

# Land at Pendle Road, Clitheroe

**Planning Statement**  
*June 2022*



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**WALSINGHAM PLANNING**

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

# Planning Statement

Pendle Mill, Pendle Road, Clitheroe

On behalf of Muller Property Group

JUNE 2022

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# I INTRODUCTION

I.1 This Planning Statement has been prepared by Walsingham Planning on behalf of Muller Property Group, the applicant for the proposed development of land at Pendle Mill, Pendle. This Statement has been prepared to assist the Council in its consideration of the proposed development in particular in relation to matters outlined within the Development Plan and national policy.

I.2 This application seeks outline planning permission for:

*"Demolition of existing buildings and erection of a care home (Use Class C2) of up to 70 beds. All matters reserved apart from access."*

I.3 As we will demonstrate in this Statement, the proposal is sustainable development, conforming with the overarching objectives of the planning system. The proposal achieves planning benefits in terms of the provision of additional specialist accommodation for the elderly population of the borough. The proposal is fully in accordance with the Development Plan and, accordingly, should be one that is supported by the Council

I.4 This Statement is structured as follows:

- Background (Section 2)
- The Proposed Development (Section 3)
- Planning Policy Background (Section 4)
- Planning Assessment (Section 5)
- Conclusions (Section 6)

## **2 BACKGROUND**

### **SITE AND ITS SURROUNDS**

- 2.1 The site is situated approx. 800 metres from the town centre of Clitheroe. The proposed site is approx. 0.39ha in size and is located north of Pendle Road and the junction to Highmoor Park.
- 2.2 The site is over two levels; the upper level fronting Pendle Road contains a furniture showroom (Use Class E) and its associated car park. The lower level, which is separately accessed off Pendle Road, contains a number of older buildings, not all of which are occupied. The largest building is currently in use as a warehouse (Use Class B8) by a mail-order company. A smaller building is occupied by a school wear mail order business with a retail sales counter (Use Class B8).
- 2.3 The existing furniture showroom employs 4 members of staff. The other businesses employ 6 full-time/full-time equivalent members of staff between them.
- 2.4 The primary use of properties in the area that surrounds the site is residential. To the east of the site is a dense tree line that surrounds the farmland and beyond that is the countryside. To the north is a narrow swathe of public open space with a footpath linking Highmoor Park to Pendle Road. The nearest neighbouring properties are a row of six residential properties that sit close to the western point of access to the site.

### **PLANNING HISTORY**

- 2.5 The site has had little planning history post-2001. The site's permitted uses were approved in 1997 subject to Planning Permission Ref: 3/1996/0689 and in 1999 subject of Planning Permission Ref: 3/1999/0314.

### 3 THE PROPOSED DEVELOPMENT

- 3.1 The planning application seeks permission for a care home of up to 70 beds. The indicative site layout plan and indicative floorplans provide an internal area of 3,751sqm. The ground floor will provide space for 22 beds, the first floor will provide space for 25 beds, and the second floor will provide space for 23 beds. In addition, there will be the normal ancillary spaces, including communal lounges, dining areas, and a cinema.
- 3.2 Staff provision is anticipated to be 70 full-time equivalents over three shifts to provide 24-hour care. There would be a minimum of 23 staff on-site at any one time. There are a total of 28 parking spaces proposed, including 2no. disabled parking spaces and electric vehicle charging spaces
- 3.3 Access is for determination as part of the application and will be from Pendle Road. A new access is proposed and will be 5.5m wide with a 4m junction radii. Vehicle tracking is provided within the Transport Assessment, and this shows that two cars can pass at the access. Access visibility is demonstrated with 43m visibility in both directions on Pendle Road. The visibility is appropriate for the speed limit on Pendle Road. All existing access points will be closed off.
- 3.4 The proposed layout is influenced by the site and its surrounding context. The topography of the site has contributed to the form of the building and the access points to both the site and the building. The building, subject to the final design at the reserved matters stage, will be an attractive modern building that will provide a high-quality environment for users. Further details are provided within the Design and Access Statement.

## 4 PLANNING POLICY BACKGROUND

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

*"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 should be made in accordance with the plan, unless material considerations indicate otherwise."*

### DEVELOPMENT PLAN

4.2 The Development Plan for the application site comprises:

- Core Strategy 2008-2028 A Local Plan for Ribble Valley (CS) (2014)
- Ribble Valley Proposals Map (PM) (2019)
- Housing and Economic Development – Development Plan Document (HED DPD) (2019)

### CORE STRATEGY

4.3 The following is a list of policies of which are of relevance within the Core Strategy.

- Key Statement DS1: Development Strategy
- Key Statement DS2: Sustainable Development
- Key Statement DMI2: Transport Considerations
- Key Statement EC1: Business and Employment Development
- Key Statement DMG1: General Considerations
- Key Statement DMG2: Strategic Considerations
- Key Statement DMG3: Transport and Mobility
- Key Statement DME1: Protecting Trees and Woodlands
- Key Statement DME5: Renewable Energy
- Key Statement DME6: Water Management
- Key Statement EN4: Biodiversity and Geodiversity
- Policy DMG1: General Considerations
- Policy DMG2: Strategic Considerations
- 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 DME5: Renewable Energy
- Policy DME6: Water Management
- Policy DMB1: Supporting Business Growth and the Local Economy

## **HOUSING AND ECONOMIC DEVELOPMENT – DEVELOPMENT PLAN DOCUMENT**

- 4.4 The Development Plan includes the production of a Housing and Economic Development Plan Document (HED DPD), the role and purpose of which is to provide more detailed policy coverage on key issues related to the economy and housing where necessary. It includes relevant allocations, including housing and employment land and policies for the town centres of Clitheroe, Longridge and Whalley, as well as existing open spaces and settlement boundaries, which are necessary for the implementation of the Core Strategy. The site is not designed within this document.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (2021)**

- 4.5 The NPPF was updated in July 2021 and set out the Government's economic, environmental, and social planning policies for England.
- 4.6 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 4.7 Paragraph 8 states that in order to achieve sustainable development, the planning system has three overarching objectives: an economic objective, a social objective, and an environmental objective.
- 4.8 Paragraph 11(d) of the NPPF explains that where there are no relevant development plan policies, decision-makers should grant planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 4.9 Section 5 of the NPPF relates to the delivery of a sufficient supply of homes and the Government's objective to boost housing delivery. Paragraph 60 explains that 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 and that the needs of groups with specific housing requirements are addressed. Paragraph 62 stresses that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 69(c) explains that to promote a good mix of sites, local planning authorities should support the development of windfall sites through decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

- 4.10 Section 9 pertains to sustainable transport. Paragraph 111 explains that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the cumulative residual impacts on the road network would be severe. Paragraph 112 goes on to explain that within the context of Paragraph 111, applications for development should give priority first to pedestrians and cycle movements; address the needs of people with disabilities; create places that are safe, secure and attractive which minimise the scope for conflict between pedestrians, cyclists and vehicles; allow for efficient delivery facilities for delivery of goods and access by energy vehicles and be designed to enable ultra-low emissions vehicles.
- 4.11 Section 11 pertains to making the most efficient use of land. Paragraph 119 explains that planning decisions should promote the effective use of land in meeting the needs for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.12 Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, and it creates better places in which to live and works and helps make a development acceptable to communities.
- 4.13 Paragraph 134 explains that:

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

- 4.14 Paragraph 131 explains that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

#### **NATIONAL DESIGN GUIDE (2021)**

- 4.15 The National Design Guide addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics.

## 5 PLANNING ASSESSMENT

### NEED FOR A CARE HOME

- 5.1 This application is accompanied by a Care Home Need Assessment written by Healthcare Property Consultants. This report was conducted on behalf of the applicant to establish whether demand exists for the provision of registered care accommodation for the elderly in the area around the application site.
- 5.2 The population in the target area is comparatively old. The proportion of persons over the age of 85 is 52% higher than the national profile and set to increase by 50% by 2035. There is a need in this area, and this need is only going to increase.
- 5.3 The locality is currently served by nine registered care homes for the elderly, offering a mix of residential and nursing care. Provision is disproportionately skewed away from nursing care provision. There are currently 323 registered beds in the target area serving the elderly population, of which only 170 are en-suite (less than 53%). There is a significant statistical shortfall in terms of appropriate accommodation for the elderly that currently exists, and this is set to rise over the forthcoming years.
- 5.4 Based on the detailed market analysis contained within the Care Home Need Assessment summarised above, the development of a modern, purpose-designed facility will positively benefit the population. The proposed development will address established demand in a modern purpose-built facility that will provide a high quality of care. This can only be considered to be a significant planning benefit.

### LOSS OF AN EXISTING RETAIL AND STORAGE/DISTRIBUTION USE

- 5.5 Key Statement EC I explains that proposals that result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact on the local economy. Policy DMBI explains five considerations the Council will consider when determining applications seeking the re-development of sites with employment generating potential.
- 5.6 These are as follows:

### PROPOSALS FOR THE DEVELOPMENT, RE-DEVELOPMENT OR CONVERSION OF SITES WITH EMPLOYMENT GENERATING POTENTIAL

IN THE PLAN AREA FOR ALTERNATIVE USES WILL BE ASSESSED WITH REGARD TO THE FOLLOWING CRITERIA:

- THE PROVISIONS OF POLICY DMGI, AND
- THE COMPATIBILITY OF THE PROPOSAL WITH OTHER POLICIES OF THE LDF, AND
- THE ENVIRONMENTAL BENEFITS TO BE GAINED BY THE COMMUNITY, AND
- THE ECONOMIC AND SOCIAL IMPACT CAUSED BY LOSS OF EMPLOYMENT OPPORTUNITIES TO THE BOROUGH, AND
- ANY ATTEMPTS THAT HAVE BEEN MADE TO SECURE AN ALTERNATIVE EMPLOYMENT GENERATING USE FOR THE SITE (MUST BE SUPPORTED BY EVIDENCE (SUCH AS PROPERTY AGENTS DETAILS INCLUDING PERIODS OF MARKETING AND RESPONSE) THAT THE PROPERTY/ BUSINESS HAS BEEN MARKETING FOR BUSINESS USE FOR A MINIMUM PERIOD OF SIX MONTHS OR INFORMATION THAT DEMONSTRATES TO THE COUNCIL'S SATISFACTION THAT THE CURRENT USE IS NOT VIABLE FOR EMPLOYMENT PURPOSES.)

- 5.7 Concerning considerations one and two, the proposals comply with the general considerations expressed in Policy DMGI. The proposals satisfy the other policies of the Development Plan. The proposal represents the re-development of a brownfield site within the settlement of Clitheroe, the most sustainable settlement in the Development Plan. The proposals also comply with the policies that concern material considerations.
- 5.8 The proposals will have a beneficial social impact by providing a form of accommodation to support the elderly population. The loss of the current uses from the site (small-scale furniture retail and storage and distribution) will not result in a negative economic impact or a reduction in the provision of employment opportunities, as the existing uses will relocate to more suitable locations.
- 5.9 The proposal will result in a net increase in employment opportunities (70 full-time equivalent positions are proposed) as new jobs will be created and existing jobs will be relocated. The site currently provides 10 full-time/full-time equivalent employment opportunities.

- 5.10 The proposals will have beneficial environmental impacts. The proposals will deliver a biodiversity net gain, as demonstrated within the submission documents. Several ecological improvements in the form of landscaping proposals and the protection of green infrastructure long term will also be achieved.
- 5.11 On the final consideration, the existing businesses can relocate to a more suitable location. The current site is constrained by existing natural characteristics (the site's sloping nature and proximity of a watercourse and green infrastructure) and the prevalence of residential surrounding uses.
- 5.12 The site is not optimal for the current uses, and the re-development of the site for a beneficial purpose will be an overall planning gain. Other locations would be more suitable for future expansion of business development. The current site is not ideally suited to expanded B8, or Class E uses. Thus, there would not be an opportunity for the existing or future businesses to grow and adapt.
- 5.13 Finally, Policy DMB1 only identifies the Council's considerations when determining any application that involves the re-development of sites with employment generating potential. Thus, it is not the case that all elements need to be satisfied entirely. While no marketing has been submitted or undertaken, the proposal does not result in the loss of an employment-generating use. Businesses currently on the site can be relocated to other better located premises elsewhere in the borough. The proposal can only be considered to achieve the intent of Policy DMB1: to protect employment-generating uses and the loss of employment generating uses.
- 5.14 The above demonstrates that the proposals comply with Policy DMB1, and accordingly, there should be no concern that the proposals will result in the loss of employment generating uses. Indeed, the proposals will increase employment opportunities.

## **PRINCIPLE OF DEVELOPMENT**

- 5.15 As identified above, there is a clear need for a care home in this area. This must be kept in mind when considering the principle of development.
- 5.16 As set out in Paragraph 11 of the NPPF, where there are no specific policies which relate to proposals, applications should be determined in line with the policies of the NPPF. Limited mention of care home provision is made within the Development Plan; as such, due to the

absence of specific development management policies, a degree of interpretation of relevant policies is required, as is the application of Paragraph 11 of the NPPF.

- 5.17 The proposal that provides a care home will address the need to provide accommodation to support the older population within the borough. In this regard, it meets the social objective of Paragraph 8 of the NPPF.
  
- 5.18 The proposal would also comply with the intention of the Government in Section 5 of the NPPF to provide accommodation for older people in an area of established need. The proposed Care Home can be achieved by using previously developed land; and therefore represents the best use of a previously developed site.
  
- 5.19 The proposal also complies with regard to technical matters, notably with regard to design (Section 12), sustainable transport (Section 9), meeting the challenge of climate change and flooding (Section 14), and conserving and enhancing the natural environment (Section 15). Thus, the proposal complies with NPPF Paragraph 11(d).
  
- 5.20 The principle of the Care Home is, for the above reasons, sustainable in terms of the NPPF, complying with the Government's intention to provide specialist accommodation in a sustainable location which re-uses brownfield land to address an established housing need.
  
- 5.21 Turning to the Development Plan and the Core Strategy, Policy DS2 outlines the Council's approach to sustainable development. The development, as articulated previously, is sustainable development in line with the NPPF. The Council explains through Policy DS2 that the Development Plan reflects the presumption in favour of sustainable development contained within the NPPF. The proposal complies with the NPPF and accordingly also complies with Policy DS2.
  
- 5.22 The proposal will redevelop land in a preferable manner, representing the use of land within the settlement boundary. The proposal complies with Policy DMG2: Strategic Considerations of the Core Strategy.
  
- 5.23 Policy DMG1 provides an overarching series of considerations that the Council will have regard in achieving high-quality development, and as the submission demonstrates, the proposal complies with this policy.
  
- 5.24 The application site is within the built-up area of Clitheroe, the largest and, therefore, the most sustainable settlement within the borough. The development plan identifies that over

the plan period, the main aim is to ensure sufficient housing of the right type will be built in the most suitable locations, endeavouring to make the best use of previously developed land where suitable and where possible aiming to address meeting identified local needs. As such, the proposal can only be considered in principle to comply with the Development Plan.

## **OTHER MATERIAL CONSIDERATIONS**

### **Highways and Access**

- 5.25 This application is supported by a Transport Assessment (TA) produced by Sanderson Associates.
  
- 5.26 The overall number of vehicular accesses from the site to Pendle Road will reduce from 2 to 1. Vehicular access to the site is proposed from new access on Pendle Road. The new access will be 5.5m wide with 4m junction radii. Vehicle tracking demonstrates that two cars can pass the access, and a dropped kerb pedestrian crossing will be provided at the site access bellmouth. The access visibility is shown on vehicle tracking with 43m in both directions on Pendle Road measured from a mirror road distance of 2.4m. The visibility is appropriate to the speed limit on Pendle Road.
  
- 5.27 Car parking provision has been calculated on the basis of anticipated staff and visitor numbers, using local census data for travel to work in the local area. The provision needs to show 65.8%. Therefore, 23 staff working at any one time would require 15 car parking spaces. Visitor parking is calculated using local authority guidelines at a ratio of 1 space per 5 residents. Overall, the 70 residents would require 14 spaces. Thus, the 28 car parking spaces are in line with standards. Cycle parking is proposed to comply with local authority standards. Electrical vehicle parking is also proposed.
  
- 5.28 This submission includes a Travel Plan to reduce the reliance on the use of private vehicles. The site is accessible by both active and public transport. As such, staff residents and visitors to the site will have the opportunity to utilise sustainable travel options.
  
- 5.29 The Transport Assessment demonstrates that the net vehicular traffic as a result of redeveloping the site is negligible during AM and PM peak periods and daily. The re-development will significantly reduce the number of HGV traffic movements associated with former uses, and it would also remove service accesses that required HGV'S to reverse from Pendle Road. The re-development, therefore, has a highway safety benefit in this regard.

- 5.30 This Assessment demonstrates that the development proposed will not have an unacceptable impact on highway safety and that the residual cumulative traffic impact is not severe. The development, therefore, complies with the NPPF and the key transport policies contained in the Core Strategy. The proposals support the sustainable travel requirements for development set out in Key Statement DMI2. The proposals can accommodate sustainable travel modes of transport and can be accessed safely and efficiently by all users with suitable access arrangements in accordance with Policy DMG3.

### **Flood Risk and Drainage**

- 5.31 The application is supported by a Flood Risk Assessment produced by bEk Environ Ltd. The assessment concludes that subject to the mitigation measures outlined within the report being implemented, the development will not be subject to the risk of flooding from fluvial sources. Thus, the proposals comply with Policy DME6 of the Core Strategy (2014)
- 5.32 Foul flows will be directed to the combined sewer located within Pendle Road. Groundwater emergence is considered to be a low-risk flooding mechanism,
- 5.33 The application site is located within Flood Zone 2. The nearest watercourse to the site is Shaw Brook (considered a Main River) which flows in a westerly direction and is culverted (approx. 120m) through the northern extent of the site, where it exits, becoming an open channel at the northwest boundary.
- 5.34 The development proposals provide an 8m easement from the edge of the culvert, providing better than the existing building (which builds over the culvert). As such, the flow route can now be contained within the easement where levels can be graded off, directing flows toward the route of the culvert.
- 5.35 To ensure that level access can be maintained throughout the ground floor level of the proposed development, finished floor levels have been based on the 100 year + 70% climate change flood level of 88.16m AOD + 0.600m (freeboard), which equated to a finished floor level of 88.76m AOD.
- 5.36 With regard to surface water flooding, the preliminary drainage strategy directs surface water flows from the roof and car parking area into an open channelled section of Shaw Brook. The preliminary network has been modelled, and the discharge rates have been restricted to no more than 35.7l/s for all returns, including the 100 year +40% climate change event. Flows



more than 35.7l/s will be attenuated within a geo-cellar storage tank located within the car parking area and the piped network itself.

### **Ecology and Biodiversity Net Gain**

- 5.37 The application is accompanied by a Preliminary Ecological Appraisal (PEA) which includes a potential bat roost survey. This concludes that several potential bat roosting features exist, including buildings that have a moderate likelihood of supporting roosting bats. However, none of the trees on the site's boundary has any potential roosting features for bats. Bat emergence surveys are recommended, as is the introduction of bat boxes. The site contains good habitats for birds, and suitable mitigation is identified within the PEA, including suitable boxes for birds.
  
- 5.38 In terms of reptiles and amphibians, reasonable avoidance measures are suggested in Appendix 4 of the PEA. The proposals can be delivered without being detrimental to the ecology subject to implementing mitigation measures and enhancements. Thus, the proposals comply with Policy DME2, DME3, and DME1 of the Core Strategy (2014).
  
- 5.39 A Baseline Biodiversity Net Gain Assessment Report (BNGAR) by bEK Enviro Ltd is also provided with the application. The BNGAR concludes a Net Gain is achievable on the site by implementing a well-designed landscaping plan, including the necessary biodiversity enhancements recommended in Table 4 of the PEA (page 25).

## 6 CONCLUSION

6.1 This Planning Statement has been prepared by Walsingham Planning to accompany a planning application by Muller Property Group on Land at Pendle Mill, Pendle.

6.2 This application seeks outline planning permission for:

*"Demolition of existing buildings and erection of a care home (Use Class C2) of up to 70 beds.  
All matters reserved apart from access."*

6.3 The proposals represent the re-development of previously developed land within the settlement of Clitheroe, the largest settlement within the hierarchy and one of the most sustainable locations for new development within the borough. The proposed care home will address an existing need and provide specialist accommodation in a preferable manner in terms of the policies within the Development Plan. The proposed care home will deliver a substantial amount of employment opportunities, well in excess of that currently on offer, in a sustainable location for employment opportunities.

6.4 The application submission considers in detail the various impacts that the scheme may have with regard to highway impact and safety; flooding and drainage; ecology and green infrastructure, together with design and residential amenity. In summary, the technical documents demonstrate that there are no issues for concern and no reason the proposed development should not progress on the site.

6.5 This Planning Statement demonstrates that there is a very clear, strong, and justifiable case for the proposed development based on compliance with the Development Plan. The proposed development complies with the relevant Government guidance contained in the NPPF, together with planning policies contained in the Development Plan. Accordingly, in accordance with Paragraph 11 of the NPPF, which requires decision takers to approve development proposals that accord with the development plan without delay, we respectfully request that planning permission is granted as soon as possible.



MÜLLER