 no. spaces.

Highway access works

- 3.13 The proposed access junctions are shown on drawings VN91274-D100A (Clitheroe Road) and VN40390-SK001B (A59) prepared by Vectos.
- 3.14 The access from Clitheroe Road is a conventional priority junction with 2 m footpaths to both sides and visibility splays of 2.4 m x 60 m in both directions. The access from the A59 will form a 4th arm from the roundabout and is designed as a single lane entry and dual lane exit. Both junctions are intended to be adopted and designed to meet Lancashire County Council local highway authority safety standards.

b) Development for which outline planning permission is sought

- 3.15 The outline component of the hybrid planning application is made with all matters reserved except access, which is proposed from the junction and entrance road to be formed from the A59 roundabout that will serve the drive-through coffee shop and forms part of the detailed proposals.
- 3.16 Four separate development 'zones' are proposed, of which two will accommodate employment units, one the combined petrol filling station and convenience store, and the other will provide open space / landscaping and a footpath connection to the proposed residential development. A series of parameters are proposed for each zone and these are shown on the Parameters Plan P5035_1204 and in the Design and Access Statement. The Parameter Plan shows the amount of proposed development in each building zone and the intended use/s. These are;

Development zone	Proposed amount of development (maximum)	Proposed range of use/s
Petrol filling station and combined convenience store	530 sqm (GIA) 280 sqm (net sales area)	Sui generis / Class A1
Employment site 1 (north)	1,690 sqm (GIA) (no. of units to be determined at reserved matters stage)	Flexible / inter-changeable Class B1 and/or Class B2 and/or Class B8
Employment site 2 (south)	2,055 sqm (GIA) (no. of units to be determined at reserved matters stage)	Flexible / inter-changeable Class B1 and/or Class B2 and/or Class B8

3.17 The application seeks outline planning permission granted expressly under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the proposed employment floor space. Class V permits;

- *Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.*

3.18 Permission granted on this basis will enable the employment floor space to be used as flexible units for either Class B1 and/or Class B2 and/or Class B8 use/s, so the development can respond quickly and flexibly to local needs / occupier interest / start-up space etc, without requiring further change of use planning permissions. An inter-changeable planning permission for a range of prescribed uses granted under Class V permitted development rights has a lifespan of ten years.

3.19 The outline component of the development is completed by the area of landscaping and open space separating the care home and bungalow development from the commercial uses. This is shown on the submitted landscaping plans and will be reviewed at reserved matters stage. As part of the landscaping works for the overall site, it is proposed to re-route the public footpath (PROW 3-45 FP-11) around the southern perimeter of the development.

3.20 An indication of how the outline components of the development are most likely to be laid out, and how they integrate will with the proposed detailed design of the bungalows and care home development and the drive-through coffee shop, is shown on the Illustrative Masterplan at Figure 3 on the following page. This is submitted for illustrative purposes only and is not for approval. Further visual material / CGIs have been commissioned and will be submitted in due course.



Figure 3: Illustrative master plan

Pre-application engagement

- 3.21 The content, format and timing of the proposed development has been discussed with the local planning authority since February 2016. It was originally intended to promote the site for inclusion in the emerging Housing and Economic Development DPD (HEDDPD) as a mixed commercial and road-side uses allocation and age-restricted bungalows, and submissions were made in response to the Issues and Options consultation and Call for Sites in October 2016. In May 2017 however, it was agreed to postpone promotion until the HEDDPD had been adopted and work had begun on a Local Plan Review which was expected in early 2018.
- 3.22 In the absence of the Local Plan Review due to the delayed examination of the HEDDPD, a scheme proposing commercial leisure, hotel and showroom uses, and a residential care home and age-restricted bungalows was developed in May 2018 as the basis for a planning application submission. This was discussed and refined, and formally submitted to the planning authority as a pre-application enquiry on 7th December 2018 (ref. RV/2018/ENQ/00124)
- 3.23 Feedback from officers, has confirmed that the principle of employment-generating uses is acceptable in this location (subject to compliance with retail and other related Core Strategy and NPPF policy tests) and accords with Core Strategy Policy EC1 which directs new economic development to locations 'well-related to the A59 corridor'. The employment mix has also been changed in accordance with officer advice to omit the hotel, leisure and bulky goods uses in favour of smaller-scale, conventional Class B1, B2 and B8 employment space for which there is an identified need, plus 'road-side uses' including a combined petrol filling station and 'local format' convenience store and a drive-through coffee shop, in response to operator interest.

- 3.24 Officer comments in relation to the proposed age-restricted bungalows have varied over time relative to the five year housing land supply position in the Borough, changing national policy and practice guidance (NPPF and PPG), relevant appeal decisions and the interpretation and application of relevant Core Strategy policies DS1 and DMG2 in the determination of planning applications. Officers have outlined the issues they consider this aspect of the planning application must address. No objection has been raised in connection with the proposed residential care home.
- 3.25 Officers have also confirmed that comprehensive development of the whole site must be proposed and ideally as a single planning application, rather than separate submissions for the commercial, residential and care elements. There is no objection to a 'hybrid' format planning application incorporating flexible (Class V) permitted development rights for the employment units, and early phasing of the proposed A59 access road, ground works and site infrastructure for the employment development will be supported in parallel with the first phase of residential development and/or the care home.
- 3.26 Officers have also explained the importance of achieving good quality design and using quality materials and landscaping in the scheme, and particularly in connection with the appearance of development on the A59 road frontage, including lighting and signage. Advice has also been provided in respect of relevant development management policy requirements, planning obligations and the level of environmental and technical information required to support the planning application.
- 3.27 All of the above points and officer advice provided by the local planning authority has been taken into consideration in formulating the development proposal and preparing the planning application.

4 Planning policy

- 4.1 Relevant policy is provided in the statutory development plan for Ribble Valley and in emerging development plan documents, the national planning policy framework and the planning practice guidance which are important material considerations.

Development plan

- 4.2 This presently comprises the Local Plan for Ribble Valley : Core Strategy 2008 - 2028 which was adopted on 16th December 2014. In the absence of an up to date Proposals Map, the settlement boundaries which are currently used to apply the policies of the Core Strategy are those defined by the proposals map of the superseded Districtwide Local Plan 1991 - 2006, and which will remain in place until revised proposals maps are produced as part of the emerging Housing and Economic Development DPD (HEDDPD) which has recently been examined.
- 4.3 It is acknowledged however that in many instances, including at Barrow, these historic settlement boundaries are substantially out of date and consequently, the Council has resolved⁵ to adopt the draft proposals map produced as part of the Regulation 18 HEDDPD consultation in August 2016 for development management purposes.
- 4.4 On this basis, it is considered that the up to date development plan context applying to the application site and proposed development, is that shown on the draft HEDDPD Proposals Map for Barrow - an extract of which is reproduced below with the site edged red. This approach is consistent with that taken by the Inspector in the allowed appeal at Henthorn Road, Clitheroe (APP/T2350/W/19/3221189) of 19th June 2019 (see Appendix 2 - paragraph 15) and the approval of application 3/2018/0924 by the Council on land southwest of Barrow for the development of 39 no. dwellings

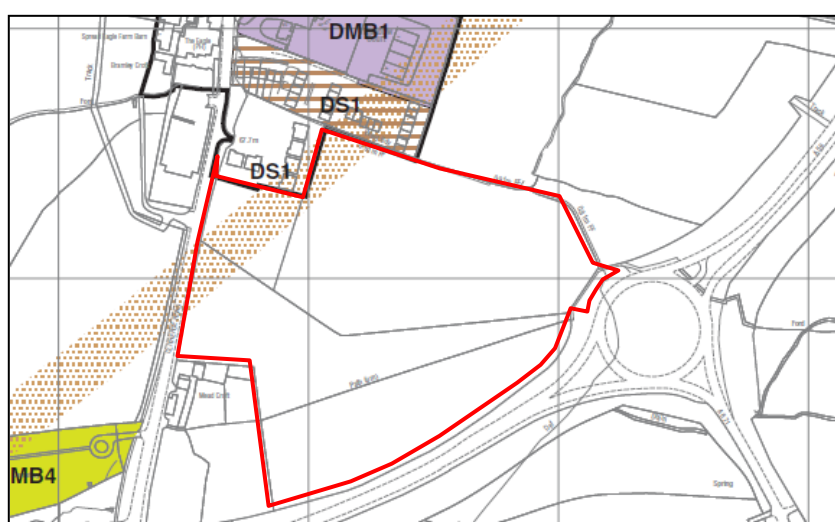


Figure 4: HEDDPD - draft Proposals Map for Barrow (extract)

⁵ At the 15th December 2016 meeting of the Planning and Development Committee

4.5 On this basis, the application site therefore comprises land within the countryside outside of, but adjoining, the up to date settlement boundary for Barrow. The key development strategy policies of the Core Strategy to be applied to the planning application in this context are;

- Policy DS1 this sets out the settlement hierarchy strategy for the Borough. Barrow is identified as one of nine Tier 1 Villages which are the second highest order and most sustainable of the defined settlements, where new development will be focused.
- Policy DMG2 this confirms that development proposals in Clitheroe, Longridge and Whalley and Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built up areas and ensuring it is appropriate to the scale of and in keeping with, the existing settlement. The Core Strategy Glossary defines 'rounding-off' as the development of land within a settlement boundary; 'consolidation' as locating development so that it adjoins the main built up area of a settlement and, where appropriate, both the main urban area and an area of sporadic or isolated development; and 'expansion' allows for limited growth of a settlement which is in scale and keeping with the existing urban area.
- Policy EC1 this confirms that new economic development will be directed towards Clitheroe, Whalley and Longridge as the preferred locations to accommodate employment growth, together with land at Barrow Enterprise Site, the Lancashire Enterprise Zone at Samlesbury and locations well related to the A59 corridor.

4.6 Other relevant Core Strategy policies are;

- Policy DS2 Sustainable development
- Policy H1 Housing provision
- Policy H2 Housing balance
- Policy H3 Affordable and older person's housing
- Policy DMG1 General considerations for all development
- Policy DMG3 Transport and mobility
- Policy DME1 Protecting trees and woodlands
- Policy DME2 Landscape and townscape protection
- Policy DME3 Site and species protection and conservation
- Policy DMH3 Dwellings in the open countryside and the AONB
- Policy DMB1 Supporting business growth and the local economy
- Policy DMB5 Footpaths and bridleways
- Policy DMR2 Shopping in Longridge and Whalley

Other material policy considerations

Emerging Housing and Economic Development DPD (HEDDPD)

- 4.7 The Council began production of the HEDDPD in August 2016 (Regulation 18) with Publication (Regulation 19) in April 2017 and submission to the Secretary of State in July 2017 (Regulation 22). The Examination hearing sessions were originally scheduled for January 2018 but did not take place until November 2018 and January 2019. Main Modifications are proposed to the HEDDPD to include a housing supply buffer of 190 no. dwellings across five additional site allocations, and post-hearing public consultation was carried out between March and April 2019.
- 4.8 The proposed Main Modifications were discussed at the hearing sessions where the Inspector focused on the Council's housing land supply and the appliance of the Core Strategy policies DS1 and DMG2 in the determination of residential planning applications. The Council's case in response to objectors' comments that a greater reserve of additional sites should be allocated to provide increased headroom, was that no additional planned supply is needed in the draft HEDDPD because the Council's approach to settlement limits is a flexible one as Core Strategy policies allow windfall residential development on the edge of existing settlements.
- 4.9 The appliance of Core Strategy policies was debated and at the Inspector's request, officers provided details of planning applications granted for residential development within sustainable locations but outside of the defined settlement boundaries, at times when a five year housing land supply existed, to demonstrate how the policies are applied flexibly within the Borough to ensure that the supply of new homes is 'significantly boosted'. This is confirmed in Section 1 Paragraph 5 of the Main Modifications consultation document which states; (as underlined);
- The Council has subsequently revised its Housing Land Supply Evidence (September 2018) and holds the view that it can demonstrate a 5 year supply of housing as required by Government guidance. The previous (July 2018) 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 HEDDPD to secure a stable and robust supply position which is capable of being delivered. 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.
- 4.10 As such, it must be recognised that following the Examination hearing sessions and as set out in the proposed Main Modifications document, Policy DMG2 of the Core Strategy should not be applied in isolation and nor should it be interpreted in such a way that would entirely restrict the development of all new open market dwellings in the countryside adjoining settlement boundaries.

- 4.11 The position is confirmed by the Inspector's Report which was received on 10th September 2019. The Inspector's endorsement of this approach to ensure that the Core Strategy housing requirement is met as a minimum and a five year housing land supply is maintained at all times, is set out in paragraphs 9, 22, 23 and 24 of his Report as follows;

Paragraph 9it is in this sense that this site allocations Plan has a role to play in helping to maintain a rolling 5-year supply of housing land rather than demonstrating that the Council has a 5-year supply at any particular point in time.

Paragraph 22since that time the Council has prepared the HLAS Report, July 2018 which led to a revision of its housing land supply position as it became clear that the Core Strategy requirement was unlikely to be achieved without the addition of further housing land.

Paragraph 23 In response, the Council undertook consultation on additional sites to be proposed as MMs in July 2018 and revised its Housing Land Supply Evidence (September 2018). While the Council holds the view that the revised housing land supply evidence demonstrates that it has a 5-year housing land supply (including buffer) but requires further allocations to ensure a flexible supply, for the soundness of the Plan, I need to be satisfied that the housing requirement identified in the Core Strategy can be met.

Paragraph 24 To this end, I agree with the Council that 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. As submitted, in my judgement, the Plan would not contain sufficient housing land allocations to enable Core Strategy Key Statement H1 to be realised. The Council therefore proposed that additional sites should be identified from those that came forward in response to the July 2018 consultation.

Five year housing land supply

- 4.12 The most recent assessment of the five year housing land supply position in Ribble Valley is provided in the allowed appeal decision (APP/T2350/W/19/3221189) at Henthorn Road, Clitheroe of 19th June 2019 (see Appendix 2 - paragraph 38).
- 4.13 The Inspector concluded that the supply is 5.07 years. Whilst this constitutes a supply above five years, such that policies for the supply of housing as set out in the Core Strategy remain up to date and the tilted balance in paragraph 11d of the Framework is not engaged (as the Inspector confirms at paragraph 39), the supply is extremely marginal and vulnerable to change. It therefore remains the case that additional housing supply is required to achieve a robust five year supply position, and planning applications for new housing development that will contribute to boosting the five year supply, should be given significant positive weight.

- 4.14 Aside from the degree of positive weight that should be given to the proposed bungalows on this basis, the Henthorn Road appeal confirms that the ability to demonstrate a housing land supply exceeding five years is not a constraint to development due to;
- the acknowledged need to boost supply across the Borough given the marginal supply figure of just 5.07 years;
 - the strategic housing requirement being a minimum and not a ceiling, and;
 - the flexible approach the Council is committed to taking towards settlement boundaries and suitable windfall housing development which must be permitted to come forward on the basis that Policy DMG2 must be applied positively (as confirmed in the HEDDPD Main Modifications) and regardless of the existence of a housing land supply in excess of five years.

Strategic Housing Market Assessment (SHMA)

- 4.15 Although the original 2008 SHMA and its 2013 update are both now dated, they highlight that a key housing priority for the Council over the current plan period and beyond, is to meet the accommodation needs of the ageing population in Ribble Valley and fast-growing number of older-person households. They highlight that the Borough lacks sufficient specialist housing stock that is suitable for older people, and that there is high demand for open market bungalows and a shortage in locations where older people wish to remain living independently for as long as possible within their communities.
- 4.16 Section 11.3 of the 2008 SHMA considers the housing requirements of older people in Ribble Valley in detail. It recognises that as people live longer the quality and availability of suitable housing becomes a key factor in determining their quality of life as they spend increasing time at home. In this respect, the housing market must not only meet their needs but also match their expectations and aspirations.
- 4.17 Based on 2001 data⁶, the SHMA explains that almost one quarter (23%) of the Borough population of 53,962 is aged over 60 and 4.3% is aged over 80. The proportion of older-person households in the Ribble Valley (25.8%) is higher than the northwest region (24.0%) and residents have a higher life expectancy than the UK average. The majority of older people (77.1%) live in owner occupied accommodation and many have equity in their homes, and most wish to be able to continue living independently in their own home for as long as possible. The SHMA indicates that the over-65 population is forecast to increase by over 8,700 before 2029.
- 4.18 The SHMA was informed by stakeholder engagement which recorded a perceived lack of suitable housing developments for older people in Ribble Valley who want to 'downscale' from their current home, and it recommended that further consultation was carried out to explore the available options for older people and their housing preferences in terms of property type, size, location, price and tenure.

⁶ Data from the 2001 Census

- 4.19 The SHMA recommendations to address the specialist housing requirements of the ageing population are therefore recognised in the Core Strategy (Policies H2, H3 and DMH1) which acknowledges that providing housing for older people has, and continues to be, a long-standing priority for the Council, and that the housing market has not kept pace with demand and delivered the type/s and choice of accommodation older people prefer and expect in sufficient scale. In the most recent available Annual Monitoring Report of 2017, Core Strategy Indicator 17 which measures the success of Policy H2 against a target of 'achieving a positive net increase in older persons' accommodation', shows that specialist housing (e.g. bungalows and over 55 housing) represented less than 1% of the total housing permissions approved for that monitoring period.

Ribble Valley Corporate Strategy 2015 - 2019

- 4.20 This confirms that Priority 5 of the Council's corporate objectives is to match the supply of new homes with identified housing needs. The Council aims to meet the housing needs of all sections of the community in Ribble Valley and specifically, to implement measures to address the specific housing needs of older people.

National Planning Policy Framework 2019

- 4.21 This sets out the Government's planning policies for England and how they should be applied. It requires local planning authorities to apply a presumption in favour of sustainable development which means, as paragraph 11c explains, that development which accords with an up to date development plan should be approved without delay. Relevant sections of the NPPF include;

Paragraph 7 The purpose of the planning system is to contribute to the achievement of sustainable development;

Paragraph 11 The presumption in favour of sustainable development lies at the heart of the Framework. For decision-taking this means approving development where it accords with an up-to-date development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting permission unless adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the Framework indicate development should be restricted.

The supporting technical reports accompanying the application demonstrate that the proposed development will not result in unacceptable adverse impacts that would significantly and demonstrably outweigh its benefits. The application site is also not the subject of any of the designations referenced in Footnote 6 of the Framework and therefore there are no policies which indicate the presumption should not be applied.

- Paragraph 59 A key objective of the Framework is to significantly boost the supply of homes by ensuring a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are met and that land with permission is developed without unnecessary delay;
- Paragraph 61 The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent and people wishing to commission or build their own homes).
- Paragraph 64 Where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development; a) provides solely for Build to Rent homes; b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); c) is proposed to be developed by people who wish to build or commission their own homes; or d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.
- Paragraph 73 Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of either 5%, 10% or 20% to ensure choice and competition in the market for land and where a planning authority wishes to demonstrate an annual five year supply position statement or via a recently adopted plan, or there has been significant under delivery over the previous three years.
- Paragraph 81 This confirms the Government is committed to securing economic growth and that the planning system should positively and proactively encourage sustainable economic growth. This includes housing development which the Government recognises is a key component of economic growth;
- Paragraph 86 Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

- Paragraph 89 When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sqm of gross floor space). This should include assessment of: a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- Paragraph 102 Transport issues should be considered from the earliest stages of development so the potential impacts of development on transport networks can be addressed and to encourage opportunities to promote walking, cycling and public transport use.
- Paragraph 109 Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe;
- Paragraph 117 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Paragraph 122 Development should make efficient use of land taking into account the need for different types of housing and other development and the availability of suitable land; market conditions and viability; availability and capacity of infrastructure; the scope to promote sustainable travel; the desirability to maintain the character and setting of an area or promote regeneration; and the importance of creating well-designed, attractive, healthy and safe places;
- Paragraph 124 Development should achieve good design and create high quality buildings and places;
- Paragraph 155 Inappropriate development should avoid areas at highest risk of flooding and should be safe for its lifetime without increasing flood risk elsewhere;
- Paragraph 165 Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate;

Paragraph 172 Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.

Paragraph 175 When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Paragraph 178 Development sites should be suitable for proposed use/s taking account of ground conditions and any risks arising from instability and contamination;

Paragraph 180 Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

4.22 In determining planning applications, the 2019 Framework expects local planning authorities to;

Paragraph 38 Approach decisions in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area;

Paragraph 54 Consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and;

Paragraph 56 Planning obligations must only be sought where they; a) are necessary to make development acceptable in planning terms; b) directly related to the development; and c) fair and reasonably related in scale and kind.

Planning Practice Guidance

4.23 The Planning Practice Guidance is intended to supplement application of the NPPF and its policies. It was published in March 2014 and is a live document that is regularly updated. Extracts from the housing and retail sections of the Practice Guidance that are most relevant to the proposed development are reproduced below;

Retail assessment - sequential test

- How the sequential test should be used in decision-making
(ID 2b-011-20190722 - July 2019)

The application of the test will need to be proportionate and appropriate for the given proposal. Considerations that should be taken into account in determining whether a proposal complies with the sequential test are;

- whether the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly;
 - is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal, and;
 - if there are no suitable sequentially preferable locations, the sequential test is passed.
- How locational requirements should be considered in the sequential test
(ID: 2b-012-20190722 - July 2019)

Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.

Housing for older people

- Why it is important to plan for the housing needs of older people
(ID: 63-001-20190626 - June 2019)

The need to provide housing for older people is critical. People are living longer and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.

- The range of housing needs that should be addressed
(ID: 63-003-20190626 - June 2019)

The NPPF glossary provides definitions of older people for planning purposes, which recognise the diverse range of needs that exist. The health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.

- The different types of specialist housing for older people
(ID: 63-010-20190626 - June 2019)

Different types of specialist housing are designed to meet the diverse needs of older people, and include;

- a) Age-restricted general market housing: This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens, but does not include support or care services.
- b) Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hour on-site assistance (alarm) and a warden or house manager.
- c) Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an on-site care agency. Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.
- d) Residential care homes and nursing homes: These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes.

The above list is not definitive and any single development may contain a range of different types of specialist housing.

- How can the viability of proposals for specialist housing for older people be assessed?
(ID: 63-015-20190626 - June 2019)

Viability guidance states that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Such circumstances could include types of development which may significantly vary from standard models of development for sale (for example housing for older people).

- Should LPAs count specialist housing for older people against their housing requirement? (ID: 63-016a-20190626 - June 2019)

Plan-making authorities will need to count housing provided for older people against their housing requirement. For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data.

Housing for Older People - Wider Policy, Research and Guidance

4.24 The up to date comprehensive Planning Practice Guidance of June 2019 reproduced above, results largely from the advice given to the Government by the Housing, Communities and Local Government 2018 Select Committee inquiry into Housing for Older People. This is summarised below together with other ministerial statements, Government agency research and housing and planning consultations that have informed the Practice Guidance.

4.25 A wide number of other research papers, guidance and media reports published by charities and organisations specialising in the provision of housing for older people⁷ are also relevant to the consideration of the planning application and a selection of these is summarised below. They collectively demonstrate the strategic need to promote and deliver more and better forms of retirement housing options and choice for over 55s and older people, including the need for high quality private bungalows and the benefits they provide.

Housing for Older People - Parliamentary Select Committee Inquiry⁸

4.26 The Government's response to this Inquiry into Housing for Older People published in September 2018, was the catalyst for the revisions and provisions for Housing for Older People added to the NPPF and Planning Practice Guidance in June 2019 as summarised above.

4.27 The Inquiry, which follows the report of an earlier House of Lords Select Committee⁹, was convened to examine whether the amount and type of housing currently available to older people is sufficiently available and suitable for their needs and, in doing so, to consider how older people wish to live. It also took the context of significant housing shortages, rising numbers of older people and pressures on health and social care budgets into account. It heard evidence from the Elderly Accommodation Counsel, retirement, care and specialist housing developers, housing research consultants, local authorities, affordable housing providers and social welfare professionals.

⁷ These include Elderly Accommodation Counsel (EAC), the Housing Learning and Improvement Network (Housing LIN), Centre for Better Ageing, Help the Aged, Shelter, DEMOS and the NHBC.

⁸ Government response to the Second Report of Session 2017-19 of the Housing, Communities and Local Government Select Committee inquiry into 'Housing for Older People' (CM 9692) - September 2018

⁹ Report of Session 2012-13 of the House of Lords Select Committee on Public Service and Demographic Change - 'Ready for Ageing?' (HL140) - March 2013

4.28 The Government Response to the Committee's recommendations begins by acknowledging that the Country has a rapidly ageing population and the needs of older people now, are different from previous generations and their aspirations around housing and lifestyles have changed dramatically. The Government is committed to offering older people a better choice of accommodation can help them to live independently for longer, improve their quality of life and free up more family homes for other buyers. It also recognises that ensuring the right and adequate housing for older people can reduce costs to the social care and health systems.

4.29 Other recommendations from the Inquiry and the Government's response, in addition to the changes to the Planning Practice Guidance, are summarised below;

- Recommendation: The right kind of housing can keep people healthy, support them to live independently and reduce the need for home or residential care.

Response: The Government will continue to consider the range of housing available to older people, including new innovative models and those which support interactions across generations.

- Recommendation: There is a shortfall in supply of specialist homes in general and particularly for private ownership and rent and for the 'middle market'. This limits the housing options available to older people and the opportunity to derive the health and wellbeing benefits linked to specialist homes. Specialist housing, and particularly extra care housing, can promote the health and wellbeing of older people and their carers, leading to savings in spending on health and social care.

Response: A safe and suitable home may be a housing option with increased levels of care and support, and it is crucial that enough of this kind of housing is provided. What constitutes a safe and suitable home is different for different people, so we want to provide access to as many different options as possible.

- Recommendation Given the enduring popularity of bungalows among older people and their accessibility features, more councils and developers should consider the feasibility of building bungalows.

Response: We agree that local authorities should be planning for the future housing needs of older people so that they are able to live safely, independently and comfortably in their homes for as long as possible, or move to more suitable accommodation if they so wish. That is why planning guidance makes clear that local authorities should be planning for various general housing options, including bungalows, which are suitable for independent living for older people.

Ministerial Press Release: Better homes and bungalows for Britain's older people

4.30 This press release of 21st March 2015 confirms the Government's support for older people to be given a greater choice of where they live during retirement. It makes clear that local authorities have a responsibility to ensure the needs of older residents are met when planning for new homes, and a wide range of different properties are built to meet the diverse housing needs of an ageing population, including high quality purpose-built bungalows.

Housing White Paper : Fixing our broken housing market (February 2017)

4.31 Preceded by the statement from the Secretary of State at that time, Sajid Javid MP, that 'in the face of a housing crisis, the Government would ensure that developers offer a "proper supply of suitable smaller homes" so that people are able to downsize as they get older', the White Paper set out a number of proposals for reform of the planning policy to improve the supply and choice of specialist housing for older people. It proposed to;

- improve options for older people;
- simplify the process of identifying housing requirements, particularly for different groups, such as older people;
- acknowledge that people are living longer;
- help people to live independently for longer through the provision of suitable accommodation, reducing burdens on health and social care, and;
- explore ways to stimulate the market to deliver new homes for older people

4.32 In a wider context, the White Paper also aims to open the market to SME house builders to address the current reliance on the small number of volume builders delivering older peoples' housing, of which the majority develop retirement apartments rather than bungalows. This will ultimately result in localised benefits and boosted delivery on smaller sites.

Planning for the Right Homes in the Right Places

4.33 In September 2017 the Government issued this formal consultation to further consider proposed measures set out in the White Paper. It contained a dedicated section relating to planning for older people and sought to improve guidance for local planning authorities as to how they should assess need for this demographic. The document also acknowledges that a range of housing types are required to meet older peoples' need including general market housing.

Housing our Ageing Population - Local Government Association

4.34 In parallel with the Right Homes in the Right Places consultation, the LGA published this study of current need and an assessment of good practice within local authorities. The study is set against projected household growth, showing in that between 2008 and 2039, 74% of households will include someone aged 65 or older. A series of recommendations are derived from evidence provided by industry professionals and stakeholders which are intended to appraise the government, policy makers and local authorities of the opportunities available to meet the needs of an ageing population.

- 4.35 The LGA report confirms the acute and urgent need to provide greater housing choice and an improved offer for older people. As a result of extended life expectancy, many retired people wish to remain in the same areas and live active and independent lives until they may choose to move to supported living. In the interim however it is recognised that there is a “chronic under supply of high quality, affordable or desirable accommodation in the right locations”. Councils can help to address this by ‘facilitating and promoting the supply of housing for older people through their local plan and support of well targeted and considered housing proposals.’

The Future of an Ageing Population - Government Office for Science

- 4.36 Amongst the wider analysis in this 2017 research, is an assessment of the changing demand for housing and how that should be met. The demand is driven by the reasons referred to above and accounting for a lack of suitable stock. This subsequently impacts on the housing ladder due to longer term occupation of properties designed for families, by older people.

‘Shortage of New Bungalows puts Elderly People at Risk’ - The Times (2017)

- 4.37 This is one of many articles reported in the media in the last two years and refers to research by the National House Building Council which found;

- House builders are not constructing enough bungalows as profit margins are lower than two storey dwellings;
- the number of bungalows built each year has reduced from 30,000 to 2,210 in the past 30 years;
- whereas bungalows once represented 1 in 6 of all new dwellings constructed in England and Wales, the figure now stands at 1 in 63, and;
- consequently developers may stop building bungalows all together in the next 5 years without Government intervention.

- 4.38 In response to the study and within the same article, the Home Builders Federation (HBF) commented on the issue in relation to the impact of land values and viability. It’s Director of Communications explained that;

- Land is at a premium and landowners know what they can sell land for, so in many cases it is not viable to build bungalows because the number of rooms you get compared to a two or three storey house is lower. There are solutions available through the planning system where local authorities allocate land for retirement housing only and this is reflected in sale price to the developer.

‘Lack of Suitable Homes for Older People fuels the Housing Crisis’ - The Guardian (2019)

- 4.39 This recent article explains the recent qualitative trends among the over 55 population and their housing choices. It shows that the type, quality and amount of living space and the location of housing, are increasingly important factors influencing people’s choice of housing as they age and their needs and priorities change. A lack of indoor and outdoor space and accessible and adaptable single floor accommodation, are cited as key barriers preventing active older people moving (downsizing) to mainstream and retirement housing, together with the lack of supply and choice in the communities where they currently live and want to remain.

Moving Insights from the Over 55s : What Homes do they Buy? - NHBC

- 4.40 This report highlights the fact that the housing market for over 55s offers limited choice and available housing options delivered by the private retirement housing market do not meet all households' quantitative and qualitative needs and aspirations - i.e. a 'one-size-fits-all' approach is not fit for purpose and a lack of choice and availability is preventing older households moving from over-sized and/or unsuitable properties into purpose built housing for older people.

Rightsizing : Reframing the Housing Offer for Older People - Housing LIN

- 4.41 Despite common assumptions that older people want to downsize to a smaller property or enter sheltered accommodation as they age, this 2018 research confirms that increasing qualitative requirements are overlooked by the retirement housing industry and people over 55 are motivated by the same desires as younger age groups. For example, wanting additional space and a guest bedroom for visiting family, grandchildren and friends, having suitable outdoor garden space, having an outdoor area and room for a pet, having a garage and room to store belongings and equipment, and moving to a nicer area with similar neighbours.

- 4.42 For these reasons, the development industry and local authorities must shift their emphasis from 'downsizing' to 'rightsizing' and providing better and more diverse options, including private bungalows, when planning for older peoples housing provision. Rightsizing is defined as;

- Rightsizing: an older person's active, positive choice to move to a new suitable home as a means of improving their quality of life

- 4.43 The research reveals that many over 55 households cannot move home in the way that they would like due to a lack of suitable housing options. There is a lack of appropriate mainstream residential development (such as bungalows) that serves the needs of older people¹⁰. The current focus on providing extra-care housing and retirement living might be serving the needs of some particular groups, but these are not suitable for everyone and are not always within the areas where people have established social networks.

Bungalow Living : An Attractive Alternative for Downsizers - Housing LIN

- 4.44 Building on earlier research¹¹, this report highlights the benefits of high quality private bungalows as a housing choice for over 55 people considering relocation (and releasing equity) from larger family housing. It explains that there is little choice for older people who want to make their last house move into a dwelling that is future proof.

¹⁰ The longstanding under supply of bungalows relative to demand is reported in the 2012 Policy Report by Shelter : A better fit? - Creating housing choices for an ageing population.

¹¹ 'Top of the Ladder' 2013 - Research by DEMOS which highlights the lack of choice of suitable homes for older people to downsize

- 4.45 The majority of owner occupier two-person households in the UK live in a three bedroom home as retiring couples require more space as they spend more time at home rather than at work; spare rooms are used for home working and hobbies, and space is needed to accommodate visits from children and grandchildren, as well as regularly providing child care for working parents, and they want storage space for belongings and possessions. They also want some private garden area for enjoyment, outdoor relaxation, socialising and keeping pets, and they want garage space and parking for at least one car. It is plain that a typical two bedroom retirement apartment within a managed communal setting does not accommodate this lifestyle.
- 4.46 Bungalows offer the product that many households desire but which the industry does not deliver in sufficient numbers and in terms of quality and location. The best housing for older people in later life increases well-being, reduces care home admissions and offers major savings to the health service. However, the amount of such stock is reducing in proportion to the rapid increase in older people.

Retirement Housing Policy Position Paper - Age UK (July 2019)

- 4.47 This recent policy statement issued by Age UK confirms a number of up to date key statistics concerning the older peoples' housing market, reflecting the growing preference for suitable mainstream housing such as bungalows (private sale and leasehold), alongside conventional retirement housing apartments and larger complexes / villages.
- 4.48 It reports that the ability to continue living independently for as long as possible in suitable mainstream housing, is the first choice among older people requiring specialist accommodation, and that there is a shortfall of 400,000 in the number of purpose-built retirement homes for older people in England.

Later Life in the UK 2019 - Age UK

- 4.49 This factsheet provides key up to date statistics on the ageing population and later life in 2019 in the UK. It highlights;
- the UK has an ageing population (ONS 2018)
 - there are nearly 12 million (11,989,322) people aged 65 and above in the UK (ONS 2018)
 - in 50 years there are projected to be an additional 8.6 million people aged 65 years and over - an additional population roughly equivalent to the size of London (ONS 2018)
 - by 2030, one in five people in the UK (21.8%) will be aged 65 or over, 6.8% will be aged 75+ and 3.2% will be aged 85+ (ONS 2017)
 - 6.5 million households in England are headed by someone aged 65 and over - equating to around one-third of all households (ONS 2018)
 - 88% of the growth in the number of households between 2016 and 2041 is projected to be in households headed by someone aged 65+ (ONS 2018)

- the number of households headed by someone aged 65+ is projected to increase by 54% by 2041, which will bring the total number of households headed by someone aged 65+ to almost 10 million, whereas the number of households headed by someone under 65 is projected to grow by just 3% (ONS 2018)
- poor quality, poorly appointed, unsuitable, hazardous and incorrectly sized housing can lead to older people having reduced mobility, depression, chronic and acute illness, falls, social isolation, loneliness and depression (House of Commons 2018)
- appropriate housing can keep older people healthy, support them to live independent for longer and reduce the need for social care (House of Commons 2018)
- 93% of people aged 55+ prefer to live in mainstream private housing as owner occupiers or tenants (House of Commons 2018)
- only 5% of people aged 65+ live in specialist housing (all types) (House of Commons 2018)
- 64% of people over-55 choose suitable bungalows or single-storey ground floor properties as their preferred type of housing for retirement however there is a chronic shortage of supply (House of Commons 2018)
- Only 2,579 (net) new bungalows were built in England and Wales in 2017 - 2018, whereas in 1986 - 1987 the number of completions was 28,831 (NHBC 2018)

The State of Ageing in 2019 - Centre for Better Ageing (July 2019)

4.50 In common with the up to date Age UK research above, this separate independent research highlights common issues and draws similar conclusions. It reaffirms that most people want to continue living independently in their own homes for as long as possible but that due to the unavailability and lack of choice of high quality suitable mainstream accommodation, such as private bungalows, many older households continue to under-occupy over-sized and unsuited housing which is not being released for family occupation.

4.51 The research also shows that most over 55 and older people like to feel that they belong and are part of a local community and/or live among likeminded neighbours. This affinity with neighbourhood increases with age and is a further important qualitative factor in older peoples' housing choices and decisions.

5 Planning assessment

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole, and states that 'if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. These requirements are embodied in the 2018 Framework which is a principal material consideration and should be given substantial weight.

5.2 On this basis, the key issues to be considered in determining the planning application are;

- The principle of development
- The merits of residential care provision and age-restricted bungalows
- Housing land supply
- Affordable housing provision (Affordable Housing Statement)
- The merits of employment-generating development
- Impact assessment and sequential testing of the proposed main town centre uses
- The effect of development on the character and appearance of the local area
- The effect of development on residential amenity
- Environmental and technical considerations;
 - Biodiversity, trees and hedgerows
 - Air quality
 - Noise
 - Drainage and flood risk
 - Ground conditions
 - Access and transport
 - Mineral safeguarding
- The planning balance

The principle of development

5.3 The proposed development has been designed and formulated as a whole so that first phase delivery of the care home and age-restricted bungalows will facilitate early construction of the A59 access road and the ground engineering and infrastructure works required to create the development platforms and serviced plots for the employment units and road-side uses. The principle of development must be considered in relation to each of the separate components of the scheme however and assessed against the corresponding Core Strategy policies. The two principal components for this purpose are shown on Figure 5 on the following page, and are;

- A) the 'residential development' which comprises the 48 no. age-restricted bungalows and the 64 no. bedroom care home occupying the western part of the site (blue tone), and
- B) the 'commercial development' which comprises the employment units, the petrol filling station and convenience store, and the drive-through coffee shop (pink tone).

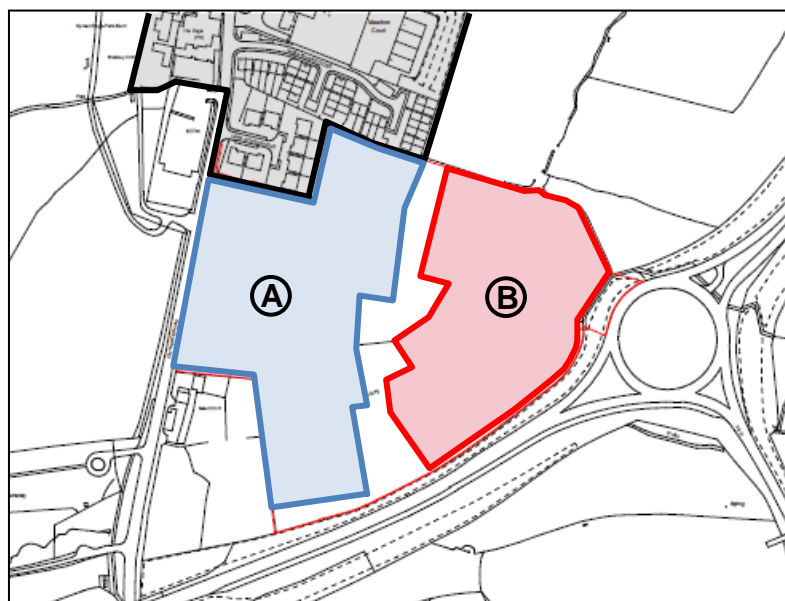


Figure 5: Component areas of the proposed development

- 5.4 On the basis of the location, form and extent of the proposed development and its relationship with i) the main built up area of the Tier 1 village of Barrow and its defined draft settlement boundary, and ii) the A59 road corridor, it is demonstrated that the proposal accords with relevant Core Strategy policy and is acceptable in principle for the following reasons.

Area A) Age-restricted bungalows and care home development

- 5.5 This part of the proposed development lies immediately south of the main built up area of Barrow and directly adjoins its settlement boundary as defined in the emerging HEDDPD (shown grey in Figure 5). It is therefore compliant with Core Strategy Policy DS1 and appropriately located in terms of strategically directing new development to Tier 1 villages.
- 5.6 This part of the proposed development also accords with Policy DMG2. This begins by stating that new development should comply with the Core Strategy development strategy and support the Spatial Vision. The development complies with Policy DS1 and therefore complies with the first part of Policy DMG2. The second part of Policy DMG2 requires new development at Tier 1 villages to either, 'consolidate', 'expand' or 'round-off' development so it is closely related to the main built up area and is appropriate to the scale of, and keeping with, the existing settlement.
- 5.7 Barrow is a linear settlement that has developed along Clitheroe Road / Whalley Road and subsequently, substantially in-filled / committed the land between the eastern edge of the village and the A59 for mixed housing and commercial development. The proposed bungalow and care home development will extend the southern edge of the main built up area by a distance of 150 metres along the Clitheroe Road frontage up to the detached property of Mead Croft. The form of development is consistent with, and maintains, the width of the developed area and defined settlement boundary immediately north, and to the rear of the residential curtilage of Mead Croft, the proposed development will be contained by the elevated embankment of the A59.

- 5.8 In terms of assessing whether the proposed type and amount of development is appropriate to the scale of Barrow, the following considerations are relevant;
- 1) Barrow is a large Tier 1 village in terms of the size of its developed area and the number of properties and households / population it accommodates. The main built up area defined by the emerging HEDDPD settlement boundary covers 62.5 hectares. The site area of the proposed residential development is 3.12 hectares in area, which means it amounts to a 4.8% addition to the developed area. This is considered to be a proportionate extension that is not out of scale with the size and morphology with the existing settlement.
 - 2) The proposed development will also be appropriate in scale in terms of its shape, built form and massing as the single storey bungalows will adjoin the existing bungalows at the southern end of Barrow and the two storey care home will be stepped and set into the slope of the ground to conceal its full height.
 - 3) The proposed development will also be appropriate to the scale of Barrow and its function and rank in the settlement hierarchy as a Tier 1 village, as it will not overburden or overload local infrastructure in terms of i) public utilities which the applicant has certified have sufficient network capacity available to serve the development; ii) local community services and facilities serving Barrow, and iii) the local highway and public transport networks. The site is also confirmed to be a sustainable location that is accessible to local services and facilities without being solely reliant on private transport.¹²
- 5.9 The development will be designed to follow the same design as the existing bungalows and the care home will be sympathetic to surrounding property and will use appropriate materials. It will therefore be 'in keeping' with the character of Barrow at this point. The development is considered to be in accordance with the requirements and criteria of Policy DMG2 on this basis, in that it comprises an acceptable 'extension' that is closely related to the main built up area of Barrow, and is appropriate to the scale of, and in keeping with, the existing settlement.

Area A) Age-restricted bungalows and care home development (alternative proposition)

- 5.10 In the event that the Council concludes the proposed age-restricted bungalows and residential care home development is not in accordance with the permissive provisions of the second part of Policy DMG2 in forming an acceptable and appropriate extension to the Tier 1 village of Barrow, it is considered that, alternatively, the development accords with the third part of Policy DMG2 and Policy DMH3 of the Core Strategy. This sets out the exceptional circumstances in which residential development is permitted in the countryside outside defined settlement areas, as recognised in the overall development strategy for the Borough in Policy DS1.

¹² As confirmed by the Inspector determining the appeal APP/T2350/W/15/3005882 of 30th July 2015 at Mead Croft, Clitheroe Road, Barrow adjacent to the site (see paragraph 24 of the decision letter at Appendix 1)

- 5.11 Support for this alternative proposition is provided by the development at Sheepfold Crescent in Barrow which was granted planning permission (3/2018/0910) on 14th January 2019. This application was for a development of 20 no. age-restricted bungalows for people aged 55 and over and 6 no. affordable apartments, on land outside but adjoining the settlement boundary. The application was recommended for approval on the basis that notwithstanding the proposed 8 no. affordable housing units within the scheme, the age-restricted bungalows for open market sale were considered to be 'specialist housing for which there is an identified 'need' within the Borough, albeit not expressly meeting the definition of 'Local Needs Housing' as defined within the Core Strategy'. This was considered sufficient to meet the exception set out in the second part of Policy DMG2 and is explained at paragraph 5.1.9 of the officer report to the Planning and Development Committee (see Appendix 3). Evidence of the merits of the residential care home and age-restricted bungalows proposed in this application is provided later in this Statement.
- 5.12 It is also relevant that in respect of the proposed care home, the Core Strategy is silent on the strategic need for additional Class C2 provision and specific development management criteria against which to determine new care home proposals. In this circumstance paragraph 11d of the NPPF indicates that the 'tilted balance' should apply whereby permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The demographic evidence of the merit and need for additional care home provision in Ribble Valley provided in support of the application is considered to outweigh any harm resulting from its development. This approach was taken in the allowed appeal (APP/X2220/W/18/3213086) of 4th July 2019 at Churchfield Farm, Sholden, Kent where the significant social benefits derived from a need for additional care home accommodation were held to outweigh any harm in the context of a silent development plan and absence of relevant policy (see decision letter at Appendix 4).

Area B) Employment units and road-side uses development

- 5.13 The eastern commercial part of the proposed development will provide flexible Class B1, B2 and/or B8 employment floor space and employment-generating road-side uses consisting of a combined petrol filling station and convenience store and a drive-through Costa coffee shop. The commercial development will occupy a 250 metre direct road frontage onto the A59 and will be provided with direct vehicular access from a fourth arm to be created onto the A59 / A671 roundabout. The site is a prime visible location at a key junction on the A59 corridor with direct access to Clitheroe, Preston / M6 and the M65 corridor.
- 5.14 Core Strategy Policy EC1 sets the spatial strategy for economic development in Ribble Valley. In addition to the planned strategic employment land supply and directing new business and employment development to the main towns of Clitheroe, Whalley and Longridge in accordance with Policy DS1, Policy EC1 supports windfall employment development at suitable locations well-related to the A59 corridor. As many sites which are 'well related' to the A59 corridor are in countryside locations outside defined settlement boundaries, Policy EC1 provides the justification for employment development in the countryside that is not qualified by the strategic requirements of Policy DMG2, or Policy DMH3 which relates solely to residential development .

- 5.15 The proposed development of the eastern part of the application site for employment floor space and employment-generating road-side development, is therefore in accordance with Policy EC1 and acceptable in principle, subject only to relevant retail policy testing and general development management considerations. This has been confirmed by officers in pre-application discussions.

The merit of residential care provision and age-restricted bungalows

a) Residential care home (Class C2)

- 5.16 The Care Needs Assessment carried out to support the most recent proposal for new care home accommodation in Ribble Valley, is that prepared by Pinders Chartered Surveyors dated January 2017 in connection with outline planning application 03/2016/0927 approved on 16th April 2018 for a continuing care retirement community consisting of a 50 no. bedroom Class C2 care home and 60 no. assisted living apartments at Elker Lane, Billington.
- 5.17 The report quantifies unmet and forecast demand for care home bed-spaces in ten year intervals at 2016, 2026 and 2036 within an 8 km (5 mile) catchment radius of Billington, relative to the size and growth of the over 65 population (19,133 people) at that time. It shows that the number of older people likely to require residential care accommodation within the catchment area will be 936 no. by 2026 and 1,115 no. by 2036. Existing care home capacity at the time was 380 no. en-suite bed-spaces (single room occupancy) giving a shortfall of 409 bed-spaces in 2016. The shortfall was forecast to rise to 556 places by 2026 and 735 by 2036.
- 5.18 An up to date Care Needs Assessment has been prepared by HPC Ltd to support the proposed care home development at Barrow and accompanies the planning application. This is based on a smaller catchment (target area) and sample over 65 population (12,304) than the Billington report, using a 10 minute drive time which equates to a 6.5 km (4 mile) radius, but is consistent with the earlier findings. It confirms that the ageing local population within the catchment area contains higher than national average age cohorts for 45 - 54 year olds (10% higher), 55 - 64 year olds (15% higher), 65 - 74 year olds (20% higher), 75 - 84 year olds (20% higher) and 85 and over (25% higher), and that the proportion of people over the age of 85 in Ribble Valley will double by 2035, which is also higher than the forecast national growth rate for that age group. These patterns exist within the study catchment area and Borough-wide across Ribble Valley. By converting the older person population to a statistical demand, this confirms a current requirement for 441 no. bed spaces rising to 538 places by 2025 and 629 by 2030.
- 5.19 The current supply of registered bed-spaces (residential and nursing care) within the catchment area is 456 no. (of which 385 no. are registered for dementia care). These are provided in 442 no. bedrooms across 14 no. care homes. Seven of the care homes are registered for between 30 no. and 50 no. bed-spaces and there is only one care home with 50 no. bed-spaces or more, and four of these are outside Ribble Valley. The remaining stock of six homes are all below the threshold size of 30 no bed-spaces which is the industry benchmark for long-term viability. The average site of elderly care home closure nationwide is 28 no. bed-spaces. Three of these homes are within Ribble Valley.

5.20 The care home estate in Ribble Valley is also outdated. Most are converted accommodation and purpose-built homes are pre-2000 and dated in comparison to modern QCC standards and expectations. A key quality indicator and requirement for all new provision, is the need for single occupancy en-suite bedrooms for all residents as standard. The current stock of bedrooms provided by the 14 no. care homes in the catchment area is 456 no. but only 216 no. are en-suite bedrooms. Set against demand, there is consequently a current (gross) under-supply of 225 no. single occupancy en-suite bedrooms.

5.21 Subtracting the committed development at Elker Lane, Billington of 50 no. bedrooms and an extension for an additional 8 no. bedrooms at High Brake House Residential Care Home in Clitheroe¹³ gives a net shortfall of 167 no. en-suite bedrooms. Assuming zero attrition (which is unlikely) and zero net additional capacity is provided by the market, the shortfall increases to 264 no. en-suite bedrooms in 2025 and 355 no. in 2030. This is shown in Figure 6 below which is reproduced from the HPC report;

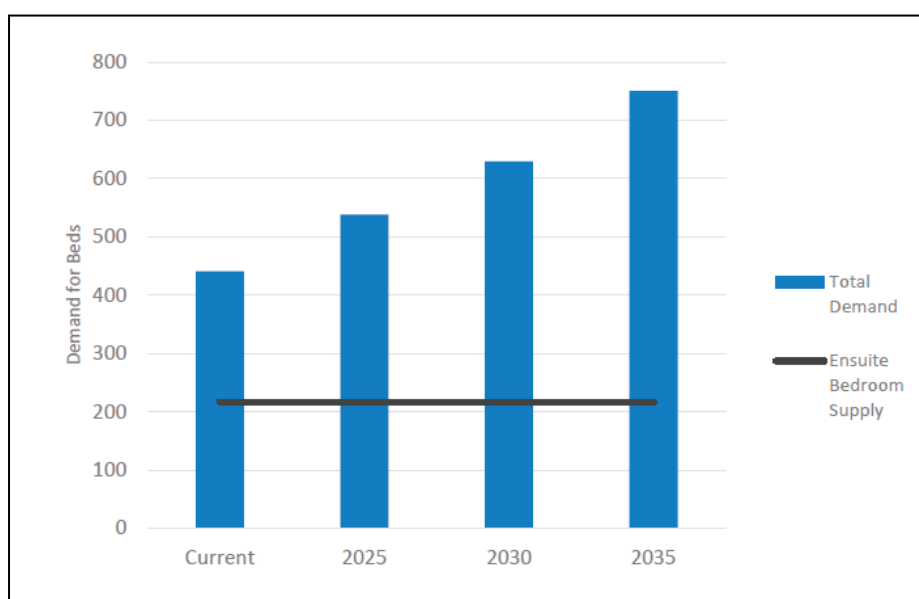


Figure 6: Current and forecast total demand for en-suite bedrooms and existing supply

5.22 With a fast-rising over 65 population, the demographic supply and demand data presented in the HPC report, as summarised above, demonstrates the clear need for additional good quality private C2 care home provision in the area immediate to Barrow, including Clitheroe, Whalley and the rural areas, as well as across Ribble Valley borough as a whole. The proposed care home will deliver significant social benefits on this basis that will not be significantly and demonstrably outweighed by any adverse effects, and is considered to be acceptable on this basis in the absence of specific development plan policy.

¹³ Planning permission 3/2018/0562 granted on 23rd July 2018

b) Age-restricted bungalows (Class C3)

- 5.23 Although the proposed bungalows are defined by the Government as a type of specialist housing for older people¹⁴ they are intended for private sale on the open market and therefore constitute a form of conventional Class C3 housing, albeit restricted in terms of occupation to households with one or more person/s over the age of 55.
- 5.24 On this basis, together with the Council's commitment to applying a permissive approach to windfall housing development and flexible settlement boundaries at Tier 1 villages as explained in the policy section of this Statement and by officers at the HEDDPD examination hearings, it is not considered necessary to justify the proposed bungalow development with evidence of housing need. This would only be necessary for the purposes of Core Strategy Policy DMH3 if the application site was free-standing in the countryside outside Barrow and did not directly adjoin its settlement boundary and thereby form an extension to the main built up area.
- 5.25 Nevertheless, there is a compelling quantitative and qualitative case in support of the provision of age-restricted bungalows as a highly-demanded and beneficial form of specialist retirement and older-persons' housing in the Ribble Valley housing market. These considerations are explained below.

1. Government policy, research and expert opinion

- 5.26 As set out in Section 4, there is a wide body of Government policy and research from the retirement and older peoples' housing sector which highlights the critical need to provide a greater quantity and more diverse choice of housing for older people as they live longer and society ages. The Government is clear that local planning authorities have a duty to ensure that they provide a sufficient amount and variety of suitable homes to meet the needs of older people so they are able to live safely, comfortably and independently in their own homes for as long as possible, and it recognises that housing needs and aspirations vary as people age and more of all types of specialist accommodation aimed at the older-persons' market is needed, ranging from age-restricted general market housing to high-level nursing care.
- 5.27 In this context, there is longstanding latent demand and growing new demand for age-restricted mainstream bungalows but a chronic shortage of supply because the market does not deliver the numbers required as volume house builders cannot reduce profit margins and specialist retirement developers prefer the serviced-apartment / retirement village model. The lack of supply is a key barrier to 'down-sizing' and means older person households and equity is tied-up in over-sized and under-occupied dwellings, which if released could result in many thousands of larger properties suited to meeting family needs becoming available. There is also a major shift in older households' quality expectations and aspirations, as the needs of today's independent older people are very different to previous generations' in terms of wanting greater indoor and outdoor living space and increased amenities in their homes.

¹⁴ Planning Practice Guidance : 63-010-20190626 - category (a) 'age-restricted general market housing'

2. Demographic and tenure drivers of demand in Ribble Valley

- 5.28 As the UK population continues to age, an increasing number of people are spending an increasing proportion of their lifetime in retirement. This is acutely evident in Ribble Valley which has a high and growing concentration of retired and older people and older-person households above the national average.
- 5.29 The up to date¹⁵ population estimate for Ribble Valley is 60,057 people which is an increase of 11% from 54,053 in 2001. The Borough's population is ageing at a considerably faster rate than the England average and the proportion of people aged 65 or more (14,154) is 23.6% compared to 18.6% nationally, and for people aged 80 or more it is 6.35% compared to 5% nationally. The percentage change in the over 65 population between 2017 and 2018 alone, was an increase of 2.18% (302 people) which is 55% of the total growth of 553 people and was the second highest rate of growth in that age group in all Lancashire districts. Due to the declining size of the 0 to 17 population and increasing life expectancy, the median age in Ribble Valley is now 48 years, having risen from 41 in 2001 and 45 in 2011, compared to the England average of 40 years.
- 5.30 The 2016-based population forecasts¹⁶ to 2041 show that population growth is expected to slow slightly in Ribble Valley but the rate at which the population will continue to age and the proportion of older people relative to the working age population will continue to increase. The percentage of people aged over 65 in 2016 was 34.65% and by 2041 it is forecast to be 47.6%, which is one of the highest percentages in England compared to the national average of 37.2%. Expressed as a percentage of the working population, the number of people aged over 65 was 41.3% in 2016 and by 2041 is expected to be 54.7%. This is illustrated by Figures 7 to 9 below.

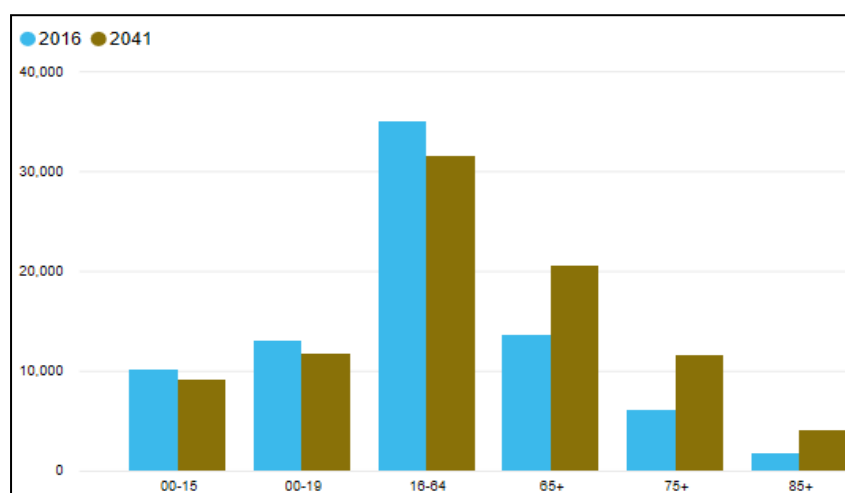
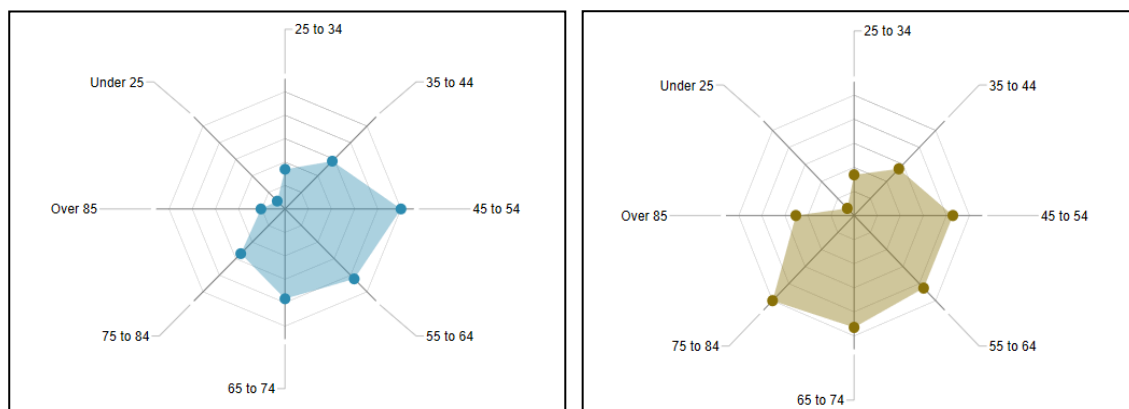


Figure 7: All persons in Ribble Valley by age group for 2016 and 2041 (ONS)

¹⁵ 2018 Mid-Year Population Estimates for England, Office for National Statistics, 26th June 2019

¹⁶ 2016 to 2041 Mid-Year Household Projections for England, Office for National Statistics, 20th September 2018



Figures 8 and 9: Composition of households by age group - Existing at 2016 and Forecast at 2041 (ONS)

5.31 Looking ahead in the shorter term by 15 years to 2034, the following population growth is predicted for Ribble Valley;

- 65 - 69 age group 1,086 additional people (33% increase)
- 70 - 74 age group 449 additional people (13% increase)
- 75 - 79 age group 736 additional people (31% increase)
- 80 - 84 age group 680 additional people (40% increase)
- 85 + age group 1,445 additional people (86% increase)

5.32 For the 65 + age group as a whole, the predicted increase to 2034 is an additional 4,396 people which is a 35% increase, and for the 85+ age group it is 2,125 additional people (63% increase).

5.33 In addition to demographic trends, the other significant factor influencing the type of housing provision for people approaching and already in retirement in Ribble Valley, is household lifestyle and tenure. The 2008 SHMA highlights that the ageing population in Ribble Valley is equity rich and cash poor, and that the majority of older people are home owners.

5.34 Data from the 2011 Census¹⁷ shows that the level of home ownership (owner occupiers) in Ribble Valley is 76.6% which is much higher than the UK average of 63.5%. Among the over 65 population, the tenure profile is;

Tenure	Percentage of over 65 population
Owner occupier	73.4%
Social rent	18.8%
Private rent	6.7%
Rent free	1.1%

¹⁷ Office for National Statistics 11th November 2014

- 5.35 This shows that the overwhelming tenure choice for older people living in Ribble Valley is home ownership.
- 5.36 This is also supported by the ACORN¹⁸ profile evidence for Ribble Valley. This shows that the district has a below-average number of people in the less affluent ACORN Types for older people who may require housing benefit to support them in retirement, and an above-average proportion of people in the affluent ACORN types i.e. 'better-off villages' (394), 'owner occupiers in small towns and villages' (202), 'settled suburbia, older people' (168), 'asset rich families' (132), 'retired and empty nester' (125) and 'large house luxury' (122), who are likely to self-fund their retirement whether it is in privately-owned market retirement housing or privately-rented retirement apartments and residential or nursing care.
- 5.37 In summary, Ribble Valley is therefore characterised by high and growing numbers of retired and older people and people approaching retirement, with a strong preference for privately-owned retirement housing and high levels of equity. This is reflected in discussions undertaken with local estate agents by Savills in 2019 on behalf of the Applicants, and customer enquiries made directly to the Applethwaite sales office and its selling agent Athertons, for its current development at 'Pendlebrook' at Peel Park Avenue in Clitheroe. The Ribble Valley market is precisely matched to the Applethwaite customer profile for its high-quality bungalow product, which is typically i) an early or recently retired couple aged between 55 and 70 living an active and independent lifestyle with children and grandchildren, or ii) a single, divorced or widowed older people wishing to retain living space, privacy and independence and not wishing to live in a serviced retirement complex with limited space, no private garden and communal facilities.

3. Quantitative demand

- 5.38 The Core Strategy, predecessor policy in 'Addressing Housing Need in Ribble Valley' and the 2008 and 2013 SHMA evidence base, acknowledge the longstanding unmet demand for bungalows in Ribble Valley; the high-levels of demand for second hand bungalow sales; and the shortage of new build supply resulting from the inability of the house-building industry to deliver bungalows in sufficient quantities and in the locations where they are most needed.
- 5.39 The Council is committed to meeting demand and Policy DMH1 of the Core Strategy was introduced to boost the supply of homes for older people. The policy is not delivering sufficient numbers of bungalows of the types and sizes, in the locations where they are needed to meet demand however. Discussions with Athertons and other local estate agents and enquiries made directly to Applethwaite, indicate that Whalley is by far the most popular location choice for older people in Ribble Valley but insufficient bungalows are built there due to high land values. Barrow is consequently a strong market location for bungalows and absorbs demand from both Whalley and Clitheroe and surrounding Tier 2 villages and rural parishes.

¹⁸ ACORN - 'A Classification Of Residential Neighbourhoods' (consumer classification system), CACI Ltd 2019

5.40 There are only a small number of specialist residential developers, of which Applethwaite is the most prolific, who exclusively deliver age-restricted bungalows for general market private sale. This type of bungalow remains vastly under-provided in Ribble Valley relative to the demographic characteristics of the Borough and statistical demand, as the following analysis of housing commitments granted¹⁹ in Whalley and Barrow between 2014 and 2019 demonstrates.

Application	Site	Total dwellings	Total bungalows	Market sale bungalows		
				No.	Bedrooms	Over 55
3/2014/0043	Lawsonsteads (Phase I)	54	0	n/a	n/a	n/a
3/2014/0753	Whalley Road	57	0	n/a	n/a	n/a
3/2014/0815	Riddings Lane	71	0	n/a	n/a	n/a
3/2015/0489	Lawsonsteads (Phase II)	160	0	n/a	n/a	n/a
3/2016/0344	Accrington Road	77	37	19	2	Yes
				6	3	Yes
3/2017/0628	Mitton Road	139	23	12	1	Yes
3/2018/0296	Whalley Road	3	3	3	3	No
Totals		561	63	40		37

Figure 10: Bungalows as a proportion of new housing commitments in Whalley from 2014 to 2019

Application	Site	Total dwellings	Total bungalows	Market sale bungalows		
				No.	Bedrooms	Over 55
3/2013/0169	Wheatsheaf Gardens	28	0	n/a	n/a	n/a
3/2013/0771	Middle Lodge Road	102	15	7	2	No

¹⁹ Excluding i) planning application 3/2018/0914 for the erection of 188 no. dwellings at Lawsonsteads (Phase II), Whalley and ii) application 3/2018/1149 for the approval of reserved matters for the erection of 23 no. dwellings at Old Row, Barrow which have been resolved to be approved but are currently undetermined.

3/2014/0725	Clitheroe Road	7	0	n/a	n/a	n/a
3/2014/1061	Lamb Roe Gardens	8	8	8	3	Yes
3/2016/0735	Hanson's Garden Centre	43	6	0	0	0
3/2017/0603	Clitheroe Road	9	9	3	2	No
				6	3	No
3/2018/0500	Clitheroe Road	10	10	1	2	No
				6	3	No
3/2018/0910	Sheepfold Crescent	26	20	12	1	Yes
				6	2	Yes
3/2018/0924	South west of Barrow (North)	222	16	0	0	0
3/2019/0012	South west of Barrow (South)	233	18	0	0	0
Totals		688	102	49		26

Figure 11: Bungalows as a proportion of new housing commitments in Barrow from 2014 to 2019

5.41 The analysis is summarised in the table below. It confirms that of the 1,249 new dwellings (all types) that were granted planning permission in Whalley and Barrow between 2014 and 2019, only 165 (13%) were bungalows. Of these, 76 (46%) are intended to be provided as affordable housing, meaning only 89 bungalows (54%) are intended for general market sale. The number of bungalows offered exclusively to the over 55 market is even lower (63 no. bungalows) and is just 5% of the total number of new dwellings approved - i.e. an average of 13 per year.

Dwellings approved in Whalley and Barrow between 2014 and 2019	No.	%
All dwellings	1,249	100
All bungalows	165	13
Affordable housing bungalows	76	6
General market sale bungalows	89	7
General market sale bungalows with over 55 age restriction	63	5

5.42 It is therefore very clear that Core Strategy Policy DMH1 is not effective at providing an adequate supply of age-restricted bungalows for owner occupiers as demanded by existing and future older-person households in Ribble Valley, and which the Government and older peoples' housing sector recognise as an under-provided and increasingly-needed type of specialist housing for older people so they may live safely, comfortably and independently in their own homes for as long as possible.

4. Qualitative demand

5.43 The analysis in Figures 10 and 11 shows a qualitative, as well as a quantitative, deficiency in the number of approved bungalows in Whalley and Barrow resulting from the application of Core Strategy Policy DMH1, and which must be addressed to meet existing and future older-persons' housing demand and aspirations. The composition of the 89 no. general market bungalows and the 63 no. age-restricted general market bungalows approved between 2014 and 2019 in terms of their size (i.e. number of bedrooms), is as follows;

Size of bungalow	All general market bungalows	Age-restricted general market bungalows
One bedroom	24 (28%)	24 (38%)
Two bedrooms	36 (40%)	25 (40%)
Three bedrooms	29 (32%)	14 (22%)
Totals	89 (100%)	63 (100%)

5.44 The analysis shows that the majority of the 89 no. un-restricted general market bungalows are two and three bedroom designs, whereas the majority of the 63 no. age-restricted general market bungalows are smaller, one and two bedroom designs with notably fewer three bedroom designs. This is a further effect of the application of Core Strategy Policy DMH1 whereby large house builders who are prepared to provide a percentage of bungalows within larger schemes, only provide small and lower-quality plots in order to achieve commercial profit margins. Conversely, smaller bungalow developments that are not subject to Policy DMH1, are not required to restrict occupancy to people over 55 and can achieve higher open market values.

5.45 As the evidence presented in Section 4 of this Statement and in the SHMA acknowledges, there is consequently a marked shortage of high-quality, larger (three bedroom) age-restricted general market bungalows for sale in Ribble Valley, and which people over 55 are increasingly demanding to meet their aspirations and space requirements for visiting family and friends, home-working and storage, and outdoor space for leisure and pets, and which serviced retirement apartments cannot provide. Only 14 (15%) of the 89 no. general market bungalows built in Whalley and Barrow between 2014 and 2019 were three bedroom designs for over 55 buyers and of these, only 8 no. have been delivered and were built by Applethwaite at Barrow.

5.46 As a specialist house builder, Applethwaite is uniquely placed to fill this gap in the market by providing high-quality, spacious three bedroom bungalows with garages and good-sized gardens, as well as one and two bedroom designs. The Company has the means and expertise to deliver exclusive bungalow developments of between 30 and 50 units and achieves higher sales rates than many house builders as a result. At its current development Pendlebrook at Peel Park Avenue in Clitheroe of 34 no. over-55 bungalows, ten of the first phase of 14 no. plots were reserved in the first week of being released for sale. The same level of interest and immediate sales was also achieved at Barrow when Lamb Roe Gardens was built in 2015/16.

5.47 It is also highly relevant that many older-person households often do not want to live in isolated clusters of bungalows set, or 'pepper-potted', within larger housing estates, and they are attracted to schemes in small towns and villages that offer peace of mind and the quality of lifestyle, residential environment and inclusive social fabric / neighbourly community they want, so they may live safely, comfortably and independently in their own homes for as long as possible. This logic applies to specialist retirement apartment schemes but is seldom applied to specialist private sale bungalow developments, although it clearly should be and is a strong and increasing evidenced-factor in older peoples' retirement housing choices. By offering 100% bungalow schemes, Applethwaite developments are designed to meet this market demand and appeal strongly to people over 55 who do not want to live within a large family housing estate and do not choose the communal retirement-living apartment and service charges model.

5. Benefits of age-restricted bungalows

5.48 The above assessment and evidence in Section 4 of this Statement confirms that the proposed provision of age-restricted general market bungalows for private sale, as a highly-demanded type of specialist older-persons' housing in Ribble Valley, will deliver a wide range of significant planning, social and economic benefits, and will help to realise other related health, welfare and housing objectives given priority by the Government. The proposed bungalows will contribute the following;

a) Social benefits:

- the development helps to address the acute shortage of age-restricted bungalows for general market sale in Ribble Valley and will meet the current (latent) and future needs of the ageing population and growing number and longevity of older-person households;
- the development responds to the Government's and older peoples' housing sector policy agenda calling for a wider range and choice of larger, higher-quality bungalows to meet the lifestyle requirements and aspirations of early and recently-retired and active elderly people, which volume house builders and retirement-apartment developers do not cater for;
- the development provides bungalows in a popular and sustainable location where several small, older-person and age-restricted bungalow schemes have been successfully developed including the previous scheme by Applethwaite;
- providing well-designed and inclusively-grouped, age-restricted bungalows for owner occupation enables older people to live safely, comfortably and independently in their own homes for as long as possible, within a secure, neighbourly and supportive environment, without fear of isolation and loneliness. The benefits to mental health and well-being are well documented, and tailored accommodation for people at the stage in their life where living in a community with neighbours becomes increasingly important, without compromising on quality, privacy and space for visiting family and friends and activities, and;

- the development helps to indirectly boost the supply of family housing in Ribble Valley by enabling older-person households to 'downsize' ('right-size') and move out of over-sized and under-occupied properties that are better suited to meeting family housing needs, and releasing / recycling this stock into the general market.

b) Economic benefits:

- by enabling retired and older people to live safely, comfortably and independently in their own homes for as long as possible, the development reduces pressure on local authority sheltered housing and care and nursing home places and resources, and local NHS health care and hospital budgets and step-down / step-up accommodation;
- the development generates increased household expenditure within the local economy from the proposed resident population, which will help to support and sustain local businesses supplying household goods and services to the local community;
- the development generates annual Council Tax revenue and New Homes Bonus for investment in the community, and;
- the development creates construction job and training opportunities and supply chain expenditure, and generates construction-related expenditure in the local economy.

5.49 These are important and substantial social and economic benefits which must be given significant weight in the consideration of the planning application.

Housing land supply

5.50 In addition to the significant benefits the proposed age-restricted bungalows will deliver in terms of meeting the specific housing needs and aspirations of retired and older people in Ribble Valley, the scheme will also assist in meeting the overall strategic housing need for the current plan period, including any residual requirement at Barrow, as well as boosting the short-term five year supply. These benefits are discussed below.

5.51 In terms of the overall Borough-wide housing requirement, sufficient land must be made available so that a minimum of 5,600 net additional dwellings are delivered between 2008 and 2028. Evidence²⁰ presented by the Council to the HEDDPD examination hearings in January 2019 confirms that 2,362 net dwellings had been delivered at December 2018, leaving a minimum residual requirement of 3,238 dwellings - i.e. an average of 340 dpa to 2028. Representors have criticised the ability of the committed and planned supply to deliver the residual requirement within time, calling for greater headroom to be provided by including an increased number of additional housing site allocations in the proposed Main Modifications to the plan. The Council response is that no additional site allocations are necessary as the Core Strategy Policies DS1 and DMG2 will be applied flexibility to permit suitable windfall development within and adjoining Tier 1 village settlement boundaries, as explained earlier in Section 4 of this Statement.

²⁰ Housing and Economic Development DPD Examination - Housing Position Paper of 5th December 2018

- 5.52 The proposed development of 48 no. bungalow dwellings adjoining the settlement boundary of a Tier 1 village will therefore make a valuable contribution to meeting the residual Borough-wide housing requirement in accordance with the approach intended by the Council. The 64 no. bedroom care home may also be counted towards the residual requirement applying a suitable household adult occupancy conversion factor.
- 5.53 In terms of meeting housing needs at Barrow, the Council's January 2019 HEDDPD evidence indicated a residual need of 43 no. dwellings as at 30th November 2018. The application at Sheepfold Crescent, Barrow (3/2018/0910) for 26 no. dwellings has since been approved on 14th January 2019, and planning permission (3/2018/0924) was granted on 18th June 2019 for a further 39 no. dwellings on the former allotments within the Barrowlands site. It is assumed there is no longer a residual need at Barrow on this basis, but this cannot weigh against the proposed development unless it can be demonstrated that exceeding the minimum requirement for the settlement would result in an unacceptable level of cumulative harm - i.e. evidence that existing infrastructure services and facilities could not adequately accommodate the additional level of growth. Nor can any 'in-principle' harm to the development strategy arise as it guides the majority of all new housing developments to the Principal Settlements and Tier 1 villages.
- 5.54 The proposed bungalows will also make a useful contribution to boosting the current five year housing supply position between 1st October 2018 and 30th September 2023 and are likely to be fully built-out during this time due to expected high demand. The Council hoped to demonstrate a supply of 6.1 years as reported in the September 2018 position statement, but this was reduced to 5.75 years at the beginning of the public inquiry for the Henthorn Road, Clitheroe appeal (APP/T2350/W/19/3221189) and confirmed to be further reduced to just 5.07 years supply in the Inspector's decision on 19th June 2019. This is barely above the minimum 5 year supply requirement and therefore extremely vulnerable to change and the Borough will easily fall into deficit should expected delivery from identified sites slip by a slight margin. Additional supply from an increased number of sources, and particularly small to medium unconstrained sites, is urgently needed to achieve a more robust supply and the proposed bungalow development will do this. This boost, and the overall contribution it will make towards meeting the Borough housing requirement, must be given significant weight in its favour.

Affordable housing provision

- 5.55 Whereas developers of large scale and mixed residential schemes can often absorb the subsidy and additional building cost of providing affordable housing and bungalows, without development becoming unviable, Applethwaite is unable to do this as a smaller-scale, specialist provider of mostly exclusive bungalow and/or care home developments.
- 5.56 For this reason, the Company is seldom able to provide affordable housing in full accordance with local planning authority policy requirements and is required to justify reduced or nil provision by producing viability appraisal evidence. The Council will be aware that this was the situation at Peel Park, Clitheroe in 2018, where Applethwaite's application (3/2018/0008) for the erection of 34 no. bungalows was approved with only 4 no. affordable units which represents 11% provision reduced from 30% as required by Core Strategy Policy H3.

5.57 The review of policy for older peoples' housing at Section 4 of this Statement contains several references where house builders and retirement developers explain that the reduced viability of bungalows is the principal reason why they are not delivered by the house building industry at the scale needed to meet older persons' demand. The Government has explained that it wants to see more bungalows built and so the recent June 2019 revisions to the Planning Practice Guidance (see Section 4 earlier) now reflect the need for planning authorities to carefully consider viability issues. The changes go further however and on the basis that age-restricted general market housing is now listed in the Planning Practice Guidance (ID 63-010-20190626) as one of four defined categories of specialist housing for older people, it is exempt from providing affordable housing by reason of paragraph 64 of the NPPF which confirms;

Paragraph 64 Where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

5.58 On this basis, it is not proposed to provide affordable housing (on or off-site) in connection with the proposed development in accordance with the revised Planning Practice Guidance and paragraph 64 of the NPPF. The conflict with Core Strategy Policy H3 cannot count against the application however as the policy is inconsistent with the NPPF.

The merits of employment-generating development

5.59 Core Strategy Policies EC1 and DMB1 support new employment and employment-generating development at the principal towns and strategic enterprise sites in Ribble Valley, and at locations that are 'well related to the A59 corridor'. Policy EC1 sets a minimum strategic requirement of 8 hectares of new land to be provided for employment purposes in appropriate and sustainable locations during the plan period to 2028.

5.60 To assess the merits of the planning application in this policy context, the application is supported by a Market Demand Report prepared by the local commercial property agent Trevor Dawson Ltd. This provides market commentary on the current availability of new and secondary industrial floor space (Class B1, B2 and B8) in Ribble Valley and its quality and location, and the market trends and occupier demand for new employment floor space which the proposed development is designed to meet.

- 5.61 In terms of the current supply of employment land and available premises, there has been limited new industrial growth and investment in recent years, with the majority of new development taking place at established industrial estates in Clitheroe, Longridge and Whalley rather than at new, high-quality and accessible greenfield sites. Previously allocated employment land at Barrow Enterprise Park has been developed for housing, road-side and leisure uses and latterly home wares retail, with a limited amount of B1/B2 and B8 floor space. Remaining land is available but unlikely to come forward in the short term. Other available land is at BAe at Samlesbury but is likely to attract more high-tech and specialist employers, and land at Higher College Farm at Longridge will come forward if land ownerships are resolved although this will not meet employment needs in the Clitheroe, Barrow and Whalley area. There is no other new land that is capable of being developed in the next three to five years in the three key centres or on the A59 corridor to meet general Class B1, B2 and B8 requirements.
- 5.62 Two redevelopment schemes have taken place since 2016 at Link 59 in Clitheroe and at Mitton Road Business Park at Whalley, and both have been successful in accommodating local SME demand and attracting new occupiers from outside Ribble Valley. Aside from this and the limited new floor space at Barrow Enterprise Park, existing industrial stock in the Borough is generally at least twenty years old with low eaves heights and lacking modern amenity in terms of specification and loading. There is no current stock available between 3,000 and 10,000 sqft.
- 5.63 In terms of demand and requirements, good road access and direct motorway links are crucial to occupiers for their suppliers and customers. This emphasises the importance of bringing forward sites that are accessible to the A59 and within 20 minutes of the motorway network. The proposed application site is extremely well-suited to the B1, B2 and B8 markets in Ribble Valley in this respect due to its direct access to the A59 and location at the A59 and A671 junction with direct links to the M6 and M65.
- 5.64 The proximity of the site to Whalley and Clitheroe is also important as changing work patterns lead companies to locate nearer to where their management and workforce live. This is typical of the working age demographic in Ribble Valley and a unique selling point of the Borough, albeit the provision of new, high quality employment floor space has fallen behind the scale and pace of new housing development and new employment site opportunities for small to medium occupiers are urgently needed. In this respect, Trevor Dawson Ltd has reported unsatisfied short term requirements from local companies for mid-sized units of between 3,000 and 10,000 sqft and of the order of 30,000 sqft in total.
- 5.65 In the above context, the proposed development has clear merit. The application site is one of the most prominent and accessible locations in the Ribble Valley on the A59 and is in single ownership and immediately deliverable. The amount of proposed floor space is limited but intended to be highly flexible so it can rapidly respond to market interest and occupier requirements, being particularly well-suited to new enterprises and start-ups. The proposed employment development therefore fulfils an important role in Ribble Valley and provides much-needed new supply in a highly suitable location. It is therefore in full accordance with Policies EC1 and DMB1 of the Core Strategy and acceptable in principle.

5.66 The Core Strategy is silent on the specific development of road-side uses and national policy does not require evidence of the need for their development to be demonstrated. By their nature and intended primary customer base, the proposed drive-through coffee shop (Class A3) and petrol filling station (sui generis) and incorporated convenience store (Class A1) must be located in proximity to the A59, and early marketing has confirmed there is strong operator demand. The proposed drive-through coffee shop unit will be occupied by Costa and an established northwest operator with a national retail franchise has expressed interest in the petrol filling station and convenience store.

5.67 Whilst not traditional employment uses, these elements of the development are clearly commercial in nature and will generate employment and benefits for the local economy. They are therefore considered to be economic development in accordance with and supported by Policies EC1 and DMB1 of the Core Strategy, subject to satisfying other relevant policies and the relevant retail and leisure tests of the National Planning Policy Framework applying to proposed main town centre uses in out of centre locations. These are considered in the next section of this Statement.

Impact assessment and sequential testing of the proposed main town centre uses

5.68 Although the proposed convenience store (combined with the petrol filling station) and the drive-through coffee shop elements of the proposed development are road-side uses aimed primarily at passing trade on the A59 and A671, they are nevertheless defined ‘main town centre uses’²¹ and fall within the remit of national and local policy regulating retail and leisure development in out of centre locations. The key details of the these proposed elements are as follows;

Main town centre use	Gross external area	Gross internal area	Net sales area	Parking spaces	Minimum site area
Convenience store (PFS)	530 sqm	486 sqm	280 sqm	24 no.	0.40 ha
Drive-through coffee shop	186 sqm	170 sqm	136 sqm	30 no.	0.25 ha
Combined	716 sqm	656 sqm	416 sqm	54 no.	0.65 ha

5.69 The application site has been selected as a location for the proposed range of road-side uses for two reasons;

- i) The high volumes of passing trade from business / commercial, commuter, visitor and local resident traffic on the A59, which is the principal transport corridor passing through Ribble Valley, and from the inter-section of the A671 transport corridor, and;

²¹ NPPF Annex 2 : Glossary

- ii) Potential to serve both passing trade and the adjacent settled and proposed residential and employment communities in Barrow and the surrounding area.

5.70 Potential operators that have expressed interest in the site, have been clear that a development at Barrow must meet customers' expectations and market demand, which requires more than simply the sale of fuels and motor vehicle services (e.g. air, water, car / jet wash, etc). The 'standard' business model for the road-side sector includes a comprehensive branded convenience retail offer, often with ancillary in-store concessions, and take-away food and drink and/or standalone recognised-brand drive-through coffee shop provision. Increased competition from supermarket petrol stations, increased fuel duty and fuel price inflation have resulted in significant competition in the petrol filling station sector resulting in significant reductions in the average margin per litre of fuel sold.

5.71 The sector has also been increasingly influenced by the change in peoples' shopping habits and the on-going shift of expenditure to more frequent top-up / day-to-day local convenience shopping and less frequent main food shopping at large supermarkets. The proposed convenience store format will complement the petrol filling station offer by opening (typically) from 06:00 to 23:00 seven days per week and trading from a maximum 280 sqm net sales area so it is not subject to Sunday Trading²² restrictions. Operators typically sell a limited range of goods across the following categories;

- Seasonal fruit and vegetable lines;
- General tinned, bottled and pre-packed groceries (ambient);
- Frozen and chilled foods;
- Beers, wines and spirits;
- Pre-packed bread, morning goods and cakes;
- Everyday non-food household items;
- Local / regionally sourced fresh produce, dairy and bakery goods;
- Confectionary, newspapers and magazines, and;
- Cards, cigarettes, flowers and lottery.

5.72 On the basis of the above, it is considered that both the proposed petrol filling station convenience store and the drive-through coffee shop will rely on passing trade for the majority of their sales, as defined by a five minute drive time along the A59 and A671 corridors. As a prominent site on these key strategic transport routes, it is unlikely that potential passing customers would divert into Clitheroe or Whalley town centres or supermarkets to refuel, and would continue until they reach a site on-route or near their destination. Likewise drivers that are attracted to advertised road-side services (i.e. the coffee shop / take-away food) are unlikely to have otherwise deviated into a town centre to find a similar outlet.

²² a 280 sqm net sales area falls within the definition of a 'small store' under the Sunday Trading Act 1994

5.73 It is expected that some customers will also visit the proposed convenience store and drive-through coffee shop on foot and are typically drawn from within a 500 metre (approximate) walking radius. It is unlikely that local residents and locally-employed people seeking to purchase convenience goods and/or take-away coffee and food, will visit the development if they have to use a car to travel more than five minutes or walk a greater distance than approximately 500 metres (i.e. five minutes walking time), and particularly if doing so would mean passing existing facilities.

a) Impact assessment

5.74 Paragraph 89 of the NPPF requires an impact assessment to be carried out for out of centre development that is not in accordance with an up to date development plan, if it exceeds a locally-set floor space threshold, or where there is no locally-set threshold, a default floor space threshold of 2,500 sqm. The nearest defined centres to the application site are Whalley which lies 1.4 km to the south and Clitheroe which lies 4.5 km north. The Core Strategy does not set a local floor space threshold for development outside the main shopping centre of Whalley and sets a threshold of 1,000 sqm for development outside Clitheroe town centre.

5.75 The floor space of the proposed petrol filling station convenience store and drive-through coffee shop fall well below the 2,500 sqm national threshold, and the 1,000 sqm local threshold insofar as it could be applied to development outside Whalley, both individually and accumulatively. On this basis, an impact assessment is therefore not required.

5.76 Notwithstanding this position, both Clitheroe and Whalley are healthy centres with strong convenience goods and coffee shop (food and drink) offers. It is therefore clear that by serving passing trade on the A59 and A671 and a highly-localised primary catchment area together with the limited scale and format of development, the proposed convenience store and drive-through coffee shop will not have a significant adverse impact on the current and future town centre vitality and viability of Whalley and Clitheroe, and existing, committed and planned investment in these centres.

b) Sequential testing

5.77 As explained above, the catchment area of the road-side uses component of the proposed development (comprising the petrol filling station with combined convenience store and the drive-through coffee shop) has been defined by a five minute drive time along the A59 and A671 road corridors and a five minute (approximately 500 metre) walking time radius from the application site.

5.78 There is no defined retail centre in Barrow and there are none elsewhere within the catchment area, and accordingly there are no sequentially-superior locations to which the proposed road-side uses could be directed that would serve the same localised and passing trade needs. The requirements of the sequential test are therefore satisfied on this basis.

5.79 For robustness however, a search for suitable and available sequentially-preferable sites that could accommodate a convenience store, a drive-through coffee shop or both (thereby demonstrating sufficient flexibility), has been carried out in and on the edge of the defined centre of Whalley on the basis that it lies in close proximity to the catchment area.

5.80 The policy background and technical requirements for carrying out a sequential test are set out in the Core Strategy and national planning policy and the planning practice guidance, and are summarised in Section 4 of this Statement. A number of legal authorities and Secretary of State decisions are also relevant to the context and basis upon which a sequential test is undertaken;

- *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13:

Paragraph 38 of this Judgement explains that;

'The issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority. I do not think this is in the least bit surprising, as developments of this kind are generated by the developer's assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism.....they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so.'

- *R on the application of Zurich Assurance v North Lincolnshire Council* [2012] EWHC 3708 (Admin):

This Judgement elaborates on *Tesco Stores Limited v Dundee City Council* and notes that in terms of the suitability of a site, it is important to recognise that developers 'work in the real world'. It states;

'Marks & Spencer had assessed the only available town centre alternative to the site and had concluded that a development that was smaller than that proposed, or one with a more restricted range of goods, was neither commercially viable nor suitable for their commercial requirements'.

- *Aldergate v Mansfield District Council & Anor* [2016] EWHC 1670 (Admin):

This Judgement similarly confirms that the purpose of the sequential test is to assess the development proposal for which planning permission is sought and not;

'.....some other proposal which the planning authority might seek to substitute for it which is something less than sought by the developer'.

- Rushden Lakes, Northamptonshire - appeal APP/G2815/V/12/2190175 June 2014:

This decision by the Secretary of State confirms that it is not necessary to disaggregate a proposed development into its individual constituent parts or units. Paragraph 8.47 of the Inspector's Report states;

'.....had the Government intended to retain disaggregation as a requirement, it would and should have explicitly stated this in the NPPF. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word "disaggregation" at the end of NPPF.'

5.81 The benefit of undertaking a sequential test, for added robustness, was discussed with the Council during pre-application engagement although its scope and a list of sites to be assessed were not agreed. A total of eight sites have been identified however and the merit of each in terms of being sequentially superior to the application site has been assessed in respect of their 'availability' and 'suitability'. The sites are;

	Site	Category
1	Land between King Street and Accrington Road (north side)	In centre
2	Land between King Street and Accrington Road (south side)	In centre
3	Bank Chambers, 65 - 67 King street	In centre
4	Land at Back King Street	Edge of centre
5	George Street car park	Edge of centre
6	Land at Springwood Drive, Lawsonsteads	Edge of centre
7	LCC Area Surveyor (East) Depot, Riddings Lane	Edge of centre
8	Land south of Accrington Road	Edge of centre

5.82 The results of the assessment of the availability and suitability of each site are summarised below and detailed Site Assessment Proformas are enclosed at Appendix 5.

Site 1 - Land between King Street and Accrington Road (north side)

5.83 This site measures 0.10 hectares. It is located to the rear of the Swan Hotel and comprises a well-used, functioning pay and display car park that is accessed from Accrington Road, and which serves the village centre and main shopping area on King Street.

5.84 The site is not available and is under-sized, and is therefore unsuitable to accommodate the proposed convenience store and drive-through coffee shop, or either component of the development in isolation. Consequently, the site is not a sequentially preferable alternative to the application site.

Site 2 - Land between King Street and Accrington Road (south side)

- 5.85 This site measures 0.16 hectares. It comprises a well-used, functioning pay and display car park that is accessed from Accrington Road, and which serves the village centre, Whalley Surgery, the Cooperative food store and Whalley Village Hall.
- 5.86 The site is not available and is under-sized, and is therefore unsuitable to accommodate the proposed convenience store and drive-through coffee shop, or either component of the development in isolation. Consequently, it is not a sequentially preferable site to accommodate the proposed development.

Site 3 - Bank Chambers, 65 - 67 King Street

- 5.87 This 0.02 hectare site comprises a vacant building and rear yard that was occupied by Barclays Bank until May 2018. The property is not currently advertised for sale or lease on the market and is not understood to be available. The premises are under-sized in any event, and therefore unsuitable to accommodate the proposed convenience store and drive-through coffee shop, or either component of the development in isolation. For these reasons, the site is not a sequentially preferable alternative to the application site.

Site 4 - Land at Back King Street

- 5.88 This 0.4 hectare site comprises a small business / industrial estate which is designated as protected employment land by Policy DMB1 of the Core Strategy. It contains a number of individual buildings and premises in multiple-occupation which are all in use and none are vacant and/or advertised as being available for sale or lease.
- 5.89 The land is capable of accommodating either the convenience store or the drive-through coffee shop component of the proposed development, however the site is heavily constrained by the existing buildings and adequate vehicular access cannot be provided to King Street. The site is also a 'back-land' location concealed behind properties on King Street and does not provide the visibility and frontage retail operators require.
- 5.90 The site is therefore neither suitable nor available on this basis and is not a sequentially preferable alternative to the application site.

Site 5 - George Street car park

- 5.91 This site measures 0.06 hectares. It is located to the west of the SPAR convenience store and comprises a well-used, private car park for customers visiting the George Street shops. The site is not available and is under-sized and therefore unsuitable to accommodate the proposed convenience store and drive-through coffee shop, or either component of the development in isolation. The site is not a sequentially preferable alternative to the application site on this basis.

Site 6 - Land at Springwood Drive, Lawsonsteads

- 5.92 This 0.9 hectare site comprises open land that is presently used by local residents for informal recreation. It forms part of the currently-undeveloped residual land that benefits from outline planning permission (3/2013/0137) granted on 16th July 2013 for mixed use residential development comprising up to 260 no. dwellings, a primary school, a vehicular link road between Clitheroe Road and the A671 and open space.
- 5.93 Whilst the site is large enough to accommodate the proposed convenience store and drive-through coffee shop and would be suitable, it is identified as the location for the committed one-form entry primary school in the outline planning permission and is therefore currently unavailable to accommodate the proposed development. The site cannot be considered as a sequentially preferable alternative to the application site on this basis.

Site 7 - LCC Area Surveyor (East) Depot, Riddings Lane

- 5.94 This 1.8 hectare site is in active use by Lancashire County Council as the Area Surveyor (East) Highway Depot. There are no known current proposals to dispose of the site for redevelopment and it is therefore not available.
- 5.95 Whilst the site is large enough to accommodate the proposed convenience store and drive-through coffee shop development, it is not a suitable location for retail uses due to its concealed location and means of access through a residential estate and lack of frontage onto a main road. Overall, it is not a sequentially preferable site to accommodate the proposed development.

Site 8 - Land south of Accrington Road

- 5.96 This currently-undeveloped greenfield site measures 2.9 hectares. It is owned by a housing developer and outline planning permission (3/2012/0179) granted on 25th June 2013 with reserved matters approval (3/2016/0344) granted on 10th March 2017, has been implemented for the erection of 37 no. bungalows and 40 no. retirement apartments.
- 5.97 Whilst the site is more than large enough to accommodate the proposed convenience store and drive-through coffee shop development, and is a suitable location for retail uses with good access and frontage onto Accrington Road, it is clearly not available to be considered as a sequentially preferable alternative to the application site.

Sequential test conclusion

- 5.98 The sequential assessment carried out above demonstrates that there are no sequentially preferable sites available in, or on the edge of, the centre of Whalley. The application site is available and suitable to accommodate the scale and form of the proposed development and therefore satisfies the sequential test as required by paragraph 86 of the NPPF and Policy DMR2 of the Core Strategy.

The effect of development on the character and appearance of the local area

- 5.99 The application is supported by a comprehensive Design and Access Statement prepared by the scheme architect Pozzoni. This confirms that the developed area of Barrow contains a mix of differing styles, forms, types, sizes and ages of residential property such that there is no single prevailing type of house or defining character within the village. Much of the village is also characterised by modern volume housing rather than traditional stone terraced housing and cottages. The proposed design of the age-restricted bungalows therefore responds directly to the adjacent development and takes its principal cues from the previous Applethwaite bungalows at Lamb Roe Gardens developed in 2015/16, and uses common architectural forms, designs, materials, finishes and colours.
- 5.100 There is no local design precedent for the care home and a bespoke scheme is proposed that responds to the site and local area in terms of its external appearance, split-level construction, and elevation detailing and materials, albeit the floor plan is designed to follow an established sector model and efficient configuration required by operators, whilst creating a quality environment and atmosphere for residents.
- 5.101 Other than the Costa branded drive-through coffee shop which is fully designed, the proposed employment-generating development and road-side uses are applied for in outline only at this stage and detailed design cannot be considered. The applicant is committed to high quality design however including suitable materials, colours, lighting and signage, and suitable design-coding and development parameters can, if necessary, be imposed by condition to ensure that appropriate development is proposed at the reserved matters stage.
- 5.102 On this basis, the design, layout and visual appearance of the proposed development is considered to be acceptable and will not appear out of keeping with the surrounding area and existing development. It is therefore in accordance with Policy DMG1 of the Core Strategy and paragraphs 124 and 127 of the NPPF.
- 5.103 The application is also supported by a Landscape and Visual Impact Assessment produced by Taylor Grange in accordance with GLVIA3²³ methodology and an agreed scoping.
- 5.104 This confirms that the application site is not subject to any statutory national, or regional or local landscape designation, although it lies 1.5 km from the Forest of Bowland AONB, and is not a meaningfully 'valued landscape' as alluded to in paragraph 170 of the NPPF. The site is greenfield land however and the proposed development will have inevitable landscape and visual effects although the extent of these must be measured and considered within the context of the character and appearance of the mixed (developed and undeveloped) semi-rural local area.

²³ 3rd Edition 'Guidelines for Landscape and Visual Impact Assessment', Landscape Institute & IEMA, April 2013

- 5.105 In terms of the level of the permanent effects in relation to landscape receptors, the proposed development will result in the loss of the undeveloped character of the site as pasture / grazing land, and the partial loss of landscape features (trees and hedgerows) within it. The development is not uncharacteristic of the wider county-level landscape character area²⁴ and surrounding context however, which is described as a 'well-settled area' defined by built development, industry and settlement in a landscape setting. The permanent effects of development on landscape resources are therefore localised to the site and its features only.
- 5.106 The level of long term effect in respect of the Forest of Bowland as a landscape receptor, will be negligible because the proposed development will not have a direct effect on the AONB or its special qualities. There will be no effect on the key characteristics identified for the AONB and the only change relates to the visual context and views of the AONB which is not unusual within the local area and A59 corridor at this point.
- 5.107 In terms of the level of permanent effects relating to visual receptors, this has been assessed using 16 no. agreed close (<1 km) and distant (>1 km) viewpoint locations representing four types of receptor, namely a) users of public rights of way crossing and in the vicinity of the site; b) local residents surrounding the site; c) users of the A59 and Clitheroe Road and d) visitors to the Forest of Bowland AONB;
- a) The greatest visual effect will be experienced by users of the public footpath (PROW 3-45 FP-11) which crosses the site. The development will have a major adverse effect for users as the route will be diverted, however it is a short distance and the route is already affected by views of existing development and vehicles using the A59 and Clitheroe Road. The effect on users of other public footpaths from which the site can be seen, will be moderate adverse as the development would be visible through vegetation.
 - b) The second greatest visual effect will be experienced by residents of properties abutting the site in Lamb Roe Gardens, Wheatsheaf Close and at Mead Croft. The level of effect will be moderate adverse as the proposed development will permanently change the visual outlook for these properties, however it is not wholly uncharacteristic given existing development to the north and the A59 to the east.
 - c) Motorists using the A59 to the south and east will experience a minor adverse effect as views of the development will be partially filtered through vegetation and only experienced in short duration (passing views) and will reduce to negligible. The effect for motorists, cyclists and pedestrians using Clitheroe Road to the west of the site will also be minor adverse as the development will be viewed as an extension to the village development to the north.

²⁴ Published Landscape Character Area (LCA) 5e - Clitheroe to Gisburn, Lancashire Landscape Character Assessment - 'A Landscape Strategy for Lancashire', Lancashire County Council 2013

- d) The proposed development will have a minor adverse visual effect on people visiting the Forest of Bowland AONB to the east and north-west of the site, as it will cause only limited changes to the wider panoramic views currently experienced in the context of existing development off Clitheroe Road and the A59. The introduction of the proposed development will not change the overall composition of the view.

5.108 Overall, the proposed development will not have an unacceptable landscape and visual effect and is in general compliance with Core Strategy Policies EN2, DME2 and DMG1 and paragraphs 170 and 172 of the NPPF. Also, as comprehensive development of the site is proposed, the concerns raised by the Inspector in the appeal (APP/T2350/W/15/3005882) at Mead Croft are not applicable as that related to isolated development that was detached and visually divorced from Barrow, which is not the case in this application.

The effect of development on residential amenity

- 5.109 There are neighbouring residential properties to the north of the application site at Lamb Roe Gardens and Wheatsheaf Close, and at the single property of Mead Croft, located at the south west corner.
- 5.110 The proposed age-restricted bungalows are designed to protect the amenity of the occupiers of the adjacent bungalows at Lamb Roe Gardens and the houses in Wheatsheaf Close in terms of overlooking and outlook. As single storey buildings without dormer windows, the bungalows cannot overlook the existing properties which are protected by 1.8 m high boundary fencing, and they are spaced away from the boundaries to ensure roof profiles and gables do not result in a loss of outlook for existing residents or overshadow existing windows or rear gardens. The two storey houses in Wheatsheaf Close will also be sufficiently off-set and screened by boundary vegetation to ensure that the rear gardens of the closest proposed bungalows will not be unacceptably overlooked.
- 5.111 The proposed employment-generating development and road-side uses will be contained to the eastern part of the site and clearly separated from neighbouring properties at Wheatsheaf Close. They will therefore result in any overlooking or overshadowing, and will be designed so they do not cause any nuisance in terms of lighting or noise or other disturbance.
- 5.112 The proposed care home will be located so that it is separated from Mead Croft by over 70 metres and off-set so that boundary planting can be provided. This is far greater than the minimum separation distance (typically 20 metres) required between opposing facing windows in two story developments.
- 5.113 The proposed development will not result in an unacceptable impact on the amenities of existing residents on this basis and is acceptable in accordance with the requirements of Policy DMG1 of the Core Strategy and the NPPF.

Environmental and technical considerations

a) Trees, hedgerows and biodiversity

- 5.114 The application is accompanied by an Arboricultural Impact Assessment and Tree Survey prepared by Ascerta. It confirms that 7 no. Grade C trees and 1 no. Grade B tree will be removed to accommodate the development, together with the hedgerows (H2 and H3) crossing the centre of the site, and the hedgerow / tree groups abutting the A59 roundabout and a section of hedgerow (H1) on Clitheroe Road, to form the proposed access openings.
- 5.115 Whilst the removal of these hedgerows and trees is unavoidable, they are of limited arboricultural and amenity value, and all other trees and hedgerows framing the boundary of the site will be retained. These will also be complemented by the substantial proposed new and replacement tree planting and structural landscaping, which will more than compensate for the tree and hedgerow loss. On this basis it is considered that while the proposed tree and hedgerow removal conflicts with Policy DME1 of the Core Strategy, the harm to amenity is limited and outweighed by the replacement tree and landscaping proposals which will result in a significant net gain in the amount of tree cover at the site.
- 5.116 The application is also supported by an Ecological Assessment produced by Envirotech. This confirms that the site comprises poor semi-improved and marshy grassland habitat intersected by a species and structurally-poor hedgerow, and is not covered by or adjacent to any statutory or non-statutory designated biodiversity sites. It demonstrates from survey evidence that protected species including amphibians, bats, badgers, birds and invertebrates do not inhabit or regularly visit the site, although they are known to occur in the local area. Appropriate precautions and mitigation measures will therefore be taken, and landscaping and planting schedules will be designed to achieve a net gain in bio-diversity, including the opening of the piped watercourse to create a new aquatic habitat and wildlife linkage across the site.
- 5.117 With the implementation of the above mitigation measures and opportunities for a net biodiversity gain which can be controlled by an appropriate condition, the proposed development conforms to Core Strategy Policy DME3 and paragraph 170 of the NPPF.

b) Air quality

- 5.110 An Air Quality Assessment has been undertaken by Miller Goodall. It surveys baseline air quality at the application site and assesses the potential impact of the construction and operation of the development, in terms of its associated traffic generation, on nearby residential receptors using detailed dispersion modelling (ADMS-Roads). The suitability of the site for residential and care use in terms of air quality is also assessed.

5.111 It concludes that annual and short-term concentrations of NO² and PM¹⁰ are predicted to be below respective UK air quality objectives for both the 'without' and 'with' development scenarios in five years time at all receptor locations, and that the local air quality impact of emissions from traffic associated with the proposed development is therefore negligible. Mitigation is not required on this basis, but the development will also be designed to encourage use of electric vehicles, cycling and walking. The development is acceptable in terms of Core Strategy Policy DMG1 and paragraph 180 of the NPPF on this basis and there is no reason for permission to be refused on the grounds of air quality.

c) Noise

5.112 The application is supported by a Noise Impact Assessment prepared by SRL Technical Services. It is based on the results of daytime and night-time background noise surveys undertaken at several locations around the site perimeter, and confirms that traffic using Clitheroe Road and the A59 is the main source of noise affecting the site.

5.113 The results of the survey have informed the sound insulation proposed to the façades of the proposed age-restricted bungalows and care home facing the road frontages (e.g. acoustic glazing and trickle ventilation) in order to ensure they meet the maximum daytime and night-time internal ambient noise levels set out in BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' and the Professional Practice Guidance (ProPG) Planning & Noise for New Residential Developments (2017). The layout has also been designed to ensure that predicted noise levels in the majority of rear gardens and outdoor amenity areas are predominantly below 50 dB LAeq,T and within the upper guideline value of 55 dB LAeq,T in respect of the frontage plots. The proposed development is therefore in accordance with Core Strategy Policy DMG1 and paragraph 180 of the NPPF on this basis.

d) Drainage and flood risk

5.114 The application site lies wholly within an area classified as Flood Zone 1 and thereby indicating it is at very low risk of flooding. In accordance with the principles of SuDS practice guidance, consideration has been given to the potential to deal with surface water by way of infiltration but the ground within the site is impermeable clay and soakaways are not feasible. However, the submitted drainage strategy by CoDa Civil Engineers identifies a piped watercourse crossing the site northeast to southwest. It is proposed to divert this and create an open channel and landscaped corridor wherever possible, and drain surface water to it from the highway and different areas of the development at greenfield run-off rates via underground crate and cellular attenuation tanks. The highway drainage is proposed to be adopted and building drainage will be privately maintained by a management company set up for the site.

5.115 It is proposed that foul drainage will discharge to the United Utilities combined off-site sewer on the west side of Clitheroe Road, and a Section 104 agreement is in place with the land owner where a section of the connection from the development crosses third party land.

- 5.116 As such the development drainage proposals comply with the SuDS hierarchy and Core Strategy Policy DME6 and paragraph 165 of the NPPF, and are therefore acceptable.

e) Ground conditions

- 5.117 A Phase I assessment and Phase II site investigation have been carried out by CoDa Civil Engineers. These have confirmed that the site contains areas of contaminated made ground containing high concentrations of hydro-carbons that will require remediation. Contaminated top soil and made ground can be re-used in the commercial areas of the proposed development, but top soil to be re-used in residential garden areas should be tested before use and made ground should be buried below a membrane and capped with clean top soil.
- 5.118 A detailed remediation proposal will be required and work verified prior to the occupation of the development, and this can be controlled via a standard planning condition. Subject to this, ground contamination and associated risk is not a constraint to the proposed development and there is no conflict with paragraph 178 of the NPPF and the environmental protection policies of the Core Strategy.

f) Accessibility and transport

- 5.119 The application is accompanied by a Transport Assessment prepared by Vectos. It confirms that the application site is a sustainable location in a Tier 1 settlement and that the proposed development can be accessed by sustainable transport modes, with the potential to reduce the need to travel and encourage journeys to and from the site by sustainable transport via implementation of a Travel Plan.
- 5.120 There are no safety issues on Clitheroe Road and the A59 in the vicinity of the site and safe and suitable accesses can be formed onto both highways. The development layout complies with guidance in the Manual for Streets and is designed to promote low vehicle speeds and prioritise movements for pedestrians and cyclists. It can also accommodate all relevant vehicle movements including service and refuse vehicles and provides adequate car parking.
- 5.121 A robust traffic impact assessment has been undertaken using comparable TRICS trip rates, and demonstrates that the proposed development traffic can be safely accommodated on the local network and that flows at local junctions are expected to increase by less than the level of predicted daily fluctuations. The proposed development will not have a material impact upon the operation of any existing junction on this basis.
- 5.122 On this basis, the proposed development will not have an unacceptable impact upon highway safety and residual cumulative impacts will not be severe. There is no conflict with paragraph 109 of the NPPF and Core Strategy Policy DMG1, and therefore no reason why planning permission should be withheld on highway and transportation grounds.

g) Mineral safeguarding

- 5.123 As the site is located within a Mineral Safeguarding Area defined in the Joint Lancashire Minerals and Waste Local Plan 2009 - 2021, the application is accompanied by a Mineral Assessment prepared by REFA Consulting Engineers. Its purpose is to assess the basic extent, importance and quality of any mineral resources within the site and the likelihood of these being suitable for viable commercial extraction.
- 5.124 The Report confirms that there are no mineral resources present within the site other than a potential thin band of shallow limestone in the northern part. This dips very steeply at an angle of 40° - 55° across the remainder of the site and is too deep to extract. The shallow band is of limited thickness and variable quality, and is expected to be of little economic merit. Combined with the surrounding residential environment and settled context of the site, and the current policy position whereby Lancashire County Council has no need for, and does not support, new applications for limestone extraction, it is concluded that the proposed development will not sterilise any economically viable mineral resources. There is no conflict with Policy CS1 of the Joint Lancashire Minerals and Waste Local Plan 2009 - 2021 on this basis.

The planning balance

- 5.125 The proposed hybrid planning application for mixed use development of age-restricted bungalows for people over 55, a residential care home, flexible Class B1, B2 and B8 employment floor space, a drive-through coffee shop and a combined petrol filling station and convenience store, with associated access, car parking and landscaping, is in accordance with the relevant strategic development, housing for older people, economic development, retail and general development management policies of the adopted Ribble Valley Local Plan Core Strategy 2008 - 2028 viewed as a whole.
- 5.126 Material considerations support this assessment and do not point to a contrary view, whereby;
- the proposed development is in full accordance with the relevant policies and objectives of the 2019 National Planning Policy Framework and planning practice guidance aimed at increasing the supply and widening the range of specialist housing and residential accommodation for older people; boosting housing supply; creating sustainable economic growth and building successful, mixed new communities;
 - the Government recognises that the UK has an ageing population and the need to provide housing for older people is critical. Age-restricted general market housing is a recognised form of specialist housing for older people and there is an extensive body of evidence, policy research and good practice guidance produced by the older peoples' housing and retirement sector, which underlines the quantitative and qualitative need for and benefits of high-quality mainstream bungalows;

- The housing market offers limited choice for people over 55 and age-restricted general market bungalows enable older people to live safely, comfortably and independently in their own homes for as long as possible. They meet the quantitative and qualitative needs of an increasing number of retired and active-elderly people who 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;
- The house building industry does not deliver a sufficient number 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 in Barrow and Whalley, in proportion to the ageing and rapidly increasing local population of older people. There is high and growing demand, and good quality, age-restricted general market bungalows are vastly under-provided in Ribble Valley;
- There is an evidenced net shortfall in the stock of good-quality private Class C2 care home bed-spaces in Ribble Valley and a rapidly growing need for additional capacity with better-quality bed-spaces and resident facilities, in good locations including Barrow and Whalley;
- There is a limited supply of available high-quality employment land and a stock of modern premises in Ribble Valley, and evidenced demand for small to medium-sized industrial units in good, accessible locations offering flexible space and leases to suit new start-ups and growing businesses, and;
- The proposed mixed use development will deliver a wide range of significant and compelling social, economic and environmental benefits to which substantial weight must be attached.

5.127 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the planning application to be determined in accordance with the adopted development plan unless material considerations indicate otherwise, and which they do not.

5.128 On that basis, and in accordance with the presumption in favour of sustainable development at paragraph 11(c) of the Framework, it is clear that planning permission should therefore be granted for the proposed development without delay.

6 Summary and conclusion

6.1 This Planning, Affordable Housing and Retail Statement has been prepared in support of a hybrid planning application for mixed use development of age-restricted bungalows for people over 55 (Class C3), a residential care home (Class C2), flexible employment floor space (Classes B1, B2 and B8), a drive-through coffee shop (Class A3) and a combined petrol filling station (sui generis) and convenience store (Class A1), with associated access, car parking and landscaping, on land between Clitheroe Road and the junction of the A59 and A671 at Barrow.

6.2 It demonstrates that;

- age-restricted general market housing is a recognised form of specialist housing for older people and there is an extensive body of evidence and policy research which underlines the need for and benefits of high-quality mainstream bungalows;
- the housing market offers limited choice for people over 55 and age-restricted general market bungalows enable older people to 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;
- the house building industry does not deliver a sufficient number 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;
- there is a net shortfall in the stock of good-quality private Class C2 care home bed-spaces in Ribble Valley and an evidenced need for additional capacity;
- there is evidenced demand for small to medium-sized industrial units in accessible locations in Ribble Valley offering flexible space and leases, and;
- the proposed development will deliver a wide range of significant and compelling social, economic and environmental benefits to which substantial weight must be attached.

6.3 This Statement concludes that the proposed development is in accordance with the relevant strategic development, housing for older people, economic development, retail and general development management policies of the adopted Ribble Valley Local Plan Core Strategy 2008 - 2028 viewed as a whole, and Government policy aimed at increasing the supply and range of housing and residential care for older people, boosting housing supply and creating sustainable economic growth and building successful, mixed new communities.

- 6.4 Consequently, and having regard to all relevant material considerations, there is a compelling case for planning permission to be granted without delay, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development at paragraph 11(c) of the National Planning Policy Framework.

Appendices

Appendix 1

Appeal decision APP/T2350/W/15/3005882

Appeal Decision

Hearing held on 30 June 2015

Site visit made on 30 June 2015

by Matthew Birkinshaw BA(Hons) Msc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th July 2015

Appeal Ref: APP/T2350/W/15/3005882

Meadcroft, Clitheroe Road, Whalley, Clitheroe, BB7 9AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Day against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2014/0684, dated 21 July 2014, was refused by notice dated 6 October 2014.
 - The development proposed is the demolition of the existing dwelling and outbuildings and erection of 9 new dwellings (including associated parking and amenity spaces) at Meadcroft, Whalley.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. I have therefore determined the appeal on the same basis, treating the access, layout, scale, landscaping and appearance of development as indicative.
3. Following the refusal of planning permission the *Ribble Valley Core Strategy* has been adopted. This now forms part of the development plan for the area and supersedes Policies G1, G5, H2 and ENV3 of the *Ribble Valley Districtwide Local Plan*.

Main Issues

4. The main issues are:
 - Whether or not the proposal would provide a suitable site for housing, having particular regard to the development strategy for the area; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Suitability of Site for Housing

5. The appeal relates to a detached property and associated land used for growing Christmas trees. Located in between Barrow to the north and Whalley to the south it currently lies outside of a defined settlement, and within the open countryside.

6. At the local level Core Strategy Policy DMG2 states that new development should be in accordance with the development strategy for the area and support the spatial vision. This is set out in Policy DS1 and directs the majority of new housing to three principal settlements and a strategic site before Tier 1, then Tier 2 villages. Below this, and in the open countryside, Policy DMH3 limits residential development to agricultural or local needs housing, the appropriate conversion of buildings or the replacement of existing dwellings. By reason of its location the proposal therefore conflicts with the development strategy for the area and is not a suitable site for housing.
7. In response the appellants refer to paragraph 47 of the National Planning Policy Framework ('the Framework'). This states that relevant policies for the supply of housing should not be considered up-to-date if the local authority cannot demonstrate a five-year supply of deliverable housing sites. Where policies are out-of-date, paragraph 14 directs granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. At the Hearing it was put to me that paragraph 14 is engaged by reason of the Council's lack of a robust housing land supply.
8. As a starting point both parties agree that the objectively assessed need for the area equates to 280 dwellings per year. Notwithstanding the reasons why, it is also common ground that a shortfall of some 880 dwellings exists which should be made up within the next five years. Due to a record of persistent under delivery the Council also agree that a 20% buffer is applicable, moved forward from later in the plan period to provide choice and competition for land. The main areas of dispute relate to where the buffer is applied, the deliverability of a strategic site at Standen, the inclusion of schemes awaiting the completion of Section 106 agreements, and windfall sites.
9. With regard to the 20% buffer the appellants state that this should be applied cumulatively to the housing requirement for the area *and* the shortfall. In contrast the Council maintain that it only applies to the objectively assessed need, which gives a slightly lower figure. Whilst I find the evidence in this regard inconclusive, for the purpose of this appeal I shall adopt the appellants' position, namely that there is an annualised requirement for 547 dwellings. This is not to say that I agree with the methodology, only that I have adopted it as a 'worst-case' scenario for the necessary assessment that follows.
10. In terms of the Council's strategic site at Standen the April 2015 Housing Land Availability Schedule (HLAS) includes an allowance of 300 dwellings in the overall deliverable supply. This is based on an annual target of 100 units between years 3 and 5. Given the substantial size and scale of development proposed (over 1,000 houses) I share the appellants' view that preparing the necessary reserved matters submissions and discharging relevant pre-commencement planning conditions is likely to represent a substantial amount of work over several months. Reference has also been made to the need for highway infrastructure in the form of a new roundabout and funding from third parties. Even if these matters are addressed, the provision of 100 homes per year still represents a significant programme of works.

11. However, in finding the Core Strategy sound in 2014 the Inspector concluded that the infrastructure requirements are clearly known, have been taken into account and that the site should be regarded as deliverable. As the Council point out, a substantial body of evidence was submitted in relation to the site as part of the Core Strategy and thoroughly tested as part of the adoption process. Consequently, its inclusion and anticipated rate of delivery is not without substance or transparent explanation.
12. Furthermore, no evidence has been provided by the appellants to indicate that there has been a change in circumstances since adoption of the Core Strategy. For example, there is nothing to suggest that previously identified issues are now proving insurmountable, or that the involvement of various developers is protracting the construction process. On the contrary, at the Hearing the Council confirmed that dialogue is ongoing with the relevant parties in order to expedite matters and applications to take the site forward are expected later this year. As a result, notwithstanding the findings of other Inspectors elsewhere, in this case there is nothing before me to substantiate a robust conclusion that the strategic site is not deliverable in the manner envisaged.
13. Similarly, no evidence has been offered to give any indication as to why the other 'large' sites identified in the latest HLAS will not come forward and start delivering new housing in the next 5 years. It is appreciated that the delivery rates on some are generous. However, in the absence of any details to justify why they are flawed, and in light of the relatively recent examination of the Core Strategy, I find no grounds to apply any further discount as suggested by the appellants.
14. With regard to sites where the grant of planning permission is pending awaiting Section 106 agreements, the Council includes some 132 dwellings in their supply. This approach was considered appropriate by the Inspector examining the Core Strategy in 2014. Although several months have passed since its adoption, no details are provided to indicate that any of the sites are held-up by fundamental issues preventing their delivery. The inclusion of a 10% allowance for slippages also accounts for the fact that some commitments may never come forward.
15. The final area of disagreement relates to windfall sites. Paragraph 48 of the Framework states that whilst windfall sites may be included in a supply, this needs to be on the basis that the local planning authority has compelling evidence such sites have consistently become available in the local area. In this case the Council's latest HLAS states that 137 dwellings have been built or are under construction on windfall sites over a period of 6 years, which equates to 23 units per annum. However, by simply multiplying this figure by 5 there is a risk of double-counting with existing commitments in the short-term. I have therefore used the appellants' discounted windfall total of 69 units, which applies the Council's expected annual rate between years 3 and 5.
16. Nevertheless, even using this figure the identified supply still amounts to roughly 2,818 dwellings. With an annual requirement of 547 the Council can demonstrate a supply of specific deliverable sites sufficient to provide approximately 5.15 years' worth of housing. Accordingly, based on the evidence before me the Council's policies concerning the supply of housing cannot be considered out-of-date for the purpose of the Framework.

Character and Appearance

17. Despite the partial screening offered by existing mature trees and landscaping the appeal site remains clearly visible from Clitheroe Road, especially when approaching from the north. In this location, and situated in between Barrow and Whalley the erection of 9 new dwellings would be visually divorced from either settlement.
18. At the Hearing it was put to me that the scheme would be viewed in the same context as a neighbouring housing development under construction on the southern edge of Barrow, and that Clitheroe Road is characterised by a more adhoc, continuous pattern of development. However, a significant gap remains between the former plant nursery and the appeal site. Due to this degree of separation the introduction of 9 new houses would not be read as a logical expansion of the village. Instead, I consider that it would erode the open area between the two settlements. Notwithstanding the graveyard opposite, this would lead to a harmful encroachment of residential development into an area of open countryside.
19. In reaching this view it is appreciated that additional landscaping could be used to help screen the proposal, that the design and appearance of the scheme would be considered at the reserved matters stage, and that existing buildings on site would be removed. However, new planting would take a significant period of time to establish to such a level that it would successfully mitigate the visual impact of 9 houses. The proposal would also be clearly visible within the public domain due to the footpath running through the site. I am therefore not persuaded that the scale of development proposed could be accommodated without appearing harmfully out of place in the context of its more immediate, rural surroundings. Furthermore, although existing buildings would be removed, the erection of 9 houses would result in a significantly greater extent of built development across the site.
20. The appellants also refer to significant new development allowed within the open countryside nearby, which I saw during my site inspection. However, the Council confirm that both schemes currently under construction to the north were approved prior to the adoption of the Core Strategy. Unlike the appeal site they are also more immediately related to existing development further along Clitheroe Road. Consequently, both the planning policy context and the relationship of the site to existing development are materially different.
21. I therefore conclude that by reason of its detached location and prominence from Clitheroe Road the proposal would not be sympathetic to its surroundings and would harmfully detract from the character and appearance of the area. As a result, it would conflict with Core Strategy Policy DMG1 which, amongst other things, states that all new development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature. Of the policies referred to by the Council I consider this to be the most relevant in this regard. For the same reasons the scheme is also contrary to one of the Framework's Core Planning Principles which states that planning should take account of the different character of areas and recognise the intrinsic character and beauty of the countryside.

Other Matters

22. In reaching my conclusions against the main issues I have taken into account that the need to provide five-years' worth of housing land is only a minimum requirement, and not a ceiling above which new development should be resisted.
23. It is also appreciated that the Council has not raised any concerns regarding the density of development, the living conditions of neighbouring residents, access, parking provision, the use of the land or ecology. Based on the evidence provided I find no reasons to disagree. Nonetheless, such a lack of harm is only a neutral factor in the overall planning balance.
24. Furthermore, during my site visit I saw that both Barrow and Whalley are only a short walk away, with a bus stop opposite the site providing connections to the wider area. Potential future occupants would therefore be able to access a range of local services, shops and facilities without using a private car. In this regard the proposal meets the requirements of other local and national planning policies which seek to promote more sustainable travel patterns.
25. It would also bring about economic benefits during the construction phase, contribute towards maintaining the vitality of the local rural community and re-use a partially brownfield site. The contribution that the scheme would make towards the provision of affordable housing would also be of benefit given the shortages cited by the Council at the Hearing.
26. Nevertheless, these factors do not overcome the harm that would be caused to the character and appearance of the open countryside, nor do they justify a departure from the adopted development strategy and spatial vision for the area. Instead, I consider the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
27. I have also considered the decision of Planning Officers to recommend approval of planning application Ref 3/2014/0517 for 220 dwellings. However, like other developments in the area referred to by the appellants the report pre-dates the adoption of the Core Strategy. It also refers to the site being enclosed by existing development, which is not the case before me.
28. Finally, the appellants maintain that that they were encouraged by pre-application discussions with the Council. Nonetheless, this is not a matter for me. Instead, I am required to consider the proposal on its specific merits, having due regard to development plan policy and guidance and I have determined the appeal on this basis.

Conclusion

29. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gerry Choat
Jennifer Hadland

Savills Smith Gore
Savills Smith Gore

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Kilmartin
Joanne Macholc

Ribble Valley Borough Council
Ribble Valley Borough Council

INTERESTED PERSONS:

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Attendance list
- 2 Extract from Appeal Ref APP/R0660/A/13/2209335

Appendix 2

Appeal decision APP/T2350/W/19/3221189



Appeal Decision

Inquiry Held on 8 - 10 May 2019

Site visit made on 10 May 2019

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 19th June 2019

Appeal Ref: APP/T2350/W/19/3221189 Henthorn Road, Clitheroe BB7 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0688, dated 7 August 2018, was refused by notice dated 11 January 2019.
 - The development proposed is the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road.
-

Decision

1. The appeal is allowed and outline planning permission with all detailed matters reserved except access is granted 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 at Henthorn Road, Clitheroe BB7 2QF in accordance with the terms of application Ref 3/2018/0688, dated 7 August 2018, subject to the attached schedule of conditions.

Application for costs

2. At the Inquiry an application for costs was made by Gladman Developments Limited against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with all matters reserved for future consideration with the exception of access. Only details of one vehicular access to the site are submitted so any other access to, and access within, the site remain a reserved matter. The site access details are shown on the plan 'Proposed Access Arrangements 1616/13/rev B' which along with the 'Site Location Plan 8439-L-04 rev A' are the plans that describe the proposal. An 'Illustrative Framework Plan 8439-L-02 rev C' was submitted for illustrative purposes only to demonstrate one way in which the site could be developed. I have had regard to this plan in the determination of this appeal.
4. At the Inquiry, the appellant submitted a S106 Unilateral Planning Obligation, signed and dated 10 May 2019, relating to the appeal development which would take effect should planning permission be granted. Amongst other

matters, the Planning Obligation provides for 30% of the total number of dwellings to be constructed as affordable units, 15% of the total number of dwellings to be of bungalow construction to be occupied by persons over the age of 55, the management arrangements for open space within the site and for contributions towards town centre cycling parking, travel plan, public transport and education provision. A Community Infrastructure Levy (CIL) Compliance Statement was submitted at the Inquiry by the Council. I have had regard to the provisions of the Planning Obligation in the consideration of this appeal and I shall return to this later in this decision.

5. Prior to the opening of the Inquiry, three Statements of Common Ground (SoCG) were submitted. These related to general planning matters ('Planning SoCG') and accessibility ('Accessibility SoCG'), both signed and dated 10 April 2019, and 5 year Housing Land Supply SoCG ('HLS SoCG') signed and dated 9 and 10 April 2019.
6. A further SoCG relating to the principle of development, signed and dated 2 May 2019, was submitted at the Inquiry ('Principle SoCG'). After the close of the Inquiry a further SoCG, signed and dated 16 May 2019, was submitted containing an updated and agreed list of suggested planning conditions.
7. The Inquiry was conducted on the basis of topic based round table discussions in relation to matters of accessibility and 5 year housing land supply. Matters relating to planning policy and the planning balance were considered by the formal presentation of evidence. Although not a matter contested by the Council, highway safety and the effect of the proposed development on the free flow of traffic was of considerable concern to local residents. This issue was dealt with at the Inquiry by a question and answer session with the concurrent involvement of the Appellant's witness dealing with highway matters and an officer from the highway authority. Both responded to related questions from local residents.

Main Issues

8. Having taken into account the evidence before me and from what I heard at the Inquiry, the main issues are:
 - Whether the proposed development would be appropriately located, having regard to planning policies that seek to manage the location of housing development.
 - Whether the Council can demonstrate a five year supply of land for housing.
 - Whether the proposal would be an accessible and sustainable form of development with particular regard to the accessibility of the site to services and facilities for future residents in terms of limiting the need to travel and offering a genuine choice of transport modes.

Reasons

Background and the proposal

9. The appeal site comprises an agricultural field off Henthorn Road with boundaries defined by mature hedgerow. It is located on the edge of, but outside, the settlement boundary of Clitheroe and as such is lies within the open countryside.

10. The north eastern boundary of the site adjoins a recently constructed residential development for 270 dwellings on land to the north of Henthorn Road which was granted planning permission on appeal (Ref APP/T2350/A/11/2161186)¹ which for the purposes of this decision letter I have referred to as the Blakewater Road development. To the south east, on the opposite side of the road, a further 130 dwellings are being constructed and is referred to as the Storey Homes site (Ref: 3/2015/0446). To the south west the boundary is shared with a detached residential property known as Siddows Hall, located within substantial grounds, and a field. To the north west is a field and a community park with the River Ribble beyond.
11. The submitted plans indicate that the site could accommodate a development of up to 110 dwellings with access provided off Henthorn Road in the vicinity of an existing field access gate. The submitted access arrangement plan (Ref 1616/13/rev B) shows that a 5.5m wide road would be provided at the access point/junction with Henthorn Road, with 2m wide footways either side. The eastern side footway would continue onto Henthorn Road up to the recently formed junction with Blakewater Road. The access arrangement plan also shows a section of Henthorn Road, between the site access and the above mentioned junction, would be widened to provide a 5.5m carriageway.
12. The submitted "Framework Plan" shows the broad location of where the dwellings could be sited within the site, with a landscape buffer provided along the site boundaries. This plan also shows the potential location of an on-site play area, an attenuation pond and a proposed footpath/cycleway that would run around the edges of the site and provide pedestrian access to the neighbouring Blakewater Road development and community park to the north.

Whether the proposed development would be appropriately located

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Core Strategy 2008-2028 - A Local Plan for Ribble Valley (Core Strategy) was adopted in December 2014 and contains a number of key statements and policies relevant to the consideration of this appeal.
14. Core Strategy Key Statement DS1 sets out the settlement hierarchy strategy for the Borough. It seeks to guide development to the most appropriate locations through the identification of groupings of settlements in a hierarchy based upon existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area. In that context, Clitheroe is identified as one of three principal settlements which are the highest order settlements within the hierarchy where the majority of new housing development will be located.
15. The Core Strategy does not define an up-to-date settlement boundary for Clitheroe. Key Statement DS1 indicates that specific allocations will be made through the preparation of a separate Allocations Development Plan Document. Consequently, the settlement boundaries currently utilised by the policies of the Core Strategy are those defined by the proposals map of the preceding

¹ CD 4.10

Ribble Valley Districtwide Local Plan. It is not a matter of dispute that the site is located outside of, but adjacent to, the existing settlement boundary of Clitheroe and therefore, lies within open countryside.

16. Part 1 of Policy DMG2 of the Core Strategy provides 'strategic considerations' for the location of development. It states that "development proposals in the principal settlements of Clitheroe, Longbridge and Whalley and the Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built up areas". Those quoted terms are defined in the Core Strategy glossary. 'Rounding Off' requires development to be within the settlement boundary. However, 'consolidation' is defined as locating development so that it adjoins the main built up area of a settlement. 'Expansion' allows for limited growth of a settlement.
17. Conflict with Policy DMG2 is identified as a reason for the refusal of planning permission for the appeal scheme. However, during the Inquiry the Council accepted that the policy is permissive of development that adjoins the settlement boundary and confirmed that development outside the settlement limits of Clitheroe would not necessarily conflict with the provisions of this policy². In this respect, I have no other evidence to suggest that the proposed development would otherwise constitute the consolidation and expansion of the settlement within the context of Policy DMG2.
18. Indeed, the Council confirmed that several developments outside of, but adjoining, the settlement boundary of Clitheroe had previously been permitted pursuant to the provisions of this policy. As such, the Council conceded that it would not be correct to conclude that the appeal scheme breaches Policy DMG2 and that the principle of residential development on the site would be appropriate.
19. I have also taken into account the emerging Ribble Valley Housing and Economic Development - Development Plan Document (HED DPD) which has been subject to Examination in Public Hearing Sessions which closed on 23 January 2019. The Inspectors report is awaited.
20. The HED DPD provides more detailed policy coverage of the key issues of the Core Strategy and includes allocations for residential development. However, this emerging plan does not propose the allocation of the appeal site for development. The Council's approach to settlement limits in the HED DPD is a flexible one as confirmed in the Main Modifications to the document³.
21. Both main parties agreed at the Inquiry that the provisions of this emerging plan have little relevance to the consideration of the issues in this appeal. Although this HED DPD has reached an advanced stage in the plan making process, and therefore should be afforded moderate weight, other than confirming flexibility in settlement boundaries its content has not been referred to or relied upon in the provision of any evidence in this appeal from any parties. Furthermore, I have been provided with little information as to any other content or relevance that this emerging plan may have in the determination of this appeal.

² Paragraphs 2,5 and 6.13 Mr Plowman's proof of evidence

³ CD 7.04, page 3, section 1, fifth paragraph

22. The 'Principle SoCG' states that the sole area of disagreement between main parties as to whether the appeal proposal accords with the development plan is in relation to accessibility of the appeal site. It further states that if it is found that the appeal scheme is accessible then the proposal accords with the development plan and should be approved without delay as per Key Statement DS2 of the Core Strategy which sets out a presumption in favour of sustainable development.
23. Subject to the consideration of accessibility and sustainability matters, which are dealt with later in this decision, there is agreement between the main parties that the proposed development would be appropriately located and that there would be no conflict with Policy DMG2 of the Core Strategy. I have no other evidence or reasons to disagree with this view.

Five year housing land supply

24. The Appellant contends that the Council cannot demonstrate a 5 year Housing Land Supply (HLS) and therefore considers that the provisions of Paragraph 11 of National Planning Policy Framework (the Framework) is applicable in the determination of this appeal
25. Paragraph 11d of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 7 of the revised Framework advises that policies which may be considered to be out-of-date in relation to applications involving the provision of housing include situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).
26. Therefore, in relation to this proposal, should I find that a 5 year HLS cannot be demonstrated, and that I also find that the appeal scheme is not accessible, then a conclusion would need to be reached whether the harm significantly and demonstrably outweighed the benefits of the appeal scheme. Therefore, to conclude on the main issues in this appeal, as identified above, it is necessary to consider the 5 year HLS position in Ribble Valley.
27. The housing requirement set out in Key Statement H1 of the Core Strategy indicates that land for residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of at least 280 dwellings per year over the plan period 2008 to 2028. The Council's latest position on 5 year HLS is set out in the Housing Land Availability Statement dated 30 September 2018⁴ (HLAS). The base date for the HLAS is 30 September 2018 and the document identifies housing delivery over each of the subsequent 5 years. The deliverable supply set out in the HLAS does not include any of the proposed allocations in the HED DPD.
28. Following the publication of the Housing Delivery Test for 2018, both main parties agree that a 5% buffer should be applied to the housing requirement. Taking into account previous years delivery shortfalls, the Council's latest

⁴ CD 5.02

updated housing land supply position presented at the Inquiry⁵ is identified as 5.75 years. This comprises of an identified five year supply of 2,385 dwellings with an agreed annual requirement of 415 dwellings.

29. The appellant disputes the above figure and considers that the Council can only demonstrate 4.86 years HLS. The primary reasons for this difference from the Council's position is that the appellant contends that the Council's calculations on lead-in-times to commence development and build-out-rates on five sites included in the September 2018 Housing Land Availability Statement (HLAS) are overly optimistic. In particular, that the Council has failed to consider comparable sites to determine lead-in-times and build-out-rates and instead has relied on SoCG's and discussions with house builders regarding their anticipated house building start dates and build rates. The five disputed sites are considered below.
30. *Higher Standen Farm* – This site has outline planning permission for 1,040 dwellings. Phase 1, which has detailed consent for 228 dwellings, commenced development in September 2017 and is under construction by a single developer. As at 31 March 2019, 45 dwellings had been completed. The Council referred to a SoCG with the housebuilder which indicates an intention to complete 50 dwellings from Phase 1 by 30 September 2019 (Year 1), 50 by 2020 (Year 2), 48 by 2021 (Year 3), 45 by 2022 (Year 4) and 13 by 2023 (Year 5). Phase 2 is expected to produce 20 dwellings by Year 3, 40 by Year 4 and 40 by Year 5. The Council indicates that the housebuilder's business plan provides for 65 dwelling completions per annum.⁵ The appellant considers these delivery rates to be too optimistic as experience of the housebuilder's other site in the Borough is delivering 29 dwellings per annum. Other large sites in the area are delivering 30 dwellings per annum. Notwithstanding the SoCG with the housebuilder, the delivery of 65 dwelling per annum appears overly optimistic when compared with delivery rates on most other single developer site within the Borough. I have taken into account the fact that the 'Monks Cross' site has achieved delivery of approximately 50 dwellings per annum by a single developer and in taking a pragmatic approach, whilst recognising the housebuilders business objectives, I consider that a lower delivery rate of 35 dwellings to be more reasonable and the contribution from this site is more likely to be around 175 dwellings in the five year period to 2023. As such, 133 dwellings should be removed from the 5 year supply
31. *Chipping Lane, Longbridge* – This site has permission for 311 dwellings with the first dwelling completed in November 2018. This is also a single developer site. A SoCG with the housebuilder indicates the delivery of 246 dwellings by 30 September 2023⁵. For the same reasons as identified with the site above, the delivery rates for this site also appear to be overly optimistic. The identified delivery of 20 dwellings in Year 1 is agreed between the main parties but thereafter I consider that 35 dwellings per annum is likely to be more realistic and the contribution from the site likely to be around 160 dwellings in the 5 year period. Therefore, 86 dwellings should be removed from the 5 year supply identified in the identified in updated housing land supply position.
32. *Land south-west of Barrow and west of Whalley Road* – This site has outline planning permission for 504 dwellings. Phase 1 (183 dwellings) is under

⁵ Inquiry Document 1 - Updated 5 year housing supply table and Scott Schedule

construction. A reserved matters planning application for 233 dwellings on Phase 2 has been submitted by another housebuilder. The Council indicate that permission for Phase 2 would be expected to be granted by July 2019. The appellant does not dispute the Council's expected delivery rates but considers that the lead-in time to be optimistic and that delivery should commence in 2020/21 as opposed to the Council's view that delivery will commence in 2019/20. The Council referred to an email⁶ from the housebuilder which suggests that 20 units could be completed by 2020 (as opposed to 30 by 2020 in the HLAS). The appellant considers that average lead-in times in the area are around 16.25 months and as such completions could not be expected until 2021. I agree with the appellant that the delivery of 30 dwellings by 2020 is optimistic. However, the prospective housebuilder on this site has a track record of delivery in the Borough and, on the basis of the evidence before me, I consider that it would be unreasonable to suggest that no dwellings would be constructed in Year 2. Therefore, I consider that the housebuilder's suggestion that 20 dwellings would be constructed in Year 2 would not be unreasonable. Therefore 10 dwellings should be deducted from the five year supply.

33. *Land off Waddington Road* – This site has planning permission for 208 dwellings. The anticipated delivery rates are not disputed. However, both main parties agree that the lead-in period would mean that it is unlikely that 30 dwellings would be delivered in Year 2, as identified in the HLAS. Delivery of these 30 dwellings is unlikely to occur until Year 3 with an annual supply of 50 dwellings from this site thereafter. Therefore, I agree that 50 dwellings should be deducted from the five year supply.
34. *Land off Henthorn Road* – This site lies to the south east of the appeal site and has outline planning permission for 24 dwellings. A SoCG identifies that 12 dwellings are intended to be delivered in each of the Years 2 and 3. This trajectory is included in the HLAS. The appellant considers that this site does not meet the test of "deliverable" as set out in paragraph 74 of the Framework and Paragraph 3-036 of the Planning Practice Guidance (PPG). This is on the basis that the SOCG has been agreed with the site promoter and there is no 'site developer' who can commit to the trajectory for this site. The Council indicate that it would not be unreasonable to suggest that 12 dwellings would be provided in Years 4 and 5 particularly as the site promoter has indicated developer interest and that the site access is to be provided through the Storey Homes site that is currently under construction thereby minimising the some of the initial infrastructure requirements. On the basis of the evidence provided by the Council, I consider that it would be unreasonable to agree with the appellant's suggestion that there would be no delivery from this site during the five year HLAS period. In my view, the Council's suggested revised delivery of 12 dwellings in Years 4 and 5 would not be an unreasonable approach to take at this stage. Therefore, there should be no deduction from the 5 year supply.
35. Discussions during the Inquiry resulted in the Council changing its approach regarding the contribution that small sites (less than 10 dwellings or less than 0.4 hectares) and windfall allowance would make to the five year supply. At the round table discussion the Council agreed that 297 dwellings should be used as the figure for small sites with planning permission and small windfall sites and not 378 as originally identified. This was on the basis that a number

⁶ Inquiry document 5

of completed dwellings identified by the Council were on sites larger than 0.4 hectares. The Council's revised approach is reasonable and has been reflected in the updated housing land supply position presented at the Inquiry⁷.

36. The appellant also considers that the Council should have taken into account the Inspector's findings in the 'Woolpit' appeal decision⁸ and considers that the Council's approach to validate the HLAS by seeking statements of common ground with developers/promoters to justify its delivery predictions after its publication is erroneous. The appellant considers that the Council's approach places doubt on the validity of the content of the HLAS.
37. However, I consider that there are material differences between the circumstance in that appeal regarding housing land supply and those in this case. In particular, in the Woolpit case the Inspector indicated that the five year housing land supply calculation undertaken by the Council was, in effect, guesswork, which the Council subsequently sought to validate. The Inspector criticised the Council for failing to engage with developers/promoters. In the appeal case before me there is some evidence of engagement with promoters and developers prior to the HLAS and the subsequent post November 2018 contact and statements of common ground simply seek to discover the current position regarding delivery on the ground and future intentions. This is a reasonable sense check to undertake. Consequently, I do not consider that the 'Woolpit' decision has any material bearing on the consideration of the issues in this case.
38. I accept that there is a degree of subjectivity in the data on lead-in times and building rates provided by housebuilders. Equally, there is some subjectivity in the use of comparable information. However, in taking a pragmatic approach with regard to the disputed sites, and on the basis of the evidence before me, I consider that the Council's housing land supply should be reduced by 279 dwellings in total during the five year period from that shown on the updated five year housing supply table from 1 October 2018 to 30 September 2023. The number of dwellings should therefore be reduced to 2106. As a consequence, I find that the deliverable housing land supply demonstrated is 5.07 years (2106 divided by the agreed annual requirement of 415 dwellings per annum).
39. For the above reasons, I find that the Council can demonstrate a 5 year HLS. Consequently, the Council's policies for the supply of housing as set out in the Core Strategy remain up to date and the tilted balance as set out in paragraph 11d of the Framework is not engaged.

Accessibility and Sustainability

40. The reasons for the refusal of planning permission refer to a conflict with Policy DMG3 of the Core Strategy. However, the Council confirmed that this is not a prescriptive policy but simply identifies matters that will carry considerable weight in decision-making.
41. In particular, Policy DMG3 identifies that considerable weight will be attached to the availability and adequacy of public transport, and associated

⁷ Inquiry Document 1 - Updated 5 year housing supply figure and Scott Schedule

⁸ Appeal Ref APP/W3520/W/18/3194926 – CD4.03

- infrastructure to serve those moving to and from the development. Amongst other matters, it identifies that such weight will be applied to the relationship of the site to the primary route network; the extent to which provision is made for access to the development by pedestrian facilities, cyclists and those with reduced mobility; proposals which promote development within existing developed areas or extensions to them at locations which are highly accessible by means other than the private car; proposals which locate development in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities.
42. Both main parties identified that the most important Core Strategy policy consideration regarding the accessibility of the proposed development is Key Statement DMI2. This key statement, amongst other matters, identifies that development should minimise the need to travel and should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need to travel by car. It further states that, in general, schemes offering opportunities for more sustainable means of transport and suitable travel improvements will be supported.
43. The reasons for refusal of outline planning permission identified that "due to the site's location, with a lack of cycling or suitable pedestrian access to the town centre, future residents will be wholly reliant on the car". At the Inquiry the Council provided no substantive evidence regarding the alleged inadequacy of cycling opportunity into the town centre. Moreover, the Council accepted that access to the town centre by cycling was adequate and that there were no concerns regarding the qualitative aspects of available routes. I have no reasons to disagree with this view.
44. Concerns were expressed by the Council regarding the lack of facilities within the town centre for cycling parking. However, the submitted planning obligation provides a financial contribution of £10,000 towards the cost of such facilities. Taking these factors into account I do not consider that there are any substantive reasons to suggest that there would be any material lack of cycling access to the town centre.
45. At the Inquiry it was agreed that accessibility concerns were only in respect of the walking distance into the town centre and the availability of public transport to serve the proposed development. In this context, as outlined above, Key Statement DSI2 of the Core Strategy was agreed as being the principal policy consideration regarding this issue.
46. The appeal site is located at the extreme edge of the urban area and approximately 2km from the town centre and Clitheroe Railway Station. The 'Accessibility SoCG' confirms that within approximately 1km of the site is a convenience store (McColls) on Henthorn Road, the Edisford Primary School and bus stops on Henthorn Road, Blakewater Road/Lune Road and Garnett Road.
47. The Illustrative Framework Plan (Ref 8439-L-02 rev C), shows pedestrian access to the Blakewater Road development to the north east and to the community park to the north from which access can be gained to the Leisure Centre, Swimming Pool and Spar convenience store on Edisford Road. In my view, all of these facilities are within an easy walk from the appeal site.

48. The proposed site access arrangements show that a 2m width footway would be formed on both sides of the junction with Henthorn Road and continue to the north east to meet the existing footway network along Henthorn Road. The appellant provided evidence of a variety of footway widths in the vicinity of the appeal site and leading to the town centre⁹. The submitted evidence shows that existing footway widths are consistently between approximately 1.7m to 2.2m along the northern side of Henthorn Road leading up to the town centre and benefit from an acceptable surface and street lighting. These widths were not disputed by the Council. Although there may be localised street furniture and other minor impediments that may cause reductions in width, overall I consider that the footway infrastructure in the vicinity of the site to be adequate for the range of users including those persons requiring the use of mobility equipment.
49. There is some dispute between the main parties regarding the application of relevant guidance regarding journeys undertaken on foot. The appellant identified the National Travel Survey 2017¹⁰ which indicates that 81% of trips under 1 mile (1.6KM) are made by foot. Both parties refer to the CIHT document 'Guidelines for Providing for Journeys on Foot'¹¹ which indicates that the preferred maximum distance to walk to town centres, commuting/school and journeys elsewhere is 800m, 2,000m and 1,200m respectively.
50. Reference was also made to the Manual for Streets¹² (MfS) which identifies that 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas in which residents may access comfortably on foot'. However, paragraph 4.4.1 of MfS identifies that this is not an upper limit and further adds that walking offers the greatest potential to replace short car trips, particularly those under 2km.
51. The Council considers that basic facilities are beyond acceptable walking distances as indicated in the CIHT Guidelines. In the Council's view, the appeal proposal does not meet an acceptable standard of accessibility. This view is also supported by local residents and interested parties.
52. In my view a degree of realism needs to be applied to the distances in the guidance and the locational circumstance of the appeal site. It is clear that there are a range of facilities within an easy walk of the site. Although the town centre is 2,000m away, the routes to it are relatively direct on good footway infrastructure. The walk from the appeal site to the town centre, which I undertook at the site visit, was neither unduly lengthy nor strenuous. I consider that some residents are likely to walk into the town centre as a matter of choice.
53. Although Henthorn Road is relatively straight and level, I recognise that local topography on the close approach to the town centre has, in parts, moderate gradients. However, this is common to residents wherever they live in Clitheroe and is no more or less a deterrent to walking for residents of the appeal site than is typical for existing residents.

⁹ Figure 2 and page 18 Mr Helme's proof of evidence

¹⁰ CD 10.02 and Appendix E Mr Helme's proof of evidence

¹¹ Chartered Institute of Highways and Transportation - CD 10.06 and Appendix G Mr Helme's proof of evidence

¹² CD 10.01

54. Furthermore, there is little material difference in the walking distances to the town centre and those nearer facilities for the prospective residents of the appeal site and those of the Blakewater Road development to the north west, that was granted on appeal, and the Storey Homes development currently under construction to the south east. The residents of these developments would predominantly use the same routes to facilities and the town centre as those walking from the appeal site.
55. Taking the above factors into account, I consider that the proposed development would be adequately accessible to local facilities and the town centre by means of walking.
56. With regard to public transport, there is a relatively frequent bus service operating near to the appeal site. Service No 2 calls at a stop approximately 325m from the appeal site¹³ on Lune Road/Blakewater Road and functions as a town circular service including a stop close to Clitheroe Railway Station. Other stops are within easy walking distance on Garnett Road and Henthorn Road. This service runs at half hourly intervals between 07.27 hours and 18.27 hours Monday to Saturday.
57. The No 2 service is currently assisted by a financial contribution, secured through a planning obligation attached to the permission for the Blakewater Road development, which is paid annually until December 2021. Thereafter, the Council indicate that the service may revert to a hourly frequency or cease to operate if there were to be insufficient patronage.
58. The submitted planning obligation in respect of this appeal would provide for a financial contribution of £40,000 per annum over a period of 5 years to enable the continuation of the current frequency of the No 2 service until 2026. The appeal proposal also has the potential to generate additional patronage and establish public transport 'habits' that could enable the service to be sustained on a commercial basis beyond 2026.
59. There is a school bus service (Service No 686) which calls within 800m of the appeal site at bus stops on Garnett Road and provides a service to Bowland County High School on school days only. There are also school bus services which call at stops within 1200m of the appeal site on Edisford Road (Service Nos 510 and 645) and provide a service to Clitheroe Royal Grammar School, Bowland County High School and Ribblesdale High School. In my view, there is an acceptable degree of public transport service provision in the vicinity of the appeal site.
60. The Council and local residents consider that the bus stop on Lune Road/Blakewater Road for the No 2 service to be inadequate and that the planning obligation for the Blakewater Road development envisaged that a 'Quality Bus Stop' should have been provided. However, I have no evidence to suggest that there is any breach of the planning obligation attached to the permission for that development in terms of the bus stop provision that has been made. The fact remains that the bus stop is there and is operational.
61. In addition, the Council and local residents expressed concerns that the No 2 bus service timetable is not compatible with some working hours of those

¹³ Appendix 1 Accessibility SoCG

residents on shift patterns or those who may wish to travel beyond Clitheroe by public transport. Whilst this may be the case, a degree of realism also needs to apply here. I accept that some residents of the proposed development would need to use the private car to access employment opportunities. Nevertheless, the No 2 service does operate during typical workplace start and finish times and offers some genuine opportunity for the use of public transport to be made to access employment.

62. In the response to the consultation on the planning application, the highway authority identified that accessibility to public transport for the proposed development is good.¹⁴ Furthermore, the Travel Plan submitted with the planning application¹⁵ identifies a range of measures to promote the use of alternative transport modes other than the private car for which the submitted planning obligation provides for a financial contribution of £6,000 towards the cost of implementing the measures identified in the Travel Plan. An appropriate planning condition could secure the implementation of the recommendations made in the Travel Plan.
63. Taking the above factors into account, I consider that the proposal would be located on an accessible site and that prospective residents would have the opportunity to undertake walk, cycle and public transport trips. Consequently, there is no basis to support the Council's assertion that there is inadequate accessibility by non-car modes of transport.
64. Accessibility is a contributory element of sustainable development. The appeal site would be an extension to the existing settlement of Clitheroe in a location where the Core Strategy identifies that growth would be expected to be directed. Notwithstanding the Council's concerns at the accessibility of the appeal site, it accepts that the site could be appropriately developed for housing purposes and would not conflict with the policies in the Core Strategy in respect of its location within the countryside but adjoining the settlement. In particular, there would be no conflict with Policy DMG2.
65. There are many other components of sustainability other than accessibility. Notably these include the contribution to boost the supply of housing generally; the provision of affordable housing; providing for economic development through the construction period and subsequent engagement of the prospective occupants in the local economy; and providing for social and community cohesion by supporting local facilities and access to recreation. These aspects of the proposed development are uncontested by the Council and are consistent with the concept of sustainability.
66. Other than accessibility issues, no other substantive evidence was provided by the Council to suggest that the proposal constituted unsustainable development or was any more unsustainable than the adjoining developments to the north east and south east. On the basis of my findings above, the proposal would constitute an accessible and sustainable form of development. As such there would be no conflict with Key Statements DS2 and DMI2 and Policy DMG3 of the Core Strategy.

¹⁴ CD 3.07

¹⁵ CD 1.08

Other Matters

Highway and pedestrian safety

67. The effect of the proposal on highway and pedestrian safety is not a matter contested by the Council. The Framework advises in paragraph 109 that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Lancashire County Council, in its capacity as highway authority, is satisfied that the safe access on to Henthorn Road can be made from the site and that the additional traffic arising from the proposed development can be accommodated on Henthorn Road and the surrounding highway network without causing a severe impact.
68. Although the Council did not contest this matter, it was of considerable concern to local residents. At the Inquiry the appellant's witness dealing with highway safety matters and an officer from the highway authority participated in a question and answer session which enabled local residents to ask questions regarding, amongst other things, the safety of the proposed access junction, the capacity of the local highway network, the safety of junction of Henthorn Road with Thorn Road and the effect of the railway level crossing on Thorn Road on queue lengths and pedestrian safety.
69. The submitted evidence and answers to questions at the Inquiry confirms that the site access arrangements would meet the appropriate standards for visibility. Although concerns were raised at the design of the existing recently formed junction of Henthorn Road with Blackwater Road, both the Appellant and the highway authority confirmed that its design was acceptable in safety and visibility terms and that a swept path analysis demonstrated that it was adequate for use by HGV's.
70. Baseline traffic counts were undertaken of existing vehicular flows and speeds on Henthorn Road and an assessment of the likely traffic that would be generated by the proposed development was modelled. This modelling included the likely traffic to be generated from recently completed residential developments in the vicinity of the site and committed schemes. In addition, the modelling took into account traffic generation in the years 2023 (the assumed date of the completion of the development) and 2028. Growth factors were also applied using the National Transport Model (NTM).
71. It is clear from the evidence provided and the responses to questions that the local highway network has the capacity to accommodate the predicted traffic that would be generated from the proposed development. There is no evidence to suggest that the residual cumulative impacts on the road network would be severe.
72. The Transport Assessment also considered the effect of the predicted traffic generation on the safety and capacity of twelve junctions in the vicinity of the site that would likely be used by traffic arising from the proposed development. Both the highway authority and the appellant's witness agreed that it is common practice to undertake a detailed assessment of the performance of a junction where development is predicted to increase traffic by more than 30 vehicles. Three of the twelve junctions considered are predicted to receive an increase of 30 vehicles or more.

73. Of these three, the junction that is of primary concern to local residents is the junction of Henthorn Road with Thorn Street which operates as a priority controlled junction. The results of modelling, which were not disputed by the highway authority, indicates that the junction would operate in an acceptable manner in the year 2023. By 2028 the model indicates that the Thorn Street arm may experience some reduction in performance at peak PM hours as the proposed development may add 5 vehicles to the Thorn Street (east) queue with an associated increase in operating delay of 34 seconds. However, the highway authority confirmed that this does not lead to a deterioration in performance of the junction that could be described as severe.
74. The other junctions that were considered in the modelling were Greenacre Street/Woone Lane/Eshton Terrace and Whalley Road/Greenacre Street. The model demonstrates that the traffic impact of the proposed development on these junctions in the years 2023 and 2028 would be acceptable.
75. Consideration was also given to the impact of the level crossing on queue lengths and the operation of the Henthorn Road/Thorn Street junction. Whilst it is clear that queues build up during the closure of the barriers, my observations and the views of the highway authority confirm that these quickly clear once the crossing is reopened. I have no demonstrable evidence before me to suggest that the predicted traffic generation for the development would have a severe effect on the operation of the Henthorn Road/Thorn Street junction.
76. I have also considered the evidence provided by Ribble Valley Rail and Mr Burke regarding the potential for increased rail services using the level crossing in the future. Whilst I recognise the local desire to increase rail service provision serving Clitheroe, no substantive evidence was available at the Inquiry to confirm if, and when, such increase in rail traffic may occur. Consequently, I have attached no weight to this matter in my consideration of the highway and traffic implications of the appeal proposal.
77. With regard to pedestrian safety, as outlined above, the proposed site access arrangement show that a 2m width footway would be formed on both sides of the junction with Henthorn Road and continue to the north east to meet the existing footway network along Henthorn Road. The submitted evidence shows that existing footway widths are consistently between approximately 1.7m to 2.2m along the northern side of Henthorn Road and benefit from an acceptable surface and street lighting. Given the relatively straight alignment of Henthorn Road the footway provides good frontage surveillance.
78. Taking the above factors into account, and the lack of any other contrary evidence, I have no reason to suggest that the proposed and existing footway network would be inadequate to cope with pedestrian flows arising from the proposed development or would give rise to circumstances that would be detrimental to the interests of pedestrian safety.
79. I recognise that there is a genuinely held perception that the proposed development would give rise to highway safety problems and that the highway network may be unable to cope with the increase in traffic that would result. However, based on the evidence before me, the discussions at the Inquiry and my observations of the site and its surroundings at different times of the day, I have no reason to take a different view to those of the highway authority. In addition, I do not see any reason to doubt the validity of the submitted Transport Assessment and Highways evidence. Consequently, I do not

consider that the proposed development would be detrimental to highway safety or pedestrian safety or the free flow of traffic on the local highway network.

Ecology

80. The effect of the proposal on ecological interests is also not a matter contested by the Council but is of concern to local residents. An Ecological Appraisal was submitted with the planning application and was further supplemented in the Inquiry by a further evaluation statement in response to resident's concerns.
81. Both submitted documents identify the site as comprising largely of poor semi-improved grassland, of low nature conservation value, with a small section of moderately species rich grassland in south eastern corner. The latter is of local importance only, given its small area. The illustrative development framework shows that the site can be developed for up to 110 dwellings whilst retaining this area.
82. Other than foraging bats, no other protected species were identified on the site. The perimeter hedgerows have the potential to provide bird nesting opportunities. The Illustrative Framework Plan indicates that hedgerow loss could be confined to the creation of a small gap in the north east of the site to facilitate a potential pedestrian access to the adjoining residential development and minor loss in the vicinity of the existing field access gate which would form the site access position. As such, hedgerow loss could be small and the appraisals confirm that proposed planting would more than compensate for these losses in the long term.
83. In terms of the impact on bats, two trees were identified as having moderate potential for roosting but the level of bat activity recorded is defined as being fairly unexceptional during the spring, summer and autumn surveys that were undertaken.
84. To minimise the potential impacts on foraging birds and bats, the development framework shows that a scheme could be designed which provides for the retention of all areas of higher value habitat resource with the built development proposals being confined to the areas of semi-improved grassland which is considered sub-optimal for foraging bats. As such, all trees, the majority of the hedgerows and the moderate species rich grassland could be retained and buffered within the proposed greenspace.
85. As part of the detailed development design, the Ecological Appraisals, amongst other matters, recommend an appropriate lighting scheme to ensure that any lighting is directed away from likely bat foraging areas. Additional enhancements include the provision of bat and bird nesting boxes on retained trees and potentially within the external elements of the dwellings. These requirements can be secured by suitable planning conditions at reserved matters stage.
86. Overall, the Ecological Appraisals confirm that the proposed development need not cause a negative impact on protected species and habitats in the long term. Based on the evidence before me, I have no reason to take a different view. Consequently, I find that that the proposed development need not have an adverse impact upon ecological interests.

Education and medical facilities

87. Many interested parties have raised concerns regarding the ability of local education and health facilities to cope with the likely demand that would be generated by the prospective occupiers of the development. It is not contested by the Council that the development would have a harmful effect on these facilities and no objections were raised, subject to the provisions of financial contributions to education provisions, by Lancashire County Council in its capacity as education authority.
88. The appellant has provided a planning obligation which, amongst other matters, provides for financial contributions towards educational provision based upon the County Council's formulae in respect of need anticipated to be generated from the future occupiers of the proposed development.
89. With regard to health care the nearest facilities to the appeal site are the Pendleside Medical Practice and the Castle Medical Group which are located at the Health Centre within Clitheroe Town Centre. Whilst I recognise local residents concerns regarding the existing access to health care services, there is no substantive evidence before me to suggest that health care facilities cannot accommodate the likely increased demand that would occur as a consequence of the proposed development.
90. As such, there is no evidence before me from education and health care service providers to indicate that the proposal should be resisted because of the likely impact on these services. Thus, I have no justifiable reasons for withholding permission because of the concerns raised.

Other appeal decisions

91. The appellant has referred to many appeal decisions which have been provided to support their case. However, it is rarely the case that appeal decisions on other sites will bring to light parallel situations and material considerations which are so similar as to provide justification for a decision one way or another. My decision is based squarely on the evidence before me. For that reason, I do not consider that appeal decisions brought to my attention have a determinative influence on my consideration of the appeal case.

Planning Obligation

92. The S106 Unilateral Planning Obligation (the Obligation) includes provision for 30% of the total number of dwellings to be constructed within the development as Affordable Housing Units and 15% of the total number of dwellings to be of bungalow construction for occupation by persons aged over 55 years, with half of these to be Affordable Housing Units. In this respect, the Obligation is in line with paragraphs 62 and 64 of the Framework and Policy H3 of the Core Strategy.
93. The Obligation would also make the following contributions towards improving local infrastructure that would serve the development: an off-site leisure contribution to be paid prior to the occupation of 75% of the dwelling units and calculated in accordance with the formula set out in Schedule 2; education contributions in respect of primary and secondary school places calculated in accordance with the methodology and triggers as set out in Schedule 3; a public transport contribution paid in 5 annual tranches of £40,000 with the first payment made prior to the first occupation of any dwelling; a town centre

contribution of £10,000 towards the cost of providing cycle storage facilities at Clitheroe Town Centre to be paid made prior to the first occupation of any dwelling and a Travel Plan Support Contribution of £6,000 to be paid prior to the first occupation of any dwelling.

94. The obligation also provides for the specification and management arrangements for the proposed open space within the site and the Sustainable Urban Drainage Scheme.
95. It is not contested by the Council that the development would have a harmful effect on existing infrastructure, subject to the provisions of the planning obligation. Furthermore, there is no substantive evidence before me which would indicate that the available services and facilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require the provisions of the planning obligation.
96. At the Inquiry the Council submitted a CIL Compliance Statement. This confirms that none of the obligations would conflict with Regulation 123 requiring that no more than five contributions are pooled towards any one specific infrastructure scheme.
97. Having regard to the above, and based on the evidence before me, I am satisfied that all of the provisions set out in the obligation are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests as set out within paragraph 52 of the Framework and CIL Regulations 122 and 123. I am satisfied with the form, drafting and content of the obligation and therefore I have attached weight to the provisions contained therein in this decision.

Conditions

98. The agreed and signed SoCG dated 16 May 2019 proposes a number of planning conditions, including a number of pre-commencement conditions, which I have considered against the advice given in paragraph 55 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. Where necessary I have deleted, altered or amended them in the interests of necessity, precision, conciseness or enforceability.
99. I have attached conditions limiting the life of the planning permission and setting out the requirements for the submission of reserved matters. In this respect both main parties agreed that the time period for the submission of reserved matters applications should be 18 months from the date of this permission in line with the appellant's anticipated programme of implementation.
100. I have specified the approved access plan and location plan in the interests of certainty. I have also attached a condition limiting the development to 110 dwellings. This is necessary as the technical assessments accompanying the planning application have assessed the impact of the proposal on the basis of a maximum 110 dwelling scheme.
101. Both parties suggested a condition requiring that the submission of the reserved matters shall be generally in accordance with the design parameters set out in the Design and Access Statement (August 2016) and the Illustrative

Framework Plan (8439-L-02 rev C). However, alternative and acceptable layout and design parameters may come forward at reserved matters stage that are different to those shown on the aforementioned statement and plan. Therefore, the imposition of the suggested condition at this stage would be unnecessary.

102. In the interests of protecting the character and appearance of the area, a condition is necessary requiring details and verification of finished floor levels. In order to ensure that appropriate provision is made for a children's play, a condition is necessary requiring the submission of details of an equipped play area and its subsequent implementation.
103. In order to ensure that the surface water arising from the proposed development can be appropriately drained and does not either cause off-site flood risk or is affected by flooding, a condition is necessary requiring the submission of details of the proposed drainage scheme and measures to ensure that the construction of the development accords with the submitted Flood Risk Assessment (Ref: SHF.1132.159.HY.R.001.A).
104. Both parties suggested a condition requiring the submission of details of a proposed attenuation pond. However, until the drainage details are designed and approved it is not certain at this stage whether such pond would be required. However, I have amalgamated parts of the suggested condition into the condition requiring the submission of details of the drainage scheme referred to above (condition 7).
105. A condition requiring an investigation and the recording of the potential archaeological interest on the site is necessary in order to ensure that any archaeological interest is recorded or safeguarded. A condition requiring a site investigation of the nature and extent of any contamination affecting the site, along with any requisite remediation, is also necessary to safeguard the health and well being of future occupiers.
106. Conditions are necessary requiring the submission of an Arboricultural Report containing measures to identify and protect retained trees and to ensure that any vegetation, hedgerow or trees proposed to be removed are free from nesting birds. These conditions are necessary in the interests of protecting the character and appearance of the surrounding area and to ensure that any tree or hedge removal has no detrimental effect on nesting birds.
107. Both main parties have suggested the imposition of a condition requiring the implementation of ecological mitigation measure. However, such measures are relevant to the details of landscaping of the site which remains a reserved matter. Consequently, the suggested condition is unnecessary at this stage. However, in the interests of protecting the character and appearance of the area and, where possible, enhancing the ecological value of the site, conditions are necessary requiring the submission of a landscape/habit management plan and the provision for bird boxes and artificial bat roosting sites.
108. A condition requiring an external lighting scheme is also necessary to minimise the effect of artificial light on local species and in the interests of protecting the living conditions of existing nearby residents and the future occupants of the development.

109. To promote sustainable modes of transport and reduce the need for travel by car, conditions are necessary to secure the implementation of the Travel Plan and the provision of electric vehicle charging points. The submission and approval of a Construction Management Plan is necessary to safeguard the living conditions of local residents and in the interests of highway safety.
110. Also in the interests of highway safety, conditions are necessary requiring the design details and early provision of the site access. Both main parties suggested the imposition of a condition requiring the submission of the details and implementation programme for the provision of the estate roads. However, as access within the site remains a reserved matter such condition is not necessary.

Conclusion

111. I have found that the Council can demonstrate a 5 year supply of land for housing and such the tilted planning balance as set out in paragraph 11d of the Framework does not apply. I concur with the main parties views that Key Statement DMI2 and Policy DMG3 of the Core Strategy are the remaining policies applicable to the reason for refusal. I also concur that, in accordance with the 'Principle SoCG', if the appeal scheme is found to be accessible then it should be approved without delay as per Key Statement DS2 of the Core Strategy and paragraph 11c of the Framework.
112. As explained above, I have found that the appeal scheme is accessible and therefore there is no conflict with Key Statement DMI2 and Policy DMG3. There are no other considerations of such weight as to warrant a decision other than in accordance with the aforementioned development plan policies and the Framework. Consequently, for the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

David Manly QC	of Queens Counsel instructed by Ribble Valley Borough Council
He called	
Rachel Horton BSc (Hons), MA	Senior Planning Policy Officer, Ribble Valley Borough Council
Simon Plowman BA (Hons), BTP, MA, MRTPI	Plan:8 Town Planning Limited

FOR THE APPELLANT

Martin Carter	of Counsel instructed by Gladman Developments Limited
He called	
Ben Pycroft BA (Hons), Dip TP, MRTPI	Emery Planning
Simon Helme BEng (Hons), MSc MCIHT	Ashley Helme Associates Limited
Neil Lewis BSc (Hons), MCD, MRTPI	Gladman Developments Limited

FOR LANCASHIRE COUNTY COUNCIL (Highway Issues Question and Answer Session)	Ray Bennett
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INTERESTED PARTIES

Steven Burke Dip.Arch (Oxf'd)	Chairman, Clitheroe Civic Society
Dr W J David McKinlay MBE, MRCP, FRCGP	Retired GP and Local Resident
John Roberts	Local Resident
Maureen Fenton	Local Resident
Linda Parkinson	Local Resident
Barbara Alty	Local Resident
Judith Driver	Local Resident
Stuart Roberts	Local Resident
Jenny Roberts	Local Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Updated 5 Year Housing Land Supply table and Scott Schedule.
- 2 Opening Submissions on behalf of the Appellant.
- 3 Opening Submissions on behalf of the Council.
- 4 Email from Gary Hull to Council dated 6 May 2019 regarding weed infestation and deposit of material on land adjoining Siddows Hall.
- 5 Email from Taylor Wimpey to Council dated 20 April 2019 identifying anticipated housing delivery rates on the Barrow site.
- 6 Paragraph from Dr McKinlay's intended transcript relating to school capacity.
- 7 Statement of Common Ground dated 2 May 2019 relating to the principle of development.
- 8 Planning Obligation by Deed of Undertaking dated 10 May 2019.
- 9 Updated CIL Compliance Statement.
- 10 Application for a full and partial award of costs submitted on behalf of Appellant.
- 11 Closing submissions of behalf of Council.
- 12 Transcript of Statement read by Steven Burke.
- 13 Letter from Mr David Butterworth, Ribble Valley Rail referred to in the Transcript of Statement read by Steven Burke.
- 14 Transcript of Statement read by Dr McKinlay.
- 15 Transcript of Statement read by Maureen Fenton.
- 16 Closing Submissions on behalf of Appellant.
- 17 Handwritten response to Appellant's Claim for an Award of Costs on behalf of Council.

DOCUMENTS SUBMITTED AFTER THE INQUIRY (Following discussion and agreement during the Inquiry)

- 18 Statement of Common Ground dated 16 May 2019 containing an updated and agreed list of suggested planning conditions.

SCHEDULE OF CONDITIONS

- 1) Details of the access, other than that shown on drawing 1616/13 rev B, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of all reserved matters must be made not later than the expiration of 18 months beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.
 - (a) The expiration of three years from the date of this permission; or
 - (b) The expiration of 18 months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The vehicle site access shall be constructed in accordance with the details shown on drawing number 1616/13 rev B (Proposed Access Arrangements).
- 4) The development hereby permitted shall be limited to no more than 110 dwellings and shall be carried out in accordance with the Location Plan (Drawing No 8439-L-04 rev A).
- 5) Any application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details. Prior to the occupation of each dwelling verification that the dwelling has been constructed in accordance with the approved levels shall be submitted to and approved in writing by the local planning authority.
- 6) The reserved matters application(s) shall include full details of an equipped play area for the written approval of the local planning authority. Such details shall include:
 - a) The layout of the equipped play area.
 - b) The siting of the equipped play area with the site.
 - c) The precise details of all play equipment proposed.
 - d) Details of soft and hardsurfacing materials and boundary treatments.

The equipped play area shall be provided in accordance with the approved details and shall be made available for use in accordance with the timescales agreed within the Unilateral Undertaking and the equipped play area shall be managed and maintained in accordance with the approved Management Plan as required by the Unilateral Undertaking.

- 7) The reserved matters application(s) shall provide the following drainage details for the written approval of the local planning authority:
- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change), discharge rates and volumes, temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage scheme should demonstrate that the surface water run-off will not exceed the existing pre-development runoff rate for the corresponding return period. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) A plan showing any overland flow routes and flood water exceedance routes, both on and off site – flow routes must be directed away from property and infrastructure;
 - d) A timetable for implementation, including phasing where applicable;
 - e) Details of water quality controls, where applicable;
 - f) Details of any proposed surface water attenuation pond including proposed sections through the pond, including relevant existing and proposed land levels, details of all associated landscaping and boundary treatments where applicable and a timescale for implementation and completion of the pond;
 - g) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

The scheme shall be implemented in accordance with the approved details and agreed timetable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 8) The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (Ref: SHF.1132.159.HY.R.001.A) and the following mitigation measures detailed within the FRA:
- a) Finished floor levels are set no lower than 150mm above external ground levels;
 - b) Limiting the built development (including surface water attenuation) outside the mapped extent of surface water flow pathways;
 - c) No below surface building (i.e. basements);
 - d) Providing a 4m easement free from development along either side of the 'Drain 1' as shown on Figure 3.6 of the FRA;

The mitigation measures shall be provided in accordance with an implementation timetable which shall have been submitted to and approved

in writing by the local planning authority prior to the commencement of any construction work above foundation level. The mitigation measures shall be subsequently implemented in accordance with the approved implementation timetable and shall thereafter be permanently retained.

- 9) No development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) An assessment of the potential of the site to contain archaeological remains or features of interest.
 - b) The programme and methodology of site investigation and recording which shall include where applicable an initial phase of both geophysical survey and trial trenching to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance.
 - c) The programme and methodology for the post investigation analysis and assessment of the site investigation results including the excavation of any remains or measures to record their significance in-situ.
 - d) The provisions to be made for the archive deposition of the records and analysis of site investigation.

The development shall be carried out in accordance with the approved Written Scheme of Archaeological Investigation.

- 10) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment shall be carried out as recommended and described in Section 7 (Discussion and Recommendations) of the submitted Phase 1 Geo-Environmental Report by enzygo (Ref: SHF.1132.159.GE.R.001) and shall assess any contamination on the site or affecting the site from off-site sources.

The assessment shall include a survey of the extent, scale and nature of contamination and shall assess potential risks to:

- a) Human health.
- b) Property (existing and proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes.
- c) Adjoining land.
- d) Groundwater and surface water.
- e) Ecological systems.
- f) Archaeological interests.

No development shall take place where, following the risk assessment, land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority.

The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, a description and programme of the remediation works proposed and the submission of a subsequent verification report to confirm that the land has been remediated in accordance with the approved scheme. The remediation scheme shall ensure that upon completion of the remediation works the site shall not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The remediation of the site shall be carried out in accordance with the approved scheme and the verification report, endorsed by a suitably qualified contaminated land practitioner, shall be submitted to and approved in writing by the local planning authority before the development (or relevant phase of development) is occupied.

- 11) The reserved matters application(s) shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within influencing distance of the development site. The assessment shall be submitted for the written approval of the local planning authority and shall include details of all root protection measures which shall accord with BS5837 "Trees in Relation to Demolition, Design and Construction" and a timetable for the implementation and retention of such works linked to the proposed phasing and completion of construction work. The development shall be carried out in strict accordance with the approved assessment.
- 12) The reserved matters application(s) shall include details of a Landscape/Habitat Management Plan to include long-term design objectives, timings of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens). Such details shall be submitted for the written approval of the local planning authority. The requirements of the Landscape/Habitat Management Plan shall be informed by the submitted Ecological Appraisal (dated August 2018) and the recommended measures shall be carried out in accordance with the approved Plan.
- 13) The reserved matters application(s) shall include details of the provisions to be made in the development for the creation/preservation of habitats for nesting birds and bats. Such details shall be submitted for the written approval of the local planning authority and shall include artificial bird nesting boxes and artificial bat roosting sites which shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings as identified in the approved details during their construction and shall be completed before and made available for use before the identified dwellings/buildings are first occupied or brought into use. The artificial bird/bat boxes shall be permanently retained thereafter.

- 14) The reserved matters application(s) shall include details of a scheme for any external building or ground mounted lighting/illumination. Such details shall be submitted for the written approval of the local planning authority and shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution. The submitted details shall also demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

External lighting shall only be provided in accordance with the approved scheme(s) and shall thereafter be retained as approved.

- 15) Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless a pre-clearance check has been carried out by a licensed ecologist on the day of removal and no nesting birds are present. The pre-clearance check shall have been submitted to, and shall have received the written approval of, the local planning authority prior to the removal of any trees and/or hedges.
- 16) Each dwelling shall be provided with an electric vehicle charging point which shall be installed in a suitable location to enable electric vehicles to be charged. The charging point be installed and made operational prior to the first occupation of the relevant dwelling.
- 17) Prior to the commencement of the development a scheme providing details of the construction of the site access and the off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority. The site access shall be provided in accordance with the approved details and shall be constructed to at least base course level for a distance of 23m into the site from the junction with Henthorn Road prior to the commencement of the construction of any dwellinghouse.
- 18) Prior to the occupation of the first dwelling, a Travel Plan detailing the measures and targets to encourage sustainable modes of transport, including but not limited to walking and cycling, shall be submitted to and approved in writing by the local planning authority.

The Travel Plan shall demonstrate how proposed measures will reduce peak hour car trips and shall accord the details shall accord with the general principles of the submitted Travel Plan dated August 2018 (Ref: 1616/3/A).

The Travel Plan shall be reviewed within 9 months of the occupation of the 60th dwelling and thereafter at 12 month intervals for a period of 5 years from the occupation of the 60th dwelling.

A monitoring report shall be submitted to and approved in writing by the local planning authority following each review period. The monitoring report shall include details of measured indicators of, but not limited to, pedestrian and cycle movements to/from the development and shall demonstrate whether the measures and targets contained in the Travel Plan have been achieved.

In the event that the monitoring report demonstrate that the targets are not being met the report shall provide details of intervention measures to ensure that the targets can be met. The intervention measures shall

thereafter be undertaken in accordance with the details provided in the approved monitoring report.

- 19) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:
- a) Working hours and arrangements for the delivery and storage of materials for the off-site highway works.
 - b) The parking on-site of vehicles of site operatives and visitors.
 - c) The loading and unloading of plant and materials.
 - d) The storage of plant and materials proposed to be used in the construction of the development.
 - e) The design, erection and maintenance of site perimeter fencing and security hoardings.
 - f) Details of working and delivery hours including details to avoid/minimise deliveries during peak hours and school opening/closing times.
 - g) The display of contact details of the site manager.
 - h) Routes to be taken by vehicles carrying plant/materials to and from the site.
 - i) Measures to ensure that construction plant and vehicles and delivery vehicles do not impede access to nearby properties.
 - j) Details of wheel washing facilities and other measures to prevent the deposit of mud and debris on the public highway.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Appendix 3

RVBC committee report for application 3/2018/0910

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

DEFER AND DELEGATE

DATE: 29th November 2018

REF: SK

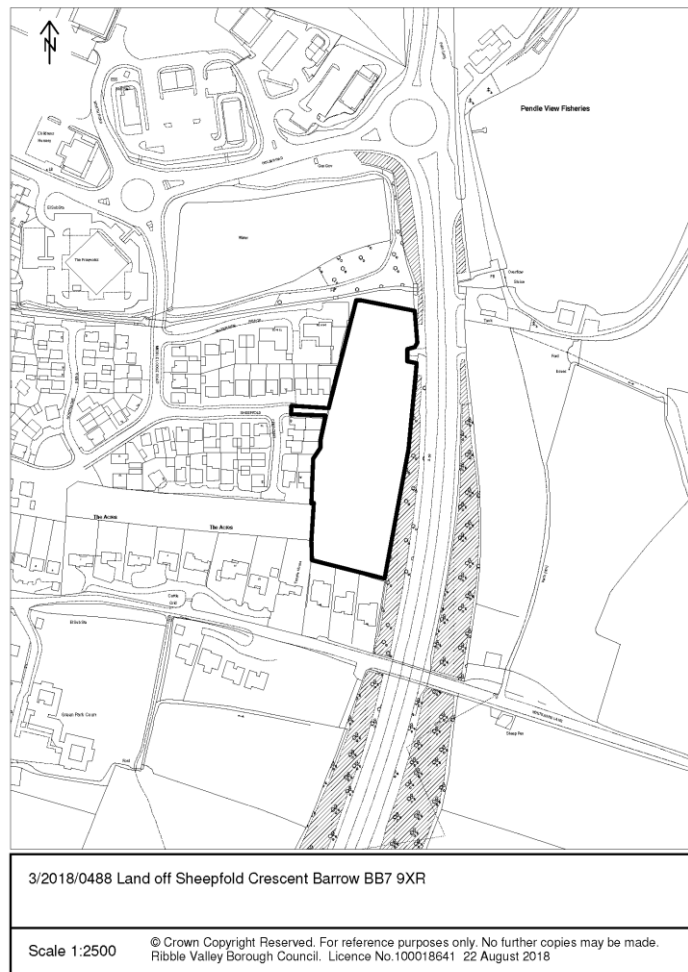
CHECKED BY:

APPLICATION REF: 3/2018/0910

GRID REF: SD 374154 438021

DEVELOPMENT DESCRIPTION:

APPLICATION FOR OUTLINE CONSENT FOR 20 BUNGALOWS FOR THE ELDERLY (6 DETACHED TWO-BED AND 14 SEMI-DETACHED ONE-BED AND OF WHICH TWO ARE AFFORDABLE) AND 6 AFFORDABLE, TWO-BED APARTMENTS WITH ASSOCIATED ROADS, ANCILLARY WORKS LANDSCAPING AND ACCESS AT LAND OFF SHEEPFOLD CRESCENT, BARROW BB7 9XR



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Barrow Parish Council wishes to object to the application on the following grounds:

- The proposal is contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy. Approval would lead to the creation of new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification and this would cause harm to the Core Strategy.
- The Core Strategy states that there is zero residual need for additional housing in Barrow. Allowing an additional 29 dwellings is not sustainable and is contrary to Key Statement DS1. Whilst housing numbers do not represent upper limits, additional housing should only be considered in areas that have not already been exploited for residential development, disproportionate to other targeted development areas in the borough. This is especially important considering nearby traffic levels, the lack of sustainability and the environmental risks of this application.
- The applicant's covering letter states that there is currently a shortfall of housing provision in Barrow under the Core Strategy. Any perceived shortfall of residual housing numbers in Barrow is likely to be fulfilled by a recent application (3/2018/0924) where outline planning consent already exists.
- Planning consents granted on appeal in other parishes do not mean that the same development principles should be applied to this application. Each application should be considered on its own merits and the threat of an appeal should be disregarded.
- The application states that 'the site is in an accessible location with bus stops and the Barrow service area with its shops to meet day to day needs of residents being in close proximity'. It should be noted that there is only one temporary bus stop that is poorly served and there is one shop connected to a petrol station.
- There is no evidence to support the claim that there are 'economic and social benefits by the provision of elderly bungalows and affordable housing units'. Any limited social and economic benefits arising from the development would fail to outweigh the harm to the Core Strategy.
- The site does not benefit from walkable access to a full range of services and facilities, particularly for the elderly with mobility problems, and would perpetuate an already unsustainable pattern of development. Adding more houses in Barrow would put a strain on the village's infrastructure that is already struggling to cope with the increased population and housing growth in recent years.
- Whilst the Parish Council understands that there is a need for elderly housing in the borough, the proposed site is not suitable. Meeting a perceived need on an unsuitable site should not be allowed as an exception to the Core Strategy. Ribble Valley Borough Council recently gave consent to Bloor Homes to reduce the number of bungalows and the percentage of social housing on the adjacent site so fulfilling a requirement with this application cannot be considered a priority.
- Traffic leaving the proposed site through the Barrow Brook Enterprise Park would increase the amount of congestion that exists at the McDonald's roundabout on the A59. There are already significant waiting times at this junction but Lancashire County Council will not take any action to improve safety and traffic flow until there has been a serious accident.
- The reports state that surface water and foul water drainage is to be discharged into Barrow Brook and if this is the case, the LLFA needs to be consulted to minimise the risk of flooding. Barrow experienced incidents of flooding in 2015 and the Parish Council is concerned about the loss of yet more green fields and the impact this will have on the whole village.

- The application form states that the development is not within 20m of a watercourse. This is incorrect as Barrow Brook and Barrow Lodge are nearby.
- The application form states that the site cannot be seen from a public road. This is incorrect as the proposed development would be visible from the A59, the bridge over the A59 on Whiteacre Lane and by residents of the Bloor Homes Estate.
- Pendle Fisheries is mentioned in the Ecological Survey but there is no mention of Barrow Lodge which is adjacent to the proposed site and feeds Barrow Brook.
- Trees bordering the proposed site may be protected by Tree Preservation Orders covering the former Printworks site, particularly those adjacent to Barrow lodge. The trees and hedges on site are important to the local landscape, providing a buffer to the A59 and supporting a wide variety of wildlife, so it is important that they are monitored and remain in situ.
- Granting consent to the proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals and would damage the implementation

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

LCC Development Control Section have offered the following observations:

The proposed development is described as being for elderly residents and offers mobility friendly accommodation. On this basis I would envisage that the peak hour traffic generation by the development will be less than generated by a traditional family unit due to less work and school trips.

Site observations would suggest that at peak times, whilst there is an element of queueing on Holm Road and its junction with the A59 roundabout, the delays encountered by drivers are not such that the impact of the development can be classed as severe in the context of the NPPF, however it has been noted that the development has a poor accessibility score and as such the highway authority would seek a financial contribution in the region of £24,000 to promote and support the recently introduced bus service on Holme Road.

There is an option to link the site to the path around the pond to the north of the, this would improve pedestrian accessibility to the PFS / convenience store and bus service and should therefore be explored.

Subject to the above being addressed adequately the Highways Section have raised no objection to the proposal subject to the imposition of appropriate conditions relating to the erection of a fence/wall adjacent the A589 embankment, construction management and other highways related matters.

LOCAL LEAD FLOOD AUTHORITY (LLFA)

No objection subject to the imposition of conditions relating to surface water drainage.

UNITED UTILITIES

No objection subject to the imposition of conditions.

LANCASHIRE FIRE AND RESCUE:

No representation at time of preparing this report but previously raised no objection subject to technical requirements to comply with Building Regulation.

ADDITIONAL REPRESENTATIONS:

Thirteen letters of representation have been received objecting to the application on the following grounds:

- Increase in traffic in the area
- Not in keeping with the character of the area
- Pollution
- Insufficient infrastructure in the area
- Inadequate parking provision
- The application is contrary to adopted local planning policy
- Loss of land used by the community
- Proximity to the A59
- Additional housing not required in Barrow
- Site does not have walkable access to services and facilities

1. Site Description and Surrounding Area

- 1.1 The application relates to a greenfield area of land 1.075 Hectares in size. The site is located to the eastern extents of an existing housing development (Pendle Hill View). The site is located within the defined open countryside, outside but directly adjacent the settlement boundary of Barrow as defined within the Regulation 22 Draft Proposals Map.
- 1.2 The site is bounded to the north by an area of open land associated with the Barrow Brook attenuation pond with the site being bounded to the east by a graded highways verge which fronts the A59. Located to the south of the site is numbers 15-19 Whitacre Lane.
- 1.3 The site is bounded to the west for the most part by Pendle Hill View with an area of woodland and usable open space for the adjacent development bounding the south western extents of the site. The immediate surrounding area is predominantly residential in both character and scale of built-form save that of the A59 being located within close proximity to the east.

2. Proposed Development for which consent is sought

- 2.1 Outline consent (Matters of access) is sought for the erection of 18 open market bungalows for older-persons, two affordable bungalows for older persons and 6 affordable two-bedroom apartments with associated ancillary works and landscaping.
- 2.2 The submitted indicative layout proposes that the primary vehicular and pedestrian access to the site will be provided by way of a direct interface with Sheepfold Crescent located to the west. The submitted details propose a layout whereby the main spine road diverges both north and south off the primary access. It is proposed that the southern extents of the site will accommodate bungalows orientated in two cul-de-sac arrangements with the northern extents of the site accommodating a proposed apartment block and associated parking court.
- 2.3 The submitted details propose that 30% of the housing to be provided on site will be affordable, being brought forward in the form of 6 x 2 bedroom apartments and 2 x affordable bungalows for those aged 55 or over - as such the proposed development would be considered fully compliant with Key Statement H3 of the adopted Core Strategy.

- 2.4 The remainder of the open market element will be brought forward in the form of bungalows with a housing mix to be agreed at a later stage. The applicant has indicated that whilst these bungalows are to be for open market sale, it is proposed that the occupancy of the bungalow units will be controlled through an age restriction limiting occupation to those over 55 years of age.

3. **Relevant Planning History**

3/2017/0962: Application for outline consent for 20 bungalows for the elderly (6 detached two-bed and 14 semi-detached one-bed) and 9 affordable, two-bed apartments with associated roads, ancillary works landscaping and access. (Refused – Appeal Lodged).

3/2018/0488: Application for outline consent for 20 bungalows for the elderly (6 detached two-bed and 14 semi-detached one-bed) and 9 affordable, two-bed apartments with associated roads, ancillary works landscaping and access. (Refused)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement DMI2 – Transport Considerations

Key Statement H3 – Affordable Housing

Policy DMB4 – Open Space Provision

Policy DMB5 – Footpaths and Bridleways

Policy DME1 – Protecting Trees and Woodland

Policy DME2 – landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DMH1 – Affordable Housing Criteria

Policy DMH3 – Dwellings in the Open Countryside

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

- 5.1.1 The application site is located outside but directly adjacent the Defined Settlement Boundary for Barrow. A fundamental component of Key Statement DS1 is to guide the majority of new housing development towards the principal settlements within the Borough and in addition to these locations development will be focused towards the Tier 1 settlements, one of which being Barrow.

5.1.2 The revised National Planning Policy Framework was published on 24 July 2018 and introduced changes to how local planning authorities calculate housing land supply. Paragraph 73 of the revised NPPF states that *“local planning authorities should identify and update annually a supply of specific deliverable site sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies.*

The supply of specific deliverable site should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land*
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply*

5.1.3 The latest five year supply calculation is published in the Housing Land Availability Schedule November 2018. This takes into account the changes introduced by the revised NPPF in terms of housing requirements and deliverability. Based on a baseline date of 30th September 2018 the Council can demonstrate a 5 year supply of housing land. As such the housing policies contained within the Core Strategy can be considered as up-to-date for the purposes of determining applications.

5.1.4 Table 4.12 of the Core Strategy illustrates the expected distribution of housing development in the Borough over the plan period including the residual number of houses needed in each settlement based on the requirement for 5,600 houses over the plan period. Table 4.12 apportions 710 dwellings to Barrow over the plan period (2008-2028).

5.1.5 It is acknowledged that the figures contained with table 4.12 represent a minimum housing requirement. In the settlement of Barrow, the Council’s position in terms of the combined number of dwellings with planning permission and homes completed since 2008 has fluctuated as a result of reduction in housing numbers on individual development sites. The Authorities internal monitoring of residual requirements for both the Principal and Tier 1 settlements as of September 2018 confirms that the residual requirement for Barrow, at the time of writing this report, remains unmet by 43 units.

5.1.6 The application site lies outside the Barrow settlement boundary in an area defined as open countryside where Core Strategy Policies DMG2 (Strategic Considerations) and DMH3 (Dwellings in the Open Countryside & the AONB) apply. In order to satisfy policies DMG2 and DMH3 in principle residential development in the open countryside or AONB must meet an identified local housing need or one of the other criterion contained within the policy.

5.1.7 Providing affordable homes and housing for older people are priorities within the Council’s Housing Strategy, with the Strategic Housing Market Assessment (SHMA) also supporting the need for bungalows in the Borough. However, it is envisaged that the borough wide shortfall in affordable homes and 55 years plus accommodation will be expressly addressed through the housing policies in the Core Strategy particularly in terms of locational aspirations for such development.

5.1.8 Turning to locational matters, the proposal site lies outside the settlement boundary in an area currently defined as open countryside. Policy DMG2 (Strategic Considerations) states that 'outside of the defined settlement areas development must meet at least one of the following considerations:

1. The development should be essential to the local economy or social well-being of the area
2. The development is needed for the purposes of forestry or agriculture
3. The development is for local needs housing which meets and identified needs and is secured as such
4. The development is for small scale tourism or recreational developments appropriate to a rural area
5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated
6. The development is compatible with the enterprise zone designation.

In taking account of the above criterion it is clear that residential development in this location would only be acceptable in principle if it sought solely to meet an 'identified local need'.

5.1.9 Whilst it is accepted that an element of the proposal seeks to meet identified affordable need within the Borough (6x two bed apartments of mixed tenure and two affordable older-persons bungalows), the remainder of the proposal is for open market sale, albeit with an occupancy restriction limiting occupation to those over 55 years of age. As such, the open market bungalows, regardless of restricted occupancy, could be considered as being in direct conflict with Policy DMG2, however such specialist housing has been identified as a 'need' within the borough, albeit not expressly meeting the definition of 'Local Needs Housing' as defined within the Core Strategy.

5.1.10 In respect of this matter the latest formal published housing monitoring position (September 2018) the Local Authority can demonstrate a 5 year supply of housing. However members will note that this position has been subject to significant fluctuation over the past twelve months with the authority having also found itself in the position whereby a 5 year supply could not be demonstrated.

5.1.11 oversupply in isolation has been considered, in some extreme cases, to be harmful. However members will note that it is difficult to demonstrate harm from 'oversupply' of housing in the absence of any evidence that existing infrastructure services and facilities could not adequately accommodate the level of growth proposed.

5.1.12 In respect of harm to the Development Strategy for the Borough, it is not considered possible to demonstrate any quantifiable or measurable harm, particularly given the Development Strategy for the Borough seeks to guide the majority of all new housing development towards the Principal Settlements and Tier 1 settlements (of which barrow is one).

5.1.13 It is considered that the application is compliant with the main aims, objectives and thrust of the overarching Development Strategy (Key Statement DS) for the Borough in that it seeks to guide housing towards the more sustainable settlements within the Borough, albeit it is accepted that the current proposal is not located within the existing defined settlement boundary.

- 5.1.14 Taking account of the above matters it is clear that the outstanding residual housing need for Barrow remains unmet and it is also clear that the five year housing supply position is likely to be marginal at best. Members will note that both residual housing numbers and the matter of 5 year supply are not intended to be ceilings or an upper limit not to be exceeded, they represent only targets which must be met and maintained to ensure continued sustainable growth patterns within the borough.
- 5.1.15 It is considered that the boosting and reinforcement of housing supply, through the granting of additional housing consents, of an appropriate type and in an appropriate location plays a fundamental contributory role in maintaining a 5 years supply of housing in the Borough and will only continue to do so.
- 5.1.16 Taking into account the current supply position, the proposals proximity to a Tier 1 settlement, the unmet residual housing requirement for Barrow and that the proposal brings forward specialist open-market over 55's housing (for which there is an identified demand/need in the borough) and also brings forward affordable housing I can only consider that the benefits of granting consent significantly outweigh any harm that would likely be brought forward by the proposal.
- 5.1.17 As such and notwithstanding conflicts with selected policies within the Core Strategy, I consider that the principle of the development is acceptable given the likely long-term benefits of boosting housing supply and the delivery of specialist and affordable housing.

5.2 Impact upon Residential Amenity:

- 5.2.1 As the application is made in outline with matters of layout and appearance being reserved for consideration at a later date no definitive assessment can be made in respect of the potential impacts upon residential amenity resultant from the proposal. Notwithstanding this matter the Local Planning Authority consider it is appropriate to give due consideration to potential conflicts or issues that may arise as a result of the indicative layout proposed.
- 5.2.2 The proposal site is bounded to the west by a recently constructed housing development with the proposal having a direct interface with an existing cul-de-sac, Sheepfold Crescent. The location of the proposed vehicular access is off a small portion of road that currently accommodates a terrace of three bungalows which will directly front the access, with another bungalow to the south being orientated 90 degrees to the access point.
- 5.2.3 In relation to the orientation and layout of the proposed dwellings, those that are located adjacent the site to the west for the most part adopt a layout that acts as a continuation of existing building lines, with the proposed bungalows being orientated parallel to their neighbouring counterparts. As such it is unlikely that such an arrangement is likely to be of detriment to existing or future residential amenity.
- 5.2.4 The indicative orientation and siting of Plot 06 results in a side to rear elevation relationship with numbers 23 and 25 Sheepfold Crescent resulting in an indicative offset distance of 17m measured from the principal rear elevation of the existing dwelling (at its closest point) to a garage located on the west elevation of Plot 06. This distance is in excess of what the authority would normally seek to achieve in such situations and consider the distance proposed to be adequate to protect the residential amenities of both existing and future occupiers.

5.2.5 It is proposed that the northern extents of the site will accommodate a block of 9 x 2 bedroom apartments, no details have been provided in respect of the anticipated scale or height of the aforementioned apartments other than reference to it being potentially three-storey in height within the submitted Planning Policy Statement. Notwithstanding this matter the indicative layout proposes an offset distance of approximately 25 from existing apartments located to the west. Provided the scale of the proposed apartment block is commensurate with the scale of its neighbouring counterpart and primary habitable windows were orientated to take account of potential direct overlooking, it is not considered that the proposal would be of significant detriment to existing or future residential amenity.

5.2.6 Some concerns exist in respect of the illustrative floorplans that have been submitted insofar that a number of the internal configurations may not meet the floorspace requirements of the specifications and requirements of category 2 housing (as defined in M4(2) of Approved Document M (volume 1 2015) of The Building regulations) as normally required by the authority. However given consent for such matters are not sought at this stage, there is no obligation upon the applicant to address such concerns as part of the current application. However, there will be a requirement for such standards to be met enshrined within the S106 agreement,

5.3 Highway Safety and Accessibility:

5.3.1 The Highways Development Control section have raised no objection to the proposal subject to the imposition of conditions and have stated that the applicant will be requested to provide a financial contribution in the region of £24,000 to promote and support the recently introduced bus service on Holme Road.

5.3.2 The Highways Officer has further stated that there is an option to link the site to the path around the pond to the north of the, this would improve pedestrian accessibility to the PFS / convenience store and bus service and should therefore be explored. Subject to the aforementioned matters being addressed the Highways Section have raised no objection to the proposal subject to the imposition of conditions relating to the erection of a fence/wall adjacent the A589 embankment, construction management and other highways related matters.

5.4 Landscape/Ecology:

5.4.1 The applicant has submitted a Phase 1 Habitat Survey in support of the application. The report finds that the site is largely composed of single semi-improved poor grassland that shows signs of having been poorly managed, this is evidenced through a build-up of thatch and some developing rankness.

5.4.2 The report concludes that the development will only directly affect semi-improved grassland, tall ruderal herb, a single hedgerow and a small number of self-seeded sapling trees. It is considered that the proposal contains sufficient landscape margins to accommodate adequate mitigation and enhancement which could be secured are the relevant detailed reserved matters stage.

5.4.3 The report further notes that any hedgerow removal must be undertaken outside of the breeding season do avoid any direct impact upon nesting birds and that any loss of habitat could be compensated for by the provision of new tree/shrub planting of an appropriate

species. The report has further identified that an Ash tree on site (T3) may have bat roosting potential and that further surveys may be required should any works proposed at the detailed reserved matters stages directly affect the tree.

5.5 **Affordable Housing Provision:**

5.5.1 Matters relating to affordable housing and tenure are currently under negotiation. However the applicant has provided a commitment to provide 30% on site affordable housing provision as required by Key Statement H3 of the core strategy. At this stage it is proposed that the affordable provision shall consist of six affordable 2-bedroom apartments and two affordable bungalows that will be for occupation solely by those aged 55 or over.

5.6 **Flood Risk and Drainage:**

5.6.1 The LLFA have stated they have no objection subject to the imposition of conditions relating to surface water drainage.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 Taking account of the above matters and all material considerations it is considered that the proposal will bring forward older persons housing of a type for which there is a clear identified need in the borough. It is further considered that the proposed development will bring forward an element of local needs affordable housing adjacent a Tier 1 settlement within which the residual housing need target is yet to be met.

6.2 It is further considered that the granting of approval will result in boosting and reinforcing of housing supply in the borough in a location which matches the locational aspirations as to where future development is to be accommodated, or guided towards, as embodied within Key Statement DS1 of the adopted core strategy.

6.3 For the reasons outlined above the proposed development is considered to be in accordance with the aims and objectives of the adopted development plan and do not consider that there are any significant material reasons that would warrant the refusal to grant planning permission.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement, within 3 months from the date of this Committee meeting or delegated to the Director of Community Services in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and subject to the following conditions:

Timings and Commencement

1. Application(s) for approval of all outstanding reserved matters must be made to the Local Planning Authority not later than the expiration of eighteen months beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.

(a) The expiration of eighteen months from the date of this permission; or

- (b) The expiration of 18 months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The details in respect of the submission of any reserved matters shall be in substantial accordance with the design principles and parameters as set out in/conveyed within the following approved documentation/details:

- Design & Access Statement
- Location Plan: MIDD01/Dwg 00
- Proposed Site Plan: MIDD/01 Dwg 02
- House Plans & Elevations: MIDD/01 Dwg 03

REASON: To clarify the agreed principles integral to the nature of the consent hereby approved.

3. No more than 26 dwellings shall be developed within the application site edged red on the submitted Existing Site Plan (MIDD/01 Dwg 01).

REASON: For the avoidance of doubt and to clarify the scope of the consent hereby approved

4. Applications for the approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads.

For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

REASON: To ensure the proposed development responds positively to characteristics of the area and to ensure the Local planning Authority can make an accurate assessment of potential impacts upon existing nearby residential amenity as a result of the development.

6. Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

For the avoidance of doubt the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory standard of appearance in the interests of the visual amenities of the area and to minimise the potential impacts of the development through the inclusion of measures to retain and enhance habitat connectivity for species of importance or conservation concern.

7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. QFRA558, Dated 23/01/2017) which was prepared by UK Flood Risk Consultants. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

8. Reserved Matters to include surface water drainage scheme to be agreed - As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority:
 - A. Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes, temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - B. The drainage scheme should demonstrate that the surface water run-off will not exceed the existing pre-development runoff rate for the corresponding return period. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - C. A plan showing any overland flow routes and flood water exceedance routes, both on and off site – flow routes must be directed away from property and infrastructure;
 - D. A timetable for implementation, including phasing where applicable;
 - E. Details of water quality controls, where applicable.
 - F. Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that water quality is not detrimentally impacted by the development proposal and to reduce the flood risk to the development as a result of inadequate maintenance.

9. There shall be no direct pedestrian or vehicular access between the site and the Whalley Clitheroe Bypass (A59). Details of a suitable boundary treatment/wall of a height, location, extents and appearance, to be agreed by the Local Planning Authority, shall be erected prior to the commencement of development on site. The agreed details shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON: To limit the number of pedestrian access points to the highway network as an aid to road safety.

10. The new estate road/access between the site and Sheepfold Crescent shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

11. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

12. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 09 has been constructed and completed in accordance with the approved details.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

13. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway.

The roads adjacent to the site shall be mechanically swept and kept free of debris resultant from the construction works associated with the proposal as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway and to ensure the continued safe operation of the highway network.

14. All garage facilities and at least 1 of the communal parking spaces for the apartments shall have facility of an electrical supply suitable for charging an electric motor vehicle, details of which shall be submitted at reserved matter stage.

REASON: In order that the development promotes sustainable modes of transport.

15. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a Construction Method Statement for the relevant phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:

- A. The location of parking of vehicles of site operatives and visitors
- B. The location for the loading and unloading of plant and materials

- C. The location of storage of plant and materials used in constructing the development
- D. The locations of security hoarding
- E. The highway routes of plant and material deliveries to and from the site.
- F. Days and hours of operation for all construction works.
- G. Contact details of the site manager

The approved statement shall be adhered to throughout the construction period of the development.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development.

INFORMATIVES:

- Response does not grant permission to connect to the ordinary watercourse - For the avoidance of any doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0910

Appendix 4

Appeal decision APP/X2220/W/18/3213086



Appeal Decision

Hearing Held on 11 June 2019

Site visit made on 11 June 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 04 July 2019

Appeal Ref: APP/X2220/W/18/3213086

Land at Churchfield Farm, Sholden, Deal, Kent CT14 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P D Rawle (Greenfield Developments Limited) against the decision of Dover District Council.
 - The application Ref DOV/17/01345, dated 4 November 2017, was refused by notice dated 31 August 2018.
 - The development proposed is an up to 64-bedroom care home (C2 use) and 48 dwellings (C3 use).
-

Decision

1. The appeal is allowed and planning permission is granted for up to 48 dwellings (comprising up to 14 affordable dwellings and up to 34 market dwellings), up to 64 bedroom care home (C2 Use), publicly accessible open space (including children's play area), attenuation pond, and creation of vehicular access, with the demolition of two dwellings at land at Churchfield Farm, Sholden, Deal, Kent CT14 0AL in accordance with the terms of the application, Ref DOV/17/01345, dated 4 November 2017 subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. The application was made in outline with details of appearance, landscaping, layout and scale reserved as matters for later determination and those of access provided. I have dealt with the appeal on this basis, having had regard to the supporting information including the illustrative masterplan. The description of the development used in the decision is taken from the Statement of Common Ground and sets out more fully what is proposed.

Main Issues

3. The effect of the proposal on (i) the safety of pedestrians, cyclists, drivers and other users of Vicarage Lane and the adjacent sections of The Street and London Road and (ii) the capacity of the local highway network.

The Proposal

4. The proposal relates to a roughly square site of some 5.6 hectares, comprising long-disused farmland that has reverted to scrub. As indicated in the masterplan, the developed parts are proposed to the sides immediately to the rear of the housing in Sholden fronting Vicarage Lane and The Street.

The outer parts of the site, comprising about 60% of the total area, would be retained as publicly-accessible open space, providing for sustainable drainage, play areas and structure planting. Footpaths would run through the open space connecting onto the Church Lane cycle path that forms one edge of the site, beyond which is the built-up extent of Middle Deal. The other far edge of the site abuts farmland and is near the recently-built Timperley Place housing development.

5. The single access to the site is via Vicarage Lane, provided by the demolition of two detached bungalows. The off-site highway works proposed include improved visibility onto Vicarage Lane at the new site access, with double yellow lining, and an at-grade footway on The Street, demarcated by contrasting coloured textured paving, linked to that on London Road which is to be built out further at the junction.

Policy Framework

6. The development plan comprises the saved policies of the Dover District Local Plan 2002, the Core Strategy 2010 (CS) and the Land Allocations Local Plan 2015 (LALP). Through CS Policy CP1, the town of Deal, including the built-up parts of surrounding parishes including Sholden, is defined a District Centre and a secondary focus for urban scale development within the local authority area. In the LALP the appeal site is undesignated 'white land' located between the settlement boundary drawn around the housing along The Street and Vicarage Lane and that around the completed Timperley Place residential allocation. Through being outside this defined development boundary, CS Policy DM1 does not permit development on the appeal site.

Reasons

- (i) the safety of pedestrians, cyclists, drivers and other users of Vicarage Lane and the adjacent sections of The Street and London Road*
7. The National Planning Policy Framework (the Framework) states in paragraph 108 that in assessing specific applications for development it should be ensured that, amongst other things, safe and suitable access to the site can be achieved for all users. Paragraph 109 goes on to say that development should only be prevented or refused on highway grounds if, in respect of highway safety, there would be unacceptable impacts.
8. The Council's refusal relates to the additional vehicle movements generated by the proposal, and specifically the design of the proposed shared surface on The Street and the altered geometry of the junction onto London Road, having an unacceptable impact on highway safety. London Road is the A258 and comprises the main entrance into Deal from the north and is a relatively busy route. Vehicular access for the development would be at a new priority junction onto Vicarage Lane, itself a cul-de-sac, linking onto the A258 London Road via junctions on The Street.
9. Vicarage Lane has no parking restrictions and so is convenient for school run use and for visitors to the nearby shop on the London Road. Some of this on-road parking would be displaced by the visibility splay for the new development junction and so the new access includes six replacement spaces. The footpaths either side of the new access connect to those on Vicarage Lane and, in terms of visibility, width and geometry, I consider the new junction and site entrance

adequate to safely accommodate the estimated 30-35 two-way vehicle movements generated by the development at peak hours. I note that Kent Fire and Rescue Service raise no objection to this access and no longer require the second emergency entrance onto The Street proposed in an earlier iteration of this scheme. There are no substantiated grounds for me to find this site access unsuitable for the service and commercial traffic associated with the care home and housing proposed and it is designed to accommodate refuse lorry collections.

10. Regarding the junction of Vicarage Lane/The Street I observed the limitations on forward visibility. This is evident on turning right into Vicarage Lane and turning left out of it, due to the presence of roadside walls. However, these limits to forward visibility, as well as the nature of The Street in terms of its residential character, width and lack of footways, clearly influences traffic speeds. On the basis of the survey evidence of the relatively low speeds and traffic movements and lack of recorded accidents along this route, the existing junction of Vicarage Lane/The Street would provide adequate visibility to safely accommodate the additional traffic movements generated by the proposal.
11. The section of The Street between the Vicarage Lane junction and that onto London Road has no footways and currently operates as an informal shared surface for pedestrians, cyclists, drivers and other users. It is used by a bus service exiting onto London Road which I observed at my site visit. This visit was arranged at a time when parents were collecting children from the nearby Sholden primary school on the opposite side of the London Road via a signalised crossing. I observed the parents and children using The Street and mainly walking along its southern edge.
12. I agree that the operation of The Street might currently be less than ideal but that its lack of footways would engender both care, attention and defensive behaviour on the part of all responsible users, vehicular and otherwise. The lack of recorded accident statistics would support this conclusion. The residential and care home proposal would add to the use of this section of The Street, although I do note that the scheme offers good connectivity for non-motorised users via alternative routes towards destinations in the area. Nevertheless, to mitigate for the increased use of The Street further off-site highway works had been required by Kent County Council following negotiation with the developer.
13. These off-site highway works include re-surfacing the section of The Street between its junctions with London Road and Vicarage Lane with block paving, with a contrasting entry band either end to indicate to drivers they are entering a different road environment. A 1.5m wide pedestrian route along the currently most frequently used southern side would be surfaced in contrasting red paving to indicate its priority pedestrian use, although this would remain at grade with the rest of the road width to allow a shared use when required. To improve safety for pedestrians entering from London Road, its footway at this junction would be built out to provide better visibility down The Street and a connection with the indicative paved footway along it.
14. Government has ordered a pause on the introduction of new level-surfaced shared space schemes due to the difficulties that disabled or visually impaired pedestrians experience in navigating these. However, this application was submitted before this announcement and addresses a section of road

effectively already operating on a shared use basis. In this particular case there are also alternative footway choices to avoid the pedestrian use of this shared section of The Street. Whilst there are pros and cons with such shared surface schemes, I note that in this case the proposal has the support of the local highway authority and has undergone an independent Road Safety Audit. From the evidence I am satisfied the footway build-out proposed would maintain the safe and convenient functionality of the London Road junction for vehicular use. Overall, the measures proposed would more clearly indicate the shared surface road environment and make this section of The Street safer for all users. This would be sufficient to accommodate the level of additional use generated by this proposal and to ensure there would be no adverse highway safety implications as a consequence.

15. Subject to these off-site highway measures I conclude that the number of dwellings and care home rooms proposed would not have an unacceptable effect on the safety of pedestrians, cyclists, drivers and other users of Vicarage Lane and the adjacent sections of The Street and London Road and that safe and suitable access to the development could be achieved for all users in compliance with the aims of the Framework.

(ii) the capacity of the local highway network

16. Other than the measures referred to above, no further improvements are proposed on the wider local highway network. The appellant's Transport Assessment (TA) modelled the impact of the proposal along with other committed development growth on three nearby London Road junctions, including that with The Street. The others were the junction with Mongeham Road and the three-armed mini-roundabout with Manor Road.
17. The assessment of the trips generated by the residential development and care home, and how these would be distributed, were arrived at by the use of TRICS¹ and Census data respectively. In response to the review² of the TA commissioned by the Parish Council, a distribution of housing traffic based on observed movements was also carried out. Current traffic flows were based on surveys and an assessment was made of future flows at the likely completion date of the development, along with those of other major housing commitments in the local area.
18. The methodology was agreed with the local highway authority and modelling the future year scenarios indicated the junctions with The Street and Mongeham Road would continue to operate within their capacity whereas that of the Manor Road roundabout would be exceeded. However, the peak period queuing at this roundabout caused by future committed growth would be exacerbated only marginally by this particular proposal.
19. The evidence is that the residual cumulative impacts of this proposal on the operation of the local road network, without any further off-site junction improvements, would not be such as to be considered as severe. Therefore, on the basis of paragraph 109 of the Framework, the proposal would not be unacceptable on the basis of such highway grounds.

¹ Trip Rate Information Computer System

² Highways Appeal Note October 2018 - Paul Mew Associates Traffic Consultants Limited

Other Matters

20. In addition to the further matters raised at the Hearing by members of the Parish Council and other interested parties, I have also considered all the comments made in writing at the application stage and in statements provided in response to this appeal.

Care home issues

21. The need for the proposed care home element is questioned by interested parties, and development plan policy is currently silent on this issue. The South Kent Coast Clinical Commissioning Group had objected to the care home due to the scale of the proposal putting pressure on local primary care. The funding package sought to help mitigate for this was apparently not negotiated, although one relating to additional health care demands of the residential part of the scheme had been.

22. On 1 December 2017 Kent County Council Strategic Commissioning, on behalf of Adult Social Care, wrote to the Council supporting this application. This noted that demographic projections within the Accommodation Strategy Evidence Base show that the number of people living in the district aged 65 and over is expected to increase by 35% between 2011 and 2021 and by 72% between 2011 and 2031. Development of further extra care housing will support people to retain their independence whilst having access to the care they may require.

23. I noted the evidence at the Hearing that, whilst not a matter that might be controlled, the type of care home model proposed had elsewhere been shown to attract existing residents of an area, rather than those from elsewhere. Although care packages are aimed at encouraging people to reside in their own homes as long as possible, the evidence is that there remains a need for care home provision. Although there are other care homes in this locality, the demographic evidence is that the additional Class C2 use proposed would continue to meet the latent needs of an aging population. In all, a planning objection to the principle of the further care home proposed cannot be adequately substantiated.

Separation of Sholden and Deal

24. The appeal site is no longer identified in the development plan as a 'green wedge' and is not part of the green infrastructure network. Although currently assigned no use, this land helps preserve the separation between the built-up parts of Sholden and Deal by virtue of lying beyond the allocation boundary defined in the LALP. However, the relatively large amount of undeveloped land indicated in the masterplan provides an opportunity to maintain a substantial portion of the site as publicly-available open space at the expense of some addition to the built-up area of Sholden. Therefore, I find limited harm from this proposal eroding the extent of unbuilt separation between Sholden and Deal, given the quite substantial public space offered in perpetuity.

Further Issues

25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses. The Church of St Nicholas is located adjacent to one corner of the appeal site. This is a Grade II* listed building, along with a tomb chest and vault located to its north and a tomb chest and headstone located to its east, which are both Grade II listed. Based on the indicative masterplan, the areas of open space would preserve the setting of the church and, as this arrangement might be secured through subsequent reserved matter approval, the proposal would result in no harm in this regard.

26. There are electricity supply problems referred to as affecting this area. However, I do not consider these provide adequate grounds for resisting the further development proposed, as the proposal included details over how power would be supplied to this site. Similarly, I do not find there to be substantiable objections to this proposal over any inability to provide adequate means of foul and surface water drainage.
27. I have considered the Air Quality Assessment that accompanied the application. I concur that the level of additional road traffic generated by this proposal would not be such as to cause material harm in regard to increased air pollution.
28. Although not subject to any protective designation, the development of this site will inevitably have an impact on the natural environment and the habitat for species of plants and animals that this untended land has provided. However, there is the potential to require an Ecological Mitigation and Management Plan through a planning condition to address both the presence of existing biodiversity interest and also to provide some wildlife habitat within the proposed open space. Therefore, there are limited grounds for me to substantiate a nature conservation objection to the development of this site.

Unilateral Undertaking (UU)

29. A UU made by the appellants to Dover District Council and Kent County Council was considered at the Hearing, with a fully signed version dated 17 June 2019 provided subsequently. This commits to the affordable housing proposed and the provision in perpetuity of the public open space. Previously negotiated financial contributions are provided for health care, libraries, primary education and secondary education. A financial contribution is also secured for the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar sites mitigation strategy.
30. I am content the UU satisfies the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework and the benefits that are provided have been given weight in reaching this decision.

Habitats Regulations

31. The contribution made in the UU to the Thanet Coast and Sandwich Bay SPA mitigation strategy would support measures to mitigate the effects of this development on nearby European wildlife sites protected under the Habitat Regulations. These effects derive mainly as a result of increased visitor pressure and disturbance impacting negatively on particular species of over-wintering birds. On 12 April 2018, the Court of Justice of the European Union ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning

that measures which are intended to avoid or reduce effects should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.

32. I note that, as competent authority under the provisions of the Habitats Regulations, the Council had undertaken an AA of this proposal, in accordance with Regulation 63, and concluded that it would not result in adverse effects on the integrity of the SPA. Natural England had concurred with this. However, the Council had refused planning permission and so the competent authority role falls within the remit of this decision. Having reviewed the evidence, including that underpinning the SPA mitigation strategy, the scale of this proposal and the contributions provided, I am also able to conclude that this development would not adversely affect the integrity of the Thanet Coast and Sandwich Bay SPA. Following on from this conclusion, and with reference to paragraph 177 of the Framework, the presumption in favour of sustainable development is therefore not disapplied.

Planning Balance

33. The Council did not cite any development plan policies in its refusal. However, the proposal does not meet any of the exceptions for allowing development outside of urban boundaries and thereby conflicts with CS Policy DM1 and, as a consequence, with CS policies DM11 and DM15 as these relate respectively to managing traffic demand and protecting the countryside. However, the Framework is also an important material consideration and, in paragraph 11, applies the presumption in favour of sustainable development. This means where the policies which are most important for determining the application are out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is now commonly referred to as the 'tilted balance'.
34. In attaching weight to the Framework, the tilted balance applies because the Council acknowledges that its CS is out-of-date, specifically policies CP2 and CP3 concerning the supply of housing. This is due to the CS having been prepared in the context of the now revoked Regional Spatial Strategy, prior to the publication of the Framework in 2012, and because some of the housing and employment land evidence now requires updating. This situation is being addressed with the preparation of a local plan to replace the CS and LALP. However, this is at a relatively early stage. In advance of this, the main parties disagree over the current five-year housing land supply position and over which further development plan policies are out of date. However, these factors have no further bearing on the need to engage the tilted balance in assessing the proposal against Framework policy.
35. The Framework states that achieving sustainable development means that the planning system has three overarching objectives; economic, social and environmental. These are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains for each.
36. Paragraph 73 of the Framework requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing

need where, as in this case, their strategic policies are more than five years old. In March 2019, the Council's Cabinet approved and adopted the latest Authority Monitoring Report 2017-2018 (AMR). Although this reports that the Council can now demonstrate a five-year supply of housing, this is not relevant to the content of footnote 7 of paragraph 11 of the Framework as the tilted balance is already engaged.

37. However, achieving a five-year housing land supply is not intended as a ceiling amount since the Framework seeks to apply the Government's general objective of significantly boosting the supply of homes. Furthermore, since the AMR, the Council has identified a higher local housing need. This proposal would provide a quite significant social benefit by contributing to this need, enhanced with the proportion of affordable units meeting that sought under CS Policy DM5. The demographic evidence also lends support to the quite significant social benefits derived from a need for additional C2 care home accommodation, over which development plan policy is currently silent.
38. There would be commensurate local economic benefits derived from the scheme, both from its construction and future occupation supporting local services. In terms of its location, the housing would offer future occupiers the opportunity to meet a wide range of needs without undue reliance on private car use. Therefore, this scheme benefits from supporting the Framework objective to promote walking, cycling and public transport. There would be the further environmental benefits provided by the relatively large amount of open space secured through this development, which would offer local well-being opportunities as well as establishing a permanent green wedge helping to retain the physical identity of Sholden.
39. On the basis of the evidence before me, I have found that there would not be an unacceptable impact on highway safety as a consequence of this proposal and that the residual cumulative impacts on the local road network would not be severe. Any adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits identified, when assessed against the Framework policies taken as a whole. Giving due weight to this in the context of the tilted balance, I conclude that the material considerations exist which would indicate that this proposal should be determined other than in accordance with the development plan and CS policies DM1, DM11 and DM15.

Conditions

40. Paragraph 55 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have considered the conditions put forward in the Statement of Common Ground in the context of this, noting also where the two parties differ on these.
41. In addition to the standard outline conditions for the submission of reserved matters and the consequential time limit for the development commencing (1-3) a condition is necessary in the interests of certainty which specifies the approved site plan and entrance, so as to fix the masterplan parameters and to ensure an adequate access (4). Also in the interests of certainty, conditions are necessary setting a limit on the quantum of residential and care home development (5) and tying the reserved matters to the submitted Design and Access Statement (6). The latter obviates the need for a further condition for

an Open Space Strategy, particularly as this is further governed by the UU. This also secures the required affordable housing provision and avoids the necessity for the separate condition over this matter sought by the Council.

42. In the interests of safeguarding on-site biodiversity a condition is necessary requiring prior agreement and adherence to an Ecological Mitigation and Management Plan (7). In the interests of, amongst other things, highway safety and the living conditions of neighbouring occupiers, a condition is necessary requiring construction to follow an agreed Construction Environmental Management Plan (8).
43. To address surface water and foul drainage, potential contamination, archaeology and arboricultural methods and tree replacement, conditions addressing these matters are needed (9-14). To secure safe and suitable access to the completed development conditions are necessary that secure the off-site highway works and site access visibility measures prior to occupation (15, 16). In the interests of promoting sustainable transport, conditions secure the agreement of Travel Plans for both the residential and care home elements of the scheme (17,18). Finally, a condition is necessary to secure the 10-year management of the landscaping required under reserved matters (19).

Conclusion

44. Subject to these conditions and for the reasons discussed above, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

DOCUMENTS

- 1 Statement of Common Ground between appellant and the Council – signed and dated 11 June 2019.
- 2 Typed note from Mr Bird covering the highway evidence rebuttal points he referred to verbally.
- 3 Summary table to illustrate housing land supply evidence provided by Mr Spry.

APPEARANCES

FOR THE APPELLANT:

Philip Rawle	Greenlight Developments Limited
Satnam Choongh	Counsel
David Bird	Vectos Limited
Matthew Spry	Lichfields

FOR THE LOCAL PLANNING AUTHORITY:

Vic Hester BA(Hons) Dip UPI MRTPI	Dover District Council
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INTERESTED PERSONS:

Philip Marsh (Chair)	Sholden Parish Council
Kevin Lynch (Clerk)	Sholden Parish Council
Carol Kewley	Sholden Parish Council
Derek Wanstall	Sholden Parish Council

May Burke

Martin Sims

Lisa Easton

Ian Birchall

Martin Hewitt MBE RAF Rtd.

Michael Morgan

Councillor Peter Jull

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: application boundary 17-23-PL-220A and site access plan 16228/SK/04F (including the provision of six publicly available parking spaces within the appeal site). The six new public parking spaces within the site shall be kept available for use by the public and retained for this purpose thereafter.
- 5) The development hereby approved shall comprise a maximum of 48 dwellings and a care home building with up to a maximum of 64 bed spaces.
- 6) Any application for approval of reserved matters shall have full regard to the principles set out in the Design and Access Statement (prepared by The Richards Partnership – Document Reference: 17-23-CR05), submitted in support of the outline planning application, and shall be accompanied by an up-dated design and access statement and phasing programme.
- 7) No development shall commence unless and until an Ecological Mitigation and Management Plan (EMMP) shall have been submitted to and approved in writing by the local planning authority. The Plan shall include:
 - A statement of purpose and objectives;
 - Measures, informed by ecological survey work, to achieve the stated objectives;
 - Details of the extent and location of proposed mitigation and enhancement works (including biodiversity protection areas) shown on plans of an appropriate scale;
 - Details of the nature and extent of habitat creation for all habitat types to include the specification of native seed mixes and species for tree/shrub planting;
 - Habitat enhancement measures for species, to include the specification and location of features such as bat and bird boxes and reptile hibernacula;
 - Ecological design considerations for the proposed sustainable drainage system;

- Habitat management practices to promote biodiversity within the retained areas of trees, attenuation basin and pond and within new areas of habitat creation;
- Means of implementation of the plan, including persons responsible and provision for a specialist ecologist to be present on site to oversee works;
- Programme of and arrangements for monitoring against stated and measurable objectives;
- Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show objectives are not being met; and
- A management plan and maintenance plan for the lifetime of the development and details of the body/organisation(s) responsible for implementation of the plan.

Development and future management shall be carried out in accordance with the approved EMMP.

- 8) No development shall commence, including any works of demolition, until a site-wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include and provide for:

the management and routing of construction traffic, including the location of routes within the site to be kept free of obstruction; parking of construction vehicles and vehicles of site operatives and visitors; wheel washing facilities; a scheme for the prevention of surface water discharges onto the highway; travel plan for construction workers; directional signage on and off site; loading and unloading of plant and materials; the location and size of site compounds and areas for storage of plant and materials used in constructing the development; the location and form of temporary buildings and temporary lighting; details of the erection and maintenance of security hoardings; details for the safe storage of any fuels, oils and lubricants; a scheme to prevent pollution; a scheme for the handling and storage of topsoil; measures, including the construction of exclusion zones, to prevent soil compaction in large scale planting areas and measures to remediate soil compaction; details of measures to protect trees; a scheme for the protection of areas of ecological interest and mitigation of any harm to such areas, including timing of works and precautionary work practices; measures to control the emission of dust and dirt during construction; measures for the control of noise and vibration during construction, including delivery and construction working hours; a scheme for recycling/disposing of waste resulting from construction works; procedures for maintaining good public relations, including complaint management procedures, community consultation and liaison; the operation of the CEMP in the context of any phased implementation of the construction period.

The approved CEMP shall be adhered to throughout the construction period and any phases of the development.

- 9) No development shall commence until a surface water drainage scheme based on sustainable drainage principles, effective long-term maintenance of the scheme and an assessment of the hydrological and hydrogeological context of the development, and having full regard to the BWB Consulting Sustainable Drainage Statement (Document Reference: CFF-BWB-HDG-XX-RP-CD-0001_SDS), has been submitted to and approved in writing by the local planning authority. The scheme shall:

Identify methods to manage surface water runoff; set out the proposed methods to delay and control the surface water discharged from the site, preventing pollution of the receiving groundwater and/or surface waters; outline a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved surface water drainage scheme shall be implemented in full and thereafter managed and maintained in accordance with the approved details.

- 10) No development shall commence until a scheme for the proposed means of disposal of foul water discharge from the development and a timetable for its implementation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and details.
- 11) No development shall commence until a ground investigation and contamination report has been submitted to and approved in writing by the local planning authority. The report shall include investigation, sampling and/or evaluation of soils and water and shall set out a scheme of remediation or mitigation, as necessary. The approved scheme shall be carried out before the development or relevant phase of development commences.

If, during the course of construction of the approved development, contamination not previously identified on the site is found to be present the occurrence shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

- 12) No development shall commence until the implementation has been secured of:
- i.* archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority; and
 - ii.* any safeguarding measures following on from the evaluation to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a

specification and timetable which has been submitted to and approved by the local planning authority.

- 13) No site clearance, preparatory work or development on the site shall commence on site unless and until an Arboricultural Method Statement including a tree protection scheme has been submitted to and approved in writing by the local planning authority. The Statement and tree protection scheme shall identify the retained trees and where excavations, changes to land levels or underground works are proposed that might affect the root protection areas. The scheme shall detail the appropriate working methods (the Arboricultural Method Statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced). The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plans and particulars approved.

- 14) During the development if any retained tree is cut down, uprooted or destroyed or dies within 5 years of the completion of development, the tree shall be replaced by a tree of a similar type and species in the next planting season after the damage or loss.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plans and particulars approved under Condition 13.

- 15) The development shall not be occupied until the highway works, as shown on the Swept Path Analysis Plan 162228/AT/A02, Pedestrian Walkway & Priority Feature Plan 162228/SK/13B and Pedestrian Route & Surfacing Works Plan 16228/A/04 have been provided in the locations shown.
- 16) The development shall not be occupied unless and until the approved access to the site and its visibility splays have been provided and carried out in full, and there shall be no obstruction within these splays over 0.6m in height. The access and splays shall be retained as such thereafter.
- 17) No dwelling shall be first occupied unless and until a travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall identify opportunities for the effective promotion and delivery of sustainable transport initiatives and include measures to reduce the demand for travel by less sustainable modes. The travel plan shall include details of required outcomes, modal share targets, measures to ensure the modal share targets are met, future monitoring and management arrangements, sanctions in the event outcomes/targets/processes are not adhered to or met and a timetable for implementation. The travel plan shall be implemented in accordance with the approved details and timetable.
- 18) Within 6 months of the first occupation of the care home building a travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall identify opportunities for the effective promotion and delivery of sustainable transport initiatives and include measures to reduce the demand for travel by less sustainable modes.

The travel plan shall include details of required outcomes, modal share targets, measures to ensure modal targets are met, future monitoring and management arrangements, sanctions in the event outcomes/targets/processes are not adhered to or met and a timetable for implementation. The travel plan shall be implemented in accordance with the approved details and timetable.

- 19) The submission of the landscaping details, as required under Condition 1, shall include a timetable for the landscape works and their on-going management and maintenance. The said scheme shall include soft landscaping, tree/hedge/shrub planting plans, written specifications, schedules of species, sizes and proposed numbers and densities where appropriate and hard landscape works. The timetable for the scheme's provision shall include details of the first implementation of the details of the scheme and the scheme's on-going management and maintenance, which shall be for a minimum period of 10 years from the first implementation of the details.

The maintenance of the soft landscape scheme shall include arrangements for replacement planting, in the event that a tree dies, is removed or becomes diseased, and garden husbandry across each season.

The approved landscape scheme shall be carried in accordance with the approved timetable, and the scheme's on-going management and maintenance.

---end of conditions---

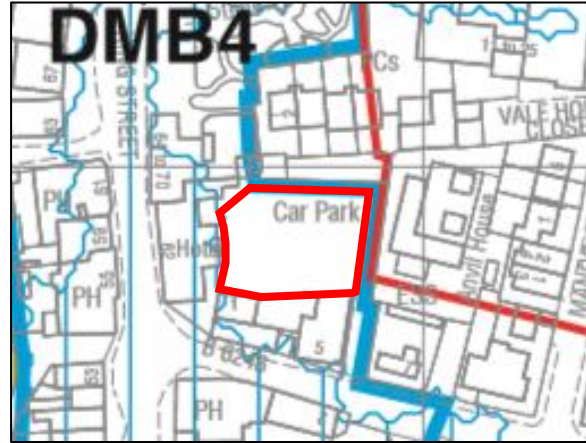
Appendix 5

Sequential test site assessment proformas

1. Land between King Street and Accrington Road (north)

Size : 0.10 ha

Status : In centre



Site description

This in-centre brownfield site is in active use as a private pay and display car park belonging to the adjacent Swan Hotel which faces onto King Street. Access is provided via a narrow entrance from Accrington Road. The Swan Hotel is a Grade II listed building.

Relevant planning history

3/2008/0282 - Development of a section of the car park to create an outside dining area with smoking area - planning permission granted 22nd August 2008

Policy designations

The site is within the Whalley settlement boundary and Whalley Conservation Area.

Appraisal

- **Availability:** The site is in use as a private car park for customers of the Swan Hotel and is not available to accommodate either the proposed drive-through coffee shop or the convenience store.
- **Suitability:** The site is a back-land location that does not provide frontage or pedestrian access onto the main shopping street on King Street. It also has constrained and unsuitable vehicular access from Accrington Road. It could accommodate the drive-through coffee shop building or the convenience store building, but it is significantly undersized to accommodate either the proposed drive-through coffee shop or the convenience store and their required customer car parking as a whole.

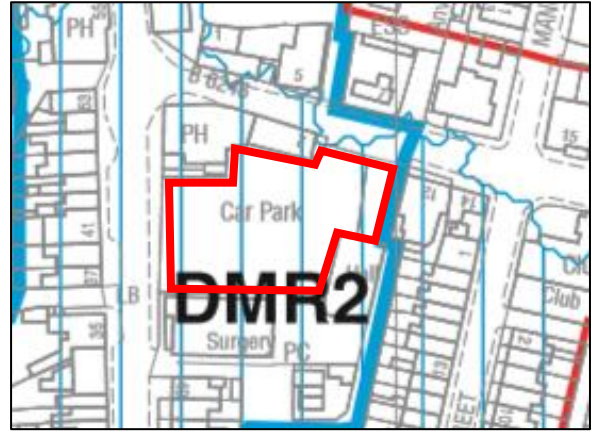
Summary and conclusion

The site is not a sequentially preferable alternative to the application site as it is not available and is too small and unsuitable to accommodate either the proposed drive-through coffee shop or the convenience store development.

2. Land between King Street and Accrington Road (south)

Size : 0.16 ha

Status : In centre



Site description

This in-centre brownfield site is located between Whalley Surgery and Whalley Village Hall is in active use as a customer car park belonging to the adjacent Cooperative Food Store.

Relevant planning history

3/2016/0522 - Change of use of the former public house from Class A4 to Class A1, internal and external alterations and works to public car park - planning permission granted 23rd March 2017

Policy designations

The site is within the Whalley settlement boundary and Whalley Conservation Area.

Appraisal

- **Availability:** The site is in use as a private car park for customers of the Cooperative Food Store and is not available to accommodate either the proposed drive-through coffee shop or the convenience store.
- **Suitability:** The site provides frontage and pedestrian access onto the main shopping frontage of King Street, and good vehicular access. It could accommodate the drive-through coffee shop building or the convenience store building, but it is significantly undersized to accommodate either the proposed drive-through coffee shop or the convenience store and their associated customer car parking as a whole.

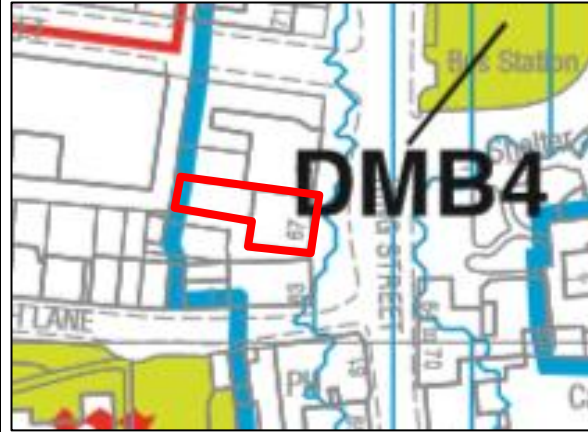
Summary and conclusion

The site is not a sequentially preferable alternative to the application site as it is not available and is too small and unsuitable to accommodate either the proposed drive-through coffee shop or the convenience store development.

3. Bank Chambers, 65 - 67 King Street

Size : 0.02 ha

Status : In centre



Site description

This vacant double-fronted building is a former bank (Class A2) that was vacated in May 2018. It is located in a central position on King Street within Whalley centre. It has a small yard and vehicular access from George Street to the rear.

Relevant planning history

None relevant

Policy designations

The site is within the Whalley settlement boundary and Whalley Conservation Area.

Appraisal

- **Availability:** The property is vacant but is not advertised for sale via an agent on the commercial market or privately, and there is no other publically available information to indicate it is available to accommodate either the proposed drive-through coffee shop or the convenience store.
- **Suitability:** The site provides good frontage and pedestrian access onto the main shopping frontage of King Street. It could accommodate the coffee shop via a change of use, but not in the proposed drive-through format and it is significantly undersized to accommodate either the proposed drive-through coffee shop or the convenience store and their required customer car parking as a whole.

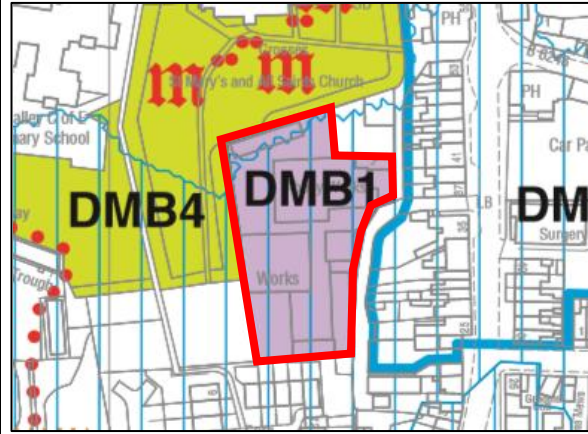
Summary and conclusion

The site is not a sequentially preferable alternative to the application site as it is not available and is too small and unsuitable to accommodate either the proposed drive-through coffee shop or the convenience store development.

4. Land at Back King Street

Size : 0.4 ha

Status : Edge of centre



Site description

The brownfield site is located to the rear of frontage buildings on the west side of King Street. It comprises a series of fully-occupied workshops, garages and commercial units, and two occupied retail units on King Street. Vehicular access is provided via a narrow street from King Street.

Relevant planning history

3/2014/0477 - Certificate of lawfulness for an existing use of motorcycle repair, servicing and preparation work - certificate issued 22nd July 2014

3/2015/0794 - Demolition of industrial units and construction of a pay and display car park - application withdrawn 8th April 2016

3/2017/0164 - Change of use from Class B1 business use to Class D2 gym including external alterations - planning permission granted 21st April 2017

Policy designations

The site is identified as protected employment land and premises under Core Strategy Policy DMB1 on the proposed HED DPD policies map. It is also within Whalley Conservation Area.

Appraisal

- **Availability:** The site is fully occupied and in active use by a number of businesses and enterprises, and is not available to accommodate either the proposed drive-through coffee shop or the convenience store.
- **Suitability:** The site is large enough to accommodate either the drive-through coffee shop or the convenience store and their associated car parking, but not both schemes together, however it occupies a concealed, back-land location that does not offer main road frontage, and has inadequate vehicular access, making it unsuitable.

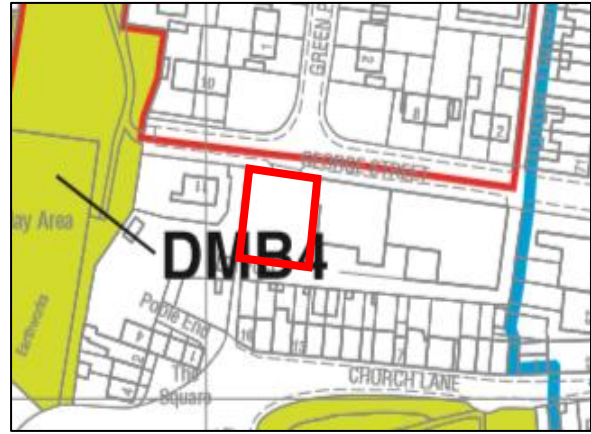
Summary and conclusion

The site is not a sequentially preferable alternative to the application site as it is not available and is not suitable to accommodate either the proposed drive-through coffee shop or the convenience store development.

5. George Street car park

Size : 0.06 ha

Status : Edge of centre



Site description

This edge of centre brownfield site is located to the west of the parade of shop units on George Street. It is in active use as a private car park for customers using the adjacent SPAR convenience store and other shops.

Relevant planning history

None relevant

Policy designations

The site is within the Whalley settlement boundary and Whalley Conservation Area.

Appraisal

- **Availability:** The site is in use as a private car park for customers of the SPAR convenience store and adjacent shops, and is not available to accommodate either the proposed drive-through coffee shop or the convenience store.
- **Suitability:** The site provides frontage and pedestrian access onto George Street and good vehicular access. It could accommodate the coffee shop building, but not in the proposed drive-through format and it is significantly undersized to accommodate either the proposed drive-through coffee shop or the convenience store and their required customer car parking as a whole.

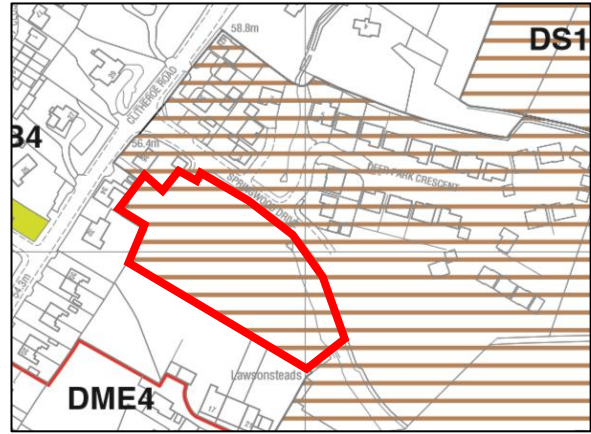
Summary and conclusion

The site is not a sequentially preferable alternative to the application site as it is not available and is too small and unsuitable to accommodate either the proposed drive-through coffee shop or the convenience store development.

6. Land at Springwood Drive, Lawsonsteads

Size : 0.9 ha

Status : Edge of centre



Site description

This greenfield site forms part of the new Lawsonsteads residential community to the north of Whalley village centre. It is currently undeveloped residual land and part used as a temporary football pitch / amenity land until the whole of the site is developed.

Relevant planning history

3/2013/0137 - Residential mixed-use development comprising up to 260 dwellings (Class C3), a primary school (Class D1), a new vehicular link between Clitheroe Road and the A671 including creation of a new junction both onto the A671 and Clitheroe Road, car parking, open space and associated landscaping - outline planning permission granted 23rd July 2013.

Policy designations

The site is part of the Lawsonsteads committed development and is identified as a 'committed housing site' under Core Strategy Policy DS1 on the proposed HED DPD policies map.

Appraisal

- **Availability:** The site is privately owned by a housing developer and reserved for future development of a one-form entry primary school as part of the new residential development. It is therefore not available to accommodate either the proposed drive-through coffee shop or the convenience store.
- **Suitability:** The site is outside the centre of Whalley, does not have frontage onto Clitheroe Road and is surrounded by residential development, however it is large enough to accommodate both the drive-through coffee shop and the convenience store and their associated car parking.

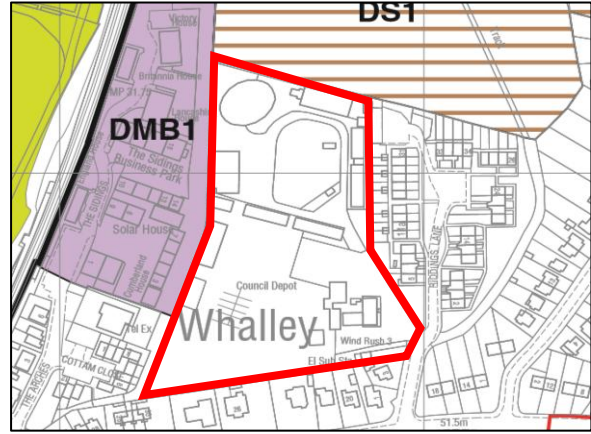
Summary and conclusion

The site is not a sequentially preferable alternative to the application site as it is not available and is not suitable to accommodate either the proposed drive-through coffee shop or the convenience store development.

7. LCC Area Surveyor (East) Depot, Riddings Lane

Size : 1.8 ha

Status : Edge of centre



Site description

This brownfield site is occupied by Lancashire County Council and in use as the Area Surveyor (East) Highway Depot comprising offices, equipment and supplies stores, vehicle and plant storage and car parking. It is located in a mixed residential area to the north of Whalley village centre.

Relevant planning history

3/2006/0351 - Replacement salt storage facility for winter service - Granted 14th June 2006

Policy designations

The site is within the Whalley settlement boundary.

Appraisal

- **Availability:** The site is fully occupied and in active use by Lancashire County Council. It is therefore not available to accommodate either the proposed drive-through coffee shop or the convenience store.
- **Suitability:** The site is outside the centre of Whalley, occupies a back-land position without frontage onto a main road and is accessed via a residential area, however it is large enough to accommodate both the drive-through coffee shop and the convenience store and their associated car parking.

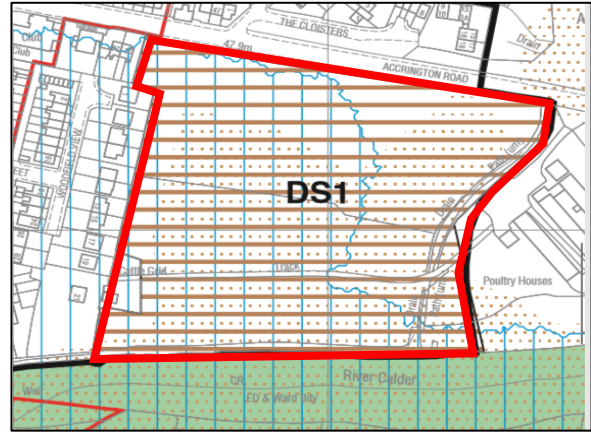
Summary and conclusion

The site is not a sequentially preferable alternative to the application site as it is not available and is not suitable to accommodate either the proposed drive-through coffee shop or the convenience store development.

8. Land south of Accrington Road

Size : 2.9 ha

Status : Edge of centre



Site description

This large greenfield site is located on the south east edge of the centre of Whalley. It has a wide frontage onto Accrington Road and direct vehicular access.

Relevant planning history

3/2012/0179 - Age-restricted residential development for people aged 55 and over comprising 37 no. bungalows and 40 no. retirement apartments - outline planning permission granted 16th June 2013

3/2016/0344 - Application for reserved matters following outline planning permission 3/2012/0179 - approval granted 9th March 2017

3/2018/1100 - Certificate of lawfulness for existing operational development relating to works carried out to form the approved highway access to the site in accordance with outline planning permission 3/2012/0179 and reserved matters approval 3/2016/0344 - certificate issued 17th December 2018

Policy designations

The site is identified as a 'committed housing site' under Core Strategy Policy DS1 on the proposed HED DPD policies map and adjoins Whalley Conservation Area.

Appraisal

- **Availability:** The site is privately owned by a housing developer and reserved for future development of a one-form entry primary school as part of the new residential development. It is therefore not available to accommodate either the proposed drive-through coffee shop or the convenience store.
- **Suitability:** The site is close to the centre of Whalley and has frontage and good access from Accrington Road and is large enough to accommodate both the drive-through coffee shop and the convenience store and their associated car parking.

Summary and conclusion

The site is not a sequentially preferable alternative to the application site as it is not available to accommodate either the proposed drive-through coffee shop or the convenience store development.

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