

Section 78 Town and Country Planning Act 1990 (as Amended)
Town and Country Planning (Appeals) (Written Representations Procedure)
(England) Regulations 2009 (as Amended)

Statement of Case on behalf of the Appellant

Appeal by Oakmere Homes (NW) Ltd against the failure of Ribble Valley Borough Council to give notice of its decision within the prescribed period on an application for full planning permission for the erection of 39 no. dwellings with landscaping, associated works and access from the adjacent development site

**Land at the junction of Chatburn Road and Pimlico Link Road,
Clitheroe**

May 2020

LPA application reference 3/2019/0877

Contents

	Page
1. Introduction	1
2. Site description and surroundings	2
3. Proposed development and application process	4
4. Planning policy context	13
5. Relevant planning history	20
6. The case for development	33
7. Conclusion	54

Appendices

1. Pre-application enquiry response 13th June 2019 (RV/2019/ENQ/00051)
2. Committee report for planning application 3/2017/0616 - Chatburn Road, Clitheroe
3. Committee report for planning application 3/2013/0981 - Chatburn Road, Clitheroe
4. Committee report for planning application 3/2018/0688 - Henthorn Road, Clitheroe
5. Appeal decision APP/T2350/W/19/3221189 - Henthorn Road, Clitheroe
6. Appeal decision APP/T2350/W/19/3223816 - Chatburn Old Road, Chatburn
7. Committee report for planning application 3/2018/0943 - Chatburn Old Road, Chatburn
8. Housing and Economic Development DPD - Inspector's Report
9. Suggested conditions

Smith & Love Planning Consultants Ltd

Rational House
32 Winckley Square
Preston, PR1 3JJ
Tel. 01772 831861

www.smithlove.co.uk

smith&love
PLANNING CONSULTANTS

1 Introduction

- 1.1 This Statement of Case has been prepared by Smith & Love Planning Consultants on behalf Oakmere Homes (NW) Ltd (“the Appellant”) in support of its appeal against the failure of Ribble Valley Borough Council (“the Council”) to determine its planning application (ref. 3/2019/0877) within the prescribed period for the erection of 39 no. dwellings with landscaping, associated works and access from the adjacent development site, on land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe (“the appeal site”).
- 1.2 The planning application was submitted to the Council on 20th September 2019 with the appropriate plans and supporting information and was validated on 8th October 2019. Following the expiry of the 13 week period on 7th January 2020, an extension of time was agreed between the Council and Appellant until 31st March 2020. On 15th May 2020 (at Week No. 32) the Council informed the Appellant that it still required further time to determine the application and the Appellant advised the Council of its decision to appeal.
- 1.3 This Statement should be read in conjunction with the attached Appendices 1 to 9 and the drawings and documents which form the planning application. It updates the Appellant’s case made at the time the planning application was submitted and takes account of;
- i) The up to date development plan for Ribble Valley following the adoption of the Housing and Economic Development DPD on 15th October 2019;
 - ii) The allowed appeal decision APP/T2350/W/19/3223816 at Chatburn Old Road, Chatburn on 23rd January 2020; and,
 - iii) The up to date Housing Land Availability Supply Statement as at 31st March 2020 for Ribble Valley which was published in May 2020.
- 1.4 The appeal will also be accompanied by a schedule of draft conditions which the Appellant hopes to agree with the Council and a completed Unilateral Undertaking. These will be submitted separately.
- 1.5 The Appellant’s case, as set out in this Statement, demonstrates that the proposed housing is sustainable development which fully accords with the development strategy for Ribble Valley and the relevant policies of the adopted development plan. Material considerations demonstrate that the development will provide a range of important benefits and that it will not result in any harmful impacts which cannot be addressed and mitigated by conditions. There are no material considerations which weigh against the planning application to the extent that a decision other than one in accordance with the development plan is justified.
- 1.6 It is respectfully requested that the appeal is therefore allowed and planning permission is granted 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 2018 Framework.

2 Site description and surroundings

Appeal site

- 2.1 The appeal site is a rectangular field used for grazing. It measures approximately 200 metres by 67 metres and is 1.8 hectares in area. The land slopes down from Chatburn Road (A671) which forms its southeast boundary to a tree-lined stream which flows along the northwest boundary. There is woodland beyond the stream which provides strong visual enclosure, and this continues along the northeast boundary and screens the site from Pimlico Link Road.
- 2.2 The site is enclosed by a low stone wall along Chatburn Road with a field gate for access, and a hedgerow and trees along the southwest boundary. It is crossed by two overhead power lines; one running north to south at the southwest end of the site and the other running east to west across the northeast part. There are no trees, hedges or other natural or built features within the site and it is not crossed by any public rights of way. The site is not subject to any biodiversity, landscape and heritage designations and is free from technical and environmental constraints.

Surrounding area

- 2.3 The appeal site is located in the northeast part of Clitheroe which is connected to the town centre by Chatburn Road. There is development on both sides of Chatburn Road and new house building has been completed, is under construction and is planned adjacent to the site.
- 2.4 Immediately southwest of the appeal site and sharing a common boundary, is a development of 30 no. dwellings which the Appellant is currently building. This received planning permission (ref. 3/2017/0653) on 23rd November 2018 and work began in October 2019. The field further to the southwest beyond the development under construction, is an allocated site for housing development (Policy HAL3 'Land at Chatburn Road, Clitheroe' of the Ribble Valley Housing and Economic Development DPD - see Chapter 4). This is also controlled by the Appellant and is subject to a current planning application (ref. 3/2020/0325) for the erection of 17 no. dwellings which is awaiting determination. Full details of these schemes are provided in Chapter 5.
- 2.5 Older, established housing lies beyond the above schemes and continues along Chatburn Road to the town centre. A similar pattern of development exists on the southern side of Chatburn Road with housing leading away from the town centre; then the Clitheroe Royal Grammar School campus followed by further housing; then the Grammar School playing fields followed by further new housing, and terminating at the Clitheroe Community Hospital immediately opposite the appeal site. The recent housing development by McDermott Homes on the southern side of Chatburn Road, and also opposite the appeal site, is a scheme of 60 no. dwellings approved on 9th February 2018 (ref. 3/2017/0616). The urban area south of Chatburn Road behind the new housing development and Clitheroe Community Hospital contains the large Link 59 Business Park and industrial estates.

Accessibility to local services and facilities

- 2.6 In common with the adjacent planned, committed and recently-built new housing development, the appeal site is accessible to a range of services and facilities in the local area and Clitheroe town centre. Clitheroe Community Hospital and local health services are available immediately adjacent to the site, and Clitheroe Royal Grammar School and the Link 59 business park are within convenient walking distance. The site is located 1.2 km from Clitheroe town centre which can be accessed by walking along the pavement or cycling on Chatburn Road, and by the regular bus services operating on Chatburn Road which stop adjacent to the site.
- 2.7 Clitheroe is the principal town centre in Ribble Valley and its most sustainable settlement. The Ribble Valley Settlement Hierarchy (2008) notes that 'Clitheroe stands out as the most significant settlement within the Borough, with the best provision of services and facilities.' The town provides a wide range of;
- convenience and comparison shopping;
 - supermarkets;
 - food and drink outlets;
 - employment and workplaces;
 - professional services;
 - medical, nursing and healthcare services;
 - pre-school, primary and secondary education provision;
 - community and youth facilities;
 - libraries;
 - places of worship;
 - cultural and entertainment venues;
 - leisure, parks, sport and recreation facilities; and,
 - public transport connections from the bus and railway stations.
- 2.8 Further details of the range and location of the facilities and amenities available in Clitheroe town centre and the urban area surrounding the appeal site, together with details of the bus routes serving the appeal site and the connections available from Clitheroe bus and railway stations, are provided in Chapter 4 of the Transport Assessment submitted with the planning application.

3 Proposed development and application process

Submission of the planning application

3.1 The appeal planning application was submitted to the Council on 20th September 2019. The application was validated on 8th October 2019 and given the reference number 3/2019/0877. It is a detailed submission for full planning permission and was given the following description;

- *Erection of 39 no. dwellings with landscaping, associated works and access from the adjacent development site.*

3.2 The application was submitted with the following supporting documents and plans;

Documents:

- Application form and certificate
- Planning and affordable housing statement
- Draft s.106 planning obligation Heads of Terms
- Design and access statement
- Schedule of materials
- Transport statement
- Tree survey report and arboricultural implications assessment
- Ecological appraisal
- Biodiversity off-setting calculations
- Surface water and foul water drainage strategy
- SuDS and highway management and maintenance plan
- Flood risk assessment
- Preliminary ground risk assessment

Drawings:

- | | |
|-------------------|--|
| • 067-SL-01 | Location plan |
| • 19-B295 | Topographical survey |
| • 067-P-01 | Proposed housing layout |
| • 067-P-05 | Proposed affordable housing layout |
| • 067-P-06 | Proposed housing layout with levels |
| • c-981-30_A | Proposed landscaping scheme (1 of 2) |
| • c-981-31_A | Proposed landscaping scheme (2 of 2) |
| • 067-BOW-P01 | Bowfell house type floor plans |
| • 067-BOW-P02 | Bowfell house type elevations |
| • 067-BOW-SPL-P01 | Bowfell (split level) house type floor plans |
| • 067-BOW-SPL-P02 | Bowfell (split level) house type elevations |

• 067-CAL-P01	Caldew and Rothay (linked) house type floor plans
• 067-CAL-P02	Caldew and Rothay (linked) house type elevations
• 067-ENN-AG-P01	Ennerdale (attached garage) house type floor plans
• 067-ENN-AG-P02	Ennerdale (attached garage) house type elevations
• 067-GRA-P01	Grasmere house type floor plans
• 067-GRA-P02	Grasmere house type elevations
• 067-GRIZ-P01	Grizedale (bungalow) house type floor plans
• 067-GRIZ-P02	Grizedale (bungalow) house type elevations
• 067-HON-P01	Honister house type floor plans
• 067-HON-P02	Honister house type elevations
• 067-KIRK-P01	Kirkstone house type floor plans
• 067-KIRK-P02	Kirkstone house type elevations
• 067-LOW-P01	Lowther house type floor plans
• 067-LOW-P02	Lowther house type elevations
• 067-ROTH-P01	Rothay house type floor plans
• 067-ROTH-P02	Rothay house type elevations
• 067-THIRL-P01	Thirlmere house type floor plans
• 067-THIRL-P02	Thirlmere house type elevations
• 067-THIRL-SPL-P01	Thirlmere (split level) house type floor plans
• 067-THIRL-SPL-P02	Thirlmere (split level) house type elevations
• 067-WAS-SPL-P01	Wasdale (split level) house type floor plans
• 067-WAS-SPL-P02	Wasdale (split level) house type elevations
• 067-P-04	Proposed street scenes and sections
• 067-P-03	Proposed external materials layout
• 067-P-02	Proposed fencing layout
• SD-FT-02	Proposed timber plot divide fencing details
• SD-FT-08	Proposed timber feather-edge fencing details
• SD-SW-03	Proposed stone wall with timber infill panel details
• 19619-100_0	General arrangement (highways)
• 19619-101_0	Contour layout (highways)
• 19619-720_0	Long sections (highways)
• 19619-730_0	Standard details (highways)
• 19619-500_0	Drainage layout
• 19619-510_0	Drainage long sections
• 19619-530_0	Drainage details

Proposed development

- 3.3 The development proposes a mix of 26 no. detached and 11 no. semi-detached and terraced two story houses and 2 no. single storey bungalows, providing 27 no. (69%) two and four bedroom homes for private sale and 12 no. (31%) one, two, three and four bedroom affordable homes. The full schedule and tenure of accommodation comprises;

a) Market housing;

- 1 no. x 2 bedroom bungalow (Grizedale)
- 2 no. x 2 bedroom semi-detached houses (Rothay)
- 24 no. x 4 bedroom detached houses (Bowfell, Ennerdale, Grasmere, Honister)
(Kirkstone, Thirlmere, Wasdale)

b) Affordable housing;

- 1 no. x 2 bedroom bungalow (Grizedale)
- 2 no. x 1 bedroom semi-detached houses (Caldew)
- 4 no. x 2 bedroom semi-detached houses (Rothay)
- 3 no. x 3 bedroom semi-detached houses (Lowther)
- 2 no. x 4 bedroom detached houses (Bowfell, Thirlmere)

3.4 The 12 no. affordable homes are Plots 10, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29 and 32 which are spread across the development. Their tenures have been agreed with the Council Housing Strategy Officer and fully meet the Council's preference. They provide;

a) Affordable rent (33% of the total affordable provision);

- 2 no. x 1 bedroom houses (Plots 20 and 21)
- 2 no. x 2 bedroom houses (Plots 18 and 19)

b) Shared ownership (67% of the total affordable provision);

- 1 no. x 2 bedroom bungalow (Plot 10)
- 2 no. x 2 bedroom houses (Plots 22 and 23)
- 3 no. x 3 bedroom houses (Plots 24, 25 and 26)
- 2 no. x 4 bedroom houses (Plots 29 and 32)

3.5 In addition, the occupation of 6 no. dwellings (15% of total of 39 no.) will be age-restricted for people aged 55 and above. These are split equally between the market sale plots and the affordable housing plots as follows;

a) Age-restricted market houses (50% of the total age-restricted provision);

- 1 no. x 2 bedroom bungalow (Plot 11)
- 2 no. x 2 bedroom houses (Plots 27 and 28)

b) Age-restricted affordable houses (50% of the total age-restricted provision);

- 1 no. x 2 bedroom bungalow (Plot 10)
- 2 no. x 4 bedroom houses (Plots 29 and 32)

- 3.6 The scheme incorporates 11 no. individual 'house type' designs which are faced in varying combinations of natural colour split finish 'Darlstone' reconstituted stone (produced by Edenhall) and 'stirling white' colour render (produced by K-Rend). Most of the dwellings feature front facing stone gables, bay windows and porches, and all include various combinations of stone window heads, cills and jambs, stone corbels, gable vents and/or stone string courses and plinths to their front elevations, as well as ridge-line false chimneys on some plots. All of the dwellings will be finished with 'Cupa 98 H-selection' dark grey natural slates (produced by Cupa Pizarras) and uPVC anthracite door and window frames and fascias, and uPVC black rainwater goods.
- 3.7 The development is arranged around a 'loop' road network with access provided from Chatburn Road through the adjacent development site (ref. planning permission 3/2017/0653) which is currently under construction by the Appellant. No additional vehicular access is therefore required from Chatburn Road but a pedestrian link will be formed to provide access to the bus stops. The properties are orientated to face outwards other than along the northeast and southwest boundaries, and are positioned to avoid conflict with the overhead power lines. Each dwelling is provided with an enclosed rear garden and the majority also have front garden space. All properties are provided with either an integral garage and/or external parking spaces.
- 3.8 Finally, amenity landscaping is provided along the Chatburn Road frontage and along the stream on the northern boundary. The adjacent development was approved with an over provision of public open space and this is proposed to also serve the appeal scheme. It lies on the opposite side of the stream and is accessed via the footbridge located at the head of the access road serving that development. It is easily accessed on foot from the appeal scheme.

Proposed planning obligations by unilateral undertaking

- 3.9 A Unilateral Undertaking is being prepared and will be submitted separately by the Appellant in support of the appeal. Subject to final discussions with the Council and Lancashire County Council in connection with the appeal, it is proposed that the Unilateral Undertaking will provide for the following planning obligations;
- 1) Arrangements for the delivery of the proposed 12 no. (30%) affordable housing units;
 - 2) Restricted occupation of the proposed 6 no. (15%) dwellings for people aged 55 and over;
 - 3) A financial contribution of £176,555.94 to be paid to Lancashire County Council for the provision of 11 no. primary school places;
 - 4) A financial contribution of £96,740.64 to be paid to Lancashire County Council for the provision of 4 no. secondary school places;
 - 5) A financial contribution of £53,979.00 to be paid to East Lancashire Hospitals NHS Trust for the provision of local health services, and potentially;
 - 6) A financial contribution of a sum to be agreed to be paid to Ribble Valley Borough Council for the provision of off-site leisure facilities in Clitheroe.

- 3.10 In the event that the Inspector appointed to determine the appeal disagrees with the Council that any of the above four financial contribution planning obligations are necessary, justified and reasonably related in scale and kind to make the proposed development acceptable, the Unilateral Undertaking makes provision for an obligation to have no effect if the Inspector determines it is incompatible with any one of the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Pre-application consultation with the Council

- 3.11 The planning application was submitted following pre-application consultation with the Council. The Appellant submitted a pre-application enquiry (ref: RV/2019/ENQ/00051) to the Council on 18th April 2019. A meeting was held with planning officers on 15th May 2019 and the Council's formal advice was received on 13th June 2019. A copy is enclosed at Appendix 1.
- 3.12 The key observations and comments made by the Council in its response with regard to the principle of development, are reproduced below; [underlining added]
- 1) Although the appeal site lies beyond the settlement boundary for Clitheroe, it clearly has a close functional relationship with the built form of the town;
 - 2) The Council can demonstrate a five year housing land supply meaning the relevant policies of the Core Strategy would be given full weight¹;
 - 3) Key Statement DS1 of the Core Strategy seeks to apportion new residential development to the principal settlements of Clitheroe, Whalley and Longridge;
 - 4) Within the open countryside, Policies DMG2 and DMH3 of the Core Strategy confirm that new development is limited to a finite number of exceptions, including local needs (where a need has been identified);
 - 5) The key consideration in this case is whether the net increase in supply as a result of the scheme would be harmful to the development strategy for the Borough? Using the occupancy rate figure in the Core Strategy, a development of 40 no. dwellings would result in a population increase of 96 residents;
 - 6) It would therefore be necessary to undertake some form of assessment as to how those residents would be able to access day to day services and facilities within Clitheroe. I [the Council officer] would recommend that this analysis includes a review of the availability and frequency of public transport and distances to key services (shops, medical centres, schools etc.) by means other than private vehicle;

¹ This remained the case when the planning application was submitted and continues to be case for the purposes of determining the appeal albeit the five year housing supply is no longer calculated using the adopted strategic housing requirement, as the Core Strategy is now more than five years old, and is calculated using the standard method for assessing local housing need.

- 7) The appeal site is immediately adjacent to the Principal Settlement [Clitheroe] and would help sustain and boost the Council's five year housing supply. I [the Council officer] also acknowledge that this figure is not a maximum nor is it to be used as a ceiling when considering new development. Subject to a supporting statement which demonstrates the sustainability credentials of the site (whilst also satisfying any associated material considerations), I [the officer] consider a proposal of this scale and nature would not significantly harm the development strategy for the Borough or unduly prejudice the housing distribution hierarchy detailed within Key Statement DS1;
- 8) This is not to say that all development adjacent to existing principal settlements will be supported. It will still be necessary for you to clearly show within any future submission why you consider that the scheme should be afforded weight which would forego the need to meet the requirements of Policy DMG2 / DMH3;
- 9) In affording due weight to all matters referred above, I [the Council officer] consider that the principle of further residential development in this location, of the scale proposed, would not harm the wider development strategy of the Council. However, it will still be necessary to demonstrate in any future application that additional housing would be sustainable and that the benefits of the scheme would outweigh any identified harm, due to the open countryside location;
- 10) Accounting for the characteristics of this site, its tangible relationship to the town and the requirements of the Framework to 'significantly boost' the supply of homes, I [the Council officer] consider that the principle of development could be supported.

3.13 The Council pre-application response also makes clear that it predates (and was to be qualified by) the Henthorn Road, Clitheroe appeal decision (see Chapter 5 - Planning History and Appendix 5). It notes that 'whilst the scale and circumstances are not directly comparable, there are common and overlapping themes, with particular regard to accessibility distances and transport opportunities.' The Henthorn Road appeal was allowed on 19th June 2019.

3.14 The remainder of the Council response deals with detailed considerations, expected planning obligations and planning application validation requirements. The proposed scheme addresses all of these matters and incorporates the officer advice in relation to affordable and age-restricted housing, design, layout and privacy standards, appearance and materials and public open space provision.

Post-submission negotiation and the Council's failure to determine the application

3.15 On 18th October 2019 the Appellant was asked to make minor amendments to the proposed schedule and tenure of the proposed affordable housing to meet identified local needs in Clitheroe in accordance with Policy H3 of the Core Strategy. The mix and tenure of plots was changed to that described at paragraph 3.4 above and the revised affordable housing layout plan 067-P-05B was submitted on 18th November 2019.

3.16 On 6th December 2019 the Appellant was asked to respond to comments raised by Lancashire County Council local highway authority in relation to cumulative traffic generation and the emergency vehicle access proposed in the submitted highway layout. The Appellant responded and submitted the following revised drawings and Transport Technical Note and Appendices on 30th January 2020. These removed the proposed emergency vehicle access from the relevant layout drawings and provided cumulative traffic assessment data;

- 067-P-01A Proposed housing layout
- 067-P-05C Proposed affordable housing layout
- 067-P-06A Proposed housing layout with levels
- 067-P-03A Proposed external materials layout
- 067-P-02A Proposed fencing layout

- Technical Note - Transport
- Appendix A - Surveys
- Appendix B - Surveys
- Appendix C - Traffic flow figures
- Appendix D - Traffic model outputs

3.17 Following the submission of the additional traffic data, the local highway authority asked the Appellant to make further minor alterations to the proposed highway layout design on 20th February 2020. Discussions took place directly between the Appellant's highway consultant and the local highway authority to resolve these and the amended housing layout plan 067-P-01B was submitted on 24th February 2020.

3.18 Following the expiry of the 13 week period on 7th January 2020, the Appellant agreed to an extension of time until 31st March 2020 for the Council to determine the application. This was confirmed in writing on 12th February 2020. The Appellant was then informed that the Council officers were meeting internally to discuss the planning application following the allowed appeal decision of 23rd January 2020 at Chatburn Old Road, Chatburn (see Planning History and Appendix 6). The Appellant was also told that unless and until the Council officers agreed that the planning application was acceptable in principle, no further work would be undertaken to assess and/or provide comments on its detailed merits.

3.19 After thirteen further weeks of waiting for the Council's decision, the Appellant was informed that the officer meeting to discuss the application was held on 15th May 2020 but that a decision was not made and further consideration is still needed. The Appellant considers the Council has sufficient information to determine the application and, as 33 no. weeks have passed since the application was validated, is not prepared to agree to a further extension of time. The Appellant has therefore advised the Council of its decision to appeal.

Common ground at the time of submitting the appeal

3.20 The matters we believe are agreed and against which no objection has been raised by consultees and the Council, are summarised below. If this is not correct, the Council can clarify the position in its putative reasons for refusal and/or Statement of Case and the Appellant reserves the right to address them in its Final Comments and Suggested Conditions together with any comments received from interested third parties. Consultation responses regarding the provisional planning obligations discussed in paragraph 3.9 above are not repeated here;

- **Environment Agency** (comments issued on 30th October 2019)
 - No objection on the basis the proposed development will be safe from the risk of flooding and will not exacerbate flood risk elsewhere.
- **United Utilities** (comments issued on 1st November 2019)
 - No objection subject to the imposition of conditions requiring; i) the proposed development to be carried out in accordance with the submitted surface water drainage system, and ii) arrangements for the life time management and maintenance of the system to be submitted for approval.
- **Lancashire County Council (LLFA)** (comments issued on 7th February 2020)
 - No objection subject to the imposition of conditions requiring; i) the details of a final surface water drainage scheme to be submitted for approval, and ii) the details of a construction phase surface water management plan to be submitted for approval.
- **Lancashire County Council (Highways)** (comments issued on 16th April 2020)
 - This confirms that following the discussion with the Appellant's highway consultant and the amendments made to the proposed development at paragraphs 3.16 and 3.17 above², the local highway authority is satisfied that the scheme is acceptable and has no objection subject to the imposition of conditions requiring;
 - Approval of details for the future management and maintenance of the proposed carriageways, footways, footpaths, landscaped areas and bin storage areas not put forward for adoption;

² Note: The local highway authority consultation response of 16th April 2020 refers to drawing 067-P-03B. This is incorrect and should be 067-P-01B.

- Construction of the proposed estate road and shared pedestrian / cycle link between the site and Chatburn Road in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place;
- Approval and implementation of a scheme for the construction of the site access and the off-site works of highway improvement;
- Approval of a construction method statement and provision of construction traffic wheel washing facilities;
- Provision of electric vehicle charging points; and,
- Closure of the gated field access on Chatburn Road and reinstatement of the highway verge and footway.

4 Planning policy context

4.1 The policy framework material to the determination of the appeal comprises;

- Relevant policies of the statutory development plan for Ribble Valley
- The National Planning Policy Framework 2019

Development Plan

4.2 This comprises;

- Local Plan for Ribble Valley Core Strategy 2008 - 2028 (adopted 16th December 2014)
- Housing and Economic Development DPD (adopted 15th October 2019)
- Proposals Map (adopted 15th October 2019)

4.3 The Core Strategy sets out the vision, objectives and strategic policies which guide housing development in Ribble Valley and are relevant to the determination of the appeal. These are;

- **Key Statement DS1: Development strategy:**

This defines Clitheroe as a Principal Settlement, which is the highest and most sustainable order in the settlement hierarchy, and directs the majority of new housing growth to Principal Settlements.

- **Key Statement H1: Housing provision:**

This requires sufficient land to be made available for residential development to deliver 5,600 net additional dwellings within the plan period, at an annual average of at least 280 dwellings per year.

- **Key Statement H2: Housing balance:**

This requires new residential development to provide a suitable mix of housing that accords with the projected future household requirements and local need across the Ribble Valley as a whole, as evidenced by the Strategic Housing Market Assessment.

- **Key Statement H3: Affordable housing:**

This requires new residential development of five dwellings or more to make 30% of dwellings affordable (for on-site provision) and on developments of ten dwellings or more, to make 15% of dwellings (of which 50% must also be affordable) available and suitable for occupation by older people (aged at least 55).

4.4 The Core Strategy also contains development management policies which are relevant to the determination of the appeal. These are;

- **Policy DMG2: Strategic considerations:**

This requires new development to accord with the Core Strategy development strategy and support the spatial vision. It explains that its purpose is to 'assist the interpretation of the development strategy and underpin the settlement hierarchy for the purposes of delivering sustainable development' and 'secure the overall vision of the Core Strategy.'

The first part of the policy explains that new development in Principal Settlements and Tier 1 Villages must either 'consolidate', 'expand' or 'round-off' existing development so that it is closely related to the main built up areas, and be appropriate to the scale of and in keeping with, the existing settlement. The three terms are defined in the Core Strategy Glossary and are considered further in the Appellant's case in Chapter 6.

The Appellant considers that the second part of the policy is not relevant to this appeal as it concerns development within Tier 2 villages and outside the defined settlement areas. It explains that new development in these locations must meet at least one of the considerations / criteria set out in the policy.

- **Policy DMH3: Dwellings in the open countryside and AONB**

The aim of this policy is to protect the open countryside and designated landscape areas from sporadic or visually harmful development, which is seen by the Council as a high priority and necessary to deliver sustainable patterns of development and the Core Strategy vision. It explains that new residential development within the open countryside or AONB will be limited to i) that which is essential for agriculture or which meets an identified local need, ii) the conversion of suitable buildings and/or iii) the rebuilding or replacement of existing dwellings.

4.5 Other relevant development management policies in the Core Strategy but which do not need detailed explanation in the Appellant's statement, are;

- 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 DMB4 Open space provision
- Policy DMH1 Affordable housing criteria
- Policy DMI1 Developer contributions

4.6 The stated purpose of the Housing and Economic Development DPD (HED DPD) is 'to provide more detailed policy coverage on key issues related to the economy and housing'. It allocates planned housing sites and defines settlement boundaries which are necessary for the implementation of the Core Strategy. The following policy extracts are relevant to the determination of the appeal;

- **Policy HAL: Supporting text (page 7)**

This explains that the HED DPD was originally prepared to identify sufficient housing land to ensure that a five year supply would exist from the date of its adoption. During its Examination in Public³ however, it became clear that additional housing allocations were needed to ensure that sufficient flexibility exists over the plan period, rather than just the first five years, to help deliver the housing requirement in full. The text explains that alongside the reserve of five planned housing sites which the HED DPD allocates, flexible settlement boundary policies in the Core Strategy will enable development to be brought forward in a sustainable manner.

- **Policy HAL: Meeting the overall plan requirement (page 17)**

This adds further clarity to the above supporting text and confirms that the Council is committed to meeting the full housing requirement for Ribble Valley in the plan period. It explains that the 'sufficient flexibility' provided within the Core Strategy policy framework to bring additional suitable windfall sites forward includes the following matters against which planning applications will be assessed;

- The Development Strategy (Policy DS1) which directs development to the principal settlements and determines the appropriate scale of development;
- Strategic Considerations (Policy DMG2);
- The presumption in favour of sustainable development (Policy DS2), and;
- The need to achieve efficient use of land and the priority given to previously developed sites (Policy DMG1);

It adds that 'other provisions of the plan would determine against general housing development in Green Belt, the AONB and open countryside. The provisions of the whole plan, Development Management criteria and the provisions of National Policy will also be taken into account in taking individual decisions on applications.'

- **Policy HAL3: Land at Chatburn Road, Clitheroe (0.7ha)**

This allocates the land southwest of the appeal site (which is also controlled by the Appellant and subject to its current planning application 3/2020/0325 - see Chapter 5) for the development of 20 no. dwellings.

4.7 The above policies can be given full weight in the determination of the appeal as they are generally up to date and consistent with the National Planning Policy Framework 2019.

4.8 Where the development plan is up to date and contains relevant policies, the correct approach to decision-taking is set out at paragraph 11(c) of the 2019 Framework. This embodies the presumption in favour of sustainable development and, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, calls for planning permission to be granted for development that accords with the relevant policies of the development plan without delay.

³ This is explained at paragraphs 7, 8, 9, 22, 23 and 24 of the HED DPD Inspector's Report (see Appendix 8)

Proposals Map

- 4.9 The Proposals Map cannot (currently) be viewed as a single document. To assemble the complete relevant map for the area surrounding the appeal site reference must be made to;
- the original draft Proposal Maps published with the draft Housing and Economic Development DPD (Regulation 18);
 - the Final Changes to the draft Proposals Map document published alongside the adopted Housing and Economic Development DPD (Regulation 22); and,
 - the individual site allocation plans contained within the adopted Housing and Economic Development DPD (Regulation 22).
- 4.10 To easily show the policy context relevant to the determination of the appeal, the Appellant has produced a composite extract of the Proposals Map for the area surrounding the appeal site (see Figure 1 below). The Appellant has inserted the Policy HAL3 housing allocation from the Housing and Economic Development DPD (shown in orange) and has added the red edge of the appeal site for reference. The wider extract is otherwise unchanged and shows;
- the settlement boundary for Clitheroe (Policy DS1) - shown as a black line
 - the Appellant's committed housing site (Policy DS1) - shown as brown stripe
 - Clitheroe Royal Grammar School playing fields (Policy DMB4) - shown olive green
 - the Link 59 business park / industrial estate (Policy DMB1) - shown purple

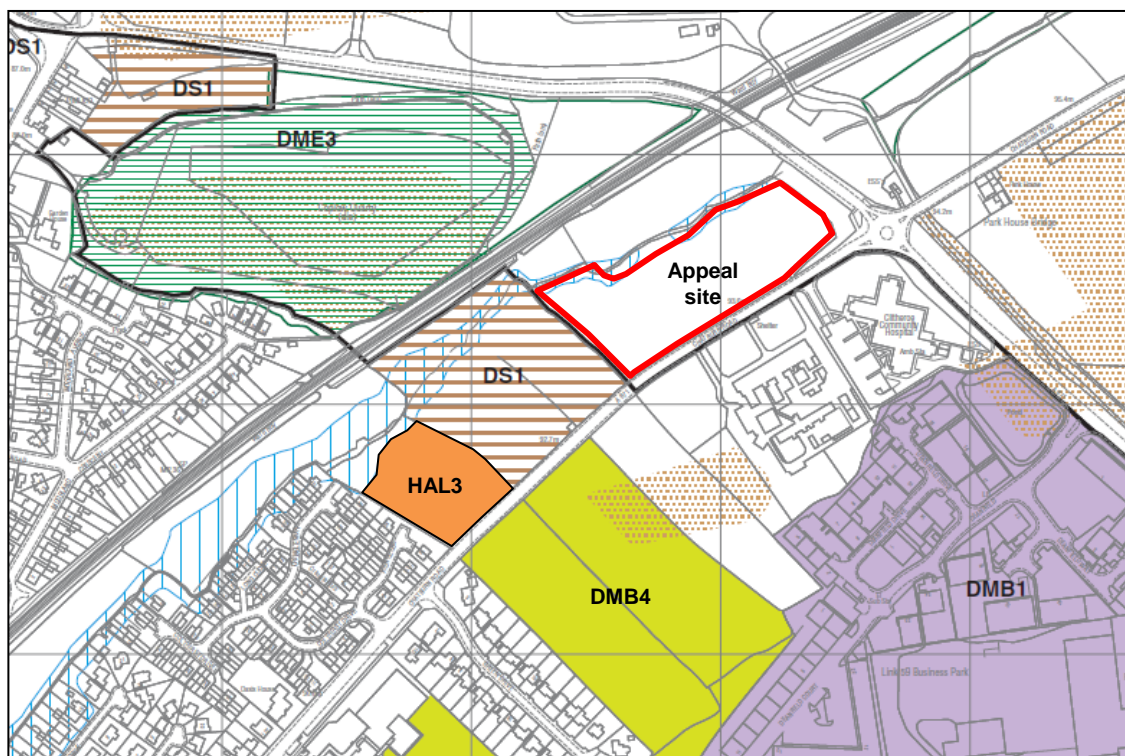


Figure 1: Extract from the HED DPD Proposals Map (with additions by the Appellant)

The National Planning Policy Framework 2019

4.8 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how they should be applied. It is a material consideration to be given significant weight in planning decisions and requires decision-makers 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.

4.9 The NPPF policies relevant to the determination of the appeal include;

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

Paragraph 11 Plans and decisions should apply a presumption in favour of sustainable development which lies at the heart of the Framework.

- For plan-making it means;
 - a) plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change, and;
 - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any not be met within neighbouring areas, unless i) policies in the Framework provide a strong reason for restricting the overall scale, type or distribution of development in the plan area; or ii) adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- For decision-taking it means;
 - c) approving development where it accords with an up-to-date development plan, or;
 - d) where there are no relevant policies or where the policies which are most important for determining the application are out-of-date, granting permission unless i) policies in the Framework indicate development should be refused, or ii) adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

- Paragraph 23 Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies).
- Paragraph 35 Local plans and spatial development strategies are 'sound' if they are:
- a) Positively prepared:
providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) Justified:
an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) Effective:
deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;
 - d) Consistent with national policy:
enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 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 72 Authorities should identify suitable locations for development to help meet identified needs in a sustainable way. In doing so, they should: a) consider the opportunities presented by existing or planned investment in infrastructure;
- 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.

- 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 Planning policies and decisions should support development that makes efficient use of land, taking into account:c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement.
- Paragraph 130 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 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 170 Planning policies and decisions should contribute to and enhance the natural and local environment by;
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

5 Relevant planning history

- 5.1 This section of the Appellant's evidence examines the planning permissions and current applications for housing development in the immediate vicinity of the appeal site, in respect of their relevance to the consideration of the appeal. The Appellant is not aware of any relevant planning history concerning the appeal site itself.
- 5.2 There are three adjacent sites with relevant planning history. Their location and relationship to the appeal site is shown on Figure 2 below. Site 2 is owned by the Appellant and is currently under construction (as described in Chapter 2) and Site 3 is also controlled by the Appellant. Site 1 lies opposite the appeal site south of Chatburn Road. This has been developed by McDermott Homes and is occupied. Further details of each site are provided below. Figure 2 also shows the settlement boundary and urban area of Clitheroe, marked by the yellow line and grey shading, and the red edge of the appeal site for reference.



Figure 2: Map showing the appeal site relative to committed and planned housing development and in relation to the urban area and settlement boundary of Clitheroe

Site 1: Former Clitheroe Hospital, Chatburn Road, Clitheroe (McDermott Homes) **Planning permission 3/2017/0616**

- 5.3 Detailed planning permission was granted on 9th February 2018 subject to conditions and a Section 106 agreement, for the erection of 60 no. dwellings and associated infrastructure on the site of the former Clitheroe hospital directly opposite the appeal site.

5.4 The officer report to the Council's Committee of 17th October 2017 (see Appendix 2) recommended that permission was granted and confirms the site is considered to be a suitable and accessible location for new housing development. It states; [underlining added]

- *the application site is located within the Settlement Boundary of Clitheroe, which is categorised as one of the principal settlements in Key Statement DS1 of the Ribble Valley Core Strategy;*
- *the site is considered to be located within a sustainable location and the principle of residential development on this site would accord with the fundamental aims of the Development Strategy within the adopted Core Strategy;*
- *the proposed layout and design/appearance of the proposed development is in keeping with the surrounding area and would provide a mix of house types (two, three and four bedroom properties);*

Site 2: Land at Chatburn Road, Clitheroe (Oakmere Homes)
Planning permissions 3/2013/0981 and 3/2017/0653

5.5 This site lies immediately adjacent to the appeal site and is currently being developed for 30 no. dwellings by the Appellant. It received an outline planning permission for a care home and housing development in July 2015 and latterly, full planning permission subject to conditions and a Section 106 agreement for the scheme under construction on 23rd November 2018.

5.6 The first application was granted at a time when the Council could not demonstrate a five year housing land supply and the tilted balance⁴ applied. The site was also located in the countryside beyond the settlement boundary for Clitheroe as defined at that time. The officer report to the Planning Committee (see Appendix 3) recommended that permission was granted and states; [underlining added]

- *In assessing the proposal, whilst the site is outside the settlement boundary of Clitheroe it must be noted that the current settlement boundaries are out of date and as yet no replacement boundary is in place. The site is close to existing residential development and is only approximately 1km away from the shop services and facilities within Clitheroe town centre;*
- *I consider that the site of this application is in a highly sustainable location being close to all the services and facilities of Clitheroe, the main town in the Borough. The proposal would also provide the benefits of the provision of housing, including affordable housing, and a care home. Overall, when considered in relation to the requirements of NPPF and the emerging Core Strategy policies, I consider the proposed development to be acceptable in principle.*

⁴ Paragraph 14 of the NPPF 2012

- *The proposed development is considered to be acceptable in principle in view of the sustainable location of the site close to all the facilities and amenities of Clitheroe town centre. The examination of relevant detailed considerations has not identified any harm that would be of such magnitude to outweigh the benefits of the proposed development. Development is therefore in compliance with the relevant policies of the Local Plan and emerging Core Strategy and complies with the 'presumption in favour of development' in the NPPF. In my opinion, outline planning permission should therefore be granted.*

5.7 The officer report recommending permission for the Appellant's housing scheme under construction was presented to Planning Committee members on 28th June 2018. It concludes;

- *The proposal will result in the development of a greenfield site that will bring forward 30 new dwellings within the defined settlement of Clitheroe in a location which benefits from walk-able access to services and facilities.*
- *It is further considered that the proposal is of a scale, design and external appearance that responds positively to the inherent character of the area and that the proposal would not be of detriment to the character and visual amenities of the area.*

5.8 A number of non-material amendments have been made to the planning permission and the Section 106 agreement was modified (ref. 3/2019/0859) on 11th December 2019 to change the affordable housing tenure in agreement with the Council's Housing Strategy Officer. These approvals are not relevant to the appeal however.

Site 3: Land at Chatburn Road, Clitheroe (Oakmere Homes) **Planning application 3/2020/0325**

5.9 The Appellant recently submitted this application for 17 no. dwellings (validated 19th May 2020) and it is awaiting determination. The application site is allocated for housing development under Policy HAL3 of the Housing and Economic Development DPD (see Chapter 4 above). This site is separated from the appeal site by the scheme which is currently under construction. Having been recently examined and found to be sound by the HED DPD Inspector, the site is clearly considered to be a suitable and accessible location for sustainable housing development.

Relevant appeal decisions

5.10 Two housing appeals determined within the past 12 months in Ribble Valley at i) Henthorn Road, Clitheroe and ii) Chatburn Old Road, Chatburn are also relevant to the consideration of the appeal. Both involved applications in the countryside adjoining the settlement boundaries of Clitheroe and Chatburn (a Tier 1 Village), which is the identical policy context to the appeal scheme, such that the same Core Strategy and HED DPD policy considerations were engaged. They were also determined at a time when, as now, the Council could demonstrate a five year housing land supply position meaning that the 'tilted' planning balance was not engaged.

- 5.11 It is important to understand the background to the appeal decisions, and the sequence in which the corresponding planning applications were determined and the recommendations made by Council planning officers to the Planning and Development Committee. The refused application at Chatburn Old Road was also resubmitted before that appeal was lodged.
- 5.12 The timeline of the appeal applications is shown in Figure 3. This also shows the date of the HED DPD Examination in Public hearing session on housing site allocations and supply matters (22nd and 23rd January 2019) as the proceedings are an important material consideration.

Application	Event	Date
3/2018/0582 Chatburn Old Road	Validation	22 nd June 2018
3/2018/0688 Henthorn Road	Validation	7 th August 2018
3/2018/0582 Chatburn Old Road	Committee decision	6 th September 2018
3/2018/0943 Chatburn Old Road (resubmission)	Validation	16 th October 2018
3/2018/0688 Henthorn Road	Committee decision	10 th December 2018
HED DPD Examination Hearings: housing supply session - 22 nd and 23 rd January 2019		
3/2018/0688 Henthorn Road	Appeal lodged	25 th January 2019
3/2018/0943 Chatburn Old Road (resubmission)	1 st Committee decision	7 th February 2019
3/2018/0582 Chatburn Old Road	Appeal lodged	1 st March 2019
3/2018/0943 Chatburn Old Road (resubmission)	2 nd Committee decision	14 th March 2019
3/2018/0688 Henthorn Road	Appeal decision	16 th June 2019
3/2018/0582 Chatburn Old Road	Appeal decision	21 st January 2020

Figure 3: Timeline of the planning applications and appeals at Henthorn Road, Clitheroe and Chatburn Old Road, Chatburn

- 5.13 The planning officer reports and recommendations, and the Planning Inspectors' main findings in allowing each of the appeals, are summarised below.

Appeal APP/T2350/W/19/3221189:
Henthorn Road, Clitheroe (Gladman Developments Ltd)
Allowed on 19th June 2019

- 5.14 This concerned an outline planning application (ref: 3/2018/0688) for the erection of up to 110 dwellings with all matters reserved except access. The application was presented to the Planning Committee on 29th November 2018 and 10th December 2018 and recommended for approval both times. The officer report (see Appendix 4) advises; [underlining added]

- The Council is currently able to demonstrate a five year supply of housing and therefore in line with the NPPF, policies in respect of housing are considered to be up-to-date;*

- *Core Strategy Key Statement DS1 states that as a part of the overall apportionment of future housing development in the Borough, Clitheroe is regarded as a principal settlement. Both Key Statement DS1 and DMG2 of the Core Strategy, when taken together, permit development proposals in the principal settlements, including Clitheroe, which accord with the development strategy and consolidate, expand or round-off development so that it is closely related to the main built up area.*
- *The application site is located directly to the south-west of a committed housing site which is almost complete and just outside of, but adjoining, the settlement boundary of Clitheroe. Furthermore to the south east, on the opposite side of the road is a separate committed housing site for 130 dwellings which is under construction. As such the site is adjoined on two sides by built form / residential development.*
- *The Council is mindful that a significant number of housing developments have been permitted within or adjacent to Clitheroe in the last few years which have all contributed to the housing supply in this locality. Core Strategy Policy DS1 stresses that 'in general the scale of planned housing growth will be managed to reflect 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'.*
- *The strategic harm is therefore measured against these factors. The resultant scale of growth generated from this level of development is considered to be modest, but does form part of the overall cumulative effect. Furthermore, the Core Strategy requirement is expressed as a minimum and not a target. Nevertheless, the LPA would like to make it clear that in confirming that the Core Strategy requirement is a minimum and not a target, this does not imply that unrestricted development will be approved within the Borough. Each proposed development has to be determined on a case by case basis.*
- *As such the key consideration in the determination of the principle of this development is whether the net increase in housing supply would result in substantial harm to the development strategy for the Borough, and whether this increase in population (265 individuals) would have a significant impact upon local services and facilities.*
- *In conclusion, it is considered that the addition of 110 dwellings in this location would not have a significant impact upon local services and facilities, and therefore represents sustainable development. The principle of residential development is therefore considered to be acceptable in this location.*

5.15 Members disagreed with the recommendation and refused permission on the sole basis that;

- *The proposed development would result in an unsustainable form of development within the countryside. 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. As such the development is contrary to Key Statements DS2 and DM12, as well as Policies DMG2 and DMG3 of the Core Strategy and guidance in the NPPF.*

5.16 The appeal was determined by Inspector Normington. He identified three main issues;

- 1) Whether the proposed development would be appropriately located, having regard to planning policies that seek to manage the location of housing development;
- 2) Whether the Council can demonstrate a five year supply of land for housing; and,
- 3) Whether the proposal would be an accessible and sustainable form of development with 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.

5.17 Inspector Normington's decision letter (see Appendix 5) confirms; [underlining added]

1) *Whether the proposed development would be appropriately located?*

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.*
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. *During the Inquiry the Council accepted that Policy DMG2 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 policy. 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.*

20. The Council's approach to settlement limits in the HED DPD is a flexible one as confirmed in the Main Modifications to that document.
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.
23. Subject to the consideration of accessibility and sustainability matters, 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.
- 2) Is there a five year housing land supply?
38. I find that the deliverable housing land supply demonstrated is 5.07 years.
39. 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.
- 3) Accessibility and Sustainability
43. The reason 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.
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.
52. In my view a degree of realism needs to be applied to the distances in the [relevant] guidance and the locational circumstance of the appeal 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.

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.
56. *With regard to public transport, there is a relatively frequent bus service [to Clitheroe town centre] operating near to the appeal site.*
63. Taking the above factors into account, I consider that the proposal would be located on an accessible site and that 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.
- 5.18 It is also highly relevant that Inspector Normington allowed a partial award of costs against the Council for referring to Policy DMG2 in the reason for refusal and then not justifying the conflict with the policy in its evidence at the appeal Inquiry. Paragraphs 11 and 12 of the costs letter state; [underlining added]
11. Despite conflict with Policy DMG2 being identified in the reason for the refusal of outline planning permission, there was no attempt by the Council in the appeal to justify conflict with this policy. Although the proposed development lies outside of the settlement limits of Clitheroe, the Council advised that this policy is permissive of development that adjoins the settlement boundary as this constitutes consolidation and expansion of the settlement.

12. Taking into account the Council's views at the Inquiry that there would be no breach of this policy, I can see no reasonable justification for its inclusion in the reason for refusal. Consequently, I consider that the reference to a breach of Policy DMG2 constitutes unreasonable conduct that caused the appellant to incur unnecessary expense in providing evidence to demonstrate that there was no such breach.

Appeal APP/T2350/W/19/3223816:
Chatburn Old Road, Chatburn (Nest Housing)
Allowed on 23rd January 2020

- 5.19 This concerned an application for permission in principle (ref. 3/2018/0582) for the erection of up to nine dwellings. Although planning officers subsequently supported the resubmitted application (ref. 3/2018/0943 - see below), the appealed application was refused by Planning Committee members on 6th September 2018 in accordance with the officer recommendation.
- 5.20 The officer report confirms that; [underlining added]
- *The proposal site lies immediately adjacent to the settlement boundary of Chatburn. The local planning authority does not dispute that in terms of proximity to services, the site could be deemed to be a sustainable location. The provision of up to 9 dwellings on the edge of the settlement of Chatburn would reflect the existing population size and would not result in any quantifiable or measurable harm to the Development Strategy presented by Key Statement DS1 of the Core Strategy, particularly given that it seeks to focus some new housing development towards the Tier 1 settlements. Therefore, it is confirmed that the proposals would not harm the settlement strategy.*
- 5.21 However, notwithstanding this and in contrast to the approach taken in the subsequent reports and recommendations to approve the appealed application at Henthorn Road, Clitheroe (see above) and the resubmission of the Chatburn Old Road application, officers took the view that because the site was located in the countryside outside the settlement boundary of Chatburn, only the second part of Policy DMG2 of the Core Strategy applied (rather than only the first part as the Appellant maintains in this appeal), together with Policy DMH3. Officers considered that a 5.3 year housing supply could be demonstrated and therefore recommended that the application should be refused on the basis that it failed to comply with Policies DMG2 (second part) and DMH3 as there was no need for additional housing development in the countryside.
- 5.22 Members agreed with the officer recommendation and refused permission for the reason;
- *The proposal is considered contrary Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new dwellings in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.*

5.23 The appeal was determined by Inspector Robbie. He identified a single main issue;

- 1) Whether or not the proposed development would be in a suitable location for residential development, having regard to local and national planning policies.

5.24 Inspector Robbie's decision letter (see Appendix 6) confirms the following; [underlining added]

6. The majority of the appeal site's northern boundary adjoins the settlement boundary, in addition to the staggered line of the settlement boundary around the site's eastern and south-eastern perimeter.
7. Policy DS1 of the Ribble Valley Borough Council Core Strategy (CS) sets out a broad spatial development strategy for the distribution of housing across the Borough. Policy DS1 states that development will also be focused towards Tier 1 settlements in addition to the scope offered by the Principal Settlements.
8. CS Policy DMG2 goes on to state that development should be in accordance with the development strategy established by CS Policy DS1. With specific reference to Tier 1 [and Principal] Settlements, development proposals should 'consolidate, expand or round-off development so that it is closely related to the main built up areas'. It goes on to conclude that such development should be appropriate to the scale of, and in keeping with, the existing settlement.
9. As the appeal site is beyond the defined settlement boundary for Chatburn, the Council argue that the provisions of CS Policy DMH3 are of relevance. This sets out a range of acceptable forms of development for sites that are considered to lie in the open countryside. However, as a result of determination of an appeal elsewhere within the Borough (Henthorn Road, Clitheroe) the Council issued a Supplementary Planning Statement (SPS) [20/07/2019] to respond to concessions made previously by the Council in terms of the application of CS Policy DMG2 in the Henthorn Road appeal.
10. Thus, I heard that whilst 'rounding off' is defined in the CS glossary as development 'part of' rather than 'an extension to' the built-up area of a settlement, the Council accept that to 'consolidate' or 'expand' is not confined to within settlement limits. Indeed, a reading of the glossary confirms the former as referring to developments that adjoin the main built-up area of a settlement, whilst the Council accept in their SPS that the appeal site can be considered to comply with the CS definition of expansion.
12. There does appear, on the face of it, to be a degree of tension between CS Policies DMG2 and DMH3. I heard that whilst the Council now accept that the former provides both flexibility and a permissive approach to development outside, but adjoining, the settlement the latter sets out criteria for residential development within the open countryside. The site is, I agree, predominantly beyond the HED DPD settlement boundary limit and therefore falls within the open countryside.

13. *However, the Council's SPS sets out a subtly different 'take' on the Council's refusal reason. Whereas the refusal reason, and therefore the basis for the appellant's Grounds of Appeal concerns the development of dwellings in the open countryside, the SPS accepts that the proposal amounts to expansion in CS Policy DMG2 terms but that the appeal site is 'not closely related to the main built up areas of Chatburn.'*
14. *I accept the reasoning set forth by both main parties in the appeal before me and based upon the Henthorn appeal with regard to the former, but I disagree with the latter, of these approaches. The appeal site is well related in physical terms to the existing built form of Chatburn and largely encircles the recently constructed housing development. It is no more 'on a limb' than existing housing, is well related in physical and visual terms to existing housing and is only a modest walk from services and facilities.*
17. *Thus, for the reasons I have set out, I am satisfied that the proposal would benefit from the support to development set out by CS Policy DMG2(1). I accept that the appeal site lies in the open countryside but it was agreed at the hearing that it is the provisions of CS Policy DMG2(1) which apply in this instance, not subsequent sections of that policy. The Council also accepted that the expansion of Tier 1 settlements in such circumstances is allowed for by CS Policy DMG2(1). It is not disputed that the proposal, in terms of its quantum, would be appropriate to a Tier 1 settlement. The proposal would therefore accord with CS Policy DMG2(1).*
18. *The Council has referred to two appeal decisions in support of their initial approach to CS Policy DMG2 and the appellant to the Henthorn Road appeal in support the alternative approach. Although it was agreed that the Henthorn Road decision provided clarity over the policy's provisions, the Council noted key differences between Henthorn Road, being on the edge of a Principal Settlement, and the appeal site. However, although I do not have full details of the Henthorn Road case before me, there seems to be little of difference between the two in terms of being on the edge of a settlement. As it was agreed that 9 units would be appropriate in the context of a Tier 1 settlement and I have concluded that the proposal would be well related to the Chatburn, I give limited weight to the Council's examples, and also to the Council's argument that the weight attributable to the significance of the Henthorn Road decision should be limited.*
19. *Notwithstanding the above, the majority of the site lies beyond the settlement boundary and within the open countryside. As such, CS Policy DMH3 is of relevance and allows residential development where it meets an identified local need.*
23. *The Government's objective of significantly boosting the supply of homes is confirmed at paragraph 59 of the Framework. In either assessment put to me, the housing requirement for Chatburn for the plan period has not been met. The proposal would either help meet that requirement or contribute significantly to meeting it.*

However, housing requirements are [not] minima and, in the context of the Government's objective of significantly boosting the supply of homes, I am satisfied that the proposal, which I conclude is well related to the built up areas of Chatburn and is of a quantum appropriate to a Tier 1 settlement, would contribute towards the housing requirements for Chatburn and the Government's objective of significantly boosting housing supply. There would, as a consequence, be no conflict with either CS Policy DMH3 or DMG2, for the reasons I have set out.

**Permission in principle application 3/2018/0943
(re-submission of refused application 3/2018/0582)
Chatburn Old Road, Chatburn (Nest Housing)**

- 5.25 Whereas the refused application preceded the presentation of the Henthorn Road application to Planning Committee and the officer recommendation to grant permission, the resubmitted application was not presented to Members until 7th February 2019. By this time, the HED DPD EiP Hearing Session on housing site allocations had taken place and the Henthorn Road appeal had been lodged.
- 5.26 The officer recommendation was therefore to grant permission in principle but the Planning Committee resolved that it was 'minded to refuse'. Consequently, the appeal against the refusal of the original application was then lodged (before the deadline expired) and officers recommended the resubmitted application for approval to Members for a second time on 14th March 2019, albeit it was overturned.
- 5.27 The officer report (see Appendix 7) recommending that permission in principle was granted, states; [underlining added]
- *Having regard to the October Housing Land Availability Survey (19 November 2018) it is considered that the Council can demonstrate a 6.1 year supply of housing land.*
 - *In assessing this planning application, due regard has been given to the discussions held during the EiP into the Housing and Economic Development DPD which, during its sitting from Tuesday 22nd January and Wednesday 23rd January 2019, considered the proposed housing allocations and housing matters within the Borough. During the course of the examination, the Inspector focussed on the Council's housing land supply and the appliance of the Core Strategy housing policies in the determination of residential planning applications. There was debate on whether the Core Strategy policies restricted windfall housing developments and the location of new housing. At the request of the Inspector, Council Officers were required to provide details of planning applications granted for residential development within sustainable locations but outside of the defined settlement boundaries when the Authority could demonstrate a 5 year housing land supply. This was sought to demonstrate how the housing policies in the Core Strategy, i.e. DMG2 and DMH3, are applied within the Borough.*

- It was made clear during discussions between the Inspector and those present at the EiP, that the Council's housing policies must be applied to enable degree of flexibility to ensure that it meets the aims and objectives of the NPPF which seeks to 'significantly boost the supply of homes'.
- As such it must be recognised that following the EiP, policies DMG2 and DMH3 of the Core Strategy should not be applied in isolation nor should those policies be interpreted in such a way that would entirely restrict development for all new open market dwellings in the open countryside.
- Core Strategy Policy DMG2 states that "Development proposals in the principal settlements of Clitheroe, Longridge 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, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement". In view of the Inspector's comments at the EiP, it is considered that this policy makes provision for development proposals in Principal and Tier 1 Settlements that consolidate, expand or round-off development so that it is closely related to the main built up areas.
- Having considered all of the above, in light of the recent discussions held at the EiP into the Housing and Economic Development DPD, the principle of development in this location is considered acceptable. Accordingly, it is recommended that Permission in Principle is granted.

5.28 The Appellant cross refers to the key parts of the planning history and explains its relevance, in its main case in support of the appeal in the next chapter of this Statement.

6 The case for development

6.1 The legislative basis for decision-taking is set out in;

- i) Section 70(2) of the Town and Country Planning Act 1990 - which requires a local planning authority in determining a planning application, to have regard to the development plan insofar as it is relevant and other considerations that are material; and,
- ii) Section 38(6) of the Planning and Compulsory Purchase Act 2004 - which refers to the development plan as a whole and requires 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.

6.2 The National Planning Policy Framework 2019 is also a principal material consideration that is to be given substantial weight.

6.3 On this basis, the Appellant considers that the main issues in this appeal are;

- Issue 1) Whether the proposed development will conflict with development plan policies which seek to control the location and distribution of new housing development;
- Issue 2) How Core Strategy Policy DMH3 should be applied to new housing development in the countryside adjoining the settlement boundary of a Principal Settlement which is permitted by Key Statement DS1 and Policy DMG2(1);
- Issue 3) Whether there is a need and/or benefit for providing additional housing at Clitheroe;
- Issue 4) Whether the proposed development will result in any unacceptable adverse impacts;
- Issue 5) Whether there any other material considerations which weigh against the proposal.

6.4 The Appellant's case in respect of each of these issues is set out below. This is then followed by our assessment of the overall planning balance.

Issue 1) Whether the proposed development will conflict with development plan policies which seek to control the location and distribution of new housing development

6.5 The spatial development strategy for Ribble Valley is explained and set out in Key Statement DS1 of the Core Strategy. This makes clear that the distribution of new housing development is aligned to the settlement hierarchy so that the majority of new homes are concentrated within the most sustainable, highest order of Principal Settlements which includes Clitheroe.

- 6.6 The distribution is qualified, solely, by a general principle of managing the scale of planned housing growth (at any settlement) so that it reflects i) the existing population size; ii) the availability of, or the opportunity to provide, facilities to serve the development, and iii) the extent to which development can be accommodated within the local area.
- 6.7 In its determination of previous planning applications, and per its pre-application advice to the Appellant (see paragraph 3.12), the Council has therefore approached the question of whether a housing proposal will comply with or cause harm to the development strategy, by examining;
- a) whether a development is accessible (sustainably located) in relation to the social and physical infrastructure serving a settlement; and,
 - b) whether the available infrastructure has (or could be made to have) sufficient capacity to serve the development so that it would not be overwhelmed.
- 6.8 Applying this approach, the Appellant has demonstrated that its planning application fully accords with the requirements of Key Statement DS1 and will not harm the development strategy, as follows;
- 1) the proposed development is geographically located at Clitheroe on a site which immediately adjoins the settlement boundary on two sides; and,
 - 2) a development of 39 no. dwellings is clearly not out of scale with Clitheroe in terms of;
 - its relative population size;
 - the availability (number and range) of local facilities and services in the town centre and urban area which can be easily accessed by walking, cycling and public transport and have capacity to serve the proposed additional population;
 - the ability of the local area to accommodate new development. The appeal site is adjacent to recently completed, committed and allocated new housing development on the settlement boundary of Clitheroe, and is physically and visually contained by roads, landform and woodland such that the proposed development will not be overwhelming and will not appear out of place. It can also be provided with safe highway access and all necessary utilities and infrastructure networks have sufficient capacity.
- 6.9 In addition, the Council confirms in the pre-application advice provided to the Appellant that the appeal site has 'a functional relationship with the built form of Clitheroe' and 'the scale and nature of development is acceptable and proportionate to the population size' [of Clitheroe] such that it 'will not harm the development strategy and housing distribution.' (see paragraph 3.12). The Council has also confirmed in the relevant officer reports to Planning Committee (see Chapter 5) that the adjacent housing developments (by the Appellant and McDermott Homes) are in a 'sustainable location' and, on 15th October 2019, the HED DPD Inspector declared the adjacent housing allocation HAL3 to be sound.

- 6.10 The Appellant assumes the Council will therefore agree that the development is proposed in a sustainable location and that its scale, individually and in accumulation with surrounding new and planned development, is not inconsistent with the spatial development strategy. There is consequently no conflict with Key Statement DS1 of the Core Strategy.

Policy DMG2

- 6.11 Policy DMG2 expects all new development to accord with development strategy. It is therefore intended to assist the interpretation of Key Statement DS1 in the interests of reinforcing the settlement hierarchy and delivering sustainable development and the Core Strategy vision.
- 6.12 The policy comprises two parts although only the first one is numbered. Part one explains that in respect of Principal Settlements, new growth should be accommodated in order to either 'consolidate', 'expand' or 'round-off' development. These Core Strategy glossary terms have been debated and examined by officers, applicants and Planning Inspectors in several committee reports and appeal decisions, and the correct, up to date, position is set out in the two appeal decisions which are relevant to this appeal at Henthorn Road, Clitheroe and Chatburn Old Road, Chatburn (see Chapter 5).
- 6.13 In the Henthorn Road case and decision;
- the Council signed a Statement of Common Ground which confirmed there was no objection to the proposed development in principle and the sole reason for refusal concerned the (purported) level of non-car accessibility. It was agreed that 'if the appeal scheme is accessible then it would be appropriately located and there would be no conflict with Policy DMG2', and 'it would accord with the development plan [without further qualification - e.g. demonstrating need] and should be approved without delay';
 - the Council agreed that Policy DMG2 permits development that adjoins the settlement boundary and confirmed that 'development outside the settlement limits of Clitheroe would not necessarily conflict with the provisions of the policy'; and,
 - the Council agreed 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.'
- 6.14 The position was further clarified in the Chatburn Old Road case and decision;
- the Council explained⁵ the meaning of the 'concessions' it made previously in terms of the application of Policy DMG2(1) in the Henthorn Road inquiry. It explained that 'rounding off' involves development of land within or forming part of the built-up area of a settlement, rather being an extension to it, and as such, the Council accepted that to 'consolidate' or 'expand' a settlement is not confined to land within its boundary; and,

⁵ In the Supplementary Planning Statement (SPS) submitted to PINS on 20th July 2019 (see Chapter 5)

- the Council accepted that Policy DMG2(1) provides flexibility and allows a permissive approach to development outside, but adjoining, a Tier 1 [and Principal] settlement.
- 6.15 The Appellant therefore hopes it will not be necessary to revisit the meaning of these terms in this appeal and that it is agreed common ground with the Council that the proportionate and in-scale 'expansion' of a Principal Settlement, as proposed in this case, can take place in the countryside outside but adjoining the settlement boundary in accordance with the provisions of the first part of Policy DMG2 of the Core Strategy.
- 6.16 Having established that the proposed development of the appeal site amounts to 'expansion' of a Principal Settlement, the first part of Policy DMG2 then requires the 'expansion' to be;
- closely related to the main built up area, and
 - appropriate to the scale of, and in keeping with, the existing settlement.
- 6.17 The Council has not given the Appellant any indication that the proposed development will conflict with these qualifications, either at the pre-application stage or during the determination of the planning application.
- 6.18 Figure 2 (see Chapter 5) shows the relationship of the appeal site to surrounding development at Clitheroe. It shows, as the Council confirmed in its pre-application response, that it 'clearly has a close functional relationship with the built form of the town' and is no less 'closely related to the main built up area' than the adjacent recently built and under construction housing development, with which it is physically integrated and visually well-related to, and it is accessible by walking, cycling and public transport to local services and facilities. It has already been demonstrated in the assessment against Policy DS1 above, that the appeal development is appropriate in scale to Clitheroe and is in keeping with the surrounding area.
- 6.19 The next text within Policy DMG2 begins with the words "*Within the Tier 2 Villages and outside the defined settlement areas development must.....*" This is clearly expressed in terms which relate to a different tier of the settlement hierarchy in contrast to part one (DMG2(1)) which relates solely to Principal Settlements and Tier 1 Villages. Therefore, as a matter of sequential construction of the policy, and although not numbered as '2', the Appellant considers this text forms 'part two' of Policy DMG2 and is solely concerned with development at Tier 2 Villages and in countryside away from the defined settlement areas. On this basis, part two of Policy DMG2 does not deal with development proposals at Principal Settlements or Tier 1 Villages and the Appellant considers it is therefore not engaged for the purposes of this appeal.
- 6.20 To test this opinion, part two of Policy DMG2 states that development outside the defined settlement areas must meet one or more of six criteria in order to be acceptable. If it was intended that this strict limitation should apply to development proposals (such as the appeal scheme) in the countryside outside, but adjoining the boundaries of, Principal Settlements and Tier 1 Villages it would be wholly inconsistent with the Core Strategy development strategy and moreover, would render Policy DS1 and the first part of Policy DMG2 meaningless.

6.21 The point was tested at the Chatburn Old Road appeal and the Council is recorded as agreeing with the Appellant's view. Inspector Robbie's decision letter (see paragraph 5.23 above) notes;

- I [the Inspector] accept the appeal site is located in the open countryside but it was agreed at the hearing that it is the provisions of Core Strategy Policy DMG2(1) [first part] which apply in this instance, not subsequent sections of that policy [second part].

6.22 The policy context of the Chatburn Old Road proposal and the Appellant's planning application are identical, other than respectively being at a Tier 1 Village and a Principal Settlement. The Council must be consistent in its interpretation and application of policy in its decision-making. The Council's position at the Chatburn Old Road appeal confirms the Appellant's view that only the first part of Policy DMG2 is relevant to determine this appeal and the second part of Policy DMG2 is not, and it is therefore not engaged. There are no grounds for the Council to adopt a different stance in this appeal to that taken at Chatburn Old Road.

Conclusion on Issue 1

6.23 The proposed development is in accordance with Key Statement DS1 and Policy DMG2(1) of the Core Strategy as they allow for the expansion and consolidation of Principal Settlements including Clitheroe, where development is closely related to the main built up area and of a scale that does not harm the development strategy. Compliance is not qualified by any further criteria or considerations, and as such the application is acceptable in principle on this basis.

6.24 This approach is recognised by the Council in i) the case presented by officers to the Inspector examining the HED DPD and in the HED DPD itself; ii) in the officer reports to Planning Committee for the Henthorn Road application and the resubmitted Chatburn Old Road application, and iii) in the case presented by officers at the Henthorn Road appeal and the Chatburn Old Road appeal, and in the corresponding Inspectors' decisions. The Appellant has explained why Part 2 of Policy DMG2 does not apply in this case and this too is recognised by the Council in the recorded position agreed by officers at the Chatburn Old Road appeal.

Issue 2) How Core Strategy Policy DMH3 should be applied to new housing development in the countryside adjoining the settlement boundary of a Principal Settlement which is permitted by Key Statement DS1 and Policy DMG2(1)

6.25 Policy DMH3 concerns residential development in the open countryside and the Forest of Bowland Area of Outstanding Natural Beauty (AONB). It limits the opportunities for new housing development to a closed list of circumstances comprising;

- i) that which is essential for agricultural purposes or which meets an identified local need;
- ii) the appropriate conversion of suitable rural buildings; and,
- iii) the conditional rebuilding and replacement of existing dwellings.

- 6.26 It would be fair to conclude that at a simplistic level, Policy DMH3 does not appear to be obviously consistent with the provisions of Policy DMG2(1) and Key Statement DS1. However, the approach of the Courts to the process of policy interpretation is to seek to find coherence and consistency if possible. The Appellant has sought to adopt this approach and considers that the seemingly conflicting policies can be reconciled.
- 6.27 On the basis of the limited discussions with officers on policy matters to date, the Appellant does not expect the Council to agree with this approach however and assumes it will conclude that, because the proposed development does not meet an identified local housing need (in a conventional sense), it is thereby in conflict with Policy DMH3.
- 6.28 Therefore, while the literal terms of Policy DMH3 are highly restrictive of housing development in the open countryside, other than the permitted exceptions, the explanatory text provides confirmation of its purpose and meaning by identifying the planning harms to which the policy is directed, and which its application is intended to prevent from arising. It states;
- *The protection of the open countryside and designated landscape areas (i.e. the AONB) from sporadic or visually harmful development is seen as a high priority by the Council and is necessary to deliver both sustainable patterns of development and the overarching core strategy vision.*
- 6.29 This explanation of the objective and purpose of Policy DMH3 provides a rational means of reconciling it with the provisions of Policies DS1 and DMG2(1) and the type, nature and location of housing development those policies permit in the countryside adjoining the boundaries of Principal and Tier 1 Settlements, in accordance with the development strategy.
- 6.30 The Appellant believes the Council does not disagree that the proposed development accords with Key Statement DS1 and Policy DMG2(1) in that it forms an extension to the Principal Settlement of Clitheroe which;
- immediately adjoins the settlement boundary on two boundaries;
 - is not out of scale with Clitheroe in terms of its relative population size;
 - is in a location which officers have confirmed previously is sustainable;
 - is accessible by walking, cycling and public transport to local services and facilities which have capacity to serve the development;
 - is located in an area in which new development can be accommodated;
 - is no less closely related to the main built up area of Clitheroe than the adjacent recently built and under construction housing development;
 - is physically and visually contained by roads, landform and woodland and will not be overwhelming and appear out of keeping in the locality; and
 - can be provided with safe highway access and necessary utilities, and the local infrastructure networks have sufficient capacity to serve the development.

- 6.31 It is therefore considered that the appeal proposal should not be viewed as ‘sporadic’ or ‘visually harmful’ development which would otherwise harm the countryside and result in ‘unsustainable patterns of development’ and development which ‘does not accord with the Core Strategy vision’.
- 6.32 On this basis and insofar as there is unresolved conflict between the principal policies in this appeal, the Courts have observed many times and primarily in *[R. v Rochdale Metropolitan BC ex parte Milne [2000] EWHC 650 (Admin)]* at [paragraphs 48 and 49] per Sullivan J, that the development plan must be read as a whole as policies may pull in different directions. The requirement set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires any proposed development to be in accordance with the development plan looked at as a whole, rather than with every relevant policy in the plan, which may well pull in different directions and some of which may be more relevant to a particular application than others, as in this appeal. Analysis by a decision-maker has therefore to be properly formulated and needs to recognise the potentially competing aspects of different policies and interpret them correctly.
- 6.33 The Appellant therefore considers that if the Council’s (assumed) approach was correct, whereby Policy DMH3 was to be applied at face value without regard to its purpose and objective as set out in its explanatory text, and in isolation without regard to the provisions of the overarching development strategy in Key Statement DS1 and its implementation under Policy DMG2(1), then it would either render those policies nugatory and/or the Core Strategy would be clearly contradictory.
- 6.34 Put simply, proposed development that is permitted by Policy DMG2(1) in accordance with Key Statement DS1, and which could only be refused in principle if it resulted in harm to the development strategy, should not then be restricted by Policy DMH3. This applies regardless of whether Policy DMH3 is applied following assessment against Key Statement DS1 and Policy DMG2(1) or prior to, on the basis that it somehow ‘pre-qualifies’ a proposed development from being assessed against Key Statement DS1 and Policy DMG2(1), which clearly it does not.
- 6.35 The explanatory text in the HED DPD also sheds light on the matter (see paragraph 4.6 above) and supports the Appellant’s position to have regard to the development plan as a whole. The purpose of the section of text on page 17 of the DPD is to explain how the Council will apply relevant settlement boundary policies with ‘sufficient flexibility’ to ensure that appropriate windfall housing developments can be approved. It explains that planning applications will be assessed against Key Statement DS1, Key Statement DS2, Policy DMG1 and Policy DMG2. The list does not include Policy DMH3 and the text adds; [underlining added]
- *other provisions of the plan [e.g. Policy DMH3] would determine against general housing development in Green Belt, the AONB and open countryside. The provisions of the whole plan, Development Management criteria and the provisions of National Policy will also be taken into account in taking individual decisions on applications.*

- 6.36 The Appellant has also examined how Policy DMH3 was approached by the Council and the Inspectors in the two appeal decisions referred to in this appeal at Henthorn Road, Clitheroe and Chatburn Old Road, Chatburn (see Chapter 5).
- 6.37 At Henthorn Road (see Appendix 5), neither the Council nor Inspector Normington considered Policy DMH3 at all, which was presumably on the basis it was not considered to be relevant as the Statements of Common Ground and preceding officer report to Planning Committee indicate. This supports the Appellant's view that Policy DMH3 should not be applied so that it has the effect of contradicting Policy DMG2(1) in implementing Key Statement DS1, but we do not agree that the approach to effectively disregard the policy was correct as the Henthorn Road development, like this appeal site, was located in the countryside outside, albeit directly adjoining, the settlement boundary for Clitheroe.
- 6.38 In the subsequent Chatburn Old Road appeal (see Appendix 6), Inspector Robbie did identify the tension between Policies DMG2(1) and DMH3 but considered that in order to be compliant with the development plan, that proposed scheme of market housing would need to comply fully with both policies to be acceptable. For the reasons set out above and particularly, the need to have regard to the development plan as a whole and the explanatory text in the HED DPD, we do not agree that this was the correct approach.
- 6.39 It is possible that Inspector Robbie adopted his rationale in that case because it was possible to satisfy both Policy DMG2(1) and Policy DMH3 as there was an undisputed residual housing requirement of between one and 13 no. dwellings at Chatburn, and this was taken to be an identified local need for the purposes of meeting Criterion 1 of Policy DMH3.
- 6.40 It should also be noted that, beyond the assumed typographical error of the word "not" in the fifth line, paragraph 23 of Inspector Robbie's decision highlights that the housing requirement for Chatburn is not a ceiling in the context of paragraph 59 of the NPPF. This implies that individual settlement requirements can be exceeded (which is correct and the Council does not dispute) but that there would first need to be a deficit in order for a proposed market housing development to comply with Policy DMH3. That is a circular argument and in any event, it would still have the effect of Policy DMH3 precluding windfall market housing applications which comply with and are permitted by Key Statement DS1, DMG2(1) and the HED DPD without analysing or resolving the tension within the development plan.

Conclusion on Issue 2

- 6.41 The Appellant has set out the rational basis by which the explanation of the objective and purpose of Policy DMH3 allows it to be reconciled with Key Statement DS1 and Policy DMG2(1) of the Core Strategy in permitting appropriately-scaled and sustainably-located new housing development in the countryside adjoining the boundaries of Principal Settlements and Tier 1 Villages, in accordance with the development strategy.

- 6.42 The Appellant considers that when the conflict with Policy DMH3 is approached on this basis and established legal authorities are applied, whereby judgement is needed between development plan policies which pull in different directions, it is clear that the proposed development accords with the development plan viewed as a whole.

Issue 3) Whether there is a need and/or benefit for providing additional housing at Clitheroe

- 6.43 It is not the Appellant's case in this appeal that the proposed development must meet an outstanding housing need⁶ in order to comply with the development plan as a matter of principle, as our assessment of Issues 1 and 2 demonstrates⁷.
- 6.44 However, it is demonstrated below that the delivery of 39 no. market and affordable houses in an accessible and sustainable location at Clitheroe, will nevertheless deliver a range of positive benefits which must be given substantial weight in the planning balance. These are;
- diversifying and adding to the flexibility of the deliverable housing supply that is available to meet the housing requirement for Ribble Valley in full and as a minimum within the Core Strategy plan period, in accordance with the Government objective of significantly boosting the supply of homes (paragraph 59 NPPF)⁸; and,
 - delivering a mix of property sizes, types and tenures that has been devised to respond to general market signals and household requirements; to meet identified affordable housing needs, and to provide age-restricted housing suitable for older people.

a) Helping to meet the residual housing requirement for Ribble Valley in full and as a minimum within the remaining plan period to 2028

- 6.45 The Housing and Economic Development DPD⁹ makes clear that the Council is committed to meeting the Core Strategy housing requirement in full in the plan period.
- 6.46 When the Housing and Economic Development DPD (HED DPD) was submitted for examination in August 2017 it proposed two housing allocations at Mellor (HAL1) and Wilpshire (HAL2) as these were the only settlements with planned residual requirements. However, it became clear that despite the number of housing commitments, the projected deliverable supply was below the requirement for the first five years from adoption, and so in July 2018, the Council consulted on the inclusion of five additional housing allocations as main modifications.

⁶ An unmet residual requirement at Clitheroe and/or the absence of a five year deliverable 5 year supply

⁷ Core Strategy Key Statement DS1 and Policy DMG2(1) are permissive of suitably scaled, located and serviced housing development that expands or consolidates Principal Settlements including Clitheroe in principle, and Policy DMH3 must be read and considered in the context of the development plan taken as a whole,

⁸ Paragraph 65 of appeal decision APP/T2350/W/19/3221189 at Henthorn Road, Clitheroe (see Appendix 5) confirms that 'boosting the supply of homes generally' is a component of sustainability.

⁹ Housing and Economic Development DPD - Page 17 Line 1

6.47 After reviewing the supply position in September 2018, the Council considered that sufficient housing land would be delivered so that a five year supply would exist when the HED DPD was adopted. Officers advised that all five of the proposed additional housing allocations should be retained however to provide supply flexibility so that the HED DPD would be robust in the event of slippage from committed sites, and remain capable of delivering the residual housing requirement in full and as a minimum before the end of the plan period.

6.48 The proposed additional allocation sites were discussed in the EiP hearing session on 22nd and 23rd January 2019. In response to objectors' comments that a greater reserve of additional sites should be included, Inspector McCoy asked the Council officers whether Core Strategy Policies DMG2 and DMH3 restricted further windfall housing development outside Principal Settlements. The Council's reply was that; [underlining added]

- *No further land needed to be allocated in the HED DPD because the Core Strategy policies allow residential development on the edge of existing settlements.*

6.49 It was therefore made clear during discussions between Inspector McCoy and those attending the EiP, that the Council's housing policies will be applied flexibility. Confirmation of these exchanges at the EiP hearing is evidenced in the following documents;

- a) Inspector McCoy's Report on the Examination of the Ribble Valley Local Plan HED DPD of 10th September 2019 (see Appendix 8). This confirms; [underling added]

23. *.....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.*

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, the Plan would not contain sufficient housing land allocations to enable CS 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.*

- b) HED DPD Proposed Main Modifications : Additional Housing Allocations - Post EiP Hearings Consultation of February 2019, Section 1; [underlining added]

5. *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 HED DPD 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.*

- c) The adopted HED DPD of 15th October 2019

Supporting text to Policy HAL: Meeting the overall plan requirement (page 17 of the DPD)
(see extract reproduced at paragraph 4.6 of this Statement)

- d) Inspector Normington's decision for the Henthorn Road, Clitheroe appeal (see Appendix 5),
which notes; [underlining added]

20. The Council's approach to settlement limits in the HED DPD is a flexible one as confirmed in the Main Modifications to the document.

- e) The officer report to Planning Committee for the resubmitted planning application at
Chatburn Old Road, Chatburn (see Appendix 7)
(see the extracts reproduced at paragraph 5.27 of this Statement)

6.50 There is consequently a policy expectation contained in the HED DPD that requires the Council to consider windfall housing developments which accord with Key Statement DS1 and Policy DMG2(1) of the Core Strategy, and are thereby sustainable, favourably.

6.51 The proposed windfall housing development in this appeal is located at the Principal Settlement of Clitheroe and is of a scale, is in an accessible location and is provided with infrastructure, whereby it accords with the criteria of Key Statement DS1 and Policy DMG2(1) and will not harm the development strategy. It is, therefore, sustainable development which will add to, diversify and increase the flexibility of the deliverable housing supply to meet the residual housing requirement in full and as a minimum, in accordance with the approach intended by the Council and foretold at HED DPD Examination in Public.

6.52 It is also important to note that there is no phasing policy or trigger mechanism set out in the HED DPD to control when housing commitments resulting from sustainable windfall developments come forward and allocated housing sites are released. Planning applications must therefore be determined on their merits on a case-by-case basis, and approved wherever possible in accordance with the development plan, the presumption in favour of sustainable development and the Government's objective to significantly boost housing supply.

b) Delivering a beneficial housing mix to meet general market household requirements and affordable housing and housing for older people needs

6.53 The description of the planning application and schedule of accommodation in Chapter 3 shows that the proposed development will deliver a mix of dwelling sizes, types and tenures to meet market requirements and affordable housing needs in Clitheroe and Ribble Valley, as set out in the Strategic Housing Market Assessment 2013.

- 6.54 The proposed mix is considered to be sufficiently aligned with the recommended mix profile for market housing in the SHMA (Figure 7.1) and broadly replicates the mix of the Appellant's adjacent development which was considered acceptable. The Council has also produced an up to date SHMA (Draft Strategic Housing and Economic Needs Assessment, September 2019) covering the period 2018 to 2033, which indicates that there is a growing number of families with dependent children requiring larger homes, alongside smaller households. The level of interest and reservations in the adjacent site¹⁰ also indicates there is strong market demand in the Clitheroe area for the type, sizes, style and quality of the homes the Applicant provides.
- 6.55 The proposed development will also deliver a range of much-needed affordable housing for affordable rent and shared ownership tenure, and the type, size and mix of units has been reviewed by the Council's Housing Strategy Officer and is considered appropriate to meet local identified needs. The arrangements for its delivery in association with a registered provider will be set out in the Unilateral Undertaking the Appellant will submit in connection with the appeal.
- 6.56 The Unilateral Undertaking will also identify and control the occupation of the 15% of market and affordable dwellings to be age-restricted and made available exclusively for households with at least one or more principal members over 55 years old. These properties will be designed to follow Part M4(2)¹¹ principles and include two single storey bungalows. This mix has also been agreed with the Housing Strategy Officer.

Conclusion on Issue 3

- 6.57 Key Statement H1 of the Core Strategy sets out a minimum requirement for 5,600 dwellings to be delivered between 2008 and 2028. The Council is committed to meeting this requirement in full and must do so by taking a flexible approach to the relevant policies in the Core Strategy that enable development to be brought forward in a sustainable manner, and by way of the reserve of allocated sites in the HED DPD. The Appellant's proposal is sustainable development which fully accords with the development plan and which will add to, diversify and increase the flexibility of the deliverable housing supply in accordance with this approach and the objective of significantly boosting the supply of homes set out in the NPPF. These are significant benefits to which substantial weight must be given in the planning balance.
- 6.58 The proposed development is also designed to deliver a mix of property sizes, types and tenures that have been devised to respond to general market signals and household requirements, as well as meeting identified affordable housing needs and providing age-restricted housing and bungalows suitable for older people. The proposal is therefore in full accordance with Key Statements H2 and H3 and Policy DMH1 of the Core Strategy and the relevant policies of the NPPF. There are no reasons why planning permission should be refused on housing mix and housing tenure grounds.

¹⁰ Notwithstanding the effect of the Covid-19 pandemic

¹¹ Part M4(2) Category 2 : Accessible and Adaptable Buildings (Approved Document M - Access to and Use of Buildings : Volume 1 Dwellings) - Building Regulations 2010 (2015 edition incorporating 2016 amendments)

Issue 4) Whether the proposed development will result in any unacceptable adverse impacts

6.59 As this appeal is made on the basis of the Council's failure to determine the Appellant's planning application within the prescribed time period, the environmental and technical impacts addressed below are those the Appellant considers to be the principal material considerations that are relevant in the circumstances of the case. However, in the event the Council raises additional matters in its putative reasons for refusal and/or Statement of Case, the Appellant reserves the right to address them in its Final Comments and Suggested Conditions.

a) Impact on the character and appearance of the local area

6.60 Although the Appellant has not been able to discuss the detailed merits of its planning application with the Council planning officer and has not been provided with any comments, the submitted Design and Access Statement explains that the proposed layout has been designed to adopt the same development principles as those negotiated with officers and approved at the Appellant's adjacent development which is under construction. This includes orientating the proposed dwellings to face outwards onto the stream corridor and the Chatburn Road frontage, and making effective use of the sloping site by adopting a pattern of development that follows the contours of the land, and which creates varied building lines and street scenes.

6.61 All other aspects of the development are largely synonymous with the adjacent development in terms of employing the same range of two storey house type designs and single storey bungalows; the same high-quality external materials and finishes; the same hard and soft landscaping details and the same timber, brick and hedge boundary treatments.

6.62 The development is a high quality proposal which is designed to blend with the adjoining housing development and is contained to the northeast and northwest by enclosing woodland. It will consequently not appear out of keeping with the surrounding area which is characterised by new housing development and it will not have a wider harmful visual and landscape impact. It therefore accords with Policies DMG1 and DME2 of the Core Strategy and the relevant policies of the NPPF, and there are no reasons why planning permission should be refused on character, appearance and visual impact grounds.

b) Impact on residential amenity and living conditions

6.63 The proposed development is designed to seamlessly integrate with the Appellant's adjoining development which is under construction. This is achieved by retaining the hedgerow trees along the common boundary and positioning the houses to either side so that rear gardens are arranged back-to-back and provide adequate separation distances and privacy. The newly built housing development to the southeast on the opposite side of Chatburn Road is sufficiently off-set by circa 60 metres and screened by frontage trees so there is no inter-visibility conflict.

- 6.64 The internal plot layout is designed so that the proposed dwellings achieve recommended window-to-window and window-to-gable privacy and amenity distances, and future residents will all enjoy a high standard of amenity and usable private rear garden areas.
- 6.65 The development therefore accords with Policy DMG1 of the Core Strategy and the relevant policies of the NPPF, and there are no reasons why planning permission should be refused on either unacceptable living conditions and/or amenity impact grounds.

c) Impact on highway access and safety

- 6.66 Vehicular access to the proposed development is provided solely via the Appellant's adjacent housing development which is under construction. It has been demonstrated via the Transport Statement and submission of cumulative traffic assessment data, that the shared access junction can serve both developments safely, and that Chatburn Road and the local highway network have capacity to accommodate the cumulative traffic flows. Utilising the existing access so that there is no need to form a second entrance to the appeal site, will also avoid further fragmentation of the stone wall on Chatburn Road and appearance of the street scene.
- 6.67 The internal highway layout has been amended to suit the technical design requirements of Lancashire County Council, and as summarised at paragraph 3.20 above, there is no reported objection subject to conditions. The appeal development is therefore in accordance with Policy DMG3 of the Core Strategy and the relevant policies of the NPPF, and there are no reasons why planning permission should be refused on highway safety or traffic generation grounds.

d) Impact on trees, landscape and ecology

- 6.68 The planning application is supported by a tree survey and arboricultural impact assessment carried out in April 2019. It records the hedge forming the south west boundary of the appeal site, which is not classed as important under the Hedgerow Regulations 1997, and 19 no. individual trees and seven groups along the northwest and northeast boundaries and partly returning along Chatburn Road. All of the trees lie outside the proposed development area and consequently none are proposed for removal regardless of their category and condition. All of the trees will be safeguarded during construction work, and details and implementation of the protection measures will be secured by condition.
- 6.69 An ecological appraisal of the appeal site was carried out in August 2019. Its results confirm that the proposed development will not harm any protected habitats as recorded plant species are common in the local area and of low ecological value, and higher value habitats on or adjacent to the site boundaries will be protected and retained or improved. The proposed development will not harm any protected species as bats are highly unlikely to rely on the appeal site for feeding and none were recorded emerging from or re-entering any of the trees during the activity surveys and roosting on or near the site. It is proposed that some roosting provision for bats will be incorporated into the development and details of a scheme can be secured by condition. No other notable or protected species were recorded on the site.

- 6.70 The proposed landscaping scheme utilises native planting, and habitat enhancement and eradication of Himalayan balsam within and on the boundaries of the appeal site, can enhance biodiversity to deliver a net gain. These measures can be secured by an appropriate condition. The development therefore accords with Key Statement EN4 and Policies DMG1, DME1, DME2 and DME3 of the Core Strategy and the relevant policies of the NPPF, and there are no reasons why planning permission should be refused on arboricultural, ecological and landscape impact grounds.

e) Impact on agricultural land resources

- 6.71 Although it is not a major consideration, the quantitative and qualitative loss of the agricultural land resulting from the proposed development of the appeal site should be taken into account. Data from the DEFRA Data Services Platform 2019¹² shows that the appeal site is ALC Grade 3 which is defined as 'good to moderate'. This grade is widespread in lowland Ribble Valley and entirely surrounds Clitheroe at all points on the settlement boundary. The Council has therefore previously accepted the loss of much greater areas of Grade 3 agricultural land at Clitheroe in order to accommodate housing growth, and on that basis it is not considered that an objection to the loss of the appeal site can be sustained. The proposed development therefore accords with the relevant policies of the NPPF and there is no reason why the loss of Grade 3 agricultural land should prevent planning permission being granted.

f) Impact on drainage infrastructure and flood risk

- 6.72 The planning application is supported by a foul and surface water drainage strategy and a flood risk assessment. In terms of surface water, local geology prevents infiltration and test holes demonstrate that soak-away drainage is not feasible. It is therefore proposed, in common with the Appellant's adjacent development, that surface water will drain into the stream alongside the appeal site. The discharge will be attenuated to a greenfield rate using a hydro-brake and oversized pipes as storage. The following design criteria have been applied to the system;

- the pipe network is designed so that peak surface water runoff for the 1 in 1 and the 1 in 100 year rainfall event will not exceed the pre-development runoff rate for the same event, with an additional 10% mitigation;
- no flooding from sewers for 1 in 30 year; and,
- no risk of flooding to the site or downstream from the site between 1 in 1 year and up to 1 in 100 years, plus 30% for climate change.

- 6.73 Foul water generated by the proposed development will be pumped to the pumping station serving the Appellant's adjacent development which discharges to the public main sewer in Chatburn Road. This has capacity to accommodate the flow from the appeal site.

¹² DEFRA website:

<https://environment.data.gov.uk/DefraDataDownload/?mapService=NE/AgriculturalLandClassificationProvisionalEngland&Mode=spatial>

- 6.74 The flood risk assessment demonstrates that the majority of the appeal site is in Flood Zone 1 except for small areas along the line of the stream which are in Zones 2 and 3. The housing development area lies wholly within Flood Zone 1 however. On this basis none of proposed development is at risk of flooding and, combined with the proposed surface water drainage strategy, development will not increase risk of flooding elsewhere.
- 6.75 There are no reported objections from the Local Lead Flood Authority, Environment Agency and United Utilities subject to conditions, as summarised at paragraph 3.20 above, and the proposed development therefore accords with Key Statement EN3 and Policies DMG1 and DME6 of the Core Strategy and the relevant policies of the NPPF. There are no reasons why planning permission should be refused on drainage and flood risk grounds.

g) Impact on ground conditions

- 6.76 A preliminary risk assessment of geo-technical and geo-environmental ground conditions was submitted with the planning application. It confirms that the level of risk associated with the proposed development is generally low and the ground can be fully mitigated to ensure the proposed housing can be safely developed and occupied. A scheme of Phase II site investigation, appropriate remediation design and implementation, and verification reporting can be secured by condition.
- 6.77 The proposed development therefore accords with Policy DMG1 of the Core Strategy and the relevant policies of the NPPF, and there are no reasons why planning permission should be refused on geo-technical or land contamination grounds.

Conclusion on Issue 4

- 6.78 This section of the Appellant's case demonstrates that subject to the imposition of appropriate conditions, the detailed aspects of the proposed housing development do not result in any conflict with the relevant environmental and technical policies of the Core Strategy and the NPPF. There is therefore no policy conflict and no material considerations in this regard that attract negative weight in the planning balance.

Issue 5) Whether there any other material considerations which weigh against the proposal

- 6.79 On the basis of the reasons explained in our consideration of Issues 1 and 2, it is not the Appellant's case in this appeal that the proposed development must meet an identified housing need¹³ in order to comply with the development plan. Therefore, whilst the existence of a five year housing land supply is a material consideration, the Appellant's position is that it is a secondary matter and should not be determinative.

¹³ An unmet residual requirement at Clitheroe and/or the absence of a five year deliverable 5 year supply

6.80 This approach is supported by the appeal decisions at Henthorn Road, Clitheroe and Chatburn Old Road, Chatburn (see Chapter 5) which were both allowed when a five year supply was in place.¹⁴ Inspector McCoy also made clear at the HED DPD EiP hearing sessions that the Council is expected to apply Key Statement DS1 and Policy DMG2 flexibly to enable sustainable windfall housing development to come forward. The Council was specifically asked for evidence of when it had allowed sustainable windfall housing development at times when a five year supply existed on the basis, and with the expectation, that it will continue to do so.

6.81 The Council's up to date supply position has been recently published in the May 2020 Housing Land Availability Statement and shows a 13.9 year supply¹⁵ as of 31st March 2020. Insofar as an argument has merit that, as a material consideration, the available supply could potentially outweigh the policy compliance in this appeal and justify a decision-maker to override the development plan, the Appellant considers this is problematical and difficult to substantiate on two grounds;

- i) Firstly, the adopted Core Strategy housing requirement is a minimum and must not be treated as a ceiling; and,
- ii) Secondly, the overarching policies and objectives of the NPPF make clear that;
 - paragraph 7 the purpose of the planning system is to contribute to the achievement of sustainable development;
 - paragraph 38 local planning authorities should approach decisions on proposed development in a positive and creative way... and decision-makers at every level should seek to approve applications for sustainable development where possible; and,
 - paragraph 59 to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

6.82 In addition, the five year housing supply is calculated, as it now must be in Ribble Valley, by using the requirement produced by the standard method for assessing local housing need. It is therefore a highly inflated figure which has no application in monitoring the rolling annual average housing supply needed to deliver the remaining adopted Core Strategy housing requirement. Attaching excessive weight to the five year supply figure calculated on this basis in the planning balance therefore runs entirely contrary to the Council's commitment expressed in the HED DPD, of meeting the Core Strategy housing requirement in full and as a minimum before the end of the plan period.

¹⁴ At the Henthorn Road appeal Inspector Normington determined the deliverable supply was 5.07 years and at Chatburn Old Road the Council considered the deliverable supply was 6.1 years

¹⁵ Calculated using the requirement produced by the standard method for assessing local housing need

6.83 Moreover the Government recognises that the standard method is flawed¹⁶, as its output is influenced by under-delivery and suppressed household formation in previous years, and that its introduction has produced anomalous and unintended results. Its use perpetuates the disparities and regional imbalance between the north and south of England by not favouring and sufficiently uplifting growth in northern areas, and presenting targets for southern planning authorities which are politically unpalatable. It jeopardises the target to achieve the delivery of 300,000 new dwellings per annum nationally by 2025 and it also means that northern councils are not maximising the contribution they can make to the Northern Powerhouse agenda.

6.84 The Government therefore confirmed in its recent policy manifesto 'Planning for the Future'¹⁷ which was published following the Budget on 12th March 2020 as a precursor to the now delayed Planning White Paper, that;

- *Reviewing the formula for calculating Local Housing Need:*
We will introduce a new approach which encourages greater building within and near to urban areas and makes sure the country is planning for the delivery of 300,000 new homes a year.

6.85 For all of the above reasons, the Appellant considers that the existence of a five year housing supply therefore has limited weight as a material consideration in the determination of this appeal and does not outweigh the demonstrated accordance with the development plan.

6.86 The May 2020 Housing Land Availability Statement also includes a measurement of the housing supply against the Core Strategy housing requirement. This shows a supply position of 7.09 years. This is a level of supply in accordance with Government expectations. It is not excessively high such that it should not be added to and/or diversified, and there will inevitably be some sites that are not delivered or are delivered at a slower rate than expected, as some of the more cautious and caveated responses provided to the Council by developers and landowners in the accompanying May 2020 'Evidence of Delivery Compendium' indicate.

6.87 It is likely that the Covid-19 pandemic will also have an effect which may mean that some committed housing sites in Ribble Valley do not come forward when expected, and supply from developments currently under construction will be impacted due to sites being temporarily closed and re-opening at slower rates. This was given weight by Inspector Downes in a recent appeal decision at Wokingham¹⁸ where she considered that an assessment 'that the effects of the lockdown on the industry would be felt for a 3 to 6 month period' was not unreasonable.

¹⁶ Para 19 of the 'Technical consultation on updates to national policy and guidance' MHCLG October 2018, confirms the Government will 'in the longer term review the formula with a view to establishing a new method that meets the principles in paragraph 18 by the time the next projections are issued'.

¹⁷ see Paragraph 10

¹⁸ APP/X0360/W/19/3238048 - Land north of Nine Mile Ride, Finchampstead (paragraphs 109 and 110)

6.88 The proposed development can help to off-set some of this effect and maintain short-term delivery, as the appeal site is small and can be delivered quickly on the basis;

- there is no lead-in time;
- all necessary infrastructure is already in place and/or in the course of being provided by the Appellant in connection with the development of the adjacent site; and,
- delivery of the Appellant's adjacent site is on-going, all necessary plant and machinery is available and ground work and construction work has maintained momentum during the Covid-19 pandemic.

6.89 The Appellant will therefore remain on site and can offer the benefit of immediately managing and redeploying its workforce to build-out the proposed development in the event planning permission is granted and as soon as pre-commencement conditions are discharged.

Conclusion on Issue 5

6.90 The Appellant's proposal is a suitable and sustainable development which will add to and diversify the deliverable housing supply in Ribble Valley and which fully accords with the development plan. In common with the appeals at Henthorn Road, Clitheroe and Chatburn Old Road, Chatburn planning permission is therefore expected to be granted irrespective of whether a five year housing land supply exists.

6.91 The Appellant considers that an argument whereby the current extent of supply is a material consideration which could justify a departure from the development plan, has limited rationale and weight. This is because i) the Council is committed by its development plan to meeting the residual adopted housing requirement in full and as a minimum before 2028; ii) because such an approach runs counter to the objectives of the NPPF, and iii) because the Government has announced in a recent policy statement that the standard method for assessing local housing need will soon be reviewed. Conversely, some positive weight can and should be attached to the benefits of the proposed development in terms of the diversity and speed of delivery it can provide to help mitigate any reduction in the available land supply in Ribble Valley as a consequence of the effects of the Covid-19 pandemic.

6.92 Overall, it is firmly demonstrated that there are no material considerations in this case which weigh against the proposed development to the extent that a decision other than one in accordance with the development plan, is justified.

The planning balance

6.93 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

- 6.94 The Appellant has demonstrated that the proposed development of a mix of 39 no. dwellings on a site adjoining the settlement boundary of Clitheroe, and which is appropriately-scaled and sustainably-located whereby it is i) closely related to the built-up area, ii) accessible to social infrastructure and iii) can be provided with physical infrastructure, constitutes the permitted expansion of a Principal Settlement which does not harm the spatial development strategy for Ribble Valley. The planning application is therefore in full accordance with the adopted development plan viewed as a whole.
- 6.95 The Appellant has undertaken a full assessment of all relevant material considerations and concludes that these reinforce the development plan position and do not point to a contrary view. The assessment demonstrates that the proposed development will;
- meet the Government objective of significantly boosting the supply of homes as set out in the National Planning Policy Framework 2019;
 - diversify and add to the deliverable housing supply which is available to meet the residual housing requirement for Ribble Valley in full and as a minimum within the remaining plan period, to which the Council is committed;
 - deliver a mix of dwelling sizes, types and tenures that have been devised to respond to market signals and household requirements, as well as meeting affordable housing needs and providing age-restricted housing and bungalows suitable for older people;
 - not result in any harmful environmental and technical impacts which cannot be appropriately mitigated by planning conditions; and it will,
 - help to off-set the impact of the Covid-19 pandemic on house building and the housing supply in Ribble Valley as it will be delivered immediately in conjunction with the Appellant's adjoining housing development which has not stopped construction.
- 6.96 These are important considerations in support of the proposed development. They attract substantial positive weight which is not diminished or negated by the existence or extent of a five year housing supply as this is not a ceiling to development and to treat it as such in the absence of demonstrable harm, runs counter to the objectives of the NPPF to significantly boost housing supply and approve applications for sustainable development where possible. The recent Government policy announcement that the standard method for assessing local housing need will soon be reviewed in the forthcoming Planning White Paper must also be taken into account.
- 6.97 The contributions made to economic development through the construction period and subsequent engagement of the prospective residents in the local economy, and providing for social and community cohesion by supporting local facilities, must also be taken into account. Paragraph 65 of appeal decision APP/T2350/W/19/3221189 at Henthorn Road, Clitheroe (see Appendix 5) confirms that these considerations, together with boosting the supply of housing generally and providing affordable housing, are 'notable components of sustainability.'

- 6.98 It is therefore demonstrated that there are no material considerations which weigh against the proposed development in this appeal to the extent that a decision other than one in accordance with the development plan, is justified.
- 6.99 On this basis and in accordance with the presumption in favour of sustainable development at paragraph 11(c) of the 2019 Framework, it is respectfully requested that the appeal is allowed and planning permission is granted without delay.

7 Conclusion

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires applications for planning permission to be determined in accordance with the plan unless material considerations indicate otherwise.
- 7.2 This Statement of Case demonstrates that the proposed development of 39 no. dwellings with landscaping, associated works and access from the adjacent development site on land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe, is sustainable development which accords with the adopted development plan for Ribble Valley.
- 7.3 The appeal site adjoins the settlement boundary of Clitheroe and the proposed housing is of an appropriate scale which is closely related to the built-up area, accessible to local services and facilities, and can be provided with physical infrastructure. It constitutes the permitted expansion of a Principal Settlement and does not harm the spatial development strategy.
- 7.4 The proposal will not result in any harmful environmental and technical impacts which cannot be appropriately mitigated by planning conditions, and it will have a number of important benefits which are material considerations to be given substantial weight. It will;
- help to significantly boost the supply of homes in Ribble Valley;
 - diversify and add to the deliverable housing supply to meet the residual requirement for Ribble Valley in full, and as a minimum, before the end of the plan period;
 - provide a mix of dwelling sizes, types and tenures that respond to market signals and household requirements, and meet affordable and older peoples' housing needs; and,
 - it will help to off-set the impact of the Covid-19 pandemic on house building and the supply in Ribble Valley as it will be delivered in conjunction with the Appellant's adjoining housing development which has not stopped construction.
- 7.5 These benefits are not diminished by the existence or extent of a five year housing supply as this is not a ceiling to development and to treat it as such in the absence of demonstrable harm, runs counter to the NPPF objectives of significantly boosting housing supply and pro-actively approving applications for sustainable development where possible. The recent Government announcement that the standard method for assessing local housing need will soon be reviewed in the forthcoming Planning White Paper must also be taken into account.
- 7.6 The contributions made to economic development through the construction period and subsequent engagement of the prospective residents in the local economy, and providing for social and community cohesion by supporting local facilities, must also be taken into account. Paragraph 65 of appeal decision APP/T2350/W/19/3221189 at Henthorn Road, Clitheroe (see Appendix 5) confirms that these considerations, together with boosting the supply of housing generally and providing affordable housing, are 'notable components of sustainability.'

- 7.7 In conclusion, there is a clearly made out and compelling case for planning permission to be granted 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 2018 Framework.
- 7.8 It is respectfully requested that the appeal is allowed on this basis.

Appendices

Appendix 1



RIBBLE VALLEY BOROUGH COUNCIL

Officer:	Lee Greenwood	Direct Tel:	01200 414493	Council Offices Church Walk Clitheroe Lancashire BB7 2RA	
Email:	lee.greenwood@ribblevalley.gov.uk				
Our Ref:	RV/2019/ENQ/00051				
Site Location:	Land at Chatburn Road, Clitheroe			Tel: 01200 425111	Fax: 01200 414487
Proposal:	Erection of circa 40 dwellings				
Date:	June 2019				

Pre-Application Enquiry Response

Dear Graham,

I write further to your submission of a request for pre-application advice at Chatburn Road, Clitheroe on behalf your client, Oakmere Homes. The enquiry seeks the Council's views on the erection of circa 40 dwellings at this site, which lies adjacent to a recently consented scheme (3/2017/0653) for 30 dwellings.

As discussed during our recent meeting, I am happy to deal with the submission in a 2 stage process and will seek to focus primarily on the principle of development and other broad policy related issues at this stage. Further, more detailed advice on matters of layout and design can be provided as the scheme evolves.

Relevant Core Strategy Policies:

- Key Statement DS1 – Development Strategy
- Key Statement EN2 – Landscape
- Key Statement H3 – Affordable Housing
- Policy DMG2 – Strategic Considerations
- Policy DMH3 – Dwellings in the Open Countryside and AONB
- National Planning Policy Framework (NPPF)

Principle of Development:

As you are aware, the site lies beyond the settlement boundary for Clitheroe as indicated on the draft proposals maps, prepared in support of the emerging HED DPD. As such the land is currently designated as open countryside, although it clearly has a close functional relationship with the built form of the town.

The Council can currently demonstrate a 5YHLS and therefore the relevant policies of the Core Strategy would be afforded full weight.

Key Statement DS1 seeks to apportion new residential development to the principal settlements of Clitheroe, Whalley and Longridge. Within the open countryside, policies DMG2 and DMH3 confirm that new development is limited to a finite number of exceptions, including local needs housing (where a need has been identified).

I understand that any future submission would be progressed as an open market scheme, with a policy compliant affordable element to be provided. Therefore any development would technically be an exception to the Core Strategy approach; however weight must be given to the overarching aims of the Framework and the

pursuit of sustainable development. I have discussed the proposals with my colleagues in Planning Policy who have considered the principle in this context.

It is acknowledged that there are currently a number of housing developments underway within and around the settlement of Clitheroe, all of which contribute to the Council's supply. The key consideration in this case would be whether the net increase in supply as a result of the scheme would be harmful to the development strategy for the Borough. Using the occupancy rate figure detailed within the Core Strategy, a development of 40 dwellings would result in a population increase of 96 residents.

It would therefore be necessary to undertake some form of assessment as to how those residents would be able to access day to day services and facilities within the town. I would recommend that this analysis includes a review of the availability and frequency of public transport and distances to key services (shops, medical centres, schools etc.) by means other than private vehicle.

The site is immediately adjacent to the principal settlement and would go some way to helping sustain and boost the Council's 5 year supply. I also acknowledge that this figure is not a maximum nor is it to be used as a ceiling when considering new development. Subject to a suitably detailed supporting statement which demonstrates the sustainability credentials of the site (whilst also satisfying any associated material considerations), I consider a proposal of this scale and nature would not significantly harm the development strategy for the Borough or unduly prejudice the housing distribution hierarchy detailed within Key Statement DS1.

This is not to say that all development adjacent to existing principal settlements will be supported. It will still be necessary for you to clearly show within any future submission why you consider that the scheme should be afforded weight which would forego the need to meet the requirements of Policy DMG2/DMH3.

I am mindful that in providing this advice, a decision is still outstanding in relation to the Henthorn Road appeal (ref – 3/2018/0688). The scheme proposed 110 units at the southern edge of Clitheroe, beyond the settlement boundary. The application was refused contrary to Officer recommendation, as it was considered that the development constituted unsustainable development in the open countryside, with a lack of suitable pedestrian or cycling access to the town centre. Whilst the scale and circumstances are not directly comparable, there are common and overlapping themes, with particular regard to accessibility distances and transport opportunities.

The findings of the Inspector may highlight material considerations which are also applicable to any future determination at Chatburn Road.

Other Matters:

Aside from the principle of development, the following issues will also require consideration;

Affordable & Older Persons Housing – it is understood that 30% affordable provision would be provided in any future scheme. When the exact nature, tenure and distribution is known I would recommend some discussion with my colleague Rachael Stott (Housing Strategy Officer) to ensure that the proposals meet with current demand in this area. The housing mix should also address the requirements of Key Statement H3 in relation to the requirement for older persons housing.

Highways – as you are aware, Lancashire County Council provides a separate, chargeable pre-application advice service for highway related matters. As such I cannot seek their views as part of this response. Provisional issues to consider include the suitability of the previously approved access to accommodate the uplift in movements; the design of the link between the consented development and this site and the amount of on-site parking to be provided. It would be expected that any application is supported by a Transport Statement to address these matters in greater detail.

Ecology/Trees – due to the characteristics of the site, detailed Ecology/Biodiversity Surveys will be required, alongside an Arboricultural Impact Assessment.

Drainage and Flood Risk – Accounting for the presence of the watercourse running east to west and the flood zone 2/3 designation (albeit a relatively narrow strip) I would recommend early engagement with the EA/LLFA in regard to the layout and any buffer that may be required. Technical details should be provided by way of a Drainage Strategy and Flood Risk Assessment as part of any future submission.

Site Investigation – a Phase 1 Site Investigation Survey should be undertaken and the findings submitted with any forthcoming application.

Design and Layout – In order to ensure minimal visual impacts, I would recommend that as many trees are retained as possible. The draft layout raises no significant issues in principle, subject to confirmation of separation distances and garden depths. The affordable units should be evenly distributed throughout the site where possible and tenure blind.

In terms of house types, a continuation of those to be used in the neighbouring scheme would represent a suitable approach to the identity and the overall appearance of the site.

Public Open Space – The proposals should seek to incorporate a suitable level of POS for use by residents and pedestrian links to the area approved at the adjacent site would be beneficial.

Obligations – Whilst not definitive at this stage, I consider that potential obligation requests may include:

- LCC Education
- LCC Highways (improvements to infrastructure)
- RVBC off-site Leisure Contribution
- Policy compliant affordable housing provision (on site)

I'm sure you appreciate that this list is not definitive and obligations may or may not be necessary depending on the comments of the respective third party bodies.

Conclusion:

In affording due weight to all matters referred above, I consider that the principle of further residential development in this location, of the scale proposed, would not harm the wider development strategy of the Council.

However, it will still be necessary to demonstrate in any future application that additional housing would be sustainable and that the benefits of the scheme would outweigh any identified harm, due to the open countryside location. I must stress that this does not indicate that any development outside of the principal settlements will be supported. However, accounting for the characteristics of this site, its tangible relationship to the town and the requirements of the Framework to 'significantly boost' the supply of homes, I consider that the principle of development could be supported by Officers.

Please note that this response is issued without the benefit of the Henthorn Road decision or any strategic comments from the Inspector regarding the HED DPD.

Submission Requirements:

Should you proceed to submission of a formal application, based on the nature of the proposal/site constraints identified above, it is my opinion that the Local Planning Authority would require the following information to accompany such an application:

- Application forms
- Location plan
- Site plan
- Topographical survey
- Existing/proposed site sections and FFL's
- Proposed layout
- House types and floor plans
- Landscaping/POS scheme
- Phase 1 Site Investigation
- Transport Statement
- Ecology/Biodiversity Assessment
- Arboricultural Impact Assessment
- Flood Risk Assessment and Drainage Strategy
- Planning Statement (inc. affordable housing information)

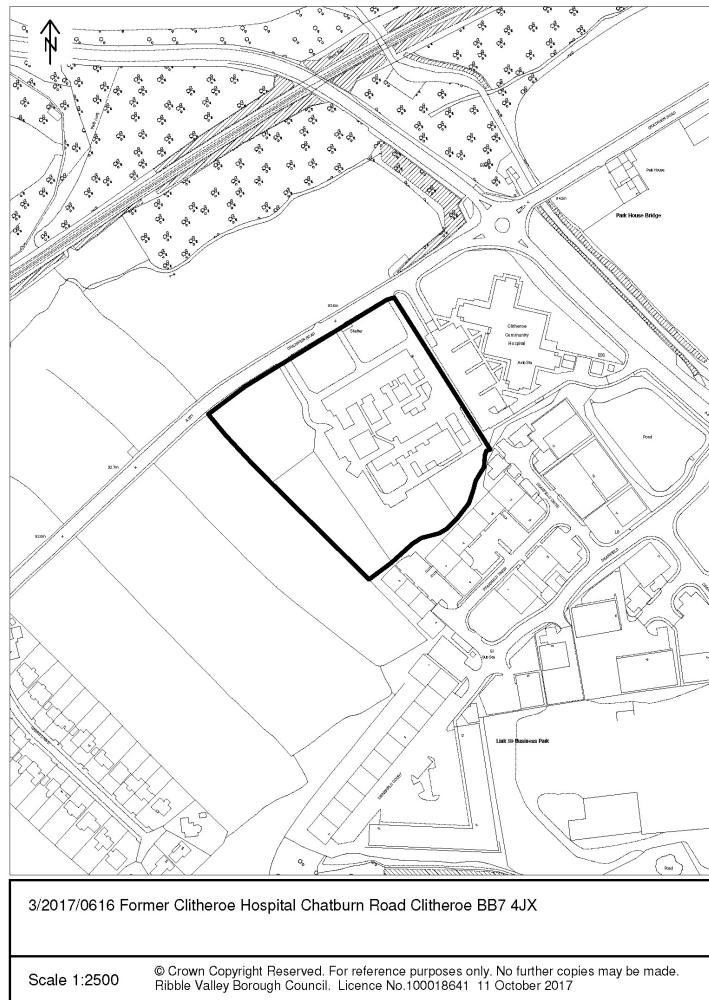
Please note this aforementioned required information may not be exhaustive and is provided on the basis of the level of information submitted. Failure to provide required information is likely to result in an application being made invalid until such information is received or potentially refused on the basis of insufficient information.

The above observations have been provided on the basis of the level of information submitted and the comments contained within this response represent officer opinion only, at the time of writing, without prejudice to the final determination of any application submitted. Should you wish to discuss any of these matters further please do not hesitate to contact me.

Yours Sincerely

Lee Greenwood
 Pre-application Advice Officer
lee.greenwood@ribblevalley.gov.uk

Appendix 2



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clitheroe Town Council:

- The buildings are classed as non-designated Heritage Assets and are recorded on the National Record of the Historic Environment and Lancashire Historic Environment Record.
- The workhouse is a “*much loved and respected landmark on the eastern edge of Clitheroe and it displays a well designated Italianate symmetrical front elevation*” (spokesman for Historic England’s predecessor).
- Concern in respect of highway and traffic grounds.

In view of the above the Town Council object to the application.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

- No objection to the principle of this development, subject to imposition of conditions;
- In order to provide safe access to the development site the applicant is requested to fund proposals to extend the existing 30mph speed limit up to and including the roundabout and arms, as well as waiting restrictions on Chatburn Road in the vicinity of the access to improve visibility for emerging vehicles – these works would be secured via condition and a Section 278 Agreement.
- In order to encourage sustainable transport the developer should pay £300 per dwelling (£18,000) for cycle vouchers and/or bus passes. This contribution would be secured within the Section 106 Agreement.

LCC EDUCATION:

Requirement for the applicant to provide a contribution towards the provision of five secondary school places at a cost of **£107,116.35** to be secured by way of a legal agreement. It must be noted that this figure is calculated at the present time and LCC reserve the right to reassess the education requirements taking into account the latest information available at the time development commences on site.

LEAD LOCAL FLOOD AUTHORITY:

No objection subject to attachment of recommended conditions.

UNITED UTILITIES:

No comments received.

ENVIRONMENT AGENCY:

Not required to be consulted on this application.

LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE:

- Demolition runs contrary to Council Policies;

- The ancillary structures (such as the porter's lodge and mortuary) should not be casually dismissed as "of minimal interest" within the Heritage Statement. Whilst they are of lesser significance, they add to the value of the complex as a whole;
- The communal value of the complex has been downplayed in the Heritage Statement;
- Two of the four reasons given by Historic England not to list the main buildings are capable of significant remediation;
- The buildings as a whole are of Medium significance;
- Support the Council's previous stance that the building should be retained and therefore recommend the application is refused;
- Should the Council be minded to approve the application then a more thorough building record should be created. This can be secured by condition.

VICTORIAN SOCIETY:

- National Policy presumes in favour of sustainable development, which requires equal regard to be paid to economic, social and environmental issues. The protection and sensitive management of the historic environment is a key part of the environmental aspect, and by proposing the loss of this locally significant complex of buildings, it is one this scheme neglects. The application does therefore not constitute sustainable development;
- The applicant asserts the lack of viability of retaining any of the historic structures. Clearly the valuation of the site is an important factor in determining viability and its value should be calculated on the assumption that the most significant historic buildings are retained as part of any development
- Implementation of this scheme would result in the total and unjustified loss of significance of distinguished buildings of high local importance that could with relative ease be brought back into use. The substantial weight of national and local planning policy renders such a proposal entirely insupportable.
- It is recommended that this application is refused.

ADDITIONAL REPRESENTATIONS:

Four letters of representation have been received, including a letter from the Clitheroe Civic Society (CCS) objecting to the application on the following grounds:

- Two previous applications to demolish the Clitheroe Union Workhouse have been refused by RVBC, broadly on the grounds that this Non-Designated Heritage Asset is too important to lose as a result of its social, historic and architectural importance – there has been no change in the status of the building since these applications were submitted and if anything the significance of the building has increased as an online petition has received 855 'supporters';
- Since the previous application was submitted in November 2016 CCS have been trying to gain access to the building to investigate the internal architectural details. The applicant has not undertaken detailed surveys of the interior and this information should be provided;
- The Council can demonstrate a 5.73 housing land supply and Clitheroe has exceeded its residual need for housing. The proposal would further exceed these figures whilst negatively affect a Non-Designated Heritage Asset.
- CCS are not against the residential development of this site and would support an application for development that retained the former workhouse building;

- The proposal is a commercial requirement to maximise economic site value by those who have no connection to the this community whatsoever;
- The site could be used as an extension to the Link 59 Industrial Commercial Park;
- The proposal is contrary to local and national policies;
- RVBC does not have a Local Heritage List and if it did these buildings would be included on it and therefore afforded greater protection. The absence of such a list should not be an excuse to allow demolition;
- The applicant is proposing that a condition of approval include a photographic record be commissioned with some interpretive panels be provided, however it would be prudent to have these surveys undertaken before the application is considered;
- Council Policies place great emphasis on the retention of heritage assets in the borough;
- There should be a proven and significant justification for the demolition of his important building;
- In 2008 and 2012 applications which sought to keep the building and convert the buildings were proposed, as such there is clearly no need to demolish the building;
- The building is in good condition and constructed in high quality materials with very high quality Victorian detailing internally;
- The building so part of Clitheroe's history and once it is gone it is gone forever.

In addition to the above, comments have also been received from East Lancashire Ornithologists' Club (ELOC) requesting that should permission be granted a condition be attached which requires at least one swift nest box to be installed per new dwelling.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to the former Clitheroe Hospital site on Chatburn Road, Clitheroe. The site measuring approximately 2 hectares in area and is located circa 1 mile north of Clitheroe Town Centre, however it is within the defined Settlement Boundary of Clitheroe. The site is generally square in shape and comprises the former Clitheroe Union Workhouse, Hospital Block/Infirmary and various other associated buildings.
- 1.2 The Workhouse and Hospital Block were constructed between 1870-1874 and are of two storey stone construction. The two buildings are connected by single storey link corridors and are considered to be non-designated heritage assets. The buildings are recorded in the National Record of the Historic Environment (1435994) and Lancashire Historic Environment Record (PRN30402). An application was made to English Heritage (now Historic England) for the Hospital Building to be nationally listed, however this application was refused in February 2009m, as Historic England did not consider that the building(s) merit listing. In October 2017 another application for this building to be listed has been submitted to Historic England by a third party and at the time of writing this report the application for listing is under review.
- 1.3 The NHS ceased using the buildings on this site in 2014, when they moved all operation into the purpose built new hospital building which was constructed directly adjacent to the application site. Since becoming vacant in 2014 the buildings have however been partially occupied by "Property Guardians" on a short term lease agreement with a company called "Ad-Hoc". These guardians vacated the building in April 2017 and the buildings are currently vacant. In the

summer of 2017 the applicant contacted the LPA to inform them that the former hospital building had been vandalised with numerous windows smashed. The windows have now been boarded up and security fencing erected around the site.

- 1.4 To the front of the site, close to Chatburn Road, is a landscaped area consisting of lawned areas and mature trees. In November 2016 a Tree Preservation Order (7/19/3/203) was placed on these trees and this Order was confirmed in March 2017. At present the site is accessed via two points off Chatburn Road, at either end of the frontage.
- 1.5 To the north of the site runs Chatburn Road, and on the opposite side of this highway, and to the west of the site, are areas of open land. To the east the site is adjoined by the more recently built Clitheroe Hospital, and its associated car parking area. To the south of the site is the Link 59 Industrial Park.

2. Proposed Development for which consent is sought

- 2.1 The application seeks full planning consent to demolish all buildings and erect 60 dwellings on the former Clitheroe Hospital site. The application proposes 15 affordable units (25%) which would be Plots 11-25 which include 6 x 3 bed units and 9 x 2 bed units. Nine units would be specifically for over 55's (15%) and these would be plots 11-13 and 17-19 (lifetime homes) and plots 27-29 (lifetime home bungalows).
- 2.2 Throughout the site the development would provide the following housing mix:
 - 9 x 2 bed dwellings (affordable);
 - 6 x 3 bed dwellings (affordable);
 - 4 x older persons 3 bed bungalows (open market);
 - 3 x 2 bed dwellings (open market);
 - 23 x 3 bed dwellings (open market);
 - 15 x 4 bed dwellings (open market).
- 2.3 The proposed development would provide a wide mix of house types, consisting of detached, semi-detached and mews style properties. Predominantly the site would consist of two storey properties although the proposal does include four dormer bungalows and one house type (Churchill) does include a dormer/living accommodation in the roof space. In terms of materials the dwellings at the front of the site (facing Chatburn Road) would be finished in natural stone and render with the properties beyond being finished in artificial stone and render.
- 2.4 Vehicle access to the residential development would be provided via a new access point to be taken off Chatburn Road, at the western end of the site. The two existing access points would be blocked up.
- 2.5 The application proposes to remove three trees that are within the recently confirmed Tree Preservation Order and this is detailed further later within the report. The application also proposes to remove a significant number of other trees, shrubs and vegetation from the site, specifically to the rear (south) and side (western) boundaries of

the site. The application does however include various new hedge and tree planting along the boundaries and throughout the development site, along with landscaped areas for gardens and amenity space.

- 2.6 With regard to layout the proposed dwellings would be set back from Chatburn Road in order to maintain the existing landscape buffer provided by the lawned areas and protected trees. The front elevation of the proposed dwellings closest to Chatburn Road would be positioned along a similar line of the front elevation of the existing hospital building and the layout as a whole would be “n” shaped with one access in and out of the site.
- 2.7 Each dwelling would be provided with at least two designated car parking spaces with some properties having integral garages and/or cycle sheds in the rear garden.
- 2.8 The application is accompanied by a Flood Risk Assessment and Drainage Strategy and the proposal includes the installation of an attenuation pond for surface water at the northern end (front) of the site, close to Chatburn Road, on the landscaped area.

3. **Relevant Planning History**

3/2016/1185 – Outline application (all matters reserved save for access), for demolition of existing structures and construction of up to 50 dwellings - withdrawn

3/2012/0785 – Outline application for demolition/part demolition of the existing hospital and enabling residential redevelopment including associated access, parking, open space and related infrastructure – Deemed withdrawn

3/2008/0878 - Outline application for a residential development, open space, roads access and related infrastructure - Refused

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement EN2 – Landscape
Key Statement EN3 – Sustainable Development and Climate Change
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement EN5 – Heritage Assets
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing
Key Statement DMI1 – Planning Obligations
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMH1 – Affordable Housing Criteria
Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection
Policy DMB4 – Open Space Provision
Policy DME3 – Site and Species Protection and Conservation
Policy DME6 – Water Management
Policy DME4 – Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act 1990

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 within the Settlement Boundary of Clitheroe, which is categorised as one of the principal settlements in Key Statement DS1 of the Ribble Valley Core Strategy. Key Statement DS1, along with Policy DMG2, seeks to ensure new housing is located within either the three principal settlements of Clitheroe, Whalley or Longridge, the strategic site or the nine Tier 1 Villages which are considered to be the more sustainable of the 32 defined settlements.
- 5.1.2 The application site is adjoined by existing development on three sides, the highway of Chatburn Road to north, the new hospital site to the east and the Link 59 Industrial Park to the south. To the west are three relatively narrow fields which separate the application site from the residential properties on Green Drive. As such the site is considered to be located within a sustainable location and the principle of residential development on this site would accord with the fundamental aims of the Development Strategy within the adopted Core Strategy.
- 5.1.3 With regard to housing land supply, as of the latest published figures (March 2017) the Council has a 5.73 year housing land supply and this is the figure that the Council must use when determining planning applications for housing. In respect of residual need, the Core Strategy proportions a total of 1280 houses to be built in Clitheroe during the plan period (2028). Whilst the housing requirement for Clitheroe has already been exceeded by 60 dwellings, and the proposal would therefore take this figure to 120 dwellings, such an over provision (9.4%) would not cause harm to the development strategy, particularly given that the application site is located within the settlement boundary of one of the principal (most sustainable) settlements in the borough, and the proposed development would further add to the borough's housing land supply, including the provision of both affordable and older persons accommodation. Additionally the residual need figures are expressed as a minimum requirement as opposed to a maximum. Furthermore the application relates to the re-development of a brownfield site.
- 5.1.4 In respect of the Housing and Economic Development DPD (HED DPD), representations have been received promoting this site for both housing and a community health use. The HED DPD has now been submitted to the Secretary of State for Independent Examination and whilst it is therefore at an advanced

stage, and the two representations remain valid, limited weight should be given to the DPD in relation to this application.

- 5.1.5 In view of the above, it is considered that the broad principle of developing this site for residential use, within the Settlement Boundary of Clitheroe, complies with Key Statements DS1 and DS2, along with Policy DMG2, of the Core Strategy.

5.2 Demolition of Buildings:

- 5.2.1 This application proposes the demolition of all existing buildings on site, in order to allow for the erection of 60 dwellings. The Workhouse Building to the front of the site and the Infirmary Building behind, are considered to be non-designated heritage assets, and thus great consideration must be given to the proposed demolition.

- 5.2.2 Applications have been submitted at this site in the past. In 2008 an application for residential development of the site, following the demolition of the buildings, was refused consent for the following reason:

“The demolition of the building would result in the loss of the building of considerable architectural quality and result to the detriment of the visual amenities of the locality and as such be contrary to Policy G1 of the Districtwide Local Plan.”

- 5.2.3 In 2012 a residential scheme that involved the demolition of all buildings on the site except for the workhouse building which was to be converted for residential use, was submitted. This application went before Committee in December 2012 where Members were minded to support the application, subject to the completion of a Legal Agreement (section 106). Unfortunately this Legal Agreement was never completed and in 2015 the Council deemed withdrew this application and therefore the consent was never granted.

- 5.2.4 In between the submission of the above mentioned planning applications, an application was made to English Heritage for the buildings at Clitheroe Hospital to be Nationally Listed, however in February 2009 English Heritage informed the Council that the building(s) is *“not of sufficient special architectural or historic interest to merit listing”*, citing four principal reasons as to why they reached such a decision.

- 5.2.5 In late 2016 the NHS submitted an outline consent to demolish all the buildings on this site and erect up to 50 dwellings, however this application was withdrawn before being determined. The current application has been submitted by McDermott Homes.

- 5.2.6 Whilst the buildings at Clitheroe Hospital are not Nationally Listed, or within a Conservation Area, they are considered to be non-designated heritage assets by the Council. One of the 12 core planning principles of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131 of the NPPF states that local planning authorities should take account of the *“desirability of sustaining and enhancing the significance of*

heritage assets and putting them to viable uses consistent with their conservation". This paragraph also highlights the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 132 of the NPPF stresses that "*great weight*" should be given to the preservation of heritage assets.

- 5.2.7 Paragraph 135 of the NPPF specifically relates to non-designated heritage assets, and this states that "*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application*". However, it does go on to state "*In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*"
- 5.2.8 In terms of Local Policies, Key Statement EN5: Heritage Assets states that "*There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place, and to wider social, cultural and environmental benefits.*"
- 5.2.9 Policy DME4: Protecting Heritage Assets states that "*alterations or extensions to listed buildings outbuildings of local heritage interest, or development proposal on sites within their setting which cause harm to the significance of the heritage asset will not be supported.*" The Policy then goes on to state that "*Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.*" Whilst the policy does not specifically refer to the demolition of non-designated heritage assets, it does, in exceptional circumstances, permit the demolition of designated heritage assets (listed buildings) and therefore it is only reasonable to assume that the policy would also allow for non-designated heritage assets to be demolished if the circumstances permit.
- 5.2.10 The application is accompanied by a Heritage Statement which concludes that the former Workhouse and Infirmary are considered to be of "*low*" heritage significance and the out buildings of "*no to negligible*" heritage significance. A number of third parties have questioned this conclusion, with the Victorian Society commenting that the "*distinguished buildings*" are of "*high local importance*". Additionally, the Lancashire Archaeological Advisory Service has commented that the submitted Heritage Statement has downplayed the communal value of the buildings on this site.
- 5.2.11 In line with previous applications determined at this site, the Council consider that the buildings are of "*considerable*" importance (particularly the Workhouse Building) and therefore the preference would be for this building to be retained, as was the case with the 2012 application. Additionally, the Council's Principal Officer for Conservation and Listed Buildings has verbally reported that they are against the demolition of the non-designated heritage assets. However, it is recognised that according to national policies there must be a "*balanced*"

judgement” in determining whether or not to support the demolition of the buildings on this site, and other circumstances must also be taken into account.

- 5.2.12 As part of this “*balanced judgement*” it is a importance to consider the benefits and dis-benefits of the proposal. The dis-benefit is clearly the irreplaceable loss of a building(s) that is considered to be of local importance and a non-designated heritage asset. The main benefits are the re-use of a brownfield site, the contribution the proposed houses would make to the Council’s five year supply (within a Principal Settlement Boundary) and the provision of both affordable housing and older person’s accommodation on site. Another important consideration is the viability of the scheme, and especially in terms of the retention of the existing building (discussed below).

5.3 Viability Assessment in respect of retention of the Hospital buildings:

- 5.3.1 Objectors, and some consultees, have referred to the 2012 application which sought to demolish most of the buildings on site but retain the Workhouse Building at the front of the site and convert this into residential use, along with the erection of new dwellings on the remainder of the site. The Council were minded to approve this application, however due to issues with the Legal Agreement the permission was never granted and in the end the application was deemed withdrawn.
- 5.3.2 In view of this previous application the LPA requested that the recently submitted 2016 application for outline consent give full consideration to a similar scheme, that would involve the retention of the Workhouse Building to be converted to apartments and the construction of new dwellings within the remainder of the site.
- 5.3.3 The applicant (NHS) for the 2016 application therefore submitted a viability assessment which concluded that the 2012 scheme (part conversion and part new build) was financially unviable, and that was with no affordable units being provided and no financial contributions by way of a legal agreement. Upon receipt of the applicant’s (NHS) Viability Assessment the Council commissioned an Independent Surveyor to assess the applicant’s submission in order to establish whether these figures were correct. The Council’s Independent Surveyor agreed with the applicant’s surveyor in that a residential scheme involving the retention/conversion of the existing building was not financially viable (even with no affordable units and no financial contributions by way of a legal agreement) and hence the Council’s Independent Surveyor concluded that a residential scheme involving the retention/conversion of the Hospital building was an unviable and unrealistic option.
- 5.3.4 The current application also includes a viability assessment which begins with the same conclusion that the conversion of the building is not viable and the Council’s Independent Survey has again agreed with this finding.
- 5.3.5 As such, the Council must therefore consider the advice and conclusion of both the applicant’s Surveyor and the Independent Surveyor commissioned by the Council, that the retention of the building for conversion to residential use is not financially viable and therefore extremely unlikely to come forward as an

application. This is an important consideration in the “balance” of this decision as refusing this application would retain the building, yet it would appear unlikely that there is a viable use for the building and hence it would likely remain vacant/unused and only deteriorate over time. It is accepted that no one can predict what may happen in the future in terms of potential uses of the building, however all the enquiries that the LPA have received in relation to this site thus far have involved the demolition of the building and no enquiries have come forward in respect of an alternative use (conversion) of the building, and as detailed above the expert advice concludes that the conversion of the building is, according to their calculations and estimates, not financially viable.

- 5.3.6 In view of all of the above, whilst the LPA's preferred position would be for this non-designated heritage asset to be retained and converted as per the previous application from 2012, regard must be given to the expert advice received and in particular the conclusion that the conversion of the building for residential use is not viable.

5.4 Viability Assessment in respect of affordable housing and vacant building credit:

- 5.4.1 Vacant Building Credit (VBC) is a Government Policy contained within the NPPG and seeks to incentivise the re-use of brownfield sites by reducing the amount of affordable units required on sites where a vacant building is to be either converted or demolished. The VBC is national policy that supersedes/overrides Policy DMH1 of the Core Strategy. The VBC allows the floorspace of the existing buildings on site to be deducted from the amount of affordable units to be provided. As such, in this particular case the total floor space of the existing buildings on site is 42,765 sq. ft and hence it is only the additional floorspace that would be created on site that is subject to the 30% affordable unit threshold within the Core Strategy. The total floorspace of the residential development would be 57,080 sq.ft and the calculations below show how many units should be affordable:

Floorspace of existing buildings on site = **42,765 sq ft**

Proposed residential floorspace for 60 dwellings = **57,080 sq ft**

57,080 (proposed) – 42,765 (existing) = **14,315 sq ft** (additional floorspace created at this site)

14,315 x 0.3 (30% affordable according to Council Policy) = **4,294 sq ft** of affordable to be provided on this site.

4,294sq ft into actual units = 4,294 / 750= 5.72 units rounded up to **6 affordable units or 10%**

- 5.4.2 The above calculation shows that if the Vacant Building Credit was to be applied, in accordance with national policy the applicant would only be required to provide 6 affordable units (10%) and this is significantly below the 30% the LPA would normally seek to achieve on new development (Policy DMH1), however it must be reiterated that VBC is a national policy that supersedes/overrides Council Policies.

- 5.4.3 During the process of the 2016 (NHS) application, the LPA questioned whether the Vacant Building Credit was applicable given that the building was being occupied by “Property Guardians”, and hence the LPA considered that the building was not vacant and VBC was not applicable. Prolonged discussions took place between applicant (NHS) and the LPA on this matter and an agreement could not be reached. The LPA therefore sought independent advice from Counsel on this matter and after considering all the information Counsel considered that the building was vacant for the purposes of Vacant Building Credit and hence the Vacant Building Credit should be applied. Nevertheless, it must be noted that the “Property Guardians” no longer reside within the building and consequently it is vacant and the LPA accept that Vacant Building Credit is applicable in this case.
- 5.4.4 Within the submission the applicant acknowledges that the proposal would result in the loss of a non-designated heritage asset and in order to provide additional justification for the demolition of the existing buildings on site, they proposed to forfeit their right to impose the Vacant Building Credit and provide 12 (20%) affordable units on site, which is above the level they would need to if they invoked their right to utilise VBC. The application was accompanied by a Viability Assessment which concluded that the proposal was viable with 20% affordable units and financial contributions totalling £101,000.
- 5.4.5 The LPA considered that financial contributions totalling £101,000 was very low for a development of this scale as the LCC Education Contribution alone was £107,000. On top of this the Council was also seeking a financial contribution towards sustainable transport (£18,000), a contribution towards the provision of off-site Public Open Space (£32,665) and a contribution of £10,000 for biodiversity/ecology offsetting, in addition to the cost of Highway Works to be carried out under the Section 278 Agreement. As such the original submission was not providing the level of financial contributions required by this development.
- 5.4.6 As a result the LPA again had the applicant’s viability assessment appraised by an Independent Surveyor who concluded that the application could provide additional financial contributions and a higher percentage of affordable units than what was originally proposed, and still be viable.
- 5.4.7 Various discussions and negotiations, including alterations to the proposal, then took place between the applicant, the LPA, and the Independent Surveyor in order to agree on a scheme that would be viable and seek to obtain the maximum amount of financial contributions and affordable housing, whilst still being acceptable in all other aspects of planning. After these lengthy discussions and negotiations the applicant has agreed to provide the following as part of this application:
- 15 (25%) affordable housing units;
 - 9 (15%) over-55’s accommodation units (including 3 bungalows);
 - Education Contribution of £107,116.35;
 - Public Open Space Contribution of £32,665;
 - Ecology Contribution of £10,000;

- Sustainable Transport Contribution of £18,000; and
- Highway improvement works to be carried out under a Section 278 Agreement (secured by condition).

5.4.8 With the above in mind, the submitted application has progressed significantly in terms of providing a greater level (%) of affordable houses than would be required if the applicant was to invoke the Vacant Building Credit, and the applicant has accepted the financial contributions detailed above. The LPA, and the Independent Surveyor, accept the above concessions from the applicant and agree that any greater level of affordable units on this site, or financial contributions, would result in a scheme that is not viable and thus the above is the maximum contributions the applicant could provide in respect of this proposal.

5.4.9 In summary, lengthy discussions and negotiations have taken place throughout the application process and the above offer from the applicant is considered to be the maximum/best that is financially viable. The applicant has gone beyond what they are required to provide in terms of affordable units in order to offer a justification to mitigate for the loss of the non-designated heritage asset, and this offer, along with the other financial contributions, must be considered within the “balanced judgement” of determining this application.

5.5 Impact upon Residential Amenity:

5.5.1 The application site occupies a relatively isolated location in terms of its distance from neighbouring residential properties. To the west of the site the nearest properties are the dwellings on Green Drive, more than 200m from the application site, and to the east the nearest residential property is Park House some 160m away, with the new hospital building situated on land in between. As a result it is not considered that the residential development of this site would have any undue impact upon the amenity of neighbouring residential properties.

5.5.2 The LPA must however also consider the impact existing neighbouring land uses will have upon the future occupiers of the proposed dwellings. In this particular case the impact the adjacent hospital building to the east, the industrial units to the rear and the highway of Chatburn Road to the north. The application is accompanied by a noise impact survey, which details mitigation measures that can be incorporated into the design of the dwellings so as to ensure that future occupiers of these houses are not unduly impacted by the existing neighbouring uses and these include specific window and ventilation specifications. The Council’s Environmental Health Officer has reviewed the survey and raised no objection, subject to a condition that requires the development to be carried out (constructed) in accordance with the mitigation measures detailed within this survey.

5.5.3 With regard to the relationship between the proposed dwellings within the development site, the proposal would accord with the Council’s recommended separation distances so as to ensure that acceptable levels of amenity are provided for proposed residents.

- 5.5.4 In view of the above it is considered that the proposed dwellings would result in an acceptable relationship with existing neighbouring properties/uses, and mitigation measures can be included to ensure the future occupiers of the proposed dwellings are not unduly affected by neighbouring land uses, in accordance with the relevant sections of Core Strategy Policy DMG1.

5.6 Layout/Visual Amenity/External Appearance

- 5.6.1 The demolition of the existing buildings on site has been discussed earlier in this report (section 5.2). With regard to the residential development itself, the application proposes to erect 60 dwellings on this site which would be served by one access point off Chatburn Road, which then branches off into two roads to create an “n” shaped layout.
- 5.6.2 The front section of the site (forward of the existing hospital building) which contains the lawned area and protected trees would be retained, with the exception of the installation of an attenuation pond. As such the built development (dwellings) would be set back within the site, on a similar building line to the existing building, so as to reduce the visual impact of the proposed development, and retain the attractive avenues of trees to the front of the site. With regard to housing density, the site measures 2 hectares, and therefore the proposal would provide 30 dwellings per hectare which is considered to be an acceptable density level for a new development in this location.
- 5.6.3 In respect of the proposed dwellings, the majority would be two storeys with four properties being dormer bungalows, however the application includes a significant number of 2 and 3 bedrooms properties for which the applicant is of the opinion there is significant demand for within Clitheroe (as opposed to larger dwellings).
- 5.6.4 The most prominent dwellings at the front of the site, facing towards Chatburn Road would be constructed in natural stone and render, with the properties beyond finished in artificial stone and render. The use of natural stone at the front of the site is a further concession from the applicant and the additional cost has been factored into the above mentioned viability appraisal/calculations. The dwellings would include traditional features such as pitched roofs, bay windows, stone cills and lintels, with a modern blend incorporating integral garages and use of render on some elevations to provide variety. Across the site the application proposes 12 different house types, although the use of varying materials and designs to the elevation finishes would result in greater variety of house designs.
- 5.6.5 It is considered that the layout and design/appearance of the proposed development is in keeping with the surrounding area and would provide a mix of house types (two, three and four bedroom properties). The proposal therefore complies with Policy DMG1 which requires all proposals to be sympathetic to existing land uses in terms of scale, style, features and materials.

5.7 Highway Safety and Accessibility:

- 5.7.1 The County Highway Officer has raised no objection to the application including the creation of the new vehicle access point off Chatburn Road, subject to conditions, and as part of ongoing discussion between the applicant and the Highway Officer, a number of highway improvements will be carried out at the expense of the applicant. These include extending the existing 30mph speed limit up to and including the roundabout and arms, as well as waiting restrictions on Chatburn Road in the vicinity of the access to improve visibility for emerging vehicles – these works would be secured via condition and a Section 278 Agreement/condition.
- 5.7.2 The Highway Officer has also requested that in order to encourage sustainable transport the developer should pay £300 per dwelling (£18,000) for cycle vouchers and/or bus passes. This contribution would be secured within the Section 106 Agreement.
- 5.7.3 As detailed earlier in this report the applicant has agreed to the above works/contributions and thus there is no highway objection to this proposal, subject to the imposition of planning conditions.

5.8 Landscape/Ecology/Trees:

- 5.8.1 To the front of the site, close to Chatburn Road, is an attractive landscaped area which includes groups of mature trees forming avenues along the existing access points into the site. The Council were keen for these trees to be retained as part of any application and a TPO was placed on these trees in November 2016, confirmed in March 2017.
- 5.8.2 The submitted application includes a detailed arboricultural report and landscape proposals and these detail how various trees/vegetation will be removed from the site, including three trees covered by the TPO. The trees not covered by the TPO are not considered to be of any visual amenity value to the area and integral to the development being implemented, hence why they were not included within the TPO and there is no objection to their removal.
- 5.8.3 In respect of the three trees covered by the TPO, the submitted arboricultural report labels the three trees to be removed as T5 (Ash tree located on eastern boundary of site), T71 (Beech tree located on western boundary) and T75 (Ash tree located on western boundary). T5 and T75 are considered to be category C trees of average condition and the Council's Countryside Officer has no objection their removal. T71 however is considered to be a Category B tree and its loss would be of some visual detriment to the area, and could also potentially impact on other trees in the area due to additional exposure to the natural elements once it is removed.
- 5.8.4 In view of the above, whilst the LPA's preference would be for this tree to be retained, because of its canopy spread into the site its retention would cause conflict with potential residents and therefore an application for its removal is considered extremely likely in the future. The Countryside Officer therefore raises no objection to the removal of these three trees within the TPO subject to a condition which requires the applicant to submit and implement an agreed woodland management plan prior to commencement of development. This

woodland management plan will help mitigate the loss of T71 and minimise the potential risk of failure from altered exposure of the remaining trees.

5.8.5 In addition to the above, it should also be noted that the proposal includes the planting of various new trees throughout the site, including new trees at the front of the site adjacent to Chatburn Road, close to the new access point, and the Countryside Officer is supportive of this landscaping scheme, and is of the opinion that the proposed landscaping scheme, along with the conditioned woodland management plan, would result in net improvement of tree planting across the site. Other improvements include additional planting along the rear boundary shared with the industrial estate and the installation of a hedgerow along the eastern boundary with the new hospital site.

5.8.6 With regard to the attenuation pond and its proximity to the protected trees, the Countryside Officer raises no concern, subject to safe digging practices being implemented within the root protection zones.

5.8.7 The submitted application also includes an extended Phase 1 Habitat Survey and a Protected Species Survey. The Countryside Officer has reviewed these documents and raised no objection, subject to the imposition of conditions in relation to removal of invasive plant species, restriction of vegetation removal in bird nesting season and a condition requiring a new bat survey to be undertaken within the 6 months prior to the removal of any trees or demolition of the buildings. A condition has also been included requiring habitat connectivity boundary treatments and details of bat and bird boxes to be installed throughout the site.

5.9 Flood Risk and Drainage:

5.9.1 The application site is not located within Floodzone 2 or 3, however given the scale of development a Flood Risk Assessment and drainage strategy has been submitted with the application. As part of the consultation process the LPA have consulted with United Utilities (UU), the Local Lead Flood Authority (LLFA) and the Environment Agency (EA). The EA responded by stating that they have no reason to comment on this application, the LLFA have raised no objection, subject to the imposition of recommended conditions to any approval. At the time of writing this report UU have not provided any comments and any comments received will be reported to Members. It should however be noted that UU raised no objection to the recent 2016 application.

5.10 Developer Contributions:

5.10.1 The applicant has agreed make a financial contribution of **£32,665** towards the installation/improvement/maintenance of an area of Public Open Space and sports provision facilities (off-site).

5.10.2 LCC Education have requested that the applicant provide a contribution towards the provision of five secondary school places at a cost of **£107,116.35** to be secured by way of a legal agreement (section 106). It must be noted that this figure is calculated at the present time on the level of information provided and

therefore this figure could change depending on when any potential approval is implemented.

5.10.3 The application site is located within 1km of two Nature Reserves (Salt Hill and Cross Hill) and the Council's Countryside Officer has requested that the applicant make a contribution towards biodiversity on these sites, as an off-set to the works taking place on the application site which has some biodiversity value. The applicant has accepted this request and a sum of **£10,000**.

5.10.4 As previously mentioned the Highway Officer has requested a sustainable transport contribution of **£18,000** which will be spent on providing potential residents with a bus pass or cycle voucher.

5.10.5 All of the above contributions would be secured by way of a Section 106 Agreement should this application be approved and have been agreed with the applicant.

5.10.6 In addition to the above there are also the highway improvement works, but these would be secured via condition and a Section 278 Agreement with LCC Highways.

5.11 **Other Issues**

5.11.1 Objectors have referred to two previous applications being refused for demolition of the hospital building, however only one application (2008) for demolition of the building has been refused by the Council.

5.11.2 Objectors have also stated that there has been no change in circumstances since the previous applications of 2008 and 2012 were considered by the Council, however it should be noted that when these two previous applications were considered the building was still in use by the NHS whereas the property is now vacant and has already been vandalised since the "Property Guardians" moved out in April 2017 with the windows boarded up and security fencing erected around the site. The LPA consider that this is a change in circumstance and from experience the longer such buildings remain vacant and in a disused state the more difficult and unlikely it is that a viable use for the site will come forward.

5.11.3 The Council's Contaminated Land Officer has reviewed the submitted ground investigation report and raises no objection subject to the development being implemented in accordance with the recommendations and mitigation measures detailed within this report.

5.11.4 The submitted heritage statement recommends that if the application is approved a photographic recording of the interior, exterior and surroundings of the building is carried out (prior to its demolition) and an interpretation/education board about the former Clitheroe Union Workhouse is installed on site to help mitigate the loss of these buildings. This would be secured via condition.

6. Conclusion

- 6.1 The LPA is in agreement with the consultees and objectors who have commented that the preference would be for these non-designated heritage assets to be retained and incorporated into the redevelopment of the site, most likely by a way of conversion, and this has been the LPA's stance throughout pre-application and formal application discussions. However the application submitted seeks to demolish the buildings and erect 60 dwellings, and the proposal must be considered as submitted without prejudice in accordance with the National and Local Planning Policies, and it is too simplistic to state that the application should be refused because the Council would "prefer" an alternative form of development on this site.
- 6.2 Both the current and previous (2016) application demonstrate that a development for the conversion of the hospital buildings for residential use is not financially viable, even without the provision of any affordable units or financial contributions, and thus it is extremely unlikely that a developer will come forward with a scheme on this site that does not return a profit. The evidence and figures to support this conclusion have been verified by an Independent Surveyor, employed by the Council, in order to calculate the viability of a conversion scheme. Consequently in the determination of this application the Council have to realistically consider what the future holds for this building if it has no viable use.
- 6.3 With the above in mind, throughout this application (and the previous application) the LPA have engaged in prolonged discussions and negotiations with the applicant in order to achieve the "best" scheme possible in terms of achieving the highest possible percentage of affordable units on the site and securing the maximum financial contributions, whilst also ensuring that the scheme is acceptable in terms of planning issues such as design, scale, appearance, density, drainage, highways, ecology etc... It must also be considered that any potential developer of the site has to achieve a return on their financial investment. In addition, the applicant has sought to appease the loss of the buildings by providing significantly greater level of affordable housing than required by the Vacant Building Credit, as well as meeting all the required financial contributions requested by the LPA and consultees.
- 6.4 In summary, given that the application relates to a brownfield site within the defined settlement boundary of the Principal Settlement of Clitheroe, the principle of residential development on this site is considered to be acceptable. It is however accepted that the most contentious issue in the consideration of this application is the demolition and loss of all the existing buildings on this site, two of which are considered to be non-designated heritage assets. Nevertheless, on balance it is considered that for the reasons outlined throughout this report the proposed benefits of the proposal, such as the redevelopment of a brownfield site, provision of affordable housing and over 55's dwellings and contribution towards the Council's five-year housing land supply in a sustainable location, outweigh the harm arising from the loss of these non-designated heritage assets, especially when considering that there is verified evidence provided to demonstrate that a conversion scheme is no longer viable at this site. Consequently the application is recommended for approval, subject to conditions.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval subject to 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:

Details

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

Plans

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Red Line Boundary – A094939_001 Rev B
Site Layout – PL-01 rev B (amended plan received 10/10/17)
Materials Layout – ML-01 A (amended plans received 10/10/17)
Landscape Layout 5493.01 Rev. B (amended plans received 05/10/17)
Drainage Strategy - C2-P-96 rev. P01 (amended plans received 10/10/17)
Drainage Strategy - C2-P-97 rev. P01 (amended plans received 10/10/17)

House Types:

Ashdown – ASH 1.71
Buttermere – BUT(LTH) 1.9 (amended plans received 05/09/17)
Buttermere (LTH) – BUT(LTH) 1.2 (amended plans received 05/09/17)
Chatham (Plot 34 + 58) – CHA 2.0 (amended plans received 11/10/17)
Chatham – CHA 1.7
Churchill – Chur 1.7 (amended plans received 11/10/17)
Cleveland (Plot 59 + 60) – CLE 2.0 (amended plans received 11/10/17)
Cleveland – CLE 1.7
Garth – GAR 1.7 (amended plans received 05/09/17)
Garth Plot (Plot 31 + 35) – GAR 2.0 (amended plans received 11/10/17)
Maidstone (Plot 32 + 33) – MAI 2.0 (amended plans received 11/10/17)
Maidstone – MAI 1.7 (amended plans received 05/09/17)
Oakhurst (Plot 30) – OAK 2.0 (amended plans received 11/10/17)
Oakhurst – OAK 1.7 (amended plans received 05/09/17)
Dormer Bungalow – Bung 1.7 (amended plans received 11/10/17)
Welland – WEL 1.7 (amended plans received 05/09/17)
Windermere – Win 1.7 (amended plans received 05/09/17)
Winster – Win 1.7

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

Materials

3. Notwithstanding the submitted details and the requirements of condition 2 of this approval, precise specifications or samples of all external surfaces including, door/window surrounds and framing materials, fascia/barge boards and roofing/ridge materials including their colour and texture shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. Prior to the commencement of the development details of the design and position of the external meter boxes shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the details shall indicate that no meter boxes will be located on the primary elevations of the proposed dwellings or on locations that that are afforded a high level of visibility upon the streetscene. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and results in acceptable standard of appearance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Highways

5. Prior to any building work commencing on site a scheme for the provision of facilities to charge electric vehicles within at least 30% of the dwellings hereby approved shall have been submitted to the Local Planning Authority for approval. The development shall be carried out in strict accordance with the approved details and the charging facilities shall be made available for use prior to the occupation of each dwellings house within which they will be installed.

REASON: To ensure that provision is made for electric powered cars and to support sustainable methods of travel in accordance with Key Statement DMI2 and Policy DMG3 of the Core Strategy.

6. 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 as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

7. Notwithstanding the submitted details or the requirements of condition 2, no development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide include:

The parking of vehicles of site operatives and visitors;

Loading and unloading of plant and materials used in the construction of the development;

Storage of such plant and materials;

Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made);

Routes to be used by vehicles carrying plant and materials to and from the site;

Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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 in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

8. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

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

9. The parking, garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved Site Layout Dwg. No. PL1 rev B (amended plan received 10/10/17) prior to the occupation of any of the dwellings. Such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and turning facilities to serve the site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

10. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the dwelling in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

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 as part of a section 278 agreement, under the Highways Act 1980. The off-site highway works shall include the widening of the footway to the front of the site to a minimum width of 2.0m, alterations to the existing street lighting on Chatburn Road where required, the introduction of an extended 30mph speed limit and waiting restrictions on Chatburn Road, and reinstatement of the redundant access points.

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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

12. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and maintained thereafter.

REASON: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

13. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2015, there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Chatburn Road to points measured 68m in an easterly direction and 104m in a westerly direction along the nearer edge of the carriageway of Chatburn Road, from the centre line of the access.

REASON: To ensure adequate visibility at the street junction or site access in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy

14. The two existing vehicle access points (onto Chatburn Road) shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads, concurrent with the formation of the new access.

REASON: To limit the number of access points and to maintain the proper construction of the highway in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

15. Prior to the start of the development, a joint survey shall be carried out between the developer and the planning authority (in conjunction with the highway authority) to determine the condition of Chatburn Road. A similar survey shall be carried out every six months and the final inspection within one month of the completion of the last house, and the developer shall make good any damage to Chatburn Road to return it to the pre-construction situation as required.

REASON: To maintain the construction of Chatburn Road in the interest of highway safety in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

16. Prior to the commencement of any development an order shall be placed for staff costs, the advertising and implementation of traffic regulation orders for waiting restrictions along Chatburn Road and the extension of the 30mph speed limit up to and including the Pimlico Link Road roundabout speed limits, to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

REASON: In the interest of highway safety and compliance with current highway legislation in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

Ecology and Trees

17. The development hereby approved shall be carried out in complete accordance with the recommendations and mitigation measures detailed within the submitted Protected Species Survey (Dec 2016) and Phase 1 Habitat Survey (Dec 16).

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies DMG1 and EN4 of the Ribble Valley Core Strategy.

18. Notwithstanding the submitted details and requirements of condition 19, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent bird/bat species site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual 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 during construction and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species in accordance with Section 9

of the NPPF, and Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

19. 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 place until a detailed method statement for the removal or long-term management/eradication of Himalayan Balsam and Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Himalayan Balsam and Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/ root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall thereafter proceed in strict accordance with the duly approved method statement.

REASON: Himalayan Balsam and Japanese Knotweed are invasive plants, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment.

20. Within the six month period prior to any demolition or tree clearance works, a bat survey and ecology update shall have first been undertaken by a suitably qualified ecologist and submitted for the writing approval of the Local Planning Authority, in order to establish the habitat potential of the site (including all trees and buildings). The development shall then be undertaken in complete accordance with the recommendations and mitigations contained within this approved report.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies DMG1 and EN4 of the Ribble Valley Core Strategy.

21. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird breeding season (March - August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development in accordance with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

22. Notwithstanding the submitted details, no building works shall commence on site until details of a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the local planning authority.

For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The lighting schemes(s) be implemented in accordance with the approved details and retained as approved unless agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development in accordance with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

23. Prior to occupation of the first dwelling, a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings), shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper long-term management and maintenance of the landscaped areas in the interests of visual amenity and biodiversity enhancement, in accordance with Key Policy DMG1 and DME3 of the Ribble Valley Core Strategy.

24. Notwithstanding the submitted details, prior to the commencement of the development, details at a scale of not less than 1:20 of the proposed boundary walling, gates and fencing shall have been submitted to and approved by the Local Planning Authority and these details shall identify the measures to be taken to encourage habitat connectivity. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and to enhance biodiversity in accordance with Policies DMG1, DME3 and DMH3 of the Ribble Valley Core Strategy.

25. No development, including any site preparation, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a scheme of phasing for the approved landscaping scheme (as shown on approved drawing 5493.01 Rev B - amended plan received 05/10/17) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the duly approved timings and phasing's. The areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure the proposed landscaped areas are provided on a phase by phase basis in accordance with Policy DME1 of the Ribble Valley Core Strategy.

26. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services, all the existing/retained trees and hedging shown on drawing 5493.01 Rev B (amended plan received 05/10/17) shall have been enclosed with temporary protective fencing in accordance with BS5837:2012 [Trees in

Relation to Demolition, Design & Construction] which is to be inspected on site by the Local Planning Authority. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To ensure that existing trees are adequately protected during construction in the interests of the visual amenity of the area in accordance with Policy DME1 of the Ribble Valley Core Strategy.

27. Notwithstanding the submitted details, precise specifications including a method statement of the creation of the pond shall have been submitted to and approved by the Local Planning Authority before the implementation of any works within the Root Protection Areas of the protected trees, primarily G4 and G5 (as referenced within Clitheroe Old Hospital, A671, Chatburn Rd Tree Preservation Order 2017).

Any excavation within the Root Protection Area (RPA) of the protected trees shall be carried out by hand tools unless an arboriculturalist is present to monitor vehicle use. Any vehicle used in this way must work from existing hard standing and not enter the soft ground at any time.

If any roots are uncovered which are larger than 25mm or in clumps larger than 25mm all works should stop as the roots may be essential to the trees health and safety and appropriate action must be taken , in accordance with BS5837 (2012): Trees in Relation to Construction.

REASON: To protect trees of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Key Statement EN2 and Policies DME1 and DME2 of the Ribble Valley Core Strategy.

28. 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 Woodland Management Plan, including long-term design objectives, management responsibilities, maintenance schedules and phasing/timetable of works to undertaken for G1 (as referenced within Clitheroe Old Hospital, A671, Chatburn Rd Tree Preservation Order 2017) has been submitted to and approved in writing by the Local Planning Authority. The Woodland Management Plan shall be carried out in complete accordance with the approved details, including the approved phasing/timetable of works.

REASON: To ensure the proper long-term management of retained woodland areas in the interests of visual amenity and biodiversity in accordance with Key Statements EN2 and EN4 and Policies DME1, DME2 and DME3 of the Ribble Valley Core Strategy.

Contamination

29. The development hereby approved shall adhere to the recommendations, mitigation measures and conclusions detailed within the "Ground Investigation Report" (Ref: A094939 – February 2017).

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

Residential Amenity

30. Unless otherwise agreed in writing by the Local Planning Authority, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

31. Notwithstanding the requirements of condition 2 of this approval, the following windows shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed:

First floor landing window in the rear elevation of the Ashdown House Type;
First floor bathroom window in side elevation of the Churchill House Type;
First floor ensuite, bathroom and landing windows in both side elevations of the Cleveland House Type;
First floor landing and ensuite windows in both side elevation of the Maidstone House Type;
First floor bathroom and landing windows in both side elevation of the Oakhurst House Type;
First floor bathroom and landing windows in both side elevation of the Welland House Type;
First floor bathroom window in the side elevation of the Windermere House Type;
First floor bathroom window in the side elevation of the Winster House Type;

The duly installed window shall be retained as such thereafter.

REASON: To safeguard the privacy of occupiers of neighbouring dwellings and to ensure satisfactory levels of amenity for residents in accordance with the requirements of Policy DMG1 of the Ribble Valley Core Strategy.

Noise

32. The development hereby approved shall adhere to the recommendations, mitigation measures and conclusions detailed within the submitted "Noise Assessment" (Ref: A103492 – June 2017).

REASON: To ensure satisfactory levels of amenity for residents in accordance with the requirements of Policy DMG1 of the Ribble Valley Core Strategy.

Archaeology and Heritage

33. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of recording should comprise a Level 3 record, as set out in '*Understanding Historic Buildings*' (Historic England 2016). It should be undertaken by an appropriately experienced and qualified professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy DME4 of the Ribble Valley Core Strategy.

34. No development shall take place until the applicant, or their agent or successors in title, has undertaken a photographic record of the interior, exterior and immediate surroundings of the former workhouse and infirmary buildings and submitted details of a method of "interpretation" (in relation to the former Clitheroe Union Workhouse) to be installed at the site. The submitted details shall include the content of this "interpretation", its design and siting, and a timetable for its installation on site, and the development shall be carried out in complete accordance with the approved details.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy DME4 of the Ribble Valley Core Strategy.

Drainage

35. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- 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 Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, 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 floor levels in AOD;
- b) The drainage strategy should demonstrate that the post development surface water run-off rate will not exceed the pre-development greenfield run-off rate for the corresponding rainfall event. The maximum surface water run-off rate from the development will be no greater than 10.6l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing watercourses (open or culverted) and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include a site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via an ordinary watercourse will only be considered where infiltration is proved to be unsuitable.
- g) Details of water quality controls, where applicable.

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 and to ensure there is no flood risk on or off the site resulting from the proposed development in accordance with Policy DME6 of the Ribble Valley Core Strategy.

36. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan 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 sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance and to identify the

responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with Policy DME6 of the Ribble Valley Core Strategy.

37. Foul and surface water shall be drained on separate systems.

REASON: In order to reduce the risk of flooding in accordance with Policy DME6 of the Ribble Valley Core Strategy and the National Planning Policy Framework.

38. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DME6 of the Ribble Valley Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section on 0300 123 6780, or emailing the Developer Support Section, Lancashire County Council, Environment Directorate, at lhscustomerservice@lancashire.gov.uk.
3. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
4. No work to any trees covered by a TPO (other than the removal of two trees within the application) shall be undertaken without the relevant works to trees application being submitted to the LPA.
5. For the avoidance of 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.

6. 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 via the following website: www.lancashire.gov.uk/flooding.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0616

Appendix 3

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

DEFERRED AND DELEGATED TO DIRECTOR OF COMMUNITY SERVICES

DATE: 18 DECEMBER 2014

REF: CS/EL

CHECKED BY:

APPLICATION NO: 3/2013/0981/P (GRID REF: SD 375231 443018)
PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 20 DWELLINGS (INCLUDING 6 UNITS OF SOCIAL HOUSING), 3 CLOSE-CARE APARTMENTS AND A 60 BED CARE HOME (WITH ALL MATTERS RESERVED FOR SUBSEQUENT APPROVAL) ON LAND AT CHATBURN ROAD, CLITHEROE

INTRODUCTION

This application was considered by Committee at its meeting on 29 May 2014. Committee resolved in accordance with the Officer's recommendation that the application be DEFERRED and DELEGATED to the Director of Community Services for outline approval following the satisfactory completion of a legal agreement within a period of 3 months from the date of the decision as outlined in the Section 106 Agreement sub-heading within the report and subject to a number of conditions.

It was stated in the Section 106 Agreement sub-heading of the original report that the Agreement would require the following:

1. The provision and permanent retention of 6 houses and 1 extra care apartment as affordable rental dwellings.
2. The payment by the applicant to Lancashire County Council of the sum of £95,205.45 (or any recalculated figure that might be required by triggers that will be set out in the Agreement) towards the provision of 5 primary school places and 2 secondary school places.
3. The payment by the applicant to Lancashire County Council of a sum of £29,000 towards the review of the speed limit along Chatburn Road near to the site; the construction of a priority pedestrian crossing on Chatburn Road near to Clitheroe Grammar School; and the establishment of two new bus stops on Chatburn Road; all as explained in detail previously in the report within the observations of the Environment Directorate (County Surveyor).

The rest of the original Committee report (with amendments where appropriate) is reproduced below after this introduction; and I would refer specifically to the observations of the County Surveyor. A breakdown of the works to be covered by the Section 106 Agreement contributions is contained in the three numbered points at the end of those observations. At the beginning of the observations, however, there is a reference to a scheme of improvements to the roundabout at the Chatburn Road/Pimlico link road junction that would be carried out through a Section 278 Agreement rather than as a Section 106 contribution. This roundabout improvement would be secured through recommended condition No 21 that:

'No part of the development hereby permitted in outline shall be occupied until all the offsite highway works have been constructed in accordance with the scheme that shall have first been submitted to and approved in writing by the Local Planning Authority'.

Following the Committee's decision to defer and delegate, LCC highways sought to secure the improvements to the roundabout and the funding for these works from the developer. The applicants/agent, however, considered that the scale of the proposed development did not necessitate the roundabout improvements; and that the cost of those works plus the other agreed Section 106 contributions was excessive in relation to the proposed development.

Following further consideration, the County Highway Authority commented in relation to the roundabout improvements that;

'The cost of the works have been estimated and it has been agreed that LCC Highways would not maintain the request for these works to be carried out at this time. This is because the developer's contribution to the S106 works plus the estimated cost of the roundabout improvements exceeds the amount of the planning contribution that could reasonably be asked of the developer having regard to the size of the development'.

LCC Highways stated that they would therefore request the roundabout improvements if there is any future application for an extension to the presently proposed development.

LCC Highways also agreed to a different type of pedestrian crossing facility costing a lesser amount such that the Section 106 contribution towards traffic/highway improvements would now be as follows:

1. Extension of 30mph limit	£ 4,000.00
2. The pedestrian refuge on Chatburn Road	£ 8,000.00
3. Establishment of two new bus stops	<u>£ 5,000.00</u>
Total	£17,000.00

At the time of preparation of this updated report, a Section 106 Agreement in the terms as originally resolved by the Committee but with the highway contribution of £17,000 as described above (rather than £29,000 as originally resolved) was close to completion. Due, however, to the prolonged discussions and negotiations about the required highway works/contributions, more than three months has lapsed since Committee's original resolution. It has therefore been necessary to present this updated report to Committee.

Whilst the Core Strategy is now at a more advanced stage than at the time of the Committee's original resolution, there have been no changes, which, in my opinion, would justify any change in the previous decision of 'minded to approve subject to a Section 106 Agreement'. Committee is therefore requested to reaffirm its original resolution but with the Section 106 Agreement content in relation to highways contributions to be as described above in this updated report.

The original report is produced below with amendments as appropriate under the headings of Financial Contributions Requested by LCC, Section 106 Agreement and Recommendation.

TOWN COUNCIL: No objections.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

No objections to the principle of housing development on this site but makes a number of comments as follows.

The submitted transport statement has reviewed the design of the roundabout at the Chatburn Road/Pimlico Link Road junction and has recommended improvements to the geometry of this roundabout. Improvement to this roundabout is accepted but the detailed design will have to be scrutinised by LCC engineers and a safety audit should be carried out. This work would be carried out under a Section 278 Agreement.

The speed limit along Chatburn Road will need to be reviewed for possible extension of the 30mph limit.

Visibility splays would need to be conditioned but their size would be dependent upon decisions made in relation to the appropriate local speed limit.

A pedestrian crossing on Chatburn Road near to Clitheroe Grammar School should be constructed under a Section 278 Agreement.

Turning heads should be provided next to the care home main entrance and in front of the service entrance.

Unless the roads in front of units 1-6, 12-16 and 9-11 are not to be adopted, 2m wide service strips would be required where there is no footway. This would be part of the highway and parking spaces should not encroach on to any service strips.

Garages should be a minimum of 6m x 3m. If separate provision is made for the secure undercover storage of bicycles, a smaller garage might be acceptable.

The costs of any Traffic Regulation Orders (TROs) that are required will be payable by the developer.

The financial sum to be requested under the Section 106 Agreement towards sustainable transport and transport improvements had not been finalised at the time of consideration of the original report on 13 February 2014. The County Council has subsequently confirmed that the highways requirements for Section 106 funding are as follows:

1. Review the speed limit along Chatburn Road near to the site to determine the need and justification for an extension of the 30mph speed limit along Chatburn Road to the Pimlico Link Road roundabout. The costs are to cover the technical review of an extension to the speed limit, public consultation, TRO, design work and carrying out the work in the highway, including illumination of the signs. Cost

estimate - £4,000.00 (four thousand pounds).

2. Constructing a priority pedestrian crossing on Chatburn Road near to the Clitheroe Grammar School, including public consultation, design work and works in the highway. Cost estimate - £20,000.00 (twenty thousand pounds).
3. Establishment of two new bus stops (DDA compliant) on Chatburn Road, including public consultation, design work and carrying out the works in the highway. The costs requested include for raised kerbs, road markings and signpost; but not a shelter. Cost estimate £5,000.00 (five thousand pounds).

The County Surveyor also recommends the imposition of a number of standard conditions.

LCC (ARCHAEOLOGY):

Having checked their records the County Archaeologist confirms that there are no significant archaeological implications relating to this site.

LCC (ECOLOGY):

The County Ecologist comments that much of the application site appears to be of relatively low biodiversity value. However, there are features of biodiversity value (hedgerow/mature trees and marshy grassland) and these provide potential habitat for protected and priority species (including bats, nesting birds including ground nesting birds, common toad). Whilst the submitted illustrative plan indicates that the proposed development would mainly be located on the species poor grassland, it appears that the marshy grassland would form part of the amenity land and potentially lie within the garden curtilages. The Borough Council must be satisfied that such habitat can be retained and that potential impacts on such habitat and associated species can be avoided. The County Ecologist advises that this should be ensured either by appropriate conditions on any outline planning permission and/or at reserved matters application stage.

LCC (CONTRIBUTIONS):

LCC Contributions team has requested a financial contribution in respect of the provision of primary school and secondary school places to meet the needs of the proposed development. Members are referred to the file for full details which are summarised as follows.

The County Council has made its calculation based upon the information regarding the number of bedrooms specified in the application details (namely 11 x 4 bed dwellings and 9 x 3 bed dwellings). This has resulted in a requirement for five primary places and two secondary places.

Primary places - £11,880.45 x 5 places = £59,402.25.
Secondary places - £17,901.60 x 2 places = £35,803.20.
Total requested financial contribution - £95,205.45.

Members will note that this figure could be subject to recalculation by triggers that will be set out in the Section 106 Agreement.

LANCASHIRE
CONSTABULARY:

Has commented that the Design and Access Statement includes a section on designing out crime. This details crime prevention interventions that will be incorporated into the scheme such as enhancing the opportunity for natural surveillance. It is recommended that a meeting should take place with an Architectural Liaison Officer at the detailed design stage of the scheme in order to address the layout and building design and to design out any potential opportunity for crime.

ENVIRONMENT AGENCY:

The Environment Agency has no objection in principle to the proposed development subject the inclusion of a number of conditions relating to the following matters:

- Part of the application site lies within flood zone 3 which is defined as having a high risk probability of flooding in the National Planning Policy Framework (NPPF) Technical Guide. For this reason the application was accompanied by a Flood Risk Assessment (FRA). The Environment Agency has reviewed the FRA and comments that, provided no dwellings are proposed in flood zone 3, they are satisfied that the proposal will not pose a risk to life or property. The proposed development will only meet the requirements of NPPF if the measures detailed in the submitted FRA are implemented and secured by conditions requiring a limit on surface water run-off and the submission approval and subsequent implementation of a scheme of surface water drainage for the site.
- In relation to biodiversity, a condition requiring the provision of a 5m wide buffer zone along the Pimlico watercourse should be imposed. The submitted illustrative layout shows that dwellings numbered 12-17 would have rear facing domestic gardens adjacent to the watercourse. The proposed layout is likely to require revising to accommodate the 5m buffer as it should be clear of any private garden spaces or built development.
- A condition requiring the removal or long term management of Himalayan Balsam should be imposed.
- A condition requiring a water vole survey should be imposed.
- A condition is necessary to require the submission for approval of details of the footbridge over the watercourse.

UNITED UTILITIES:	Has no objections to the proposal subject to the imposition of a condition requiring the submission approval and subsequent implementation of a detailed scheme for the disposal of foul and surface waters for the entire site.
NETWORK RAIL:	As the application site is within 10m of an operational railway line, Network Rail has made a number of observations and has suggested a number of planning conditions and advisory notes primarily relating to safety issues.
	The suggested conditions/notes relate to the matters of boundary fencing; no physical encroachment on to Network Rail land; safety requirements in relation to any scaffolding within 10m of Network Rail lane; all surface water drainage to be directed away from the railway; details to be provided of any excavations or earthworks in the vicinity of the railway; the provision of a 2m gap between any buildings and structures on the site and the boundary fencing to the railway; and a request that no trees are planted next to the boundary with the railway.
ADDITIONAL REPRESENTATIONS:	Three letters have been received from nearby residents and a letter has been received from the Ribble Rivers Trust. The points and objections contained in the letters are summarised as follows:
	<ol style="list-style-type: none"> 1. The increased surface water run-off as a result of the development could result in flooding of existing dwellings in the locality. This problem would be exacerbated if there was to be a phase 2 of the development onto the field adjoining the Colthirst Drive estate. 2. It is already difficult for the writer of one of the letters (a blind person) to cross Chatburn Road. The increase in traffic associated with this proposed development would exacerbate that problem. 3. When added to other housing developments in Clitheroe, this proposal would put further pressure on the existing infrastructure such as roads, car parking, schools, health facilities such as doctors, dentists and even including the new local hospital, would be unable to cope with the proposed increase in population. 4. The extra traffic will exacerbate existing problems on the already busy Chatburn Road including the difficulty experienced by drivers exiting the existing estates such as from Warwick Drive. The documentation on this matter submitted with the application does not appear to take account of other existing or proposed developments such as the extra traffic relating to the new hospital or the construction of houses on the old hospital site.

5. Mention is made in the Traffic Statement of walking or cycling into Clitheroe. Whilst this is possible, most visits to the town centre are probably made by car.
6. Within the development site itself, there could be a problem for drivers during icy/snowy conditions due to what will be a steep uphill access onto Chatburn Road.
7. The Ribble Rivers Trust would like to see a full survey of invertebrates and fish and a more detailed otter survey as they are aware that otters are in the vicinity.
8. If the development is to go ahead then a significant buffer strip should be left to the watercourse and mitigation should include tree planting in order to provide shade and habitat. The Trust would not want to see back gardens right up to the stream edge (as shown in the application) as the impact from the gardens would be significant.
9. The Ribble Rivers Trust has records of Himalayan Balsam upstream of the site. Construction works have a potential spread Himalayan Balsam seeds around the site and off the site. The Trust could provide advice and help in the control of this invasive species.

Proposal

This application is submitted in outline with all matters reserved for subsequent consideration at reserved matters application stage. An illustrative layout plan indicating how the site could be developed, however, accompanies the application, along with illustrative access plans and street scenes. The submitted illustrative plans show the following:

- 20 dwellings along with three extra care apartments associated with a 60 bed care home.
- A vehicular access from near to the mid point of the site's boundary to Chatburn Road.
- Dwellings laid out around a cul de sac road layout, with the care home having a dedicated car park.
- The retention of trees and hedges on the external boundaries of the site, and additional planting within the site and on its boundaries.
- The provision of an amenity open space alongside the Brook.

The illustrative layout plan also shows how an area of adjoining land to the south west of the site could also be developed for housing in conjunction with the application site. This adjoining land is in separate ownership and its potential future development does not form any part of this current planning application.

A design and access statement has been submitted with the application. This shows that the scale of the development is primarily two storey dwellings with the care home having two storey and three storey elements. It is however stated that, at final design stage, consideration could be given to the inclusion of some three storey houses to be sited adjacent to the care home and therefore provide a step down in scale between the care home and the dwellings. It is stated

that the height to eaves of the houses would range between 4.8m and 5.025m and that the eaves of the two storey element of the care home would range between 5.025m and 5.175m whilst the eaves of the three storey element would range between 7.95m and 8.325m.

It is proposed that six of the dwellings and one of the extra care apartments are to be made available on an affordable rent basis to be delivered through a housing association (representing 30% of the total units).

Site Location

The site is situated at the northern edge of Clitheroe approximately 1km to the north east of the town centre. The site comprises two fields of rectangular shape and having a total area of approximately 1.82 hectares. An existing hedge crosses the site in a north west to south east direction dividing the fields and the brook passes through the north western part of the site on a north east to south west orientation. The site generally slopes down in level from its south eastern frontage to Chatburn Road down to the brook, beyond which it rises again towards the north western boundary with the railway line.

To the south west, the site is adjoined by a field of approximately 0.79 hectares beyond which is the established housing development at Colthirst Drive. The south eastern boundary of the site at Chatburn Road is marked by a stone wall. To the north east of the site are further fields with the boundary marked by a hedgerow. The railway line lies to the north west of the site with the boundary again marked by a hedgerow. There is established housing and the former Coplow Quarry beyond the railway line.

More generally in the locality are further areas of established housing, employment areas including Salthill Industrial Estate 500m to the south of the site, Clitheroe Hospital approximately 150m to the east and Clitheroe Grammar School some 200m to the south.

Relevant History

There is no relevant planning history relating to this site.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV7 - Species Protection.

Policy ENV13 - Landscape Protection.

Policy H2 - Dwellings in the Open Countryside.

Policy H19 - Affordable Housing - Large Developments and Main Settlements.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Ribble Valley Core Strategy Regulation 22 Submission Draft – Post Submission Version (including proposed main changes)

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME1 – Protecting Trees and Woodlands.
Policy DME2 – Landscape and Townscape Protection.
Policy DME3 – Site and Species Protection and Conservation.
Policy DMH1 – Affordable Housing Criteria.
Policy DMH3 – Dwellings in the open Countryside.
Policy DMB4 – Open Space Provision.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The matters to be considered in the determination of this outline application relate to the principle of the development in policy terms; the potential impact of the development in visual terms; any potential effects upon ecology and trees; the potential impact upon the amenities of nearby residents; highway safety; potential flooding issues; ground contamination; public open space; the observations of Network Rail; affordable housing; and financial contributions requested by Lancashire County Council.

Principle of development

In assessing the proposal it is necessary to establish whether, in principle, the development is considered to be acceptable with regards to the emerging policy considerations whilst also fully considering the proposed development in relation to the aims and objectives of the National Planning Policy Framework (NPPF). In assessing the proposed development I am mindful that whilst the site is outside the settlement boundary of Clitheroe, it must be noted that the current settlement boundaries of the Local Plan are out of date and that, as yet, no replacement boundaries are in place. The site is close to existing residential development and is only approximately 1km away from the shop services and facilities within Clitheroe town centre.

With regards to the matter of a five year land supply, the most recently published position at the time of writing this report is the Council's Housing Land Availability Schedule dated December 2013. This indicates a position of a 4.81 year supply when employing the Sedgefield approach which is the method Members confirmed to use at the meeting on 10 October 2013. Members are, however, reminded that the position is subject to frequent change as applications are either approved or resolved to be approved subject to the completion of appropriate Section 106 Agreements. Equally, sites may be deemed to fall out of the five year supply as they lapse or evidence comes forward to demonstrate that they will not be deliverable within the five year period.

NPPF places a clear emphasis that Local Planning Authorities should not resist proposals unless there are any adverse impacts which significantly and demonstrably outweigh the benefits associated with any such proposals.

I consider that the site of this current application is in a highly sustainable location being close to all the services and facilities of Clitheroe, the main town in the borough. The proposal would also provide the benefits of the provision of housing, including affordable housing, and a care home. Overall, when considered in relation to the requirements of NPPF and the emerging Core Strategy policies, I consider the proposed development to be acceptable in principle. I will however, examine below all the relevant detailed considerations in order to establish whether there would be any harm associated with the development that would significantly and demonstrably outweigh the benefits.

Visual impact

Although this is a greenfield site, the proposed development would have only a limited degree of landscape and visual impact. Any impact will be mitigated through the retention of the most sensitive ecological areas and through the provision of additional planting. The character of the locality, however, is predominantly urban rather than rural due to the presence of existing residential areas, the hospital, the nearby cement works and the main road along the frontage of the site.

Any visual impact is limited to the immediate area, within which there are no highly sensitive receptors, and the site is not visible from any viewpoint with a designation such as AONB or conservation area.

The approach into Clitheroe along Chatburn Road does form the setting for the town, but there are few locations along this road where housing is currently not visible. The proposed development would therefore be associated appropriately with existing development in the locality. The impact of the development when viewed from Chatburn Road will also be reduced due to the land sloping downwards away from the road. Overall, whilst the proposed development would obviously have some impact upon the landscape, I do not consider that there would be any detrimental impact that would significantly and demonstrably outweigh the benefits associated with the proposed development. With regards to this particular consideration, I therefore consider the proposal to be acceptable.

Trees/Ecology

A Tree Survey and Arboricultural Impact Assessment has been submitted with the application. This shows that there are no category A trees on the site and that all category B trees would be retained as part of the development. Other trees and hedgerows on the boundaries of the site would also be retained and additional planting would be provided as part of the development.

The Council's Countryside Officer has considered the content of the Tree Survey and Arboricultural Impact Assessment and has no objections to the proposed development subject to the imposition of appropriate conditions.

An Ecology and Habitat and Protected Species Risk Assessment have also been submitted with the application. This indicates that no evidence was found of any protected species occurring on the site or in the surrounding area which would be negatively affected by the proposed development of the site. The report does, however, contain recommendations in relation to the protection of habitats.

This report has been studied by this Council's Countryside Officer, the County Council Ecologist and also by the Ecologist at the Environment Agency. Subject to appropriate conditions, none of these officers have any objections to the proposed development with regards to ecological considerations. In my opinion, the proposal is therefore acceptable in relation to this particular consideration.

Amenities of Nearby Residents

Although the general locality is residential in nature, the application site is separated from any existing housing. As such, the proposal would not result in any detrimental effects upon the amenities of any nearby residents by reason of overlooking, loss of privacy or overbearing

impacts. Within the context of existing traffic flows on Chatburn Road, I do not consider that the traffic generation associated with the proposed development would have any discernible impact upon the amenities of nearby residents. Overall therefore I consider the proposal to be acceptable in relation to this particular consideration.

Highway Safety

A Transport Assessment has been submitted with the application. This concludes that the site is in a sustainable location for development with ready access to services etc, by cycling and by public transport; and that good visibility is available at the access point into the site; and that the relatively low traffic flows would not have any significant impact on the highway network.

The County Surveyor has considered the contents of the Transport Statement and has no objections in principle to the proposed development subject to the imposition of appropriate conditions and through appropriate highway/transport measures being achieved either through a Section 278 Agreement or through a developer contribution secured by a 106 Agreement.

Overall, therefore, there are no objections to the proposed development in relation to highway safety and traffic considerations.

Flooding Issues

A Flood Risk Assessment (FRA) and Drainage Options Assessment accompany the application. The site is located in flood zones 1, 2 and 3, with by far the greater part of the site within flood zone 1. All of the proposed built development would be delivered within that part of the site identified as flood zone 1.

The FRA has been studied by the Environment Agency who have confirmed that they have no objections to the proposal subject to compliance with the requirements of the FRA and subject to the submission approval and subsequent implementation of a surface water drainage scheme for the site.

Subject to appropriate conditions, there are therefore no objections to the proposed development in relation to flooding issues.

Ground Contamination

A Contaminated Land Preliminary Risk Assessment (PRA) has been submitted with the application. The PRA has not found any past land uses that might give rise to elevated levels of industrial contamination. The report identifies that all past land uses have been agricultural and that there are possible contaminants associated with agricultural usage, including heavy metals, sulphate, nitrate and phosphate. The railway line to the north-western site boundary could also have resulted in ground contamination. It is therefore recommended that a site investigation be undertaken prior to development of the site. This is a common requirement and will be covered by an appropriate condition.

Public Open Space

In the illustrative plans and details submitted with the application, it is proposed that an amenity open space is to be provided alongside the brook on land that cannot be developed for reasons relating to flood risk. This is considered to be an appropriate location for the provision of public

open space on this site. A condition will, however, be required in respect of the provision and future maintenance of the public open space on the site (as such maintenance will not be undertaken by RVBC).

Observations of Network Rail

Network Rail has suggested a number of conditions and notes to be attached to any planning permissions. The suggestions relate primarily to health and safety requirements associated with development close to a railway line and appear to be applicable where there would be built development in the immediate vicinity of the railway. In this case, however, the public open space (see above) would be on that part of the site. I therefore consider it sufficient in these particular circumstances for the requirements of Network Rail to be the subject of an advisory note rather than any conditions.

Affordable Housing

It is stated in the application that 6 dwellings and 1 extra care apartment would be made available on an affordable rental basis (representing 30% of the total units). These 7 units will be delivered through a Housing Association. The Council's Strategic Housing Officer is satisfied with the provision of 7 affordable rental units within this development.

Financial Contributions Request by LCC

The County Council has requested a contribution by the developer of £95,205.45 towards the provision of 5 primary school places and 2 secondary school places (but Members will note that this figure could be subject to recalculation by triggers that will be set out in the Section 106 Agreement). The applicant has indicated a willingness to pay the requested amount which will be secured through the Section 106 Agreement that was at an advanced stage of preparation at the time of preparation of this updated report.

Following discussions and negotiations with the applicant/agent the County Council has now also requested a contribution towards sustainable transport measures of £17,000 as described in the next section of this report.

Section 106 Agreement

As stated previously in the report, if outline planning permission is to be granted, a Section 106 Agreement will be required. This will require the following:

1. The provision and permanent retention of 6 houses and 1 extra care apartment as affordable rental dwellings.
2. The payment by the applicant to Lancashire County Council of the sum of £95,205.45 (or any recalculated figure that might be required by triggers that will be set out in the Agreement) towards the provision of 5 primary school places and 2 secondary school places.
3. The payment by the applicant to Lancashire County Council of the sum of £17,000.00 towards the extension of the 30mph limit; the formation of a pedestrian refuge on Chatburn Road; and the establishment of two new bus stops, all as explained in the Introduction of this updated report.

Conclusion

For the reasons stated in this report, the proposed housing and care home development is considered to be acceptable in principle in view of the sustainable location of the site close to all the facilities and amenities of Clitheroe town centre. The examination in this report of all relevant detailed considerations has not identified any harm to any interests that would be of such magnitude to outweigh the benefits of the proposed development. The development is therefore in compliance with the relevant policies of the Local Plan and the emerging Core Strategy and complies with the 'presumption in favour of development' as embodied in NPPF. In my opinion, outline planning permission should therefore be granted.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for outline approval following the satisfactory completion of a Legal Agreement within a period of one month from the date of this decision as outlined in the Section 106 Agreement sub-heading within this report and subject to the following conditions and authorise minor changes to the reasons of the conditions that may result from the adoption of the Core Strategy:

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:

- (a) the expiration of 3 years from the date of this permission; or
- (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the access, layout, scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

3. The development hereby permitted in outline relates to the erection of 20 dwellings, 3 close care apartments and a 60 bed care home. The application for reserved matters shall not exceed the stated number of dwellings, the stated number of close care units, or the stated number of bedrooms in the care home.

REASON: To define the scope of the permission and to ensure that the development complies with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

4. Any reserved matters application shall include a detailed arboricultural assessment/tree constraints plan that shall indicate how the existing trees have informed the detailed layout that has been submitted for reserved matters approval. The details shall include a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres, and also the details of all hedgerows within the site and on its boundaries.

In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area - BS5837, 2012, Trees in Relation to Demolition, Design & Construction) must also be shown.

The details of each tree as required in accordance with BS5837 in a separate schedule, a schedule of tree works for all the trees, specifying those to be removed, pruning and other remedial or preventative work.

The details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring ground.

The details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.

A statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure shall be included in the submitted details. This shall also include details of re-instatement and management of all existing hedgerows.

REASON: In order to ensure that the detailed layout of the development has been informed by the location and condition of existing trees and to ensure that trees of visual amenity value are given maximum physical protection from the adverse effects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

5. Any reserved matters application shall include details of provisions to be made for building dependent species of conservation concern, including artificial bird nesting boxes and artificial bat roosting sites.

The details shall specify the plot numbers of the dwellings upon which the provisions are to be made and shall identify the actual wall and roof elevations into which the provisions are to be incorporated (which should be north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats).

The provisions shall be provided in accordance with the approved details prior to the first occupation of the individual dwellings upon which they have been provided.

REASON: To protect the bird/bat population from damaging activities and reduce or remove the impact of development in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

6. Any reserved matters application shall include details of all proposed artificial external lighting. The details shall include the type, location, intensity and direction of all proposed lighting; and shall also include details of mitigation measures designed to reduce the impact of artificial lighting on protected species or species of conservation concern, identified and/or other named species.

REASON: In order to reduce the harmful impact of artificial lighting on the natural foraging/roosting/nesting behaviour of any protected species or species of conservation concern in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

7. Any removal of vegetation including trees and hedges associated with the development hereby permitted in outline shall be undertaken outside the nesting bird season (March - August inclusive). Any removal of vegetation out with the nesting bird season shall first be agreed by the Local Planning Authority and shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds, and to protect the bird population from damaging activities and reduce or remove the impact of development in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

8. No part of the development hereby permitted in outline shall be commenced until a non-native species removal and disposal method statement has been submitted to and agreed in writing by the Local Planning Authority. The details of which shall include details of the eradication and removal from the site all Japanese Knotweed and Himalayan Balsam.

REASON: To ensure that there is no risk of further spread of a non-native plant species and to ensure that there are no residue non-native plant species parts remaining in order to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

9. No part of the development hereby permitted in outline shall commence until a water vole and great crested newt survey has been carried out during the optimum period, and details of its findings, including all protection and mitigation measures for non-disturbance and protection of all streams and watercourses, has been submitted to and approved in writing by the Local Planning Authority. The details shall include measures to ensure that the streams and watercourses are protected against spillage incidents and pollution that may arise during construction works.

REASON: To ensure that the development is not detrimental to the ecological wildlife value of the watercourse that crosses the site and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

10. The development hereby permitted in outline shall not be commenced until details of the landscaping of landscape buffers around habitat zones have been submitted to, and

approved in writing by, the Local Planning Authority. The details shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, including details of any changes of level or landform and the types and details of all mammalian friendly fencing and screening.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub, which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of visual amenity and to ensure that the development provides appropriate habitat protection and mitigation measures and enhances biodiversity value in order to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

11. The development hereby permitted in outline shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: P4558-Rev003 dated 5 July 2013) and the following mitigation be filled within the FRA:

- Limiting the surface water run-off from the site to a maximum of its 17l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site.

The mitigation measures shall be fully implemented prior to occupation of any dwelling and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1:100 year 6 hour critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall also include details of how the scheme shall be maintained and managed thereafter in perpetuity.

REASON: To prevent the risk of flooding both on and off site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core

Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

13. No development shall take place until a scheme for the provision and management of a minimum of 5m buffer zone alongside Pimlico watercourse has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

REASON: To protect and enhance the Pimlico watercourse as a wildlife corridor and key green infrastructure asset and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

14. Any reserved matters application shall include detailed plans for any footbridge that is proposed to be erected over the Pimlico watercourse.

REASON: In order to ensure the retention of a continuous buffer strip of broadly natural character, providing a corridor for the passage of wildlife and reduce of pollution from run-off, and in the interests of visual amenity and to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

15. The development hereby permitted in outline shall not be commenced until a scheme for the disposal of foul waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. Within the scheme, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory form of development including the satisfactory treatment and disposal of foul drainage in order to comply with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

16. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:

- i) Sustainable travel options for journeys to and from work for the site operatives, including pedestrian routes, travel by bicycles, journeys by train, car sharing schemes and other opportunities to reduce journeys by motor car.
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in the construction of the development;
- v) the erection and maintenance of security fencing;
- vi) wheel washing facilities;

- vii) measures to control the emission of dust and dirt during construction; and
 - viii) a scheme for recycling/disposing of waste resulting from construction works.
 - ix) Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made).
 - x) Routes to be used by vehicles carrying plant and materials to and from the site which shall have been constructed to base course level.
 - xi) Measures to ensure that construction vehicles do not impede adjoining accesses.
- The approved construction method statement shall be adhered to throughout the entire period of construction works.

REASON: In order to ensure safe working practices on or near the highway in the interests of safety and in the interests of the amenities of nearby residents in accordance with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

17. Prior to the commencement of development, an intrusive ground investigation shall be carried out as recommended and described in Section 7 (Recommendations) of the Preliminary Risk Assessment Report by Thomas Consulting (ref. P4459-01-R1 dated October 2013) that was submitted with the outline application; and a report of the findings of the investigation shall be submitted for the written approval of the Local Planning Authority. Any mitigation measures that are found to be necessary shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of development. In the event that unforeseen problems arise during construction works, the Local Planning Authority shall be informed and shall advise in writing on any appropriate remediation/mitigation measures that the developer will be required to implement.

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

18. No development shall begin until a details identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details prior to occupation of the development and thereafter retained in a condition commensurate with delivering the agreed level of energy generation.

REASON: In order to encourage renewable energy and to comply with the requirements of the National Planning Policy Framework.

19. Prior to the first occupation of the development hereby permitted in outline, the existing access on to Chatburn Road shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated with the Lancashire County Council Specification for Construction of Estate Roads.

REASON: To limit the number of access points to, and to maintain the proper construction of the highway in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core

Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

20. No part of the development hereby permitted in outline shall be commenced until all the highway works that facilitate construction traffic access have been constructed in accordance with a detailed scheme that has first been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable all construction traffic to enter and leave the premises in a safe manner in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

21. No part of the development hereby permitted in outline shall be occupied until all the off-site highway works have been constructed in accordance with the scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.

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 in the interest of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

22. Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) including the proposed area of public open space on the north western part of the site, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of any play equipment and its maintenance and indicate a timescale when any such equipment will be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Regulation 22 Submission Draft - Post Submission Version (including proposed main changes).

NOTES

1. The development for which outline planning permission is hereby granted requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1908, Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore, before any access works are commenced, the applicant or developer is advised to contact Customer Services at highways@lancashire.gov.uk and on 0845 0530000.
2. As the application site immediately adjoins an operational railway line, Network Rail has advised that the applicant or developer should submit a method statement and risk

assessment to Network Rail's Asset Protection Engineer for approval prior to any works commencing on site (email: assetprotectionlnwnorth@networkrail.co.uk) Network Rail has also provided advice and guidance on matters relating to boundary fencing; encroachment on to railway land; scaffolding; drainage; excavation/earthworks in the vicinity of the railway; a 2m gap required between buildings on the site and the boundary fencing to the railway; and landscaping. The applicant or developer is therefore advised that it would be appropriate to consult Network Rail on these matters before the commencement of development, and ideally before the submission of any reserved matters planning applications (email: townplanninglnw@networkrail.co.uk).

Appendix 4

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

DEFER AND DELEGATE

DATE: 10/12/18

REF: RM

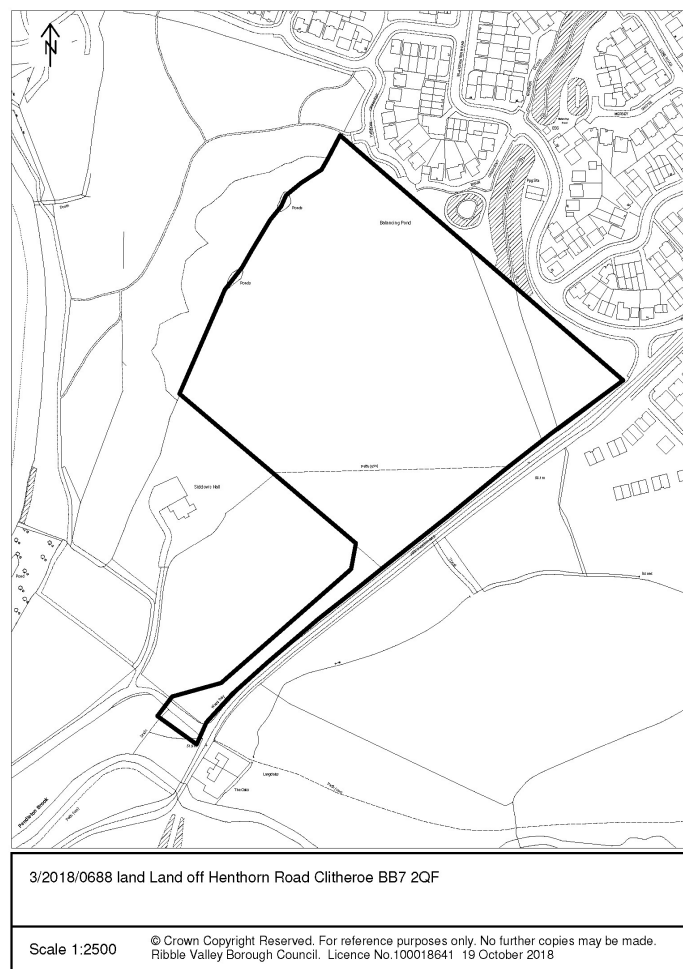
CHECKED BY:

APPLICATION REF: 3/2018/0688

GRID REF: SD 372823 440546

DEVELOPMENT DESCRIPTION:

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 110 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM HENTHORN ROAD. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS. LAND OFF HENTHORN ROAD, CLITHEROE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clitheroe Town Council:

Object to the application on the following grounds:

- The application site is located outside the settlement boundary of Clitheroe;
- The applicant claims that the Council does not have a five-year supply however the latest figures published by the Council states that it can demonstrate a 5.3 year supply;
- Highway congestion from additional dwellings which will be to the detriment of residential amenity;
- Highway safety concerns in relation to traffic speeds.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The proposed access point is accessible subject to its detailed design under a Section 278 agreement.

The proposed development is on the edge of the residential area and following recent housing development along Henthorn Road the perceived traffic levels have increased. However, the modelling shown within the submitted application has not shown that the impact of the existing and predicted traffic flows are such that it could be construed as being “severe” in respect of para 109 of the NPPF. As such the Highway Officer is satisfied that the development will not have a detrimental effect on the functioning of the highway network. Notwithstanding this, it is noted that there are existing areas where minor delays do occur but these are locally managed by highway users on a courtesy basis, and there are no mitigation that can be employed to minimise these delays without having a detrimental impact upon residential amenity.

The proposed development site lies at the extreme of acceptable walking distances for pedestrian to local amenities and in recognition of this the Highway Officer has requested a Section 106 contribution of £40,000 per annum (for five years) to sustain and promote local public transport.

Provided that the applicant agrees to the financial contribution the Highway Officer raises no objection to this application subject to conditions.

ENVIRONMENT DIRECTORATE (PUBLIC RIGHTS OF WAY):

No comments received

LCC EDUCATION:

On the indicative information provided there would be a requirement for the applicant to provide a contribution towards the provision of 19 primary and nine secondary school places at a total cost of £512,948.41 to be secured by way of a legal agreement. It must be noted that this figure is based on the information provided and may change depending on the housing mix submitted at reserved matters stage.

LCC ARCHAEOLOGY:

No objection subject to condition requiring archaeological programme be implemented prior to commencement of development.

ENVIRONMENT AGENCY:

No comments received

UNITED UTILITIES:

No objection subject to attachment of a condition that the development is carried out in accordance with the principles set out the submitted Flood risk Assessment.

LOCAL LEAD FLOOD OFFICER:

No objection to the application subject to conditions.

ADDITIONAL REPRESENTATIONS:

Letters of representation have been received from 12 individual households/addresses, as well as a letter from Ribble Meadows Residents Association who represent the residents of the recently built houses adjacent to the development site, objecting to the application on the following grounds:

- Outside the settlement boundary of Clitheroe and therefore conflicts with the Ribble Valley Development Plan as the Council can demonstrate a five-year housing land supply;
- Future housing sites should be allocated/achieved via properly planned, strategic plan making, not via the determination of individual applications for unplanned development;
- Developers are manipulating the Council's five year supply;
- The approval of this will allow further building to the south to continue indefinitely;
- The Council already has an oversupply of houses for the plan period (until 2028);
- Highway safety concerns as the network is unable to take additional vehicle movements from already approved development in this area, notwithstanding the additional traffic that would be created by this application;
- Despite other applications for housing no highway improvements have been made in this area;
- LCC Highways have raised highway concerns in relation to previous applications for housing in this area and the network capacity;
- Wear and tear on roads from additional vehicles and construction vehicles;
- A bridge should be built over the railway line from these new housing estates;
- Lack of public transport and car parking facilities in Clitheroe;
- Visual impact – the proposal would not “round-off” the settlement and would create an imbalance on the landscape;
- The site is not appropriate for affordable houses given the distance from the town centre;
- This land is green belt and development would destroy it;
- Impact on wildlife and ecology;
- Removal of trees and hedgerow;
- Only affordable homes should be built on this site;

- Impact on infrastructure and amenities - shortage of school places and health facilities, impact upon policing;
- The plans show that the proposed residents will have access to the communal areas and community facilities on Ribble Meadows. These facilities have been developed for the residents of Ribble Meadows and are paid for by existing residents through management fees – it should not be taken as given that Gladman can incorporate these into their plans;
- The applicant (Gladman) have not done a full consultation;
- Lack of notices and consultation from LPA;

UPDATE

This application was discussed by Members of the Planning and Development Committee on 29th November 2018. At this meeting Members were minded to refuse the application on highway grounds and the sustainability of the application site. The potential reasons for refusal have been included at the end of this report for Members to consider.

Since the previous Committee meeting the Head of Planning has contacted highway consultants in order to establish whether they would be willing to represent the Council at an subsequent appeal. The responses from these consultants will be reported verbally to Members.

1. Site Description and Surrounding Area

- 1.1 The application relates to an agricultural field measuring 5.2 hectares off Henthorn Road in Clitheroe. The site located on the edge of, but outside, the settlement boundary of Clitheroe and is situated adjacent to a residential development for 270 dwellings on land to the north of Henthorn Road (approved under permission 3/2013/0035) which is nearing completion. On the opposite side of the road a further 130 dwellings are being constructed by Story Homes Ltd (planning ref: 3/2015/0446).
- 1.2 The boundaries of the application site are clearly defined by field hedging and some mature trees with two small ponds located along the north western boundary, however upon inspection during the late summertime site visit these ponds were completely dry. Two sets of overhead powerlines currently run through a section of the site and along the eastern side the land levels drop down to a ditch which passes through a small portion of the site. The land adjacent to this ditch is overgrown and contains a number of shrubs/bushes and it would appear that this part of the site is not currently farmed. The remainder of the site is however clear from vegetation, with the exception of the boundary hedging and trees. There is an existing field gate access from Henthorn Road into the application site.
- 1.3 As detailed above the application site is located outside of the settlement boundary of Clitheroe and is by definition identified as open countryside in accordance with the Ribble Valley Core Strategy. To the north east and south east of the site are the aforementioned residential development for 270 and 130 dwellings respectively. 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 associated with adjoining development and beyond this is the

River Ribble. The river and part of this adjoining field are designated as a Biological Heritage Site (BHS), but the BHS does not directly adjoin any part of application site.

2. Proposed Development for which consent is sought

- 2.1 The application seeks outline consent, with all matters reserved except for access, for the erection of 110 dwellings on this plot of land. Access would be obtained via the existing field gate, however this access would need to be widened in order to meet the required standard. The submitted access arrangement plan shows that a 5.5m wide road would be provided at the access point/junction with Henthorn Road, with 2m wide footways either side. One of these proposed footways would continue onto Henthorn Road up to the recently formed junction some 120m to the north east. The submitted plan also details how a 100m section of Henthorn Road, between the site access and the above mentioned junction, would be widened to provide a 5.5m carriageway.
- 2.2 Whilst in outline form the application is accompanied by a "Framework Plan" which shows the broad location of where the dwellings would be sited within the site, with a landscape buffer provided along the 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 development and community park to the north. It must be reiterated however that this plan is purely indicative and matters relating to layout and landscaping would be considered at reserved matters stage.
- 2.3 In accordance with the Council's requirements the submitted application states that 30% would be affordable units and 15% would be housing specifically for over 55's. The tenure mix and type of housing would be matters to be considered at reserved matters and secured through a Section 106 Agreement.

3. Relevant Planning History

None on application site but on adjacent land as per below:

3/2010/0719 – Proposed development of up to 270 residential dwellings, doctors surgery, landscape, open space, highways and associated works – refused but allowed at appeal

3/2013/0035 – Reserved Matters application for up to 270 residential dwellings, a doctor's surgery, landscape, open space, highways and associated works – approved with conditions

3/2013/0711 – Outline application for residential development of up to 140 units with primary access off Henthorn Road with all other matters reserved – approved with conditions

3/2015/0446 – Reserved matters for residential development of 130 dwellings, including associated infrastructure, open space provision and landscaping - approved with conditions

3/2017/0433 - Application for outline planning permission for up to 24 new dwellings and associated infrastructure on land behind 115 Kemple View, Clitheroe including access via Henthorn Road –approved with conditions

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Presumption in Favour of Sustainable Development
Key Statement EN2 – Landscape
Key Statement EN3 – Sustainable Development and Climate Change
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing
Key Statement DMI1 – Planning Obligations
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMH1 – Affordable Housing Criteria
Policy DMG3 – Transport and Mobility
Policy DME2 – Landscape and Townscape Protection
Policy DMB4 – Open Space Provision
Policy DME3 – Site and Species Protection and Conservation
Policy DME6 – Water Management
Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 This is an outline application with all detailed matters reserved for subsequent consideration at reserved matter application stage, except for the access which is considered later in the “Highways” section of this report. The main consideration in the determination of this application is therefore the principle of the development in this location. Others matters in relation to ecological interest, affordable housing, public open space and both visual and residential amenity, however, do have to be given some consideration (as per later in this report).

5.1.2 In respect of housing requirement for the borough, and the five year land supply, the latest publicised position (as of 30th September 2018) shows that the Council is currently able to demonstrate a five year supply of housing and therefore in line with the NPPF Council Policies in respect of housing are considered to be up-to-date.

5.1.3 Core Strategy Key Statement DS1 states that as a part of the overall apportionment of future housing development in the Borough, Clitheroe is

regarded as a principal settlement. Both Key Statement DS1 and DMG2 of the Core Strategy, when taken together, permit development proposals in the principal settlements, including Clitheroe, which accord with the development strategy and consolidate, expand or round-off development so that it is closely related to the main built up area.

- 5.1.4 The application site is located directly to the south-west of a committed housing site which is almost complete and just outside of, but adjoining, the settlement boundary of Clitheroe as outlined on the proposal map for the Borough, which will be taken to the Examination In Public (EIP) of the Housing and Economic Development Plan Document. Furthermore to the south east, on the opposite side of the road is a separate committed housing site for 130 dwellings which is under construction. As such the site is adjoined on two sides by built form/residential development.
- 5.1.5 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. The supporting text to Key Statement DS1 at paragraph 4.11 and Appendix 2 of the Core Strategy include tables which identify the number of houses required for each settlement by 2028 to meet the housing requirement.
- 5.1.6 The LPA are mindful that a significant number of housing developments have been permitted within or adjacent to the settlement of Clitheroe within the last few years which have all contributed to the housing supply within this locality. Policy DS1 of the Core Strategy stresses that *'in general the scale of planned housing growth will be managed to reflect 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'*.
- 5.1.7 The strategic harm is therefore measured against these factors. The resultant scale of growth generated from this level of development is considered to be modest overall, but does form part of the overall cumulative effect. Furthermore, the Core Strategy requirement is expressed as a minimum and not a target. Nevertheless, the LPA would like to make it clear that in confirming that the Core Strategy requirement is a minimum and not a target, this does not imply that unrestricted development will be approved within the Borough. Each proposed development has to be determined on a case by case basis.
- 5.1.8 In this particular case, the applied occupancy rate (as outlined on page 174 of the Core Strategy) estimates that the net addition of the 110 dwellings proposed by this application would result in a net population increase of 265 individuals. As such the key consideration in the determination of the principle of this development is as to whether the net increase in housing supply would result in substantial harm to the development strategy for the borough, and whether this projected increase in population (265 individuals) would have a significant impact upon local services and facilities.
- 5.1.9 In respect of this issue the Highway Officer has commented that the application site is on the extremity in terms of what is considered sustainable for walking

distances to nearby services (schools, shops etc...) and has therefore raised no objection to the sustainability of the location, subject to a financial contribution of £200,000 (£40,000 per annum for five years) in respect of sustaining and promoting local public transport in this area. The applicant has agreed to this financial contribution. Objections have been received in respect of the extra demand for school places and health facilities as a result of this development and LCC Education have not objected on the grounds of school places, however would require a financial contributions for new school places.

5.1.10 With regard to health facilities, the LPA do not normally consult with the NHS on individual planning applications, however as a result of the concerns raised by objectors in this particular case, the LPA wrote to the Practice Manager at the Clitheroe Health Centre informing them of the application and inviting them to make comments in respect of patient capacity in this area. The LPA did not receive a response to this letter.

5.1.11 Furthermore, no objections have been received from the LLFA or United Utilities with regard to sewerage or drainage capacity relating to this proposal.

5.1.12 In view of the above it is considered that the addition of 110 dwellings in this location would not have a significant impact upon local services and facilities, and therefore represents sustainable development. The principle of residential development is therefore considered to be acceptable in this location.

5.1.13 In order to demonstrate a willingness to deliver housing on this site in an efficient timescale, and to ensure that the development of the site contributes to the Council's five year supply, the applicant has agreed to reduce the timeframe for submission of the Reserved Matters application to 18 months, and commencement of the development on site to 18 months following the approval of reserved matters.

5.2 Impact upon Residential Amenity:

5.2.1 Precise details of the layout will be considered at reserved matters application stage, however the indicative framework provided with the application shows that the proposed dwellings would be centrally located within the site with a landscape buffer provided along the outer edges.

5.2.2 On the indicative information provided it is considered that any future reserved matters application could achieve an acceptable relationship with existing neighbouring properties/uses in accordance with the relevant sections of Core Strategy Policy DMG1.

5.3 Density/Visual Amenity/External Appearance:

5.3.1 The site as a whole measures 5.2 hectares and in terms of density a standard approach to outline consents recommends a ratio of 30 dwellings per hectare. As such it is considered that 110 dwellings could be accommodated on this site whilst respecting the surrounding density of the area and providing sufficient green space and landscape buffers.

- 5.3.2 In respect of the visual impact, as with any development of a greenfield site the proposal will introduce changes to the area and result in an urbanising affect. The application is therefore accompanied by a Landscape Visual Impact Assessment (LVIA) which has assessed the landscape character and visual amenity of the area, and the resulting impact of the proposed development.
- 5.3.3 The LVIA states that the site is well related to the settlement edge and is contained within the local landscape context which comprises a Community Park to the north west, the neighbouring residential developments, trees and hedges. The wider landscape comprises undulating fields with good hedgerow boundaries, trees and woodlands which provide good screening from longer views.
- 5.3.4 The application proposes to retain existing landscape features, such as the ponds, hedging and trees, with the exception of the removal of some short sections of hedgerow to facilitate the widening of the existing access point and also to provide pedestrian access to the neighbouring site and Community Park, and the proposal includes the implementation of new Green Infrastructure within the landscape buffers along the edges of the site.
- 5.3.5 The LVIA concludes that the site's landscape character has the ability to absorb the proposed development and the proposal would not give rise to any unacceptable landscape and visual harm.
- 5.3.6 As detailed above the application site is adjoined to the north east by a recent residential development and houses are being constructed to the south, on the opposite side of Henthorn Road. As such the site is not visually isolated in the landscape and it is accepted that the residential development of this site can take place without any serious detriment to visual amenity in this area.
- 5.3.7 With regard to the final layout, scale and design/appearance of the proposed dwellings, these would be considered at reserved matters stage.

5.4 Highway Safety and Accessibility:

- 5.4.1 A number of objections have been received in respect of the impact this proposal would have upon the surrounding highway network, particularly given the amount of residential development that has taken place in the vicinity.
- 5.4.2 The application is accompanied by a Transport Assessment (TA) which has been reviewed by the Highway Officer, and the Highway Officer has also visited the site at peak times in the morning and evening to observe traffic patterns in order to fully assess the potential impacts of the proposal. The Highway Officer accepts that certain elements of the surrounding road network experience localised issues (notably the junctions at Eshton Terrace/Henthorn Road and Whalley Road/Greenacre Street) however the Highway Officer comments that these were effectively managed by the courteous nature of drivers which allowed traffic flows to be maintained through these junctions. The Highway Officer does accept that when closed the level crossing (Thorn Street/Eshton Terrace) causes queues, however the impact is not considered to be severe and clears quickly once the crossing is re-opened.

- 5.4.3 In summary, the Highway Officer did not consider that the proposed development would have a “severe” impact upon the surrounding highway network and thus offers no highway objection on these grounds.
- 5.4.4 The application was first deferred at the 1st November Committee, in order to allow the LPA to seek further advice from LCC Highways in respect of highway concerns that were raised by both Members and objections.
- 5.4.5 In response to this request the Highway Officer has commented that the most recent planning history for housing development off Henthorn Road is based on three planning applications (from 2010, 2013 and 2017), and of these only the 2013 (outline application 3/2013/0711) and 2017 (outline application 3/2017/0433) applications were submitted and determined following the publication of the NPPF in March 2012 which introduced the concept of only refusing applications on highway grounds where there is a “severe residual impact”.
- 5.4.6 The Highway Officer has confirmed that at the time of considering the 13/0711 application, it was acknowledged that in the 2021 forecast the theoretical capacity of the Eshton Terrace/Henthorn Road junction would be exceeded, however for all other junctions the forecast showed that capacity would not be exceeded. In the Highway response to the 2013 application it was acknowledged that the increase in delays was excessive, however in line with the NPPF it was not considered that the delays would result in a “severe cumulative impact”, and consequently “no objection” was raised on highway grounds.
- 5.4.7 In respect of the smaller development for an additional 24 dwellings (17/0433) the highway authority raised no objection to the proposal, however did warn that future development “may” precipitate capacity issues. However in considering the capacity analysis submitted with the present application, there is no suggestion that the current traffic is at a level where there is likely to be a concern at the junctions analysed. The predicted traffic flows for both 2023 and 2028 showed a similar pattern and clearly the results were not at a level that would be considered to be “severe”. As such LCC Highways raise no objection to this application on highway capacity grounds.
- 5.4.8 In response to other issues raised by Members, the Highway Officer has confirmed that no consideration has been given to an increase in rail traffic passing through the level crossing as they are not aware of any proposals to increase timetable frequency. Nevertheless, the impacts of the crossing on the highway network have been considered and whilst queues are inevitably when the crossing is down, there is no indication that these queues are problematic in terms of highway safety and they disperse quickly once the barrier is raised.
- 5.4.9 Members also requested that the Highway Officer could offer guidance as to “what may constitute serve in relation the NPPF”? In response the Highway Officer states that there is no definition of “severe residual impact” and therefore this is subject to interpretation. The Highway Officer has commenting that an interpretation of some appeal decisions in this respect does place some weight to highway capacity, including the availability of alternative route choices, queue lengths and junction blocking.

- 5.4.10 A query has been raised in respect of junction improvements that were required to be carried out under a Section 278 Agreement at the junction of Henthorn Road and Thorn Street as part of planning approval 3/2013/0711. A Lancashire County Council Highway Officer responsible for Section 278 Agreements has confirmed that when this was re-assessed on site, concerns were raised in respect of these proposed alterations resulting in a narrowing the carriageway in this location, thus potentially creating highway safety concerns. As such it was agreed by LCC Highways these previously specified junction works at Henthorn Road and Thorn Street were not required.
- 5.4.11 Since the application was heard at the 1st November Committee the applicant instructed an additional Highway Consultant (WYG) to independently review the submitted Transport Assessment and specifically comment on the Thorn Street/Henthorn Road junction, as well as the sustainability of the site and bus service. This Highway Consultant has reached the same conclusions as the submitted Transport Assessment and LCC Highways.
- 5.4.12 With regard to sustainability, as detailed earlier in this report the Highway Officer has commented that the application site is on the extremity in terms of what is considered sustainable for walking distances to nearby services (schools, shops etc...) and has therefore raised no objection to the sustainability of the location, subject to a financial contribution of £200,000 (£40,000 per annum for five years) in respect of sustaining and promoting local public transport in this area. The Highway Officer has confirmed that once the 5 year funding period runs its course there is no guarantee that this level of service can or will be maintained, however the applicant has commented that at the end of the five year period it is expected that public transport habits would have been installed and established within the area.
- 5.4.13 Furthermore, when allowing the appeal for 270 dwellings on the site situated directly adjacent to the application site (planning ref 3/2010/0719 and appeal ref: 2161186) the Inspector considered that the adjacent site was located within a sustainable location, commented (para 27) "...In my view, the development of site immediately adjacent to the built up area of Clitheroe would in principle be 'sustainable' because that is where the predominance of services and facilities are to be found. That is in part because such a location would reduce reliance upon the private car."
- 5.4.12 In respect of the proposed access point onto Henthorn Road, the entrance would have a 5.5m wide carriageway with 2m footways either side and the proposed visibility splays at the site entrance would exceed those required by guidance. As such the access point into the site is considered to be acceptable. The proposal would involve localised carriageway widening between the proposed access to the site and the recently constructed junction approximately 100m to the east in order to provide a carriageway width of 5.5m and a 2m wide footway would also be provided along the northern side of this carriageway. The Highway Officer has no objection to these off-site highway works being undertaken, provided that full details of these works are submitted to and approved by the LPA prior to be undertaken on site.

5.4.13 In summary the Highway Officer continues to raise no objection to this application, subject to the applicant making a financial contribution in respect of sustaining and promoting local public transport in this area, and imposition of a number of highway related conditions attached to the recommendation.

5.4 Landscape/Ecology/Trees:

5.4.1 The site itself is not locally or nationally designated as an important ecological site, however there is a Biological Heritage Site to the north west of the site. An Ecological Appraisal has been provided in support of the application.

5.4.2 The submitted survey draws attention to six records of pipistrelle bat species within the search area, with the closest being 430m south-east of the site. Two mature trees on site were considered to have potential to be used by roosting bats and these trees are to be retained as part of the outline consent within areas of public open space and thus it is not anticipated that these would be impacted. Should the reserved matters application result in any impact on these trees then a detailed inspection of these trees should be carried out.

5.4.3 During transect surveys bat activity was recorded across this site, albeit a small number of bats, and this is not unexpected given the rural edge setting of the site. The survey concludes that the site is considered to provide suboptimal value for foraging bats and its loss is considered unlikely to have a negative impact upon the favourable Conservation Status of local bat populations. In order to minimise the potential impacts the proposal seeks to retain all areas of higher value habitat resources (trees and hedgerows), including a green buffer around the field boundaries. This will maintain connectivity for bats (and other wildlife). The application does involve the removal of some small sections of hedging for the widening of the access, and to provide pedestrian access the adjacent community park. The amount of hedgerow to be removed is a very small proportion of the hedgerow that would be retained on site and there is no objection to this. The submitted ecology appraisal also recommends the introduction of bat boxes within retained trees and proposed dwellings.

5.4.4 Other mitigation measures detailed within the submitted report that would retain/improve habitat connectivity include the production of an ecological management plan, gaps provided under fencing to permit wildlife access, the production of deadwood piles to be created in areas of open space for amphibians and small mammals and the use of the proposed attenuation pond to provide habitat potential.

5.4.5 The Council's Countryside Officer has reviewed the ecological appraisal and raises no objection to its findings and recommendations. A condition has been attached requiring any reserved matters application to include full details of the recommendation mitigation measures.

5.4.6 With regard to trees an arboricultural survey has provided and as detailed earlier in this report all trees are located along the boundaries of the site, or within a section of land at the eastern edge which contains the ditch and is not shown on the indicative plan to be developed. As such there appears to be no reason for any trees to be removed in order to facilitate this development and the proposed

green buffer along the outer edges would ensure that development would not take place within the root protection zones of any trees. A condition has been attached requiring the reserved matters application to full details of the root protection areas of retained trees, and measures that will be put in place to ensure that works do not take place within these root protection areas.

5.5 Flood Risk and Drainage:

5.5.1 Whilst relatively close to the River Ribble, the application site is located within Floodzone 1 (least vulnerable). Nevertheless, being a “major” development the application is accompanied by a Flood Risk Assessment and Foul Drainage Assessment. United Utilities (UU), the Environment Agency and Lead Local Flood Authority (LLFA) have all been consulted on the application. The EA have not provided any comments, however not being within Floodzone 2 or 3, the EA would unlikely provide comments. Both the LLFA and UU have provided comments, neither of which object to this application subject to conditions and further information being submitted as part of the reserved matters application.

5.6 Developer Contributions:

5.6.1 As mentioned above the applicant will be required to make a financial contribution of £200,000 (£40,000 per annum for five years) in respect of sustaining and promoting local public transport in this area.

5.6.2 The applicant will also be required to make financial contributions in respect of leisure facilities within the borough as a result of the increased demand these new dwellings would create, and also a contribution in respect of education. Both these contributions are calculated using the number of bedrooms within the proposed development and consequently the figure for both education and leisure is unknown at outline planning stage. The applicant, subject to approval of this application, will enter into a Section 106 Agreement to secure these contributions, as well as the highway contribution detailed above.

5.6.3 In respect of Public Open Space, the application and indicative plan shows that on-site public open space, including a play area, would be provided and a condition has been attached requiring details of this to be included within the reserved matters application.

5.7 Affordable Housing

5.7.1 In accordance with Policy DMH1, a development of this size would require 30% of the dwellings to be affordable (33 dwellings) and 15% of the units would specifically be for over 55s (17 units). These will be secured within the legal agreement (Section 106) with specific details shown within the reserved matters application. The Council will likely seek that this is provided via bungalows on site, but this is subject to further discussion and negotiation with the applicant by way of the legal agreement and reserved matters application.

5.8 Other issues

- 5.8.1 A Phase 1 (desk study) Contaminated Land Study has been submitted and concludes that there is not considered to be a significant risk of contamination. The report (page 11) does however recommend that ground investigation works should be carried out and an appropriate condition has therefore been attached to the recommendation.
- 5.8.2 Lancashire County Council Archaeology Service have been consulted on this application and raised no objection subject to condition requiring an archaeological programme be implemented prior to commencement of development on site.
- 5.8.3 An objector has commented that the application site is within the green belt, however this is not the case. Additionally, concerns have been raised in respect of the level of public consultation undertaken by the applicant and the LPA. In respect of the applicant, there is no requirement for them to undertake any public consultation, however the LPA is aware that leaflets were sent out to some local residents notifying them of the application. In respect of the LPA, neighbour notification letters have been sent out, an advert taken out in the local press and three site notices have been erected along Henthorn Road. As such the LPA has gone beyond its statutory duty in publicising this application.
- 5.8.5 Ribble Meadow Residents Association have raised a concern in respect of proposed new residents of this development having access to the community woodland situated to the north. This community woodland is not for the sole use of the residents of Ribble Meadows and is there to serve the community as a whole, including both existing and future residents in this area.

6. Conclusion

- 6.1 The application site is considered to be sustainable location, adjoining the Draft Settlement Boundary of Clitheroe, and the proposal will contribute towards the supply of housing within the borough, and in particular contribute towards the provision of over 55s accommodation and affordable housing. Statutory consultees have raised no objection to this application and therefore in accordance with paragraph 11 of the NPPF, which states that planning permission should be granted unless the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits, the outline planning application for residential development, with all matters reserved except for access, is considered to be acceptable.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development for approval subject to 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:

CONDITIONS

Time limit, plans and details

1. 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.

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 approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- appearance; landscaping; layout; and scale.

REASON: To comply with Policy DMG1 of the Ribble Valley Core Strategy and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

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

1616/13 rev B (proposed access arrangements)

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

4. The details in respect of the submission of any reserved matters shall be generally in accordance with the design principles and parameters as set out within the submitted Design and Access Statement (August 2016) and illustrative Framework Plan (ref: 8439-L-02 rev C).

REASON: To ensure the development accords with the agreed general principles in relation to design, green infrastructure and pedestrian, cycle and vehicular movement within the site.

5. The development hereby permitted shall be limited to no more than 110 dwellings and shall be carried out in accordance with the following plans and documents

Title	Drawing Reference	Dated
Location Plan	8439-L-04 rev A	1 st August 2018

REASON: To define the permission and in the interests of the proper development of the site.

6. 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.

REASON: To protect the appearance of the locality and in the interests of the amenities of local residents.

7. The first reserved matters application shall include full details of the proposed play area and a Play Space Management Plan including long term design objectives, timing of works, management responsibilities and maintenance schedules for the play area shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Place Space Management Plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play area shall be provided and made available for use.

Prior to the marketing of the site full details of the marketing documentation/publications as far as it relates to the status of the play area shall be submitted to and approved in writing by the Local Planning Authority. This part of the marketing information shall include full details of the approved play area including an annotated plan detailing the approved siting. Prior to the occupation of the dwellings sited within 25 metres of the play area the future occupants shall be provided with a copy of marketing documentation detailing the approved siting and specification of the play area. Thereafter the play area shall be constructed and completed in accordance with the approved plans (submitted as part of application) in accordance with the approved timing of works

REASON: To ensure that the application includes adequate areas on-site public open space provision

Drainage and floodrisk:

8. The first application for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation pond. For the avoidance of doubt the submitted information shall include proposed sections through the pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments where applicable. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory form of development in the interests of visual and residential amenities and to ensure the Local planning Authority can make an accurate assessment of the details relating to matters of flood risk and sustainable drainage

9. As part of any reserved matters application the following details shall be submitted:
 - 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 and agreed timetable. 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 in accordance with Policy DME6 of the Ribble Valley Core Strategy national guidance within the NPPF.

10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: SHF.1132.159.HY.R.001.A) and the following mitigation measures detailed within the FRA:

- 1. Finished floor levels are set no lower than 150mm above external ground levels;*
- 2. Limiting the built development (including surface water attenuation) outside the mapped extent of surface water flow pathways;*
- 3. No below surface building (i.e. basements);*
- 4. Providing a 4m easement free from development along either side of the watercourse;*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority, in consultation with the lead local flood authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory disposal of surface water from the site.

11. 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. SHF.1132.159.HY.R.001.A, Dated July 2018 which was prepared by enzygo. 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.

Archaeology

12. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include an initial phase of both geophysical survey and trial trenching, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance. If remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site and buildings.

Contamination

13. Prior to the commencement of development, a ground investigation shall be carried out as recommended and described in Section 7 (Discussion and Recommendations) of the Phase I Geo-Environmental Report by enzygo (ref: SHF.1132.159.GE.R.001) that was submitted with the outline application; and a report of the findings of the investigation shall be submitted for the written approval of the Local Planning Authority. Any mitigation measures that are found to be necessary shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of development.

REASON: In the interests of providing an appropriate environment for the end users of the development..

Ecology and trees

14. Each reserved matters application shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within influencing distance of the development site and shall include details of all root protection measures to be undertaken during the construction process. The development shall be carried out in strict accordance with the approved details and the specified tree protection measures shall remain in place throughout the construction phase of the development.

REASON: To ensure the adequate protection of trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development

15. Each reserved matters application shall include full details of proposed mitigation measures detailed/recommended within Section 5 of the submitted Ecological Appraisal (dated August 2018) and the development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the ecological impact of development

16. Notwithstanding the requirements of condition 16 of this approval, no site clearance, preparation or development work shall take place until 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) has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be informed by the submitted Ecological Appraisal (dated August 2018) and carried out as approved.

REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and reduce the impact of development.

17. Each reserved matters application shall include details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites. The details 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 during the actual construction of those individual dwellings/buildings identified on the submitted plan before each such dwelling/building is first brought into use and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development

18. Each reserved matters application shall include details of a scheme for any external building or ground mounted lighting/illumination. For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The lighting schemes(s) shall be implemented in accordance with the approved details and retained as approved unless agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development.

19. Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless an up-dated pre-clearance check has been carried out by a licensed ecologist on the day of removal and no nesting birds are present.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact.

Highways

20. Each reserved matters application shall include details of a scheme of Electric Vehicle charging points for each residential property. All Electric Vehicle charging points shall be provided in accordance with the agreed details prior to the first occupation of each property.

REASON: To ensure that the development provides adequate and appropriate sustainable transport options and in the interest of lowering emissions resultant from vehicular movements associated with the development

21. The new estate road/access of the development hereby permitted shall be constructed in accordance with a detailed scheme (including a timetable for implementation) which shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The estate road/access shall be constructed to adoptable standards in accordance with the Lancashire County Council Specification for Construction of Estate Roads and the scheme shall be implemented in accordance with the approved details and timetable.

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

22. Prior to the commencement of the development a scheme for 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. Thereafter the site access and off site highway works shall be completed in accordance with the approved details prior to the occupation of the first dwelling on the site.

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

23. Prior to any dwelling hereby approved being brought into use, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved details and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.

REASON: To promote and provide access to sustainable transport options.

24. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide details in respect of:

- Timing of delivery of all off site highway works
- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Details of working hours
- Contact details for the site manager
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

REASON: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings and to ensure the development would not be of detriment to the safe operation of the immediate highway during the construction of the development

25. 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 as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

Informative:

- The LLFA encourages the applicant to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site. This is because sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk. Sustainable drainage systems can attenuate the rate and quantity of surface water run-off from a site, and they can also absorb diffuse pollutants and promote groundwater recharge. Ponds, reed beds and seasonally flooded grasslands are also particularly attractive features within public open space. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Some SuDS features, for example rainwater harvesting and permeable paving used on roads and driveways, must not be included as part of the hydrological calculations for the site. This is because occupants may change or remove these features in the future and

this could have the potential to increase surface water runoff from the site. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations, the local planning authority would be advised to consider the removal of permitted development rights.

- The LLFA notes from section 5.2 of the FRA that the applicant is considering constructing a bund feature along the right bank of the watercourse located in the north eastern corner of the site (referred to as drain 1). The purpose of the bund would be to prevent floodwater backing up and flooding into the site. As a LLFA, Lancashire County Council has the power to formally designate a structure or feature which it believes may have an effect on flood or coastal erosion risk. A designation acts as a form of legal protection for structures and features which have been identified as presenting a flood or coastal erosion risk. Schedule 1 of the FWMA, Paragraph 5(1) prohibits any person to: *'alter, remove or replace a designated structure or feature without the consent of the responsible authority.'* The LLFA will give further consideration to the proposed structure at Reserved Matters to determine whether formal designation would be required.
- The LLFA are the consenting body for works on Ordinary Watercourses. Under Section 23 of the Land Drainage Act 1991 (the "LDA") (as amended by paragraph 32 of Schedule 2 of the FWMA 2010) anyone who intends to carry out works which may obstruct or affect the flow of an ordinary watercourse needs written consent from Lancashire County Council.

It is important to note that Land Drainage Consent is a separate application process that lies outside the planning legislation. It should not be assumed therefore the grant of planning permission means that Land Drainage Consent will automatically be given. Parallel processing of Land Drainage Consent applications is advised, as any land drainage consenting issues could directly impact the suitability of the proposed site layout.

Land Drainage Consent applications can take up to eight weeks to process following receipt of all required information and payment (£50 per structure). Retrospective consent cannot be issued.

- Although the LLFA is satisfied at this stage that the proposed development could be allowed in principle, the applicant will still need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk on or off site. The applicant will therefore be expected to provide a detailed surface water drainage strategy as part of any reserved matters application and prior to the commencement of any development. This must comply with the requirements of the Planning Practice Guidance, National Planning Policy Framework and Standards 2, 4, 7, 8 and 9 of the non-statutory technical standards for sustainable drainage systems; March 2015. Suitable allowances should also be made for climate change and urban creep, and surface water should be managed as close to the surface as possible.

For the avoidance of any doubt, the LLFA is not able to assess or comment on the suitability of the proposed surface water runoff rates and volumes at this time. This is because the final rates and volumes are directly influenced by the amount of impermeable area within the proposed development site. Any agreement can therefore only be made once the final site layout has been agreed.

- This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority.
- If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. The LLFA also wishes to be formally consulted on all subsequent drainage strategies for this proposed development.
- The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area South) on 0300 123 6780, or writing to Developer Support Section, Lancashire County Council, Environment Directorate, Cuerden Mill Depot, Cuerden Way, Cuerden, PR5 6BJ or email lhscustomerservice@lancashire.gov.uk .
- The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer

Update following 29th November Planning and Development Meeting

On the 29th November 2018 Committee were minded to refuse the application. Should this remain the wish of the Committee the following reasons for refusal is recommended:

1. The proposed development would result in an unsustainable form of development within the countryside. 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. As such the development is contrary to Key Statements DS2 and DMI2, as well as Policies DMG2 and DMG3, of the Ribble Valley Core Strategy and guidance contained within the National Planning Policy Framework.
2. The proposed development will introduce additional traffic onto the highway network immediately surrounding the site which will result in increased traffic congestion and risk to highway safety, in particular at the key traffic junctions of Henthorn Road, Woone Lane, Eshton Terrace and the railway crossing. The residual cumulative impacts on the road network would be severe and as such the development would be contrary to Key Statements DS2 and DMI2, as well as Policies DMG2 and DMG3, of the Ribble Valley Core Strategy and guidance contained within the National Planning Policy Framework.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0688

Appendix 5

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
---	-------------

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 6



Appeal Decision

Hearing Held on 8 October 2019

Site visit made on 8 October 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 23 January 2020

Appeal Ref: APP/T2350/W/19/3223816

land to south of Chatburn Old Road, Chatburn, Clitheroe, Lancashire

Easting: 376585 Northing: 443959

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Rod Townsend (Nest Housing) against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0582, dated 22 June 2018, was refused by notice dated 7 September 2018.
 - The development proposed is residential development of up to 9 dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development of up to 9 dwellings on land south of Chatburn Old Road, Chatburn, Clitheroe, Lancashire (Easting: 376585 Northing: 443959) in accordance with the terms of the application, Ref 3.2018/0582, dated 22 June 2018.

Application for costs

2. An application for costs was made by Mr Rod Townsend (Nest Housing) against Ribble Valley Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. A copy of the Inspector's report on the Examination of the Ribble Valley Local Plan '*Housing and Economic Development*' Development Plan Document (HEDDPD)¹ was submitted at the start of the hearing². It has since been confirmed that the Council adopted the HEDDPD and Proposals Map on 15 October 2019. As the matter of settlement boundaries in relation to Chatburn were discussed in the context of both existing alignments and that set out in the HEDDPD I am satisfied that all parties have had opportunity to consider the implications raised therein, and I have determined the appeal accordingly.
4. I heard that the road from which the appeal site would be accessed is known locally as both 'Chatburn Old Road' and 'Old Road, Chatburn'. I have, however, adopted the former throughout my decision in the interests of consistency, noting that both main parties refer to it as such throughout their submissions.

¹ Dated 10 September 2019

² DOC2

Main Issue

5. The main issue is whether the proposed development would be in a suitable location for residential development, having regard to local and national planning policies.

Reasons

6. The appeal site lies outside, but adjoining, the settlement boundary for Chatburn as defined on a previous iteration of the development plan for the area³. However, as part of the '*Housing and Economic Development*' Development Plan Document (HEDDPD) the Council proposed to adjust the settlement boundary for Chatburn, primarily in relation to Chatburn Old Road, to bring the on-going residential development on land to the north of the appeal site within the settlement boundary. The effect of this realignment is also to bring a small portion of the appeal site within Chatburn's settlement boundary. What it also does is ensure that the majority of the appeal site's northern boundary adjoins the settlement boundary, in addition to the staggered line of the settlement boundary around the site's eastern and south-eastern perimeter.
7. Policy DS1 of the Ribble Valley Borough Council Core Strategy (CS) sets out a broad spatial development strategy for the distribution of housing across the Borough. Sitting below the Borough's Principal Settlements, Chatburn is one of eleven 'Tier 1' settlements which are considered by the Council to be the more sustainable of the Borough's defined settlements. CS policy DS1 states that development will also be focused towards these 'Tier 1' settlements in addition to the scope offered by the Principal Settlements.
8. CS policy DMG2 goes on to state that development should be in accordance with the development strategy established by CS policy DS1. With specific reference to 'Tier 1' settlements, development proposals should 'consolidate, expand or round-off development so that it is closely related to the main built up areas'. It goes on to conclude that such development should be appropriate to the scale of, and in keeping with, the existing settlement.
9. As the appeal site is beyond the defined settlement boundary for Chatburn, the Council argue that the provisions of CS policy DMH3 are of relevance. This policy sets out a range of acceptable forms of development for sites that are considered to lie in the open countryside. However, as a result of determination of an appeal elsewhere within the Borough (the Henthorn Road appeal)⁴ the Council issued a supplementary planning statement⁵ (SPS) to respond to concessions made previously by the Council in terms of the application of CS policy DMG2 in the Henthorn Road appeal.
10. Thus, I heard that whilst 'rounding off' is defined in the CS glossary as development 'part of rather than an extension to' the built-up area of a settlement, the Council accept that to 'consolidate' or 'expand' is not confined to within settlement limits. Indeed, a reading of the glossary confirms the former as referring to developments that adjoin the main built-up area of a settlement, whilst the Council accept in their SPS that the appeal site can be considered to comply with the CS definition of expansion.

³ Ribble Valley District Wide Local Plan (June 1998)

⁴ APP/T2350/W/3221189 – Henthorn Road, Clitheroe

⁵ Supplementary Planning Statement – 20.07.2019

11. The appeal proposal would adjoin the Chatburn settlement boundary as it follows existing residential development fronting both Chatburn Old Road and Crow Trees Brow, regardless of whether the previous or HEDDPD settlement boundary was used as the basis for consideration. Furthermore, a development of the scale proposed in this instance would be broadly consistent with Chatburn's role as a tier 1 settlement.
12. There does appear, on the face of it, to be a degree of tension between CS policies DMG2 and DMH3. I heard that whilst the Council now accept that the former provides both flexibility and a permissive approach to development outside, but adjoining, the settlement the latter sets out criteria for residential development within the open countryside. The site is, I agree, predominantly beyond the HEDDPD settlement boundary limit and therefore falls within the open countryside.
13. However, the Council's SPS sets out a subtly different 'take' on the Council's refusal reason. Whereas the refusal reason, and therefore the basis for the appellant's Grounds of Appeal (GoFA), concerns the development of dwellings in the open countryside, the SPS accepts that the proposal amounts to expansion in CS policy DMG2 terms but that the appeal site is not closely related to the main built up areas of Chatburn.
14. I accept the reasoning set forth by both main parties in the appeal before me and based upon the Henthon appeal with regard to the former, but I disagree with the latter, of these approaches. The appeal site is well related in physical terms to the existing built form of Chatburn in the sense that the site backs on to existing housing on Crow Trees Brow. It also adjoins established housing on Chatburn Old Road and largely encircles the recently constructed housing development. It is no more 'on a limb' than existing housing, is well related in physical and visual terms to existing housing and is only a modest walk from the services and facilities at the foot of Chatburn Old Road.
15. I accept that from within the proposed development, it would be necessary for residents to walk 'the long way round' the recent housing development to exit the site and access Chatburn Old Road. Chatburn Old Road is narrow in places and does not benefit from a separate pavement. However, and notwithstanding the recent development and the current appeal proposal, Chatburn Old Road is a quiet rural lane largely due to it culminating in a dead-end just to the west of the appeal site entrance. It is a pleasant walk from the site to the services and facilities at the foot of Chatburn Old Road and, although uphill on the way back towards the appeal site, that did not appear to be particularly uncommon within Chatburn. It may act as a deterrent to walking for some, but not to the extent that it persuades me that the site is not closely related to the main built up area of Chatburn.
16. In any event, there is a public right of way which runs through the site and which provides an alternative means of access from the eastern corner of the site towards Crow Trees Brow. This would provide a shorter alternative route to the foot of Chatburn Old Road than access via Chatburn Old Road itself and again does not dissuade me from concluding that the site is anything but closely related to the main built up area of Chatburn.
17. Thus, for the reasons I have set out, I am satisfied that the proposal would benefit from the support to development set out by CS policy DMG2(1). I accept that the appeal site lies in the open countryside but it was agreed at the

hearing that it is the provisions of CS policy DMG2(1) which apply in this instance, not subsequent sections of that policy. The Council also accepted that the expansion of tier 1 settlements in such circumstances is allowed for by CS policy DMG2(1). It is not disputed that the proposal, in terms of its quantum, would be appropriate to a tier 1 settlement. The proposal would therefore accord with CS policy DMG2(1).

18. The Council has referred to two appeal decisions in support of their initial approach to CS policy DMG2 and the appellant to the Henthorn Road appeal in support the alternative approach. Although it was agreed that the Henthorn Road decision provided clarity over the policy's provisions, the Council noted key differences between Henthorn Road, being on the edge of a Principal Settlement, and the appeal site. However, although I do not have the full details of the Henthorn Road case before me, there seems to be little of difference between the two in terms of being on the edge of a settlement. As it was agreed that 9 units would be appropriate in the context of a tier 1 settlement and I have concluded that the proposal would be well related to the Chatburn, I give limited weight to the Council's examples, and also to the Council's argument that the weight attributable to the significance of the Henthorn Road decision should be limited.
19. Notwithstanding the above, even with the minor revisions set out in the HEDDPD to Chatburn settlement boundary, the majority of the site lies beyond the settlement boundary and within the open countryside. As such, CS policy DMH3 is of relevance and allows residential development where it meets an identified local need.
20. I heard much during the course of the hearing regarding the housing requirement for Chatburn, and the appellant submitted evidence breaking down the requirement, commitments and completions since 31 March 2014 to support their case. There was agreement that over the CS plan period there was a requirement for 27 dwellings for Chatburn, from which a commitment of 9 dwellings⁶ were subtracted, leaving a residual requirement of 18 dwellings.
21. Where there was, and remained, disagreement was in respect of the residual requirement for dwellings and the extent to which that requirement had been met or substantially met. It seems to me that, from all that I heard at the hearing, the reason for the difference between the main parties lies in the treatment of commitments and completions on sites that were, as at 31 March 2014, outwith the settlement boundary for Chatburn but which have subsequently been included within revised settlement limits.
22. Thus, there is either a residual requirement for 1 dwelling following the Council's approach, or 13 dwellings adopting the appellant's approach. Whilst this represents a noticeable divergence in housing numbers both approaches demonstrate that the minimum housing requirement for Chatburn has not been satisfied. The Council state that there are sufficient sites and land available within the settlement to satisfy these minimum requirements but other than the commitments set out in the tables in the appellant's evidence (and relied upon by both parties in discussions during the hearing) no further evidence was submitted regarding the available sites or land.

⁶ As at 31 March 2014

23. The Government's objective of significantly boosting the supply of homes is confirmed at paragraph 59 of the Framework. In either assessment put to me, the housing requirement for Chatburn for the plan period has not been met. The proposal would either help meet that requirement or contribute significantly to meeting it. However, housing requirements are not minima and, in the context of the Government's objective of significantly boosting the supply of homes, I am satisfied that the proposal, which I conclude is well related to the built up areas of Chatburn and is of a quantum appropriate to a tier 1 settlement, would contribute towards the housing requirements for Chatburn and the Government's objective of significantly boosting housing supply. There would, as a consequence, be no conflict with either CS policy DMH3 or DMG2, for the reasons I have set out above.

Other Matters

24. I heard the concerns of local residents during the course of the hearing, and have carefully considered the points raised, and also those submitted in advance of the hearing. Matters such as privacy and overlooking between existing and proposed dwellings, highways and access matters, ecology and biodiversity and public access to the public right of way are all technical issues and thus not before the decision maker in relation to an application for / appeal against a permission in principle. Such matters fall to be considered at the technical details stage.
25. Nevertheless, whilst I saw that Chatburn Old Road is narrow in places, particularly closer to the junction at the foot of the hill I have also noted that there was no objection to the proposal on highways grounds from Lancashire County Council. Although matters of detail would more appropriately be addressed at the technical details stage, in the absence of compelling highways objection I cannot conclude that the appeal site would not be suitable for residential development of the quantum proposed on highways grounds.
26. With regard to privacy and overlooking, I was invited to view the relationship between the appeal site and properties on Crow Trees Brow. Whilst such matters arising from any proposed layout will more appropriately be considered at the technical details application stage, I saw that the rear garden areas of properties on Crow Trees Brow were generously long. Insofar as applicable to an application for permission in principle I cannot conclude that the appeal site would not be suitable for the principle of residential development on these grounds.

Conclusion

27. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should succeed and permission in principle for up to nine dwellings be granted.

Graeme Robbie

INSPECTOR

Appearances

For the Appellant:

Hugh Richards	Of Counsel. No. 5 Chambers (instructed by Emery Planning)
Ben Pyecroft BA (Hons) Dip TP MRTPI	Director, Emery Planning
Rod Townsend	Nest Housing
Ronald Jackson	Nest Housing

For the Council:

Adam Birkett	Principal Planning Officer
Rachel Morton	Senior Planning Officer

Interested Parties

S Ball	Local resident
K Grooby	Local resident
Councillor G Scott	Ward Councillor for Chatburn
P Wells	Local resident
L Myers	Local resident
V Myers	Local resident
L England	Local resident

Documents

Doc 1	Record of Attendance
Doc 2	Report on the Examination of the Ribble Valley Local Plan 'Housing and Economic Development' Development Plan Document
Doc 3	Statement of Common Ground
Doc 4	Written transcript of statement read to the hearing by S Ball

Appendix 7

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

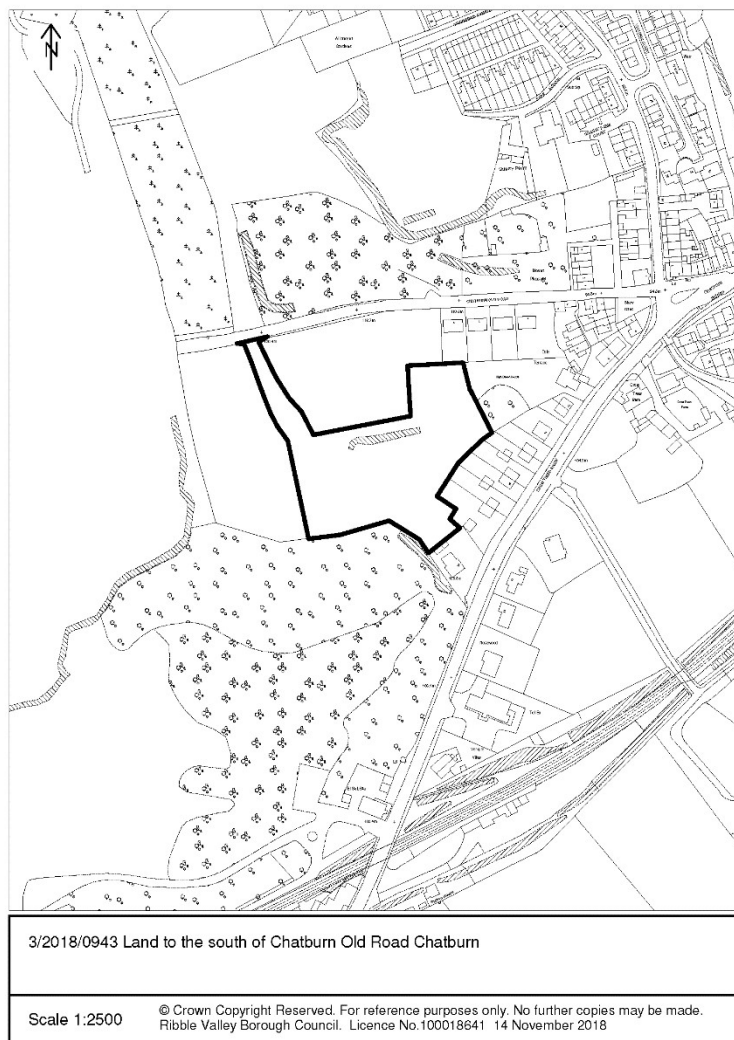
DATE: 7 February 2019
REF: AB
CHECKED BY: JM

APPLICATION REF: 3/2018/0943

GRID REF: SD 376631 443898

DEVELOPMENT DESCRIPTION:

RESIDENTIAL DEVELOPMENT OF UP TO NINE UNITS (RESUBMISSION OF APPLICATION 3/2018/0582) AT LAND TO THE SOUTH OF CHATBURN OLD ROAD, CHATBURN



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Chatburn Parish Council has the following observations to make:

- The village infrastructure is already at crisis point and, as the target for building new houses in Chatburn (as identified in the Planning Authorities Core Strategy) has already been reached; the proposed development would have a detrimental impact.
- The proposed site is outside the village settlement boundary in open countryside and is a natural barrier between the village and the large industrial quarry. Filling in the land will be harmful to the character of the village resulting in environmental damage. In a previous appeal following the initial refusal of planning permission for a development on Old Road, the Inspector wrote "A lung of undulating grass land with rocky outcrops with some large trees....which in my view makes a significant visual and physical contribution to the character of the settlement."
- The site is in close proximity to a working quarry where blasting continues to be carried three times per week resulting in serious problems overdevelopment with the site.
- There are 16 terraced properties with no off road parking. The properties are accessed from Old Road and around 20 vehicles regularly park there. The width of the road is only 4.5 metres at its narrowest point. Four properties have direct access onto the road and there is no footpath outside two of these. Traffic generated by the present development results in additional pressure on the narrow exit junction to the congested Ribble Lane. Further development will cause severe problems for residents at the Old Road/Ribble Lane junctions and make it almost impossible for refuse lorries who now have to reverse up the lane. There is also concern for emergency services being able to access properties on Old Road.
- The proposed development will put more pressure on the drainage which has been a problem for the present development and will be exacerbated by any further building. Excess water on the present site does not soak into the limestone and additional water resulting in flooding down Old Road causing damage to businesses in the centre of the village. Due to the nature of the high ground levels there will be possible problems both with surface water and sewage disposal. The Environment Agency and United Utilities must consider this.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objection. Further consideration will need to be given at the technical details stage.

LCC MINERALS AND WASTE:

None received.

ADDITIONAL REPRESENTATIONS:

14 letters of objection have been received and raise the following concerns:-

- The development would spoil the character of the village.
- Road safety concerns.
- The application was refused unanimously several weeks ago.
- Previous appeal said no more housing on the old road.
- Dust, noise and disruption from the development.
- Several houses already for sale in Chatburn.
- Local school is oversubscribed.
- Impact on local wildlife.
- The proposal is contrary to Policies DMG2 and DMH3 of the RVBC Core Strategy.
- LCC Highway Officer does have concerns about highway safety at the junction with Old Road and Ribble Lane.
- Ecological issues at the site including enforcement action by LCC regarding the failure to restore calcareous grassland. The developer has not carried out an ecological survey.
- No pedestrian footway on the Old Road.
- Chatburn has reached its housing target.
- Over development of a small site.
- The possibility of between 1 and 9 dwellings is too wide a range to comment upon.
- Adjacent development is no closer to being completed.
- Issues associated with the current site including noise and vehicle movements.
- Site is not a sustainable location.
- Drainage (foul and surface water) issues with existing development.
- Housing on dominant and elevated site is an eyesore.
- Owls roosting on or near to the site and habitat to great crested newt.
- Development would overshadow existing properties.
- Parking restrictions at the Old Road and Ribble Lane junction would restrict parking for existing residents.
- Electricity cable crosses the site.
- Public footpath crosses the site.

1. **Site Description and Surrounding Area**

- 1.1 The proposed development site is located to the south of Chatburn Old Road, Chatburn. This greenfield site slopes down in level towards the east and south and is mainly grassland with bushes and trees along its boundaries, some of which are protected by Tree Preservation Orders. To the west of the site is Lanehead Quarry.
- 1.2 The majority of the site is in the Open Countryside as defined on the emerging Proposals Map although a small section of the site is within the settlement boundary of Chatburn. The site is bound to the north-west by a residential development of 10 dwellings approved by planning consent 3/2011/0025 and then 3/2014/0618 (varied by planning consent 3/2016/0748) which is currently under construction.

2. **Proposed Development for which consent is sought**

- 2.1 This application seeks permission in principle for the erection of up to nine dwellings at land to the south of Chatburn Old Road, Chatburn. Members will note that a similar permission in principle application (ref: 3/2018/0582) at this site was refused in September 2018 for the following reason:

The proposal is considered contrary Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new dwellings in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.

- 2.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 2.3 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.
- 2.4 The technical detail stage will provide the opportunity to assess the detailed design of the scheme to ensure that any impacts are appropriately mitigated and that the contributions to essential infrastructure, for example, are secured. If the technical details are not acceptable, the local authority can refuse the application.

3. **Relevant Planning History**

3/2011/0025 - Outline planning application for residential development (ten dwellings). Allowed on appeal.

3/2014/0618 - Erection of 10 dwellings. Approved.

3/2016/0748 - Variation of Condition 02 (substitution of house types/designs for plots 1, 2, 3, 4, 5, 7, 8, 9 & 10, including repositioning of plots 3, 7, 9 & 10, and alteration to internal access road) and Removal of Condition 10 (un-associated condition) of planning permission 3/2014/0618 for the erection of ten dwellings. Approved.

3/2018/0582 - Residential development of up to nine units. Refused.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

National Planning Policy Framework

5. Assessment of Proposed Development

- 5.1 The application proposes a residential development of between 1 and 9 dwellings. As stated above, the scope of permission in principle is limited to location, land use and amount of development; the detailed design of the scheme will be considered at technical detail stage. Whilst the objections raised by residents are noted these relate predominantly to matters that would be given full consideration at the technical detail stage.
- 5.2 As noted above, this is a re-submission of an earlier planning application which was refused by Planning and Development Committee on 6 September 2018 in accordance with officer recommendation. The application was refused on the basis that approval would lead to the creation of new dwellings in the open countryside without sufficient justification.
- 5.3 This application is supported by a Statement of Common Ground which sets out that the 'technical details' application(s) would be submitted within 6 months of a favourable decision. Furthermore, it states that the properties would be marketed to Ribble Valley residents only for the first 6 months and that the housing mix submitted at technical details stage would comprise 20% bungalows suitable for over 55s.

5.4 Principle of Development

- 5.4.1 The development plan for the Borough is the Ribble Valley Core Strategy which was formally adopted in December 2014. The Inspector for the Core Strategy, Simon Berkeley, concluded in his final report dated 25 November 2014 that the Ribble Valley Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.
- 5.4.2 The emerging Proposals Map for the Borough has yet to be formally adopted by the Local Planning Authority. Whilst the Examination in Public (EiP) into the Housing and Economic Development DPD (including Proposals Map) concluded week ending 25 January 2019 it may still be subject to change and therefore can only attract limited weight in the decision making process.
- 5.4.3 The Planning Statement submitted in support of the application challenges the Council's housing land supply position and considers that the Council cannot demonstrate a 5 year supply. Having regard to the October Housing Land Availability Survey (HLAS) (published 19 November 2018) it is considered that the Council can demonstrate a 6.1 year supply of housing land with a 5% buffer. The use of a 5% buffer is supported by the recently published revised NPPF. The relevant policies for the supply of housing contained in the adopted Core Strategy can be afforded full weight and the presumption in favour of sustainable development is not engaged.

- 5.4.4 Key Statement DS1 identifies Chatburn as a Tier 1 Village and therefore some development will be directed towards the settlement. Key Statement DS1 confirms that, *'the scale of planned housing growth will be managed to reflect 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.'*
- 5.4.5 It is not disputed that in terms of proximity to services, the site could be deemed to be a sustainable location. The provision of up to 9 dwellings on the edge of the settlement of Chatburn would reflect the existing population size and would not result in any quantifiable or measurable harm to the Development Strategy presented by Key Statement DS1 of the Core Strategy, particularly given that it seeks to focus some new housing development towards the Tier 1 settlements. Therefore, it is confirmed that the proposal would not harm the settlement strategy.
- 5.4.6 In assessing this planning application, due regard has been given to the discussions held during the EiP into the Housing and Economic Development DPD which, during its siting from Tuesday 22nd January and Wednesday 23rd January 2019, considered the proposed housing allocations and housing matters within the Borough. During the course of the examination, which was attended by representatives of developers and private landowners as well as Council Officers, the Inspector focussed on the Council's housing land supply and the appliance of the Core Strategy housing policies in the determination of residential planning applications. There was debate on whether the Core Strategy Policies restricted windfall housing developments and the location of new housing. At the request of the Inspector, Council Officers were required to provide details of planning applications granted for residential development within sustainable locations but outside of the defined settlement boundaries when the Authority could demonstrate a 5 year housing land supply. This was sought to demonstrate how the housing policies in the Core Strategy, i.e. DMG2 and DMH3, are applied within the Borough.
- 5.4.7 Council Officers provided details of a number of sites that have been granted planning consent for residential development in such locations. It was made clear during discussions between the Inspector and those present at the EiP that the Council's housing policies must be applied to enable degree of flexibility to ensure that it meets the aims and objectives of the NPPF which seeks to *'significantly boost the supply of homes'*.
- 5.4.8 As such it must be recognised that following the EiP policies DMG2 and DMH3 of the Core Strategy should not be applied in isolation nor should those policies be interpreted in such a way that would entirely restrict development for all new open market dwellings in the open countryside.
- 5.4.9 Core Strategy Policy DMG2 states that *"Development proposals in the principal settlements of Clitheroe, Longridge 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, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement"*. In view of the Inspector's comments at the EiP, it is considered that this policy makes provision for development proposals in

Principal and Tier 1 settlements that consolidate, expand or round-off development so that it is closely related to the main built up areas.

- 5.4.10 The application site adjoins an existing residential development site which extends from the main settlement area of Chatburn. This adjacent development site, which is under construction, has been included within the draft settlement boundary for Chatburn in the emerging Proposals Map. The application site is not bounded by consolidated development along more than two thirds of its perimeter and as such it is not considered to be 'rounding-off' as defined in the glossary of the Core Strategy. However, the development is considered to comply with the definition of 'expansion', as expressed in the Core Strategy as *'limited growth of a settlement which is in scale and keeping with the existing urban area'*. The development site is particularly well-contained, being bordered by Lanehead Quarry to the west, protected trees which skirt the site to the west and south and existing development to the east. As such, on balance, and taking into account the Inspector's comments at the EiP into the Housing and Economic Development DPD, the proposed development, on the edge of a Tier 1 settlement, is considered to be acceptable in principle.
- 5.4.11 In addition the applicant has submitted a Statement of Common Ground which sets out an agreement that the 'technical details' application would be submitted within 6 months of a favourable decision and states that the properties would be marketed to Ribble Valley residents only for the first 6 months and the housing mix submitted at technical details stage would comprise 20% bungalows suitable for over 55s. It is anticipated that there would be a general need for bungalow accommodation in Chatburn (confirmation from the Council's Housing Officer to be presented verbally) and this would be considered a considerable benefit of the development.
- 5.4.12 Notwithstanding the above, there is no means for planning obligations to be secured against permission in principle. Should consent be granted, Council Officers would work with the applicant at technical details stage in an attempt to ensure that the mix of housing proposed is acceptable to the LPA and to seek to secure any affordable/over 55s housing or local occupancy requirements by legal agreement at that stage.

5.5 Other Considerations

- 5.5.1 In relation to the amount of development proposed, as stated above the provision of up to 9 dwellings on the edge of the settlement of Chatburn would not result in any quantifiable or measurable harm to the Development Strategy. The site is approximately 1 hectare in size and whilst there are constraints within and surrounding the site including its topography, protected trees, a public right of way and its proximity to the Lanehead Quarry, it is not considered that an upper threshold of 9 residential units is unreasonable. There would remain the requirement for a detailed site layout to be provided at technical details stage with this providing the appropriate interface distances between dwellings to ensure acceptable standards of privacy and a suitable internal road layout.
- 5.5.2 Concerns raised in relation to the capacity of Chatburn Old Road to absorb additional traffic that would be generated by the proposals are noted.

Consideration was given to highway capacity and safety issues in the Inspectors report for the development of 10 dwellings at the adjacent site that was allowed on appeal. As a requirement of that consent, ref. 3/2011/0025, improvements were secured at the junction between Chatburn Old Road and Ribble Lane. In regard to that appeal scheme, the Highway Authority had no concerns in principle regarding on-street parking activity and the capacity of the highway to accommodate the additional traffic associated with the dwellings proposed.

- 5.5.3 It is acknowledged that more detailed consideration would need to be given to the impact of this proposed development on the local highway network at the technical details stage and the highways officer has indicated this may include the provision of waiting restrictions close to the junction with Ribble Lane. The Highways Authority raises no objection in principle to the proposals. Whilst the County Surveyor recommends the imposition of conditions should consent be granted, as noted above there are no means of imposing planning conditions at the PiP stage.
- 5.5.4 In relation to the site's proximity to Lanehead Quarry, a thorough assessment of the potential implications of residential development in this location were undertaken as part of the determination of the planning application for housing on the adjacent site. The Inspector for application 3/2011/0025 noted at paragraph 43 of his report *'it is evident that if the appeal scheme were to be developed, with careful management it should be possible to commercially extract mineral on the eastern face of the quarry, while both meeting the relevant planning conditions regarding blasting vibration, and successfully addressing the potential for complaints to be made. As such, there would be no 'permanent in-direct sterilisation' of reserves in the quarry.'* Furthermore, it was considered that noise attenuation measures could be installed to ensure future occupants would enjoy an acceptable level of residential amenity. No comments have been received from the Minerals and Waste section at Lancashire County Council and taking the above into account there is no in-principle reasons for refusal of this application on highway safety or residential amenity grounds.
- 5.5.5 Concerns raised relating to the impact of the development on trees, ecology, foul and surface water drainage, noise and disturbance, highway safety, residential amenity and the amenity of the area would be considered at the technical details stage.

6. **Conclusion**

- 6.1 Having considered all of the above, in light of the recent discussions held at the EiP into the Housing and Economic Development DPD, the principle of development in this location is considered acceptable. Accordingly, it is recommended that Permission in Principle is granted.

RECOMMENDATION: That Permission in Principle be GRANTED subject to the following information notes:

- 1. This permission shall be read in accordance with the Statement of Common Ground dated 28th January 2019.

2. In addition to national information requirements as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015, applications for the approval of technical details should be accompanied by an Arboricultural Impact Assessment, Ecology Survey, Drainage Strategy, Noise and Vibration Survey and draft Heads of Terms.

This aforementioned required information is not exhaustive and additional information may be required during the determination process.

UPDATE FOLLOWING 7th FEBRUARY PLANNING AND DEVELOPMENT COMMITTEE MEETING:

On 7th February 2019 Committee were minded to refuse the application. A decision on the application was deferred to enable the Director of Economic Development and Planning to draft an appropriate refusal reason relating to the principle of development.

The recommendation remains that the application should be approved. The officer recommendation to approve the application is based on the Inspector's comments and discussion at the EiP into the Housing and Economic Development DPD where it was made clear that the Council's housing policies must be applied to enable degree of flexibility and in such a way that would not entirely restrict development for all new open market dwellings in the open countryside.

For Committee's information following the 7th February Committee in a letter to the Head of Planning, dated 19 February 2019, the planning agent, on behalf of the applicant:

- Confirms that he has been instructed by his client to appeal against the previously refused application for permission in principle at this site.
- Questions how the Council would defend a reason for refusal based on interpretation of development plan policy which is at odds with the interpretation recommended by officers and which was the interpretation advanced at the HED DPD examination.
- Requests that determination of the application be deferred until the Inspectors main modifications have been published for consultation. At that stage it should be clear whether or not the HED DPD Inspector has accepted the Council's case that no additional housing allocations are required because the Core Strategy policies provide the necessary flexibility.

Should Committee still be minded to refuse the application the following reason is identical to the previously refused application at this site:

1. The proposal is considered contrary Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new dwellings in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.

BACKGROUND PAPERS

Appendix 8



The Planning Inspectorate

Report to Ribble Valley Borough Council

by Richard McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Date: 10 September 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Ribble Valley Local Plan, Housing and Economic Development, Development Plan Document

The Plan was submitted for examination on 28 July 2017

The examination hearings were held between 27 November 2018 and 24 January 2019

File Ref: PINS/T2350/429/2

Abbreviations used in this report

AA	Appropriate Assessment
CS	Core Strategy
DtC	Duty to Co-operate
DPD	Development Plan Document
HRA	Habitats Regulations Assessment
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
HLAS	Housing Land Availability Study

Non-Technical Summary

This report concludes that the Ribble Valley Local Plan, Housing and Economic Development, DPD) (the Plan) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Ribble Valley Borough Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

All of the MMs were proposed by the Council and were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Allocating additional land for housing in Clitheroe, Langho, and Read and Simonstone in order that sufficient sites are allocated to meet the housing requirement identified in the Core Strategy (CS).

Introduction

1. This report contains my assessment of the Ribble Valley Local Plan, Housing and Economic Development DPD in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (NPPF), paragraph 182, makes it clear that in order to be sound, a LP should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Ribble Valley Local Plan, Housing and Economic Development, Development Plan Document (DPD), submitted in July 2017 is the basis for my examination.
4. The Plan builds on the foundations of the CS which was adopted in December 2014 and will complete the local plan framework for the Borough. It sets out the key housing and economic issues, allocating land for those uses and along with the CS will guide development in the Borough until 2028.
5. The CS established the vision, underlying objectives and key principles that will guide development. It sets out the strategic policies that will establish the overall spatial strategy (including the Standen strategic development site) and broad locations for development. In addition, it identifies the amount of land required for housing and economic development over the plan period (which runs from 2008 to 2028) by establishing the Objectively Assessed Need (OAN) and from that the Borough's housing requirement. In addition, CS Key Statement H1 makes clear how the Council will identify a deliverable housing land supply over a 5-year period and identify housing land for the remainder of the plan period.
6. This plan, flowing from CS Key Statement DS1, allocates housing land to meet the Borough's residual housing requirement. It also seeks to meet the residual employment land requirement through the development of the Barrow Enterprise Site and the Salmesbury Enterprise Zone and will direct new retail and leisure development towards the centres of Clitheroe, Longridge and Whalley.
7. As the scope of this Plan is clearly limited to allocating sites to meet the need established in the CS, it does not (having regard to the Court of Appeal judgment in *Oxted Residential Ltd v Tandridge DC* [2016] EWCA Civ 414 which

supported the earlier judgment in *Gladman Development Ltd v Wokingham BC* [2014] EWHC 2320 (Admin)) need to reconsider OAN. Furthermore, the principles set out in those judgements also apply to the provision of a 5-year housing land supply and I have considered the soundness of this plan against its ability to meet the housing requirement established by the CS rather than embark upon an inquiry as to whether or not a 5 year housing land supply exists.

8. Against this background, I am satisfied that the distribution and capacity of sites and the pace of providing them in this site allocations plan are intended to be in line with the adopted CS as set out in Key Statement H1. To this end, in May 2018 the Council became concerned that the proposed housing land allocation would not be sufficient to meet the CS requirement and requested that the examination be suspended to allow further work to be carried out. Further evidence was produced and this led to the Council proposing some modifications to the submitted Plan. Both the new evidence and the suggested revisions were the subject of consultation before the hearings took place. Further modifications were put forward by the Council both during and after the hearings.
9. These modifications to incorporate further sites are proposed in order to ensure consistency with the CS. It 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.

Main Modifications

10. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
11. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Policies Map

12. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted Plan. In this case, the submission policies map comprises the set of plans identified as HAL1, HAL2, EAL1, EAL2 and EAL3, along with the Clitheroe Market Redevelopment, Main Centre Boundaries and Open Space Sites as set out in the Plan.

13. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs in the Additional Housing Allocations, Post EIP Hearings Consultation- February 2019.
14. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Council document; Additional Housing Allocations, Post EIP Hearings Consultation- February 2019, and the further changes published alongside the MMs.

Assessment of Duty to Co-operate

15. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
16. The Council has prepared a DtC Compendium which provides evidence on how it has engaged with other bodies in the preparation of the Plan. This included working jointly with neighbouring authorities and statutory partners by way of consultation and engagement in the preparation of the plan, specific joint projects and in undertaking formal consultation through the plan making process.
17. The duty relates to strategic matters involving sustainable development or use of land with significant impact across administrative boundaries and follows on from the work done under the CS in respect of the DtC when engagement was carried out on strategic matters such as housing, economic development and Greenbelt. I am not aware of any significant outstanding issues relating to any strategic and cross-boundary matters.
18. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Soundness

Background

19. Some of the representations on the Plan refer to the merits of sites which have not been allocated – omission or alternative sites. However, the purpose of the examination is to consider whether the submitted plan is sound. In which case, the focus of this report in relation to sites will principally be on whether the process followed by the Council in selecting the allocations is sound and whether those allocations will meet the development requirements, not on the merits of other sites as alternatives.

Main Issues

20. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified the

main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Housing

Whether the Council's strategy for meeting its housing requirement is sound and whether the housing policies of the Plan are consistent with, and positively promote, the visions, objectives and spatial policies contained in the CS

21. The CS sets the strategic pattern of development required to address the Borough's OAN of 5600 dwellings, taking account of what development had already been committed within the plan period from 2008 as follows:

Location	Residual number of houses required for each settlement
Clitheroe	240
Longridge	633
Whalley	0
Other Settlements	145
Standen	1040
Total	2058

22. This Plan as submitted and based on the Housing Land Availability Survey, April 2017, identified Mellor and Wilpshire as the 2 locations where a residual under-supply against planned requirements existed. Since 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 CS requirement was unlikely to be achieved without the addition of further housing land.
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 CS can be met.
24. To this end, I agree with the Council that this is achieved by flexible policies in the CS 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 CS 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.

25. In addition to the sustainability appraisal process, the Council applied a set of detailed site selection criteria to the submitted sites. These recognised a Borough wide need rather than concentrating any residual need in Mellor and Wilpshire; reconsidered discounted sites identified at the Regulation 18 and 19 stage of the Plan's preparation; adopted the CS strategic locational policies to select sites in accordance with the hierarchy of the Borough's most sustainable settlements; assessed the scale and deliverability of each site (rejecting sites of 30 units or more in Tier 1 settlements as being too large for the existing scale of those settlements), and considered only sites that could deliver within 5 years of planning permission being granted. The final criterion was to take into account individual site-specific matters such as effect on landscape character and practical difficulties that would render sites harmful and/or undevelopable.
26. While the Council's approach did attract criticism, I have no doubt that each of the sites that came forward at the various stages of the Plan's preparation, including the July 2018 consultation on additional housing sites, were subject to rigorous assessment. The selection criteria used was reasonable in allowing a systematic appraisal of potential sites on a Borough wide basis in the light of the adopted CS policies. In circumstances where the performance of 2 or more sites has been comparable, judgements have been made on the basis of individual factors which the Council considered tipped the balance in favour of 1 over the other(s). This approach of introducing an element of professional judgement in relation to site specific circumstances, within an otherwise systematic site-selection method, is reasonable.
27. Against this background, I am content that this is a sound approach to take in selecting additional sites to ensure the CS housing requirement is met with a degree of flexibility. Consequently, the Council is proposing MMs such that 5 additional sites are allocated as follows.
 - **MM1** Land at Chatburn Road, Clitheroe. Located directly north-east of the last housing development heading eastwards out of Clitheroe, within the defined main settlement of Clitheroe, the site is open grazing land. Accessed off Chatburn Road, the north-western edge of the site is adjacent to Flood Zone 2. This area has been excluded from the allocation as advised by the Environment Agency. The development area is approx. 0.7ha and the site capacity is 20 dwellings.
 - **MM2** Land off Hawthorne Place, Clitheroe. The site is within the defined main settlement of Clitheroe, comprising open grazing land interspersed with a number of mature trees. It is accessed from the end of Hawthorne Place, off Waddington Road. The development area is approx. 1.7ha and the site capacity is 40 dwellings.
 - **MM3** Highmoor Farm, Clitheroe. The site is adjacent to the defined main settlement of Clitheroe. The site is located to the eastern end of Clitheroe, accessed initially off Pendle Road and then via a track leading from the main access into the 'Highmoor Park', 'Abbot Walk' and 'Roman Way' estate. The

development area excluding land at Highmoor Farm which has been granted permission for development (Application Ref. 3/2017/1221) and the flood zone with 10m buffer is approx. 5.0 hectares and the site capacity is 100 dwellings.

- **MM4** South of Laycocks Farm, Langho. The site is sandwiched between the southern end of 'Northcote Road' to the west and the A666/Whalley Road to the east. The land is used as part open grazing and as a temporary carpark in connection with works being carried out at 'St Michael's Lodge' to the south-west of the site. The development area is approx. 0.4 hectares and the site capacity is 10 dwellings.
 - **MM5** Haugh Head, Whins Lane, Read and Simonstone. The site is located towards the north-eastern edge of the main settlement of Read. A Public Footpath lies across the southern boundary of the site. The development area is approx. 0.7ha and the site capacity is 20 dwellings.
28. The density and dwelling type of each of these sites will be determined to best meet the needs identified in accordance with CS Policy H2 and the Development Management criteria. In addition, the development of these sites will be expected to make provision for local (including affordable) housing needs in accordance with the requirements of CS Policies H3 and DMH1.
29. While I note the multi-signature petitions objecting to further housing development in Clitheroe due to a claimed lack of infrastructure and asking the Council to prioritise affordable housing in the rural area, the content of the petitions relates in the main to matters that are covered by the CS which directs housing development through Key Statement DS1 and affordable housing through Policy H3. In respect of infrastructure, the Council has consulted extensively on these sites and where necessary amended boundaries to take account of flood risk. From what I observed, the sites are accessibly located within Clitheroe with links to the road network and public transport connections. No insurmountable issues related to infrastructure provision at these sites came forward through the consultation exercise.
30. In the light of all of the evidence, I am satisfied that modifications **MM1** to **MM5** proposed by the Council will ensure that the Plan can secure a sufficient and flexible supply of allocated housing land to achieve the policy aims of CS Key Statements DS1 and H3.

Affordable housing

31. As set out above, the housing allocations in the Plan will be subject to the policy provisions of the CS, including Policy H3. The housing allocations in the Plan will therefore contribute to the provision of affordable housing throughout the Borough as the allocations are subject to compliance with the CS policies. Affordable housing will also be secured through the exceptions policies contained in the CS Development Strategy.

Monitoring

32. CS Chapter 11 outlines a monitoring framework against which the Council's Annual Monitoring Report is measured. In addition, several of these indicators are subject to monitoring on a more frequent basis enabling interim reports

such as Housing Land Monitoring Schedules to be produced. Such monitoring will take account of any local and/or national policy changes. Housing land requirements will be assessed bi-annually resulting in the publication of the Council's Housing Land Availability Schedules.

Gypsy, Travellers and Travelling Showpeople accommodation needs

33. Core Strategy Policy H4 seeks to meet Gypsy and Traveller needs based on the Gypsy and Traveller Accommodation Needs Assessment (GTAA) 2013. While the evidence demonstrated that the need was zero, it was estimated that the situation would change in the period 2023 to 2028 when 2 extra pitches would likely be required. Given this level of need it was considered unnecessary to formally allocate sites but to manage provision through the development management process guided by relevant policies.
34. Accordingly, this Plan seeks to ensure that the needs of Gypsies, Travellers and Travelling Showpeople within the Borough, assessed against national guidance contained in the PPTS August 2015, are considered and that suitable types of accommodation are provided. The Plan makes reference to the Issues and Options Consultation 2016, which forms part of the evidence base, and the response from the National Federation of Gypsy Liaison Groups which indicated that the Council needed to include a set of criteria, within the Plan, to guide decisions on any applications for sites that may arise.
35. In response, Policy TV1 of the Plan, provides criteria against which proposals to meet accommodation needs of Gypsies, Travellers and Travelling Showpeople will be assessed. In my judgement, this follows the guidance in the PPTS, including the definitions set out in the Annex to that document, and allows the Council, through the criteria of the policy, to respond to the accommodation needs of Gypsy and travellers on an application by application basis, in line with CS Policies H4 and DMH2.
36. Against this background, the policy adopts an approach that is comparable to that taken in the CS to general housing provision. It can respond to changing assessments of the accommodation needs of those Gypsy, Travellers and Travelling Showpeople who may in future fall within the PPTS definitions and can deal with applications from private individuals or for affordable pitch/plot provision from the Local Housing Authority or a Registered Social Landlord.
37. The Council, through its Housing Land Availability Schedules and Monitoring Report, and in the light of future GTAA updates, will continually review the needs of Gypsies, Travellers and Travelling Showpeople within the Borough, assessed against national guidance contained in the PPTS.

Conclusion on Issue 1

38. Considering the above, I conclude that the Plan has been positively prepared, including the consideration of reasonable alternatives, and with the MMs put forward by the Council, the approach taken is justified. The Council's strategy for meeting its housing requirement is therefore sound and the housing policies of the Plan are consistent with, and positively promote, the visions, objectives and spatial policies contained in the CS.

Issue 2 – Economic Development

Whether the Council's strategy for accommodating economic development is sound and whether the economic development policies of the Plan are consistent with, and positively promote, the visions, objectives and spatial policies contained within the CS.

39. CS Key Statement DS1 identifies the locations for strategic employment opportunities within the Borough with the two main sites being the Barrow Enterprise Site and the Samlesbury Enterprise Zone. These sites are intended to provide the Borough with future employment and economic growth opportunities. The additional allocations of this Plan are designed to meet residual employment land requirements and have been measured against the overall requirement and spatial distribution set out in the CS.
40. The evidence base underpinning the Plan, including the DtC and the testing work undertaken as part of the SA, informed the employment land OAN which concluded that there was a residual requirement for employment land within the Borough of 2.41ha. The 3 site allocations under this Plan are aimed at assisting the aims of Key Statement DS1 to be achieved whilst also ensuring the delivery of necessary employment land to meet requirements for Longridge. This would not however, prevent further alternative sites coming forward to be assessed against the development plan as a whole.
41. The employment land allocations amount to around 4ha giving an overprovision of 1.6ha. Along with the existing commitments that have come forward since the adoption of the CS, these will ensure flexibility, and a choice of sites and locations to accommodate economic growth. From the evidence, I am satisfied that the employment land allocations proposed are deliverable, and subject to the monitoring regime set out in Section 11 of the CS, will address the likely needs for future employment growth within the Borough.
42. Nevertheless, it is likely that further opportunities for such development will come forward for consideration under the policies of the CS, further contributing to the choice of locations and flexibility.
43. With regard to retail, the allocations for the provision of new convenience and comparison retail floor space, as specified within CS Key Statement EC2, flows from the Ribble Valley Retail Study Update produced in 2013 and the Clitheroe Town Centre Masterplan. The 3 key service centres of Clitheroe, Longridge and Whalley were identified in the Study as areas that could be enhanced in order to retain retail spending within the Borough. Key Statement EC2 seeks to maintain the vitality and vibrancy of the 3 key service centres, ensuring that enhancement of the existing retail offer takes place.
44. Maintaining and enhancing the vitality and viability of Clitheroe as the Borough's main key settlement is to be achieved through Policy CMR1 of this Plan which identifies the area for future retail and leisure opportunities at the Clitheroe Market site, under CS Policies EC2 and DMR1. In addition, the Plan identifies the main centre boundaries for Clitheroe (Policy MCB1,) and Longridge and Whalley (Policy MCB2), reflecting the extent of retail and

commercial town centre uses. These policies identify the applicable boundaries within which the CS policies will be implemented.

45. The retail policies of this Plan, in conjunction with CS Key Statement EC2 and Policy DMR1 will encourage the development of additional retail and community facilities that support and enhance consumer choice and the unique character of the Borough's key service centre. These policies will also be subject to the monitoring framework set out in the CS through the annual Authority Monitoring Report which includes employment land monitoring.

Conclusion on issue 2

46. Against this background, I conclude that the Council's strategy for accommodating economic development is sound and justified, and the economic development policies of the Plan are consistent with, and positively promote, the visions, objectives and spatial policies contained within the CS.

Issue 3 – Open Space

Is Policy OS1 clear, justified and consistent with national policy and will it be effective?

47. CS Policy DMB4 afforded protection to areas of open space identified on the Proposals Map that accompanied that plan. However, a subsequent, updated Proposals Map included areas of open space outside of the settlement boundaries that were not covered by the Proposals Map referred to by Policy DMB4. To address this matter, Policy OS1 of this Plan updates the CS policy in order to clarify the Council's position in respect of all open space sites.
48. This approach stems from the evidence base which utilised the Open Space and Sport and Recreation Provision Topic Paper, the Lancashire Sport Partnership Ribble Valley Facilities Review and the Council's 2015 Playing Pitch Audit. While the policy seeks to protect existing, rather than designate new areas of open space, particularly in relation to sport and recreation pitches, it nevertheless conforms to the CS policy which referred to Sport England Guidance on this matter. This is in line with the PPG which states that authorities and developers may refer to Sport England guidance on assessing need.
49. In my judgement, Policy OS1 clarifies and supplements CS Policy DMB4 which itself was founded on the Lancashire Sport Partnership Ribble Valley Facilities Review which was based on the guidance set out by Sport England. Policy OS1 is further supported by the evidence contained in the more up-to-date Facilities Review and Playing Pitch Audit. Against this background, I consider the approach of the Plan to open space to be reasonable and justified.

Conclusion on Issue 3

50. I conclude that Policy OS1 is clear, justified and consistent with the relevant national policy and it will be effective.

Assessment of Legal Compliance

51. My examination of the legal compliance of the Plan is summarised below:

- The Plan has been prepared in accordance with the Council's Local Development Scheme, October 2017.
- Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement, August 2013. Responses to this consultation included the multi-signature petitions objecting to further housing development in Clitheroe as explained above under Issue 1.
- Sustainability Appraisal, July 2017 has been carried out in respect of the submitted plan and MMs and is adequate.
- The Habitats Regulations Appropriate Assessment Screening Report July 2017 sets out why an AA is not necessary.
- The Plan includes policies designed to ensure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. This is achieved by the housing and economic development policies concentrating development in areas that conform to the CS sustainable settlement hierarchy.
- The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
- I have had due regard to the aims expressed in S149(1) of the Equality Act 2010 resulting in my consideration of several matters during the examination such as incorporating a policy which seeks to meet the future needs of the Gypsy and traveller community, and making provision for addressing inclusive design and accessible environments in accordance with NPPF paragraphs 57, 58, 61 and 69.

Overall Conclusion and Recommendation

52. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
53. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended MMs set out in the Appendix, the Ribble Valley Local Plan, Housing and Economic Development, DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Richard McCoy

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Appendix – Main Modifications

The modifications below are expressed in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	8	HAL3	<p><u>Chatburn Road, Clitheroe (0.7ha) 20 dwellings</u></p> <p><u>The site is within the defined main settlement of Clitheroe. The site is open grazing land directly north-east of the last housing development heading eastwards out of Clitheroe and towards Chatburn on the north-western side of Chatburn Road. The site is to be accessed off Chatburn Road. The north-western edge of the site is adjacent to Flood Zone 2. The Flood Zone has been excluded from the development area as per advice from the Environment Agency during the first consultation exercise in July.</u></p> <p><u>The development area excluding the flood zone with a 10m buffer to either side is approx. 0.7ha and the site capacity is 20 dwellings. The density and dwelling type will be determined to best meet needs identified in accordance with Policy H2 of the Core Strategy and in accordance with Development Management criteria. Development of the site will be expected to make provision for local (including affordable) housing needs in accordance with the requirements of Policy H3 and Policy DMH1 of the Core Strategy.</u></p> <p><u>The site will be shown on the Proposals Map as Policy HAL3.</u></p>
MM2	8	HAL4	<p><u>Land off Hawthorne Place, Clitheroe (1.7ha) 40 dwellings</u></p> <p><u>The site is within the defined main settlement of Clitheroe. The site comprises open grazing land interspersed with a number of mature trees accessed from the end of Hawthorne Place, off Waddington Road, Clitheroe. The development area is approx. 1.7ha and the site capacity is 40 dwellings.</u></p> <p><u>The density and dwelling type will be determined to best meet needs identified in accordance with H2 of the Core Strategy and in accordance with Development Management criteria. Development of the site will be expected to make provision for local (including affordable) housing needs in accordance with the requirements of H3 and DMH1 of the Core Strategy.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>The site will be shown on the Proposals Map as Policy HAL4.</u>
MM3	8	HAL5	<p><u>Highmoor Farm, Clitheroe (5ha) 100 dwellings</u></p> <p><u>The site is adjacent to the defined main settlement of Clitheroe. The site is located to the eastern end of Clitheroe, accessed initially off Pendle Road and then via a track leading from the main access into the 'Highmoor Park', 'Abbot Walk' and 'Roman Way' estate. The north-eastern boundary is marked by a hedge and row of trees which partly follow a watercourse. A public footpath follows the route of the main access track to 'Highmoor Farm' and along the eastern access track which bounds the site and continues north-westwards along the northern boundary of the site.</u></p> <p><u>The development area excluding land at Highmoor Farm which has been granted permission for development (Application Ref. 3/2017/1221) and the flood zone with 10m buffer is approx. 5.0 hectares and the site capacity is 100 dwellings.</u></p> <p><u>The density and dwelling type will be determined to best meet needs identified in accordance with H2 of the Core Strategy and in accordance with Development Management criteria. Development of the site will be expected to make provision for local (including affordable) housing needs in accordance with the requirements of H3 and DMH1 of the Core Strategy.</u></p> <p><u>The site will be shown on the Proposals Map as Policy HAL5.</u></p>
MM4	8	HAL6	<p><u>South of Laycocks Farm, Langho (0.4ha) 10 dwellings</u></p> <p><u>The site is roughly triangular in shape and is sandwiched between the southern end of 'Northcote Road' to the west and the A666/Whalley Road to the east heading southwards into Langho. The land is used as part open grazing and as a temporary carpark in connection with works being carried out at 'St Michael's Lodge' to the south-west of the site. The development area is approx. 0.4 hectares and the site capacity is 10 dwellings.</u></p> <p><u>The density and dwelling type will be determined to best meet needs identified in accordance with H2 of the Core Strategy and in accordance with Development Management criteria.</u></p> <p><u>The site will be shown on the Proposals Map as Policy HAL6.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM5	8	HAL7	<p><u>Haugh Head, Whins Lane, Read & Simonstone (0.7ha) 20 dwellings</u></p> <p><u>The site is located towards the north-eastern edge of the main settlement of Read. The site is currently open grazing land and is bounded to the south-west by 'Haugh Head farm', to the west by Whins Lane, to the east by the existing housing development at 'Woodfields' and open grazing land lies to the south. A Public Footpath lies across the southern boundary of the site.</u></p> <p><u>The development area is approx. 0.7ha and the site capacity is 20 dwellings.</u></p> <p><u>The density and dwelling type will be determined to best meet needs identified in accordance with H2 of the Core Strategy and in accordance with Development Management criteria. Development of the site will be expected to make provision for local (including affordable) housing needs in accordance with the requirements of H3 and DMH1 of the Core Strategy.</u></p> <p><u>The site will be shown on the Proposals Map as Policy HAL7.</u></p>

Appendix 9

Draft conditions

A draft schedule of conditions will be discussed with the Council and submitted separately

This page is blank



Prepared by

Smith & Love Planning Consultants Ltd
Rational House
32 Winckley Square
Preston
PR1 3JJ

Tel: 01772 965376

www.smithlove.co.uk