

Statement of Case:

Application: 2023/0739 Outline Application/ Outline application for the development of a Class C2 Continuing Care Retirement Community

Site: Land off Elker Lane Billington

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1. Introduction

1.1.Planning Application and Appeal

1.2.This Statement of Case has been prepared on behalf of Elker Developments Ltd ('the Appellants') by Configuration (architects & urban designers) Ltd who have been appointed by Marshall Peters Ltd to appeal the application 3/2023/0739 which was refused utilising the provisions of the Officer delegation scheme operated by Ribble Valley Borough Council on 06 November 2024.

1.3.The description of development is:

Outline application for the development of a Class C2 Continuing Care retirement community.

Site: Land off Elker Lane Billington

1.4.The site is located on the edge of a Tier 1 Village identified within the Borough Council's Core Strategy.

1.5. The application relates to area of land consisting of 2.54 hectares which previously benefitted from approved Outline and Reserved Matters planning consents for the identical proposal. The application site is located beyond the settlement of Billington. The site is bounded to the north by an open area of land which directly abuts the A59, with the site being bounded to the east by St. Vincent over 55's accommodation, with the adjacent site to the southeast benefitting from an extant consent to develop a Children's Private Day Nursery under application 3/2014/0801 (Appendix A). The planning consent gave approval for both the Over 55's accommodation and the Children's Day Nursery as a combined approval and given that the over 55's accommodation has been implemented, then this leaves the consent live for the Nursery in perpetuity.

2. Reasons for Refusal

2.1 The application was determined utilising the provisions contained within the Officer Delegation Scheme. A full copy of the delegated report can be found at Appendix B but in summary the application was refused for the following three reasons:

1. The proposal would result in significant direct measurable conflict with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy. Particularly insofar that approval would result in a significant level of built-form encroaching into the defined open countryside, resulting in a form of development, that by virtue of its quantum, configuration, location, density and scale, would result in an anomalous, incongruous and discordant incursion into the defined open countryside, that fails to respond positively to the inherent pattern and densities of nearby development or the open-aspect character of the immediate open countryside character, being of significant measurable detriment to the character and visual amenities of the area.
2. The proposal is in direct significant conflict with Policy DMG2 and consequently Policy DMB1 of the Ribble Valley Core Strategy in that the approval would lead to a significant quantum of visually unsympathetic and harmful built-form in the defined open countryside, located outside of any defined settlement boundaries, without sufficient or adequate justification. Particularly insofar that the proposal is not for that of 'Local Needs Housing 'nor has it been adequately demonstrated that the proposal is 'essential to the local economy or social wellbeing of the area', with the quantum of development proposed also precluding its ability to be considered as a 'small-scale use appropriate to a rural area'.
3. By virtue of the high-degree and level of independence of those occupying the assisted living units, it is considered that the proposal would lead to an unsustainable pattern of development, in a location that does not benefit from adequate walkable access to a full complement or wide range of local services or facilities, consequently placing increased levels of reliance upon the private motor-vehicle, contrary to the aims and objectives of Policy DMG3 of the Ribble Valley Core Strategy and the NPPF which has a presumption in favour of sustainable development.

3. Relevant Planning Policies

Ribble Valley Core Strategy:

Key Statement DS1: Development Strategy
Key Statement DS2: Sustainable Development
Key Statement EN3: Sustainable Development and Climate Change
Key Statement EC1: Business and Employment Development
Key Statement DMI1: Planning Obligations
Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations
Policy DMG2: Strategic Considerations
Policy DMG3: Transport & Mobility
Policy DMB1: Supporting Business Growth and the Local Economy

National Planning Policy Framework (NPPF)

4. The Case for the Appellants

- 4.1 Before approaching each of the three reasons for refusal issued by the Council, it should be first noted that Outline Planning Consent was first granted by planning committee under application 3/2016/0927 (Appendix C) and the subsequent Reserved Matters application approved under application 3/2021/0373 (Appendix D). It is significant to note that the initial Outline Consent, whilst incorporating indicative layout and quantum of development, simply dealt with matters of access reserving all other matters for subsequent consideration in the Reserved Matters submission. Furthermore, within the Reserved Matters submission under reference 3/2021/0373, there was considerable negotiation between the parties to arrive at an acceptable detailed solution. The application was reported to Planning and Development Committee on the 23rd September 2021. A copy of the Officer report can be found at appendix E.
- 4.2 When the initial Outline application was reported to Committee in March 2018 with an accompanying recommendation of refusal, Members of the Planning Committee recognized the social need for such a scheme within the Borough and so motioned for approval against the recommendation of refusal by the Officers. In this application, the Pinder Report was integral to the submission and it provided statistical evidence regarding the overwhelming social need for such specialist elderly housing accommodation within the Borough going forward given the age structure of the local population. It was clear at the meeting that accommodation of this nature was desirable to council members despite the location and case officer concerns surrounding compliance with land use policy within the Core Strategy.
- 4.3 The main rationale behind the refusal of this renewal of consent is restricted to the fact that the development site lies beyond the settlement boundary in open countryside. However, the facts remain that the scheme was approved by the planning committee as the need for such accommodation was perceived as being essential and seen as critical for addressing local needs of the Borough's elderly community moving forward. Notwithstanding the relevant planning history, the Planning Officer now believes that the justification for refusal rests purely on the land use policies contained in the same Core Strategy being Policies DMG1, DMG2 & DMB1.
- 4.4 A key consideration lies in the fact that the application was refused without committee review, despite the precedent set by the previous application and its subsequently approved reserved matters application. Whilst the initial consents expired, the renewal of Outline planning permission should have been a relatively straightforward process given that the precedent had been set. The Officer Delegated Item File Report, whilst listing the relevant planning history then in its assessment of the proposed development, fails to make any further reference whatsoever to the relevance of those consents in terms of the planning merits of the renewal proposal, effectively making a land use assessment whilst ignoring the planning balance associated with the valid planning history of the site and the overwhelming unsatisfied need within the Borough for such specialist elderly accommodation.

4.5 First Policy Reason for Refusal

POLICY DMG1 GENERAL CONSIDERATIONS

IN DETERMINING PLANNING APPLICATIONS, ALL DEVELOPMENT MUST:

DESIGN

1. BE OF A HIGH STANDARD OF BUILDING DESIGN WHICH CONSIDERS THE 8 BUILDING IN CONTEXT PRINCIPLES (FROM THE CABE/ENGLISH HERITAGE BUILDING ON CONTEXT TOOLKIT.
2. BE SYMPATHETIC TO EXISTING AND PROPOSED LAND USES IN TERMS OF ITS SIZE, INTENSITY AND NATURE AS WELL AS SCALE, MASSING, STYLE, FEATURES AND BUILDING MATERIALS.
3. CONSIDER THE DENSITY, LAYOUT AND RELATIONSHIP BETWEEN BUILDINGS, WHICH IS OF MAJOR IMPORTANCE. PARTICULAR EMPHASIS WILL BE PLACED ON VISUAL APPEARANCE AND THE RELATIONSHIP TO SURROUNDINGS, INCLUDING IMPACT ON LANDSCAPE CHARACTER, AS WELL AS THE EFFECTS OF DEVELOPMENT ON EXISTING AMENITIES.
4. USE SUSTAINABLE CONSTRUCTION TECHNIQUES WHERE POSSIBLE AND PROVIDE EVIDENCE THAT ENERGY EFFICIENCY, AS DESCRIBED WITHIN POLICY DME5, HAS BEEN INCORPORATED INTO SCHEMES WHERE POSSIBLE.
5. THE CODE FOR SUSTAINABLE HOMES AND LIFETIME HOMES, OR ANY SUBSEQUENT NATIONALLY RECOGNISED EQUIVALENT STANDARDS, SHOULD BE INCORPORATED INTO SCHEMES.

ACCESS

1. CONSIDER THE POTENTIAL TRAFFIC AND CAR PARKING IMPLICATIONS.
2. ENSURE SAFE ACCESS CAN BE PROVIDED WHICH IS SUITABLE TO ACCOMMODATE THE SCALE AND TYPE OF TRAFFIC LIKELY TO BE GENERATED.
3. CONSIDER THE PROTECTION AND ENHANCEMENT OF PUBLIC RIGHTS OF WAY AND ACCESS.

AMENITY

1. NOT ADVERSELY AFFECT THE AMENITIES OF THE SURROUNDING AREA.
2. PROVIDE ADEQUATE DAY LIGHTING AND PRIVACY DISTANCES.
3. HAVE REGARD TO PUBLIC SAFETY AND SECURED BY DESIGN PRINCIPLES.
4. CONSIDER AIR QUALITY AND MITIGATE ADVERSE IMPACTS WHERE POSSIBLE.

ENVIRONMENT

1. CONSIDER THE ENVIRONMENTAL IMPLICATIONS SUCH AS SSSIS, COUNTY HERITAGE SITES, LOCAL NATURE RESERVES, BIODIVERSITY ACTION PLAN (BAP) HABITATS AND SPECIES, SPECIAL AREAS OF CONSERVATION AND SPECIAL PROTECTED AREAS, PROTECTED SPECIES, GREEN CORRIDORS AND OTHER SITES OF NATURE CONSERVATION.
2. WITH REGARDS TO POSSIBLE EFFECTS UPON THE NATURAL ENVIRONMENT, THE COUNCIL PROPOSE THAT THE PRINCIPLES OF THE MITIGATION HIERARCHY BE FOLLOWED. THIS GIVES SEQUENTIAL PREFERENCE TO THE FOLLOWING: 1) ENHANCE THE ENVIRONMENT 2) AVOID THE IMPACT 3) MINIMISE THE IMPACT 4) RESTORE THE DAMAGE 5) COMPENSATE FOR THE DAMAGE 6) OFFSET THE DAMAGE.
3. ALL DEVELOPMENT MUST PROTECT AND ENHANCE HERITAGE ASSETS AND THEIR SETTINGS.
4. ALL NEW DEVELOPMENT PROPOSALS WILL BE REQUIRED TO TAKE INTO ACCOUNT THE RISKS ARISING FROM FORMER COAL MINING AND, WHERE NECESSARY, INCORPORATE SUITABLE MITIGATION MEASURES TO ADDRESS THEM.
5. ACHIEVE EFFICIENT LAND USE AND THE REUSE AND REMEDIATION OF PREVIOUSLY DEVELOPED SITES WHERE POSSIBLE. PREVIOUSLY DEVELOPED SITES SHOULD ALWAYS BE USED INSTEAD OF GREENFIELD SITES WHERE POSSIBLE

INFRASTRUCTURE

1. NOT RESULT IN THE NET LOSS OF IMPORTANT OPEN SPACE, INCLUDING PUBLIC AND PRIVATE PLAYING FIELDS WITHOUT A ROBUST ASSESSMENT THAT THE SITES ARE SURPLUS TO NEED. IN ASSESSING THIS, REGARD MUST BE HAD TO THE LEVEL OF PROVISION AND STANDARD OF PUBLIC OPEN SPACE IN THE AREA, THE IMPORTANCE OF PLAYING FIELDS AND THE NEED TO PROTECT SCHOOL PLAYING FIELDS TO MEET FUTURE NEEDS. REGARD WILL ALSO BE HAD TO THE LANDSCAPE OR TOWNSCAPE OF AN AREA AND THE IMPORTANCE THE OPEN SPACE HAS ON THIS.
2. HAVE REGARD TO THE AVAILABILITY TO KEY INFRASTRUCTURE WITH CAPACITY. WHERE KEY INFRASTRUCTURE WITH CAPACITY IS NOT AVAILABLE IT MAY BE NECESSARY TO PHASE DEVELOPMENT TO ALLOW INFRASTRUCTURE ENHANCEMENTS TO TAKE PLACE.
3. CONSIDER THE POTENTIAL IMPACT ON SOCIAL INFRASTRUCTURE PROVISION.

OTHER

1. NOT PREJUDICE FUTURE DEVELOPMENT WHICH WOULD PROVIDE SIGNIFICANT ENVIRONMENTAL AND AMENITY IMPROVEMENTS.

- 4.6 When reviewing planning applications the general considerations of this particular policy are deliberately loose and generic in order to allow flexibility for building design to achieve the high demands of contemporary living, work and enjoyment. When applied to this application, it should be noted that this is an outline application considering all matters with the exception of landscaping. The design is clearly driven by the requirements of the function and use of the buildings and the correlation between them. The design is considered through the understanding of care and need, which embraces the relationship with simplicity of layout and ease of understanding. It is reflected in the essential human domestic scale which is familiar for residents, which is important when you consider the dementia care aspect of the application, a need that should be high on most care providers and councils agendas.
- 4.7 The Officer opinion within the Delegated File Report, states that such an approval would be *"anomalous, incongruous and discordant incursion into the defined open countryside, that fails to respond positively to the inherent pattern and densities of nearby development"*. However, this statement is at odds with the fact that the Reserved Matters scheme was previously approved and found to be compliant with Policy DMG1. The latest Outline submission, unlike the initial Outline consent issued under reference 3/2016/0927 which purely dealt with matters of access with all other matters being left for subsequent consideration in the later Reserved Matters submission did in fact seek to deal with all matters at Outline stage with the exception of landscaping. Essentially the latest Outline application submitted under reference 3/2023/0739 was fully reflective in terms of design with the approved Reserved Matters consent previously issued under reference 3/2021/0373. A further consideration in terms of design lies within the implemented scheme for the adjoining over 55's apartments constructed on the neighbouring site which was approved under reference 3/2014/0801. A copy of the committee report for 3/2014/0801 is attached at Appendix A.
- 4.8 Taking each of the Policy DMG1 criterion in turn:
- 4.9 DESIGN
- 4.9.1 Although the application is in outline form, the nature of the use would imply the design requirements for a development such as this would be of a high standard by its nature. The fact that the previous reserved matters submission was approved supports this view point and is fully reflected in the appeal proposal.
- 4.9.2 The previous approval and the context of the 3/2014/0801 apartment scheme sets the precedent of this development in a positive manner.
- 4.9.3 The development is designed to meet the requirements of both elderly residential care and also assisted living to allow semi-independence to the end users, with the architectural character previously referenced within the earlier reserved matters application where the Officer Committee Report (Appendix E) at paragraph 5.3 states that *"...the revised submitted details are considered to represent an appropriate architectural response to the semi rural character of the site that also responds positively to the inherent character of the settlement of Billington."*

- 4.9.4 The design and access statement refers to both a CHP energy centre and MVHR throughout the layout to accommodate the sustainability aspects of DME5.
- 4.9.5 As the design is to meet the needs of assisted living and residential care, the criteria for a high standard to meet specific need of the user groups would need to be satisfied.
- 4.9.6 As referenced at para. 4.6, it is important to acknowledge the inconsistency of approach in terms of design as by making reference to the committee report for the Reserved Matters application 3/2021/0373 (Appendix E) the case officer quoted at para 5.2 and 5.3 as follows "Significant negotiations have been undertaken during the course of the application in relation to matters of design. As such the elevational treatment of the individual unit blocks and care home now incorporate parapet copings, chimney detailing, quoin detailing and a more semi-traditional fenestration arrangements. The elevations on the proposed buildings have also been revised to provide a clear visual hierarchy and order with feature gables being given more visual prominence in their proportioning. As such, taking account of the above matters, the revised submitted details are considered to represent an appropriate architectural response to the semi -rural character of the site that also responds positively to the inherent character of the settlement of Billington." The appeal proposal whilst in outline form now considers all matters at outline stage with the exception of landscaping, with the detailed design fully reflecting the approved earlier reserved matters consent under 3/2021/0373. The self same Case Officer now offers a totally contrary view on design and visual impact displaying an incomprehensible inconsistent approach.

4.10 ACCESS

- 4.10.1 The Highway Authority have consistently raised no objection to the proposal from the outset and therefore this criteria is deemed to be satisfied.

4.11 AMENITY

- 4.11.1 There do not appear to be any concerns in the Case Officers comments on these matters so the criteria is deemed to be satisfied.

4.12 ENVIRONMENT

- 4.12.1 The Council's consulting ecologist raised no objection and accepted the Knight Sky report with imposition of certain conditions. They also acknowledged the 10% Biodiversity Net Gain could be achieved across the site.
- 4.12.2 It has been identified that the site has very low impact on the biodiversity at present to the extent that further information that might typically be associated with an application of this nature, has not been requested in this instance.
- 4.12.3 None of the other matters concerning potential environmental aspects of the policy were highlighted as an issue.

5 INFRASTRUCTURE

5.1 The site is neither playing fields or public land, regards to the landscape and open space, the site had planning permission approved with reserved matters agreed for the site, combined with the neighbouring site approved under application 3/2014/0801 has increased the built form of the village further towards the boundary of the A59.

5.2 The infrastructure in respect to capacity should be considered against the need for such a facility, whilst acknowledging guidance in the NPPF, which states that the requirement for housing for older people is now critical, a view point also reflected in the Office of National Statistics and the Mayhew Report. The Mayhew Report in particular which focuses on this very issue by leading academic on ageing societies, Professor Les Mayhew, states that with the number of over-65s set to reach past 17 million by 2040, the Government should initiate an accelerated programme of constructing older people's housing with up to 50,000 new units a year, on top of the meagre 7,000 currently built annually.

6. Conclusion

6.1 This planned facility, which the planning committee in 2018 acknowledged as a social necessity when measured against the ridged application of open countryside policies, has still the same validity but in many respects more so, given the ever increasing aging population within the Borough.

6.2 It is clear, having reviewed the key points of Policy DMG1, that the considerations in respect of the relevant planning history were not taken into account and were in fact diametrically opposed to previous assessments particularly within the Reserved Matters approval and then further reinforced with the completed over 55s development adjacent and the pre-app response to the development of a second phase of 14 assisted care bungalows on the site of the proposed Children's Day Nursery.

7. Second Policy Reason for Refusal

POLICY DMG2 STRATEGIC CONSIDERATIONS

'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.

WITHIN THE TIER 2 VILLAGES AND OUTSIDE THE DEFINED SETTLEMENT AREAS DEVELOPMENT MUST MEET AT LEAST ONE OF THE FOLLOWING CONSIDERATIONS:

- 1. THE DEVELOPMENT SHOULD BE ESSENTIAL TO THE LOCAL ECONOMY OR SOCIAL WELL BEING OF THE AREA.*
- 2. THE DEVELOPMENT IS NEEDED FOR THE PURPOSES OF FORESTRY OR AGRICULTURE*

3. *THE DEVELOPMENT IS FOR LOCAL NEEDS HOUSING WHICH MEETS AN IDENTIFIED NEED AND IS SECURED AS SUCH.*
4. *THE DEVELOPMENT IS FOR SMALL SCALE TOURISM OR RECREATIONAL DEVELOPMENTS APPROPRIATE TO A RURAL AREA.*
5. *THE DEVELOPMENT IS FOR SMALL-SCALE USES APPROPRIATE TO A RURAL AREA WHERE A LOCAL NEED OR BENEFIT CAN BE DEMONSTRATED.*
6. *THE DEVELOPMENT IS COMPATIBLE WITH THE ENTERPRISE ZONE DESIGNATION.*

WITHIN THE OPEN COUNTRYSIDE DEVELOPMENT WILL BE REQUIRED TO BE IN KEEPING WITH THE CHARACTER OF THE LANDSCAPE AND ACKNOWLEDGE THE SPECIAL QUALITIES OF THE AREA BY VIRTUE OF ITS SIZE, DESIGN, USE OF MATERIALS, LANDSCAPING AND SITING. WHERE POSSIBLE NEW DEVELOPMENT SHOULD BE ACCOMMODATED THROUGH THE RE-USE OF EXISTING BUILDINGS, WHICH IN MOST CASES IS MORE APPROPRIATE THAN NEW BUILD. '

- 7.1 This proposal is considered to be essential to the local economy but also the social wellbeing of the area as set out in the first of the six criteria by which development needs to comply in order to meet the aims of Policy DMG2. This requirement is achieved by virtue of the fact that there is an ever increasing unmet need for the social provision of retirement and assisted living accommodation to meet the ever increasing needs of the Borough's ageing population as evidenced in both national and locally commissioned reports including the LCC Housing with Care and Support Strategy 2018-2025.
- 7.2 This social factor and the consequential planning balance has been evidenced in recent appeal decisions under references APP/W0530/W/21/3280395 (Stapleford) and APP/V0510/W/23/3324141 (Bottisham) (Appendix F). In both these cases the Inspector has found that the social need and planning balance outweighed the normal presumption against development within Green Belt in both these instances, and in so doing granted consent for similar retirement care villages falling within Use Class C2.
- 7.3 This outline application fully reflects the previous reserved matters approval which in itself was measured against this policy criteria and found compliant. It now seems inconsistent to suggest otherwise.

8. Third Policy Reason for Refusal

POLICY DMG3 Transport and Mobility

IN MAKING DECISIONS ON DEVELOPMENT PROPOSALS THE LOCAL PLANNING AUTHORITY WILL, IN ADDITION TO ASSESSING PROPOSALS WITHIN THE CONTEXT OF THE DEVELOPMENT STRATEGY, ATTACH CONSIDERABLE WEIGHT TO:

THE AVAILABILITY AND ADEQUACY OF PUBLIC TRANSPORT AND ASSOCIATED INFRASTRUCTURE TO SERVE THOSE MOVING TO AND FROM THE DEVELOPMENT

1. THE RELATIONSHIP OF THE SITE TO THE PRIMARY ROUTE NETWORK AND THE STRATEGIC ROAD NETWORK.
2. THE PROVISION MADE FOR ACCESS TO THE DEVELOPMENT BY PEDESTRIAN, CYCLISTS AND THOSE WITH REDUCED MOBILITY.
3. 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.
4. PROPOSALS WHICH LOCATE MAJOR GENERATORS OF TRAVEL DEMAND IN EXISTING CENTRES WHICH ARE HIGHLY ACCESSIBLE BY MEANS OTHER THAN THE PRIVATE CAR.
5. PROPOSALS WHICH STRENGTHEN EXISTING TOWN AND VILLAGE CENTRES WHICH OFFER A RANGE OF EVERYDAY COMMUNITY SHOPPING AND EMPLOYMENT OPPORTUNITIES BY PROTECTING AND ENHANCING THEIR VITALITY AND VIABILITY.
6. 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 WHICH THEY NEED TO VISIT REGULARLY.
7. PROPOSALS WHICH LIMIT PARKING PROVISION FOR DEVELOPMENTS AND OTHER ON OR OFF STREET PARKING PROVISION TO DISCOURAGE RELIANCE ON THE CAR FOR WORK AND OTHER JOURNEYS WHERE THERE ARE EFFECTIVE ALTERNATIVES.

ALL MAJOR PROPOSALS SHOULD OFFER OPPORTUNITIES FOR INCREASED USE OF, OR THE IMPROVED PROVISION OF, BUS AND RAIL FACILITIES.

ALL DEVELOPMENT PROPOSALS WILL BE REQUIRED TO PROVIDE ADEQUATE CAR PARKING AND SERVICING SPACE IN LINE WITH CURRENTLY APPROVED STANDARDS.

THE COUNCIL WILL PROTECT LAND CURRENTLY IDENTIFIED ON THE PROPOSALS MAP FROM INAPPROPRIATE DEVELOPMENT THAT MAY BE REQUIRED FOR THE OPENING OF STATIONS AT GISBURN AND CHATBURN. ANY PLANNING APPLICATION RELATING TO THESE SITES WILL BE ASSESSED HAVING REGARD TO THE LIKELIHOOD OF THE SITES BEING REQUIRED AND THE AMOUNT OF HARM THAT WILL BE CAUSED TO THE POSSIBLE IMPLEMENTATION OF SCHEMES.

- 8.1 Notwithstanding the fact that the local Highway Authority have consistently raised no objection to this proposal dating back to the considerations surrounding the original Outline consent in 2018, the Delegated Item File Report firstly questions the appropriate use class for the assisted living component of the proposal, opining that such housing provision would be more akin to C3 housing use rather than a C2 use as is now widely accepted to be the case and further evidenced within the two appeal cases cited at Appendix F. The Officer report suggests that the assisted living element of the scheme would now lead to an unsustainable patten of development. This development would deliver on site facilities to enhance daily life for residents of the scheme, with a gym, pool, hairdresser, shops and cafeteria to supplement the village store located on Whalley Road, in Billington.

- 8.2 The Delegated Item File Report associated with this appeal case (Appendix B) has overlooked the fact that the accompanying Unilateral Undertaking, also seeks to reduce the reliance on the private motor car by incorporating the provision of a village transport service, not only for persons resident within the retirement complex but also other residents of Billington Village with a return transport service to local shops and facilities in Clitheroe at least once a day from Monday to Saturday.

9. OTHER MATERIAL CONSIDERATIONS

- 9.1 A pre-application submission on the site of the approved Children's Day Nursery development was undertaken by AV Town Planning Ltd for an additional 14no assisted care units in late 2022 subsequent to both the issue of the Outline and Reserved Matters consents issued on the main appeal site. This pre-application consultation was deemed to be acceptable in principle by the Case Officer. The full response issued on the 17th November 2022 can be found at Appendix G. Within the body of the response the Case Officer states as follows "Given the principle of development for C2 accommodation in this location has already been established as being acceptable (by virtue of the above reference permissions), it is not considered that the creation of additional "C2 continuing care" accommodation in this location would result in any significant and direct conflict with the development strategy for the borough. However, this would be on the basis that the need for such accommodation existed and was robustly evidenced at the point of submission as required by Policy DMG2".
- 9.2 It is clearly evident by the positive reaction to this pre-app consultation with the Local Authority that there was fundamental support for even further planned expansion to the initial approved scheme which would have resulted in an increase in the number of assisted care units from the initially approved 60 units to a total of 74 units. Of equal importance is the fact that this additional phase of development, to which there was unequivocal support in land use terms, would have added to the range of accommodation available with the delivery of bungalows as well as the apartments integral to the initial consent. There seems little consistency of approach when balancing this advice against the considerations applied to the renewal of consent associated with the appeal proposal.
- 9.3 Within the Delegated Item File Report it is suggested that the support normally afforded by Policy DMB1 would in this instance, be fully disengaged. It is the contention of the appellants that the creation of 68 full time equivalent jobs into the local economy is a material consideration given that it has been demonstrated that the proposal does not have overriding conflict within Policies DMG1, DMG2 or other relevant policies contained within the Development Plan and these are factors that have to be given due weight in the planning balance when considering the due merits of the case.

5. Evidential Reports

- ONS: Living longer and old-age dependency – what does the future hold? - June 2019
- The Mayhew Review - Future proofing retirement living - November 2022
- Pinders Report 16_0927_Care_Needs_Assess_amend - Feb 2017 (Appendix H)
- LCC Housing with Care and Support Strategy 2018 – 2025 (Appendix I)

6. Conclusion

- a. The appeal scheme is identical to the previous scheme granted consent under reference 3/2021/0373 with the only matters to be determined at subsequent Reserved Matters stage being matters in respect of landscaping.
- b. The Delegated Item File Report does not apply any weight to the previous Outline and Reserved Matters approvals in the determination of the appeal proposal.
- c. The Delegated Item File Report did not take into account the business and economic factors for the development under policy DMB1, as this should be engaged for the purposes of job creation and benefit to the local area for this type of development, as was the case in the assessment made by Members of Planning Committee in 2018.
- d. The refusal is based upon the adverse impact on the open countryside from a design perspective for the appeal proposal which is identical to the previously approved scheme under reference 3/2021/0373 in which Officers perceived as being wholly appropriate to its setting and compliant with policy.
- e. The pre application (22ENQ00081) submitted for the adjacent site was deemed acceptable in principle when measured against the self-same policies within the Development Plan.
- f. The overriding demand for this type of accommodation in the area justifies the development as acknowledged when granting the previously approved scheme and is further validated by; Pinders Report - Feb 2017, the government ONS review, The Mayhew Review and also the Lancashire County Council – Housing with Care and Support Strategy 2018 - 2025. The LCC Strategy aims to have at least one extra-care scheme for older adults in each district and about 1000 homes by 2025. Even at today's date, Ribble Valley still does not have the ability to deliver such a scheme elsewhere within the district, these are all matters which should have been considered in the planning balance.
- g. The NPPF of December 2024 at paragraph 63 states that the needs of different groups within the community should be assessed and reflected in planning policies. "These groups should include..... older people (including those who require retirement housing, housing-with-care and care homes)...."
- h. It is recognised that integral to the desire by local elderly people to downsize and seek additional support which is integral to extra care housing, then this in turn results in the release of often larger family accommodation back into the general market.
- i. Paragraph 85 of the NPPF advises that "*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*"
- j. In terms of the delivery of a retirement community within the Ribble Valley then 7 years on from the granting of the first consent on this site then there still remains no other such facility within the Borough.

- k. On the basis of the above, the Inspector is requested to allow the appeal and grant planning permission, subject to the imposition of appropriate conditions and the Unilateral Undertaking lodged at Appendix J.

7. List of Appendices

Appendix A - Planning Consent 3/2014/0801

Appendix B - Delegated File Report for appeal proposal 3/2023/0739

Appendix C - Outline Planning Consent 3/2016/0927

Appendix D - Reserved Matters Planning Consent 3/2021/0373

Appendix E - Planning Committee Report 3/2021/0373

Appendix F - Appeal decisions APP/W0530/W/21/3280395 (Stapleford) and APP/V0510/W/23/3324141 (Bottisham)

Appendix G - Pre-Application Response RV/2022/ENQ/00081

Appendix H - Pinders Report

Appendix I - LCC Housing with Care and Support Strategy 2018-2025

Appendix J - Unilateral Undertaking