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# PLANNING AND AFFORDABLE HOUSING STATEMENT

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Land off Henthorn Road, Clitheroe



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## APPENDICES

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# 1 INTRODUCTION

## 1.1 Scope of the Statement

1.1.1 This Planning and Affordable Housing Statement has been prepared to support an outline planning application made by Gladman Developments Ltd ('Gladman') for residential-led development at Land off Henthorn Road, Clitheroe. The description of development is as follows:

*“Outline planning application for the erection of up to 115 dwellings, including affordable housing, with public open space, landscaping, sustainable urban drainage system (SuDS) and vehicular access. All matters reserved except for means of access”.*

1.1.2 The statement explains the policy context for the application and sets out how the proposed development is appropriate, having regard to the statutory development plan and other material considerations, including the National Planning Policy Framework ('the Framework').

1.1.3 It is one of a suite of documents submitted to evidence the application and comprehensively demonstrate the suitability and sustainability of the site for housing development. The following plans and documents have been submitted in support of the outline planning application:

- Site Location Plan
- Development Framework Plan
- Proposed Access Arrangements
- Socio-Economic Benefits Statement
- Design & Access Statement
- Landscape & Visual Appraisal
- Ecological Appraisal and supporting surveys and reports

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- Arboricultural Assessment
  - Heritage Desk-Based Assessment
  - Preliminary Risk Assessment Report
  - Mineral Resource Assessment
  - Flood Risk Assessment & Outline Drainage Strategy
  - Air Quality Assessment
  - Odour Impact Assessment
  - Noise Screening Report
  - Transport Assessment
  - Travel Plan
  - Statement of Community Involvement
  - BNG Metric Report
  - BNG Metric Calculator
  - Socio-Economic Benefits Statement
  - Waste Management Strategy
  - Crime Impact Statement
  - Lighting Strategy

## 2 THE SITE

### 2.1 The Site and Its Surroundings

- 2.1.1** The site extends to approximately 7.17 hectares and is located on the south-western edge of Clitheroe. It comprises two fields in agricultural use, either side of Henthorn Road that are largely enclosed by trees and hedgerows. Residential development lies immediately to the north-east of both parcels, with the adjoining schemes having been delivered in the past decade.
- 2.1.2** The northern parcel of the site lies adjacent to Ingleton Crescent and associated residential development, which together form its north-eastern boundary. The north-western boundary of the field parcel is formed by mature trees, beyond which lies Siddows Hall. The south-eastern boundary is formed by Henthorn Road and the south-western boundary is comprised of the Ribble Way and an access track for Siddows Hall.
- 2.1.3** The southern parcel of the site lies adjacent to residential development, which forms its northern boundary. The eastern boundary is formed by mature hedgerows and trees, beyond which lie further agricultural fields and public open space associated with a recent residential development. The southern boundary is formed by Pendleton Brook and Henthorn Road comprises the parcel's western boundary.
- 2.1.4** Clitheroe, by virtue of its status as a first-tier settlement (Principal Settlement) in the adopted Core Strategy, is a sustainable location for residential development. There is a range of facilities and services within close proximity to the site that can be easily accessed by walking, cycling or public transport, as shown in Figure 03 of the Design and Access Statement (DAS). Therefore, active travel would be a realistic option for residents living at the site, with day-to-day needs able to be met in Clitheroe.
- 2.1.5** In regard to public transport, the closest bus stop is located on Blakewater Road and is approximately a 450m walk from the centre of the site. This bus stop is served by bus service no. C2, which functions as a town circular

service via Low Moor. The nearest railway station is in Clitheroe and is just over a 2km walk from the site. Journeys to the railway station can also be made by cycle and bus. There are five cycle lockers available at the station. The station can be accessed via the no. C2 bus service, as outlined above, and the journey is approximately 12 minutes. There is an hourly train service from Clitheroe to destinations including Blackburn, Bolton and Manchester. Therefore, long-distance travel would be a viable option for residents of the site for both commuting and recreation.

- 2.1.6** In recognition of its sustainability and suitability for growth, the Core Strategy directs 2,320 dwellings to Clitheroe between 2008 and 2028, which is the highest level of housing growth directed to any settlement in the borough. Evidently, Clitheroe has previously been deemed a suitable and sustainable location to deliver further housing of the nature and scale proposed on the site. This is also exemplified by the adjoining schemes that have now been fully built out for 130 dwellings (planning application reference: 3/2015/0446) and 110 dwellings (planning application reference: 3/2020/0266) respectively.
- 2.1.7** Clearly, the site is located in an established direction of growth around Clitheroe, and its development would provide a logical continuation of housing growth at the most sustainable settlement in the borough, as identified in the Settlement Hierarchy (December 2008) evidence base document.
- 2.1.8** The site is currently located in the open countryside beyond the defined settlement boundary for Clitheroe but is well related to the existing settlement edge.
- 2.1.9** The site is not subject to any statutory ecological, heritage or landscape designations. As shown by the latest Environment Agency flood risk maps, all of the proposed developable area is located within Flood Zone 1. There are mapped areas of Flood Zone 2 & 3 within the boundary of the southern parcel that have been taken into careful consideration through the proposed

development, remaining outside of any proposed areas of built development.

**2.1.10** In light of the above, the site is considered to be typical of the type of land national planning policy envisages for meeting housing needs. As demonstrated through the remainder of this statement and the technical assessments accompanying the application submission, the site represents a suitable and sustainable location to deliver a high-quality residential development that could be successfully integrated into the existing settlement and surrounding landscape.

## 2.2 Relevant Planning History

**2.2.1** The site was subject to a previous planning application, submitted by Gladman in 2019.

**2.2.2** Gladman submitted an outline planning application for residential development of up to 160 dwellings (Ref: [3/2019/0999](#)). Following the submission of the application, few objections were received from statutory consultees. Over the course of the following two years, submissions were made to respond to the issues raised by the consultees; however, the Council took the decision to refuse the application in September 2021.

**2.2.3** The decision notice listed two reasons for refusal, summarised below:

1. The proposals are contrary to Policies DMG2 and DMH3 in that approval would lead to new residential development in the open countryside, without sufficient justification.
2. The proposals are contrary to Policies DMG1 and DMG2 by virtue of the proposed density and quantum of development, which would result in an anomalous and discordant pattern and form of development. The proposals would also fail to respond positively to the surrounding townscape and landscape.

**2.2.4** Submitted in support of this application is a suite of technical assessments and reports that address the previous reasons for refusal. This statement

demonstrates that the principle of development on the site is acceptable, having regard to local and national planning policy.

- 2.2.5** It is also noted that the previous planning application was determined in a materially different planning policy context, with several policy changes at the national level in the intervening period.

## 3 THE PROPOSALS

### 3.1 The Proposal

3.1.1 The application is made in outline with all matters reserved for later consideration, except for means of access. The drawings submitted as part of the application for approval are:

- Site Location Plan (drawing number: 9053-FPCR-XX-XX-DR-L-0002 Rev P03)
- Proposed Access Arrangements (drawing number: 1677/01/F)

3.1.2 A Development Framework Plan (DFP) has been submitted in support of the application, which shows a potential layout for the proposed development and is for indicative purposes only. The indicative site layout has been informed by a full contextual analysis of the site.

3.1.3 The application proposal includes the following:

- Up to 115 dwellings, including 30% affordable housing (up to 35 homes), in line with adopted local planning policy;
- Vehicular and pedestrian access onto Henthorn Road and Ingleton Crescent;
- 4.04 hectares of green infrastructure (approximately 56% of the site area), comprising a new community parkland, other publicly accessible open space, a community orchard, landscaping and planting, recreational routes, two children's play areas and two attenuation basins;
- A visitor car park, supporting access to the country parkland and the wider local area;
- Improved connectivity to the surrounding public rights of way network, including the Ribble Way;

- The enhancement of on-site habitats to deliver at least a 10% biodiversity net gain; and
- A sustainable urban drainage system (SuDS).

**3.1.4** Further detail of the considerations and principles that have informed the preparation of the application proposals is provided in the accompanying suite of supporting technical assessments, including the DAS. A summary of overarching principles is provided below.

#### **Residential Development**

**3.1.5** The submitted DFP shows the proposals form two main developable areas, north and south of Henthorn Road, that total 3.13 hectares. These developable areas are shown at a density of 36 dwellings per hectare (dph). Crucially, the DFP has been sensitively designed to respond positively to the surrounding townscape and landscape. As such, the proposals successfully address the previous application's second reason for refusal.

#### **Access**

**3.1.6** It is proposed that the two parcels, north and south of Henthorn Road, have independent access points. The northern parcel will be accessed from Ingleton Crescent to the north-east and the southern parcel will be accessed from Henthorn Road to the west. Both access points will serve vehicles and pedestrians. Furthermore, a pedestrian and cycle link is proposed between the parcels.

**3.1.7** It has been confirmed that the required visibility splays can be achieved and that the site access points will operate comfortably within capacity in both peak periods with the proposed development traffic.

**3.1.8** Some of the dwellings will take direct access from the new primary streets, while others would be served by roads and drives that spur off from this route. The hierarchical structure and layout of the internal road network will be defined at the reserved matters stage.

- 3.1.9** The existing public right of way running through the site is to be retained. It links Henthorn Road with Edisford Road and Woone Lane and provides a connection to the Ribble Way.

### **Green Infrastructure Provision**

- 3.1.10** The proposed development includes approximately 4.04 hectares of green infrastructure (56% of the total site area), comprising new community parkland, other publicly accessible open space, a community orchard, landscaping and planting, recreational routes, two children's play areas and two attenuation basins.
- 3.1.11** The green infrastructure proposals form an integral part of the framework and will contribute positively to the site's landscape character, enhance biodiversity and provide community benefits, including recreational opportunities.
- 3.1.12** The proposed areas of green infrastructure beyond the developable areas will integrate the scheme into the landscape, soften views (particularly from the south) and provide a well-vegetated edge to the development.
- 3.1.13** While the detailed landscaping design is a matter reserved for subsequent determination, the submitted DFP shows how the proposed green infrastructure can be incorporated within the new development to deliver multifunctional benefits.

## **3.2 EIA Screening**

- 3.2.1** As the application proposals cover an overall area of development exceeding 5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Such projects only require an Environmental Impact Assessment (EIA) if the development is 'likely to have significant effects on the environment by virtue of factors such as its nature, size or location.' Projects that are wholly outside sensitive areas and do not exceed the screening thresholds are not Schedule 2 development, so do not require EIA screening.

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- 3.2.2** The site is not considered to be particularly sensitive, and a review of the site and location indicates that the chances of significant effects arising on this site are minimal. The characteristics of the development would be identical to adjacent land uses and receptors, including nearby residents, and the water and air environments and ecological receptors are either not affected by, or can be protected from, adverse effects using standard and commonly employed mitigation techniques. For the reasons set out above, the proposals are not considered to be of a scale or character that would be likely to have significant environmental effects on the environment that would warrant an EIA.
- 3.2.3** Therefore, the applicant does not consider that the proposed development would have significant effects on the environment that require consideration through the EIA process. Through the application process, the local planning authority should complete EIA screening, but it is pertinent to note that the Council did not consider the previous planning application, which applied for a greater number of dwellings, to be an EIA development.

## 4 THE DEVELOPMENT PLAN & MATERIAL CONSIDERATIONS

### 4.1 Introduction

4.1.1 This section sets out the development plan applicable to the application site and other relevant material considerations. Notably affordable housing as a material consideration is discussed in Section 6 of this statement.

4.1.2 The development plan applicable to the site comprises:

- Core Strategy 2008 - 2028: A Local Plan for Ribble Valley (adopted December 2014);
- Housing and Economic Development - Development Plan Document (adopted October 2019); and
- Joint Lancashire Minerals and Waste Local Plan: Core Strategy (adopted March 2009) and Site Allocation and Development Management Policies (adopted September 2013).

4.1.3 The Core Strategy sets out the overarching strategy for growth and development across the borough over the plan period 2008-2028. The Housing and Economic Development - DPD provides more detailed policy coverage on key issues identified in the Core Strategy and allocates land for residential and employment uses to support the strategic policies.

4.1.4 The Joint Lancashire Minerals and Waste Local Plan sets out the strategy for the sustainable management of Lancashire's waste and supply of minerals. A review of the Local Plan is currently being undertaken, and at the time of writing, is anticipated to be submitted to the Secretary of State for examination in winter 2025/26.

4.1.5 The Core Strategy is deemed to be the only development plan document relevant to the proposals. As such, the other development plan documents are not considered further in this statement.

## The Emerging Local Plan

4.1.6 The Council is preparing a new Local Plan that will replace the Core Strategy and Housing and Economic Development DPD. As part of the preparation of the new Local Plan, a Regulation 18 Strategic Issues consultation took place between May and July 2022. In November 2025, a revised Local Development Scheme was published by the Council, setting out the following timescales:

- Regulation 18 Preferred Options consultation: Spring 2026
- Pre-Submission Local Plan consultation: Autumn 2026
- Submission to the Secretary of State for examination: Winter 2026/27
- Examination hearings: Spring 2027
- Main Modifications consultation: Summer 2027
- Inspector's Report: Autumn 2027
- Adoption: Winter 2027/28

4.1.7 The emerging Ribble Valley Local Plan is at a relatively early stage of preparation. Accordingly, whilst the emerging Local Plan constitutes a material consideration, in line with paragraph 49 of the Framework, it can only be presently afforded limited weight in the determination of this application.

## 4.2 The Development Plan: Weighting

4.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Section 39 of the Act requires decision-makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

4.2.2 The Framework is a material consideration, but it is confirmed in paragraphs 2 and 12 that this does not change the statutory status of the development

plan as the starting point for decision-making. The planning application should be considered in this context.

### 4.3 Five Year Housing Land Supply

- 4.3.1 There is a pressing need throughout the country to deliver more homes to solve the housing crisis. The Council has a responsibility to deliver the homes needed within the borough. Paragraph 78 of the Framework specifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their adopted housing requirement, or against their local housing need (LHN) where the strategic policies are more than five years old. A buffer of either 5% or 20% should be applied to the requirement figure depending on past performance.
- 4.3.2 In assessing the application proposals against the requirements of the development plan, the Council's five year housing land supply position is an important material consideration.
- 4.3.3 The Council's most recent 5 Year Housing Land Supply Statement was published in May 2025. Using a base date of March 2025, the statement claims that the authority can demonstrate a housing land supply of 6.2 years, with a deliverable supply of 1,324 dwellings against a five-year requirement of 1,070 dwellings, based on the borough's local housing need (LHN) figure, taking into account oversupply and a 5% buffer.
- 4.3.4 It is important to note that the Council published two 5 Year Housing Land Supply Statements within a short period of time, with different approaches to oversupply taken in each. Within the 2024 Statement, which was published in April 2025, the Council utilised its March 2025 LHN figure of 305 dwellings per annum (dpa) and did not discount previous oversupply from the five-year requirement, including a 5% buffer. However, as previously discussed, the most recently published statement, has utilised previous oversupply to reduce the LHN requirement figure within the calculation.

- 4.3.5 The planning practice guidance (PPG) makes clear that when calculating the LHN figure, previous delivery rates are factored into the calculation. As such, there is simply no provision for over-supply to be taken into account<sup>1</sup>.
- 4.3.6 Based on the Council's latest claimed deliverable housing land supply of 1,324 dwellings in its May 2025 statement, the Council is only able to demonstrate a supply of **4.06 years** for the five-year period 1<sup>st</sup> April 2025 - 31<sup>st</sup> March 2030 when using the May 2025 LHN figure of 311 dpa with a 5% buffer and **not taking into account previous oversupply**. Clearly, when the correct methodology is applied, the Council is unable to demonstrate a five year housing land supply, resulting in a significant shortfall. Furthermore, upon scrutiny, Gladman considers the Council's deliverable housing land supply to be lower than 4.06 years, with not all of the claimed housing land supply being deliverable within the five-year period.
- 4.3.7 Therefore, the outline planning application should also be assessed in the context that the Council cannot demonstrate a five year housing land supply. In the absence of a five year housing land supply, the most important policies for the determining the application proposals are rendered out of date for the purposes of decision-making in accordance with footnote 8 of the Framework, and the planning application falls to be determined in accordance with the tilted planning balance contained within Framework paragraph 11d.
- 4.3.8 The market and affordable homes proposed on the application site could make a significant contribution to housing supply in Ribble Valley during the next five years of the plan period and help to address the Council's current inability to demonstrate a five year housing land supply.

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<sup>1</sup> Paragraph: 022 Reference ID: 68-031-20190722

## 4.4 National Planning Policy Framework

4.4.1 The most recent iteration of the National Planning Policy Framework was published on 12<sup>th</sup> December 2024 (and was subject to minor amends on 7<sup>th</sup> February 2025).

4.4.2 At the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 8 of the NPPF notes that to achieve sustainable development, there are three overarching objectives that need to be pursued in mutually supportive ways: economic, social and environmental.

4.4.3 Plans and decisions should apply a presumption in favour of sustainable development, with paragraph 11 explaining that for decision-taking this means:

*‘c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

*ii. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.’*

4.4.4 Chapter 5 of the Framework focusses on delivering a sufficient supply of homes, with paragraph 61 stating 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.

- 4.4.5 Chapter 9 of the Framework emphasises the promotion of sustainable transport. Paragraph 109 sets out that new developments should apply a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places.
- 4.4.6 Chapter 11 of the Framework promotes making an effective use of land. Paragraph 129 states that development that makes efficient use of land should be supported, taking into account the identified need for different types of housing and the availability of land suitable for accommodating it.
- 4.4.7 Chapter 12 of the Framework is concerned with achieving well-designed places. Paragraph 131 explains that good design is a key aspect of sustainable development and can create better places in which to live and work.
- 4.4.8 When taken as a whole, the proposals comply with the policies of the Framework, delivering much-needed homes in a sustainable location, with high-quality design credentials.

## 4.5 Written Ministerial Statements

- 4.5.1 On 30<sup>th</sup> July 2024, the publication of the consultation draft of the revised Framework coincided with a Written Ministerial Statement (WMS) made by the then Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, Angela Rayner, titled ‘Building the homes we need’.
- 4.5.2 The WMS stresses the severity of the of the housing crisis facing the country, describing it as “the most acute housing crisis in living memory”. The WMS also reinforces the Government’s commitment to fixing the foundations of the housing and planning system, building 1.5 million homes over the next five years and strengthening the presumption in favour of sustainable

development to ensure that planning permission is granted on suitable sites in sustainable locations.

4.5.3 Following the publication of the revised Framework on 12<sup>th</sup> December 2024, a further WMS was made by Minister of State for Housing and Planning, Matthew Pennycook, again titled ‘Building the Homes we Need’.

4.5.4 The WMS emphasises the need for planning permissions to be secured outside of local plan allocations in the short term to achieve the scale of delivery required to begin addressing the impacts of the housing crisis. It also reiterates the Government’s commitment to strengthening the presumption in favour of sustainable development, stating that:

*“where it applies, the presumption in favour of sustainable development must have real teeth. The changes we make today ensure that the presumption carries real weight, acting as a significant adjustment to the decision-making balance in favour of approving development.”*

4.5.5 It is well established that WMSs represent a firm statement of government policy. They clearly set out the commitment to the biggest growth in social and affordable housebuilding in a generation. Full weight should be attached to these statements as material considerations in the determination of planning applications.

4.5.6 The Government’s ambition to deliver 1.5 million homes within this parliamentary term is both a social necessity to address the housing crisis and a key mechanism for facilitating economic growth. Forecasting produced by the Office for Budgetary Responsibility demonstrates that the recent planning reforms, including the delivery of 1.5 million homes, could add £6.8 billion to GDP and contribute £3.4 billion to UK public services<sup>2</sup>.

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<sup>2</sup> HM Treasury, March 2025. Available at: <https://www.gov.uk/government/news/obr-concludes-planning-reforms-will-bring-housebuilding-to-its-highest-level-in-40-years>

## 4.6 Development Plan Policies

4.6.1 As set out above, the Core Strategy (CS) was adopted in December 2014 and sets out the overarching strategy for growth and development across the borough over the plan period 2008-2028, which includes focussing development in the Principal Settlements, such as Clitheroe.

### **Key Statement H1: Housing Provision**

4.6.2 Key Statement H1 outlines that land for residential development will be made available to deliver 5,600 dwellings over the plan period 2008-2028, equating to 280 dpa. However, it is important to note that as the Core Strategy is over five years old, the LHN figure is now the relevant housing requirement, which is currently 311 dpa.

### **Key Statement DS1: Development Strategy**

4.6.3 Key Statement DS1 outlines the development strategy for the borough over the plan period. Housing growth is distributed according to the settlement hierarchy set out in the policy, with the most sustainable settlements in the borough receiving the highest levels of housing growth.

4.6.4 Clitheroe is identified as a first-tier settlement and is one of three Principal Settlements in the borough. Key Statement DS1 states that the majority of new housing development will be concentrated in the Principal Settlements. In recognition of its sustainability and suitability for growth, the Core Strategy directs 2,320 dwellings to Clitheroe between 2008 and 2028, which is the highest level of housing growth directed to any settlement in the borough.

4.6.5 The hierarchy was established through the Settlement Hierarchy (December 2008) evidence base document, which scored Clitheroe as the most sustainable settlement in the borough, with a score of 42 out of 42. In their final report, the examining Inspector commented that:

**“I am of the firm view that the development strategy and hierarchy of settlements proposed through MM2 is justified.**

**There can be little serious doubt that Clitheroe performs the function of a principal settlement ... Consequently, in relation to the principal settlements, I regard the Settlement Hierarchy document analysis to be adequately reliable.”**

- 4.6.6 The proposal accords with the spatial strategy, as it will deliver up to 115 dwellings on the edge of the most sustainable settlement in the borough.

**Key Statement DS2: Presumption in Favour of Sustainable Development**

- 4.6.7 Key Statement DS2 adopts a positive approach towards development proposals in line with the presumption in favour of sustainable development set out in the Framework. The Council will work proactively with applicants to secure development that improves the economic, social and environmental conditions in the area and to find solutions so that proposals can be approved wherever possible. This statement and other supporting documents demonstrate how the proposed development will improve the economic, social and environmental conditions in the area.
- 4.6.8 Key Statement DS2 states, “planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.”
- 4.6.9 The proposed scheme accords with the local plan and should, therefore, be approved without delay. The Principle of Development Statement of Common Ground between Gladman and Ribble Valley Borough Council for the site on the northern side of Henthorn Road (Appendix 1) reaffirms this position. The Council agreed that development in this location is acceptable in principle subject to accessibility. As confirmed by the Inspector in the appeal decision, this is a sustainable and accessible location that accords with Key Statements DS2 and DMI2 and Policy DMG3 of the Core Strategy (Appendix 2, paragraph 66). The same conclusions can be drawn for the application site.

**4.6.10** Key Statement DS2 also mirrors the tilted balance set out in the paragraph 11d of the Framework. As the Council is unable to demonstrate a five year housing land supply, the tilted balance is engaged. As demonstrated through this statement, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission in this instance. Furthermore, in respect of paragraph 11d(i), there are no footnote 7 policies that provide a strong reason for refusal. Outline planning permission should be granted on this basis.

### **Key Statement H2: Housing Balance**

**4.6.11** Key Statement H2 outlines that residential development should 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. The proposed scheme has taken into account the evidence within the Strategic Housing and Economic Needs Assessment (2020) and Affordable Housing Needs Assessment (2025). It sets out that Ribble Valley is not only going to see growth of the older population but also of households with dependent children. As such, a variety of house types from 1-bed apartments to 5-bed dwellings is proposed.

**4.6.12** Therefore, the proposals are compliant with Key Statement H2.

### **Key Statement H3: Affordable Housing & Policy DMH1: Affordable Housing Criteria**

**4.6.13** Key Statement H3 outlines that in all locations other than within the settlement boundaries of Clitheroe and Longridge, developments of 5 or more dwellings will need to provide 30% affordable housing on-site. The proposed development will provide 30% affordable housing on-site, equating to up to 35 affordable dwellings for those in need.

**4.6.14** Key Statement H3 also states that 15% of units will be sought to provide for the older population on sites of 10 units or more, with a minimum of 50% being affordable, contributing to the overall 30% affordable units on-site.

The application is providing dwellings suitable for those aged over 55, and there will be a 50% split of these between market and affordable tenures.

**4.6.15** Policy DMH1 outlines the groups of people that the 30% affordable housing provision should be for. These are outlined below:

1. First-time buyers currently resident in the parish or an adjoining parish.
2. Older people currently resident in the parish or an adjoining parish.
3. Those employed in the parish or an immediately adjoining parish but currently living more than 5 miles from their place of employment.
4. Those who have lived in the parish for any 5 of the last 10 years, having left to find suitable accommodation and also with close family remaining in the village.
5. Those about to take up employment in the parish.
6. People needing to move to the area to help support and care for a sick, older person or infirm relative.

**4.6.16** The 30% affordable housing proposed for the site will cater for these groups of people. Therefore, the proposal is compliant with Policy DMH1.

#### **Policy DMG1: General Considerations**

**4.6.17** Policy DMG1 identifies a series of criteria in relation to design, access, amenity, environment and infrastructure that all developments must adhere to.

**4.6.18** As this application is made in outline, the detailed design will be considered at the reserved matters stage; however, as demonstrated within the submitted DAS, the scheme has taken a landscape-led approach and has been designed to respond positively to the surrounding townscape and landscape and take account of existing amenities.

**4.6.19** The submitted suite of technical reports and assessments demonstrate that safe and suitable access can be provided, as well as protection and

enhancements made to the existing public rights of way network, and that the proposals would not have an adverse effect on the amenity of the surrounding area.

- 4.6.20 The environmental and infrastructure impacts of the development have also been assessed in the submitted documentation and are detailed in Section 5 of this statement. In summary, no unacceptable, adverse impacts will arise as a result of the proposed development.
- 4.6.21 The proposals will also not prejudice any future development that would provide environmental or amenity improvements.
- 4.6.22 Therefore, the proposals comply with Policy DMG1.

#### **Policy DMG2: Strategic Considerations**

- 4.6.23 Policy DMG2 states that development proposals in Principal Settlements should consolidate, expand or round-off development so that it is closely related to the main built-up areas, ensuring that it is appropriate to the scale of and in keeping with the existing settlement. The site lies immediately adjacent to the main built-up area of Clitheroe, with the development to the north-east of the northern parcel located outside of the defined settlement boundary for the settlement. The Core Strategy's glossary provides a definition for consolidation, expansion and rounding off. As per the appeal site on the northern side of Henthorn Road, the application site meets the definitions of both expansion and consolidation. This is confirmed at paragraphs 17 and 18 of the Inspector's appeal decision (Appendix 2). Furthermore, the Council accepted in the Principle of Development Statement of Common Ground with Gladman for the site on the northern side of Henthorn Road that development in this location is acceptable subject to accessibility (Appendix 1), which the Inspector confirmed to be accessible (Appendix 2). The same conclusion can be drawn for the application site. In relation to Policy DMG2, the Inspector stated:

**“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 policy. ... 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.”**

**4.6.24** This is supported by a more recent appeal decision for a residential development site located in one of the other principal settlements outlined in Policy DS1, Whalley. In the Inspector’s appeal decision (Appendix 3), it is confirmed that whilst the scheme was found to be in conflict with Key Statement H3 and Key Statement DMI1 (Affordable Housing and Planning Obligations), there would be no conflict with the development plan as a whole. This position was agreed by the Council. This reinforces that schemes located on the edge of sustainable settlements can come forward in compliance with the development plan. The Inspector stated:

**“This leads me to afford limited weight to the conflict of the scheme with parts of KS H3 and Policy DMI1. There would be no conflict with the development plan when taken as a whole. This position is agreed by the main parties as common ground.”**

**4.6.25** As per these appeals, the application proposal accords with Policy DMG2 as a residential development that is closely related to the built-up area of Clitheroe that will ‘expand’ and ‘consolidate’ development. As such, the application proposal fully accords with Policy DMG2.

### **Policy DMH3: Dwellings in The Open Countryside and AONB**

**4.6.26** The site lies outside but adjacent to the settlement edge of Clitheroe and, as such, is located on land designated as open countryside. Policy DMH3 states that in areas defined on the proposals map as open countryside or

AONB (now National Landscapes), residential development will be restricted and limited to three listed criteria.

**4.6.27** One of the criteria listed within Policy DMH3 for when residential development would be permissible within the open countryside is residential development that meets an identified local need. As set out in Section 4.3, it is considered that the Council is unable to demonstrate a five year housing land supply. Therefore, further residential development is required to address this identified shortfall.

**4.6.28** As such, the scheme complies with Policy DMH3.

**Policy DMG3: Transport and Mobility and Key Statement DM12: Transport Considerations**

**4.6.29** Policy DMG3 identifies that considerable weight will be attached to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development and lists the following criteria:

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.
- 4.6.30 Key Statement DMI2 sets out that new development should be located to minimise the need to travel by private car and have good access by foot and cycle and convenient links to public transport.
- 4.6.31 The appeal Inspector for the scheme on the northern side of Henthorn Road found it to be accessible (Appendix 2). The application site is located adjacent to the appeal site and shares the same proximity and routes to services and facilities. As identified elsewhere in this statement and in the submitted Transport Assessment, the application site is accessible to a wide range of facilities and services on foot, cycle and bus.
- 4.6.32 As concluded by the Inspector for the adjacent site, the proposals accord with Key Statement DMI2 and Policy DMG3.

## 4.7 Development Plan Summary

- 4.7.1 An assessment of the proposals against the Council's development plan demonstrates that the application is in accordance with the aims of the spatial strategy for the borough, Key Statement DS2 and Paragraph 11c of the Framework. Therefore, the application should be approved without delay.
- 4.7.2 This is the same approach taken by the Inspector for the site on the northern side of Henthorn Road:

**“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.

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.”

- 4.7.3 This is also the approach taken by the Inspector of the more recent appeal decision (Appendix 3) referred to in paragraph 4.6.24 of this statement.
- 4.7.4 In accordance with paragraph 232 of the Framework, due weight should be given to policies according to their degree of consistency with the Framework. The policies referenced above are consistent with the Framework, and it is not alleged that they are out of date on this basis.
- 4.7.5 Furthermore, paragraph 11d of the Framework is engaged, in accordance with footnote 8, due to the Council being unable to demonstrate a five year housing land supply. This provision of the Framework is mirrored in Key Statement DS2. Outline planning permission should be granted on this basis. The Council must start planning for additional housing on deliverable sites now so that the borough’s housing needs can be met.
- 4.7.6 In light of the above, the application should be approved without delay.

## 5 PLANNING APPRAISAL

### 5.1 Statutory Provisions

5.1.1 This section of the statement assesses the proposed development against the relevant policies of the development plan and other material considerations. The overall planning balance is considered in Section 7 of this statement.

### 5.2 Principle of Development

5.2.1 As set out in Section 4, the proposals are considered to comply with the development plan, when read as a whole. Therefore, the principle of development is considered to be acceptable.

5.2.2 However, if the proposals were considered not to be in compliance with the development plan, any conflict would be limited to the site's location outside of the settlement boundary of a Principal Settlement. The policy that establishes and defines the settlement boundary would, however, be deemed out of date by virtue of the Council's inability to demonstrate a five year housing land supply. As such, the conflict would only attract limited weight. As set out in Section 7, when considered on a tilted balance, the principle of development is acceptable.

### 5.3 Other Technical and Policy Considerations

5.3.1 An assessment of the application proposals against the wider requirements of the Council's development plan and the National Planning Policy Framework further highlights the application site's credentials as an appropriate and sustainable location for residential development.

#### **Design and Layout**

5.3.2 Chapter 12 of the Framework emphasises the importance of high-quality design in the creation of beautiful and sustainable places. At a local level, Policy DMG1 of the Core Strategy sets out design and development principles to guide new development in the borough. Alongside Chapter 12 of the

Framework, Policy DMG1 seeks to ensure, inter alia, that new development is of a high quality and contextually appropriate in design and appearance terms.

- 5.3.3 Matters of design, such as layout, scale, appearance and landscaping, are reserved for future consideration. Notwithstanding this, a DAS has been submitted as part of the application. The DAS demonstrates how the proposed development is a suitable response to the site and its setting.
- 5.3.4 The submitted DFP and Illustrative Masterplan (contained in the DAS) shows how the site could be developed in a way that would respect and enhance its context, while responding to its constraints and opportunities. It shows how the proposed dwellings will be set within a comprehensive green infrastructure framework. This will contribute to the creation of an attractive environment, with existing landscape features to be retained and enhanced as far as possible. New structural landscaping, incorporating green open space and SuDS, will also be created on the site. This will provide opportunities for recreation and biodiversity enhancement. The proposed development accords with Key Statement EN4 of the Core Strategy in this regard.
- 5.3.5 The proposed development seeks to create a safe, secure and accessible living environment for future occupiers. Dwellings will overlook the streetscape, public realm and areas of open space, bringing benefits in respect of natural surveillance. In addition, the final design of the dwellings will meet relevant Building Regulations (or equivalent standards). It is expected that all dwellings will be climate resilient and incorporate energy efficiency measures, modern standards of insulation and other measures designed to minimise the use of natural resources and greenhouses gas emissions. This is a matter that will be considered in further detail at the reserved matters stage.
- 5.3.6 Overall, the application establishes a strong framework for a development that is attractive, appropriate to its context, creates a strong sense of place

and promotes community interaction and wellbeing, as spatially represented on the Masterplan and DFP. The proposed development would have a positive relationship with nearby uses and would not be detrimental to the amenity of existing and new occupiers (see below for further discussion on residential amenity).

- 5.3.7 In view of the above, it is considered that the proposed development complies with Key Statement EN3 & Policy DMG1 of the Core Strategy and meets the design objectives of the Framework and planning practice guidance.

### **Highways and Transport**

- 5.3.8 Chapter 9 of the Framework states that transport issues should be considered from the earliest stages of plan-making and development proposals. Among other matters, it makes clear that development should only be prevented or refused 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 (paragraph 116).
- 5.3.9 Policy DMG3 of the Core Strategy relates to transport impacts and parking standards. The policy seeks to minimise the transport-related impacts of new developments by promoting sustainable transport modes.
- 5.3.10 A Transport Assessment ('TA') has been submitted as part of the application. In addition, a Travel Plan ('TP'), informed by the TA, has also been submitted, which sets out measures to reduce car travel by future occupants of the site and encourage alternative modal choices that are more sustainable, such as walking, cycling, public transport, and car share.
- 5.3.11 The TA outlines that the site is sustainably located in respect of access to facilities and services, including public transport, with methods of travelling other than private car a viable option for future occupiers. There is good walking and cycling infrastructure between the site and nearby amenities, with the location of the site providing a good context for journeys on foot and cycle. The site has good public transport accessibility, with the nearest

bus stop at Blakewater Road. As such, the site offers the opportunity to foster a sustainable community.

**5.3.12** The proposals include a range of measures to facilitate sustainable travel. Firstly, it is proposed to make a financial contribution, as was requested during the previous planning application, to assist the no. C2 bus service for a period of 5 years. Furthermore, other measures will be incorporated, for example through the provision of induction packs and care sharing scheme, to encourage new residents to use sustainable methods of travel in place of the private car.

**5.3.13** The vehicular access strategy for the proposed development comprises:

**Northern Site** - Accessed from the adjacent development via Ingleton Crescent

**Southern Site** - Priority-controlled junction on Henthorn Road

**5.3.14** In addition to serving as the primary vehicular access for the development, the new site accesses will also provide for cyclists and pedestrians. The TA confirms that the proposed access arrangements offer safe and appropriate access for the proposed development, satisfying all geometric and visibility requirements and offering appropriate provision for all users.

**5.3.15** The TA also outlines a series of mitigation measures at local junctions that the applicant is offering as part of the application proposals. These include:

- A new zebra crossing on Edisford Road in the vicinity of St Paul's Street
- An improvement scheme at the junction of Henthorn Road and Thorn Street to support the operation of the junction for vehicle/cycle movements and enhancements for pedestrian movements. Including:
  - Widening on the west side of Henthorn Road over a distance of about 25m to increase the clear carriageway width to 5.5m.

- Slight realignment of the centreline marking on Henthorn Road to position a right turning vehicle.
- Introduce 'Keep Clear' markings on the southbound side of Henthorn Road at Eshton Terrace.
- Introduce tactile paving at the existing dropped kerb crossing locations on Eshton Terrace and Thorn Street (W).

**5.3.16** As the application is submitted in outline, the internal road layout is a matter to be determined at the subsequent detailed design stage. On-site parking will also be considered in detail as part of any reserved matters application. It is expected that the development will be designed to provide an appropriate level of parking provision in compliance with Policy DMG3.

**5.3.17** In light of the above, the proposed development is considered to comply with Policy DMG3 of the Core Strategy and Chapter 9 of the Framework, and the Framework more generally. As such, the proposals are assessed to be acceptable in terms of transport and access.

#### **Air Quality and Noise**

**5.3.18** The Framework seeks to prevent new and existing development from contributing to, being put at risk from or being adversely affected by unacceptable levels of air and noise pollution. At a local level, Policy DMG1 states that development proposals must consider air quality and mitigate adverse impacts where possible.

**5.3.19** The Air Quality Assessment submitted in support of the application demonstrates that the proposed development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national objectives as required by national policy. Furthermore, an Odour Impact Assessment has been submitted as part of the application and concludes that the effects of odour from Clitheroe Wastewater Treatment Works on the proposed development following the implementation of the

proposed mitigation measures are negligible, which equates to an overall ‘not significant’ effect.

**5.3.20** Therefore, the proposals are in accordance with Policy DMG1 of the Core Strategy. The proposed development is also in accordance with the Framework.

**5.3.21** A Noise Screening Report has been submitted in support of the application and considers the various potential noise issues associated with the proposed development, both from existing noise sources and from sources associated with the development on existing and future residents. It concludes as follows:

- The recommended internal and external noise levels applicable to road traffic noise should be met with, at the most, local mitigation measures near to the road.
- Any noise associated with the Hellifield to Blackburn railway line and the Clitheroe Household Waste Recycling centre is unlikely to be significant.
- Additional road traffic generated by the development is likely to result in a small but imperceptible increase in noise levels at existing sensitive receptors

**5.3.22** As such, the proposals are compliant with the Framework in relation to noise.

### **Landscape and Visual**

**5.3.23** Paragraph 187 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value (in a manner commensurate with their statutory status or identified quality in the development plan) and by recognising the intrinsic character and beauty of the countryside.

- 5.3.24 Key Statement EN2 and Policy DME2 of the Core Strategy seek to prevent development that would significantly harm important landscape or landscape features.
- 5.3.25 A Landscape & Visual Appraisal ('LVA') has been prepared by FPCR and submitted as part of the application. The LVA confirms that the site is not covered by any landscape designation that would suggest it has an increased value or sensitivity to change. It is not, moreover, covered by any statutory or non-statutory designation that would preclude its development for residential purposes. The site does not meet the criteria of a 'Valued Landscape' in terms of the Framework.
- 5.3.26 The LVA states that the site is generally devoid of any notable landscape features. Those present are generally limited to the site peripheries and comprise boundary hedgerows and trees, the watercourse and two individual mature trees within the southern field of the site. These features are proposed to be retained, with the exception of short sections of hedgerows that will be removed to facilitate access. The site is also noted for being well-contained, providing visual separation from the water treatment works and waste disposal facilities further to the south.
- 5.3.27 This, coupled with the site's location adjacent to the existing built form of Clitheroe and the nature and type of development proposed, leads to the LVA finding that the potential effects on landscape character would be Minor/Moderate Adverse in the long term. Effects on the wider landscape encompassing the national landscape character area NCA33 and county LCA 'Undulating Lowland Farmland: 5e Lower Ribblesdale (Clitheroe to Gisburn)' will be Negligible at years 1 and 15.
- 5.3.28 Overall, it is considered that the proposed development and associated green infrastructure are of a relatively modest scale and nature in the context of Clitheroe and could be accommodated within the site and local landscape without resulting in any unacceptable landscape or visual effects.

5.3.29 Accordingly, the proposed development is acceptable in landscape and visual terms and complies with the requirements of Policy DME2 of the Core Strategy and the Framework more generally.

### **Ecology**

5.3.30 Chapter 15 of the Framework relates to the conservation and enhancement of the natural environment. It establishes a clear emphasis on protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity. Paragraph 193d) outlines that opportunities to improve biodiversity in and around a proposed development should be integrated as part of its design, especially where this can ‘secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate’.

5.3.31 Key Statement EN4 and Policy DME3 of the Core Strategy seek to protect species and habitats from adverse effects of development through the use of appropriate mitigation measures. The policies also aim to ensure that opportunities for biodiversity enhancement are incorporated into the design of development proposals.

5.3.32 An Ecological Appraisal has been prepared by e3p, which assesses the potential impact on ecology of the proposed development. The proposed development would not impact upon any ecological designations.

5.3.33 Surveys were undertaken to investigate if Great Crested Newts, Otters and White Clawed Crayfish were present across the site, following the identification of the site as a suitable habitat to support these species. These surveys demonstrated that none of these species are present on the site.

5.3.34 The site was found to have high levels of bat activity, with five species of bats identified by the survey. The data indicated that the highest levels of activity were associated with Pendleton Brook and linear habitat features (such as hedgerows and on-site watercourse) as well as an adjacent treeline to the north-west of the site. These features are proposed to be retained as

part of the development proposals and the creation of vegetation, hedgerows and trees on the site will provide additional foraging and commuting opportunities for the local bat population.

- 5.3.35 The Ecological Appraisal and supporting documents set out mitigation measures to ensure there are no unacceptable impacts in relation to ecology.
- 5.3.36 A Biodiversity net gain (BNG) of 12.14% in habitat units, 11.95% in hedgerow units and 29.85% in watercourse units is capable of being achieved on-site. A planning condition will be agreed to ensure that the biodiversity net gain is delivered.
- 5.3.37 Therefore, the proposals comply with Key Statement EN4 and Policy DME3 of the Core Strategy and the Framework.

#### **Arboriculture**

- 5.3.38 The Framework sets out that trees make an important contribution to the character and quality of urban environments and seeks to retain existing trees wherever possible and deliver additional tree planting. At a local level, Policy DME1 of the Core Strategy seeks to protect trees and woodlands and promote tree planting as part of development proposals. An Arboricultural Assessment has been submitted in support of the application and confirms that the proposed development largely avoids impacting existing trees, with removals primarily limited to those necessary to facilitate access into and across the site.
- 5.3.39 The proposals include the removal of a single Category U tree (T19) in the interests of public safety; however, a further Category U tree (T14) is proposed to be retained on account of its significant ecological value.
- 5.3.40 Hedgerows H4 & H6 are proposed to have a section removed to facilitate access. The root protection area of T4 is shown to be in close proximity to the access location for the northern site. As a result, an Arboricultural

Method Statement may be required by condition to outline tree protection methodology.

- 5.3.41 The losses will be mitigated through new tree planting as part of the site's landscape proposals. The combination of retained trees and proposed planting will contribute to the creation of a green buffer, helping to soften the visual impact of the development on the surrounding landscape.
- 5.3.42 The proposals include three drainage outfall options that will have different arboricultural impacts. The final drainage strategy will be detailed at the reserved matters stage. The differing arboricultural impacts for each of these options are discussed in the submitted Arboricultural Impact Assessment. In each scenario, the proposed development would not give to any unacceptable arboricultural impacts.
- 5.3.43 Therefore, the proposals are in accordance with Policy DME1 of the Core Strategy. The proposed development is also in accordance with the Framework.

#### **Flood Risk and Drainage**

- 5.3.44 Chapter 14 of the Framework seeks to direct development away from areas at the highest risk of flooding (paragraph 170) and guides Councils to ensure that the granting of consent for development will not lead to increases in flood risk elsewhere. Footnote 63 of the Framework adds that a site-specific Flood Risk Assessment ('FRA') should be provided for all proposed development in Flood Zone 2 and 3 and for proposals on sites in Flood Zone 1 that, inter alia, exceed 1 hectare or more in size.
- 5.3.45 Key Statement EN3 and Policy DME6 aim to ensure that all developments incorporate appropriate measures for the conservation, protection and management of water, ultimately minimising vulnerability and providing resilience to flooding.

- 5.3.46 A Flood Risk Assessment has been submitted as part of the application. It confirms that the Environment Agency’s Flood Zone mapping shows the developable area in Flood Zone 1, which is at low risk of fluvial flooding.
- 5.3.47 The proposed residential use on the site is classified as “more vulnerable” as defined in Annex 3 of the Framework. More vulnerable uses are considered acceptable in terms of flood risk in Flood Zone 1 (low risk). The site will be sequentially developed with all built development in Flood Zone 1. As such, the Sequential Test is not required, and the principle of residential development on the site is acceptable from a flood risk perspective.
- 5.3.48 Furthermore, the recently published PPG on Flood Risk (September 2025) states:

**“In applying paragraph 175, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.”**

- 5.3.49 A surface water management strategy for the development has been proposed to manage and reduce the flood risk posed by surface water run-off from the site. Two detention basins will form the main attenuation features within the development. Surface water run-off would be directed to the drainage system through drainage gullies located around the perimeter of the buildings and through contouring of the hardstanding areas. Landscaped areas and the associated gardens of each dwelling will allow a proportion of the rainfall to infiltrate into the soil substrate.

- 5.3.50 The two detention basins will be positioned to achieve a suitable, gravity-fed connection to the receiving outfalls, as detailed within the drainage strategy. In addition, the attenuation storage of the basins has been designed to reduce the post-application surface water run-off from the site to greenfield run-off rates, up to and including the 1 in 100-year (plus 50% climate change) rainfall event.
- 5.3.51 In respect of foul drainage, it is proposed that foul flow is discharged to the nearby public combined sewer via a gravity outfall for the western parcel, and a pumped solution for the eastern parcel.
- 5.3.52 Overall, the FRA confirms that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of national and local policy and guidance.
- 5.3.53 In light of the above, the proposed development is considered to accord with Key Statement EN3 and Policy DME6 of the Core Strategy and the relevant provisions of the Framework. Therefore, the proposals are acceptable in terms of flood risk and drainage.

#### **Heritage and Archaeology**

- 5.3.54 Chapter 16 of the Framework contains national planning policies on the conservation of the historic environment. At a local level, Key Statement EN5 and Policy DME4 of the Core Strategy seek to conserve heritage assets and their settings
- 5.3.55 The application is accompanied by a Heritage Desk-Based Assessment. This provides information regarding the significance of the historic environment and archaeological resource of the site and any harm to the historic environment that could arise as a result of the proposed development (including impacts to significance resulting from changes to setting).
- 5.3.56 The site does not contain any statutorily or locally listed buildings and is not located within a designated conservation area. The assessment finds that

the proposed development would not result in any harm to the significance of either the Henthorn Farm and Henthorn Farm Cottage (Grade II listed building) or Siddows Farmhouse (Grade II listed building) through changes to setting.

- 5.3.57** In terms of archaeology, the assessment considers the site to have low potential for archaeological remains dating from the Prehistoric and Roman periods. Rural activity recorded within the vicinity of the site includes possible ridge and furrow earthworks from historic agricultural practice and the site of a mill further along Pendleton Brook. Any remains relating to this usage are unlikely to be of heritage significance and, as such, would not amount to a constraint to development.
- 5.3.58** Therefore, the proposals are in accordance with Key Statement EN5 and Policy DME4 and the Framework more generally.

#### **Planning Conditions and Obligations**

- 5.3.59** It is accepted that planning conditions and obligations may be required as part of the outline planning permission. Gladman is open to entering into a section 106 legal agreement with the Council to secure any necessary planning obligations. It is requested that any planning obligations are appropriately evidenced to demonstrate that they meet the relevant policy and statutory tests.
- 5.3.60** Draft Section 106 Heads of Terms are included in Appendix 4 of this statement. It is anticipated that these draft obligations will be refined during the course of the determination of the application.

## 6 AFFORDABLE HOUSING STATEMENT

### 6.1 Context

- 6.1.1 It is widely acknowledged at all levels that there is a housing crisis in this country that has arisen as a direct consequence of too few houses being completed to keep pace with a growing population, increasing life expectancy and household formation rates.
- 6.1.2 In May 2021, the housing charity Shelter published ‘Denied the Right to a Safe Home - Exposing the Housing Emergency’ setting out in stark terms the impacts of the housing crisis. Shelter estimates that over 17 million people face the effects of high housing costs and conclude that “we will only end the housing emergency by building affordable, good quality social homes.”<sup>3</sup>
- 6.1.3 One effect of the national housing crisis is a profound impact on housing affordability. The Labour Government has clearly set out that unaffordability and the inability of individuals to get on the housing ladder is a significant problem<sup>4</sup>. The Framework makes clear that affordable housing should be delivered, and it is essential that sufficient housing is delivered to ensure that “needs of groups with specific housing requirements are addressed”.
- 6.1.4 According to the most recent Ministry of Housing, Communities and Local Government (MHCLG) data published in November 2025, in 2024/25, only 64,762 gross affordable homes were built and 45,418 starts on-site were recorded<sup>5</sup>. At this level of delivery, it will take roughly 20 years to address

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<sup>3</sup> Denied the Right to a Safe Home. Shelter (2021) page 10. Available at: [https://england.shelter.org.uk/professional\\_resources/policy\\_and\\_research/policy\\_library/denied\\_the\\_right\\_to\\_a\\_safe\\_home\\_report](https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/denied_the_right_to_a_safe_home_report)

<sup>4</sup> Written Ministerial Statement (WMS) made by Angela Rayner, Deputy Prime Minister and Secretary of State (SoS) for Housing Communities and Local Government, on 30th July 2024 entitled “Building the homes we need”. Available at: <https://questions-statements.parliament.uk/written-statements/detail/2024-07-30/hcws48>

<sup>5</sup> MHCLG November 2025, Affordable Housing Supply in England: 2024 to 2025. Available at: <https://www.gov.uk/government/statistics/affordable-housing-supply-in-england-2024-to-2025/affordable-housing-supply-in-england-2024-to-2025#:~:text=There%20were%2058%2C958%20new%20build,are%20new%20build%20or%20acquisitions.>

the current waiting list. This is before factoring in future housing need or loss of affordable homes through demolition or the Right to Buy programme.

**6.1.5** At a national level, the direction of travel to address housing need and supply, including affordable housing, is abundantly clear. With 36% of affordable homes in 2024/25 funded through section 106 agreements<sup>6</sup> (i.e. entirely funded by developers with nil grant from the public sector), political promises rely quite significantly on delivery by the planning system.

## 6.2 Housing Affordability

**6.2.1** The PPG recognises the importance of giving due consideration to market signals as part of understanding affordability.

**6.2.2** Significant house price increases locally and nationally are contributing to increasing affordability ratios and an ever-larger gap between earnings and average house prices. The increase in house prices led to inflated affordability ratios in 2024<sup>7</sup>.

- England: 7.71
- North West: 5.86
- Ribble Valley: 6.23

**6.2.3** The affordability ratio for Ribble Valley is significantly higher than the ratio of 3.5, which is traditionally seen as the signifier of an affordable housing market. When compared against regional and national ratios, it can be seen that homes are less affordable in the Ribble Valley than the regional average, highlighting a significant local housing affordability problem.

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<sup>6</sup> MHCLG November 2025, Affordable Housing Supply in England: 2024 to 2025. Available at: <https://www.gov.uk/government/statistics/affordable-housing-supply-in-england-2024-to-2025/affordable-housing-supply-in-england-2024-to-2025v>

<sup>7</sup> House price to workplace-based earnings ratio. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowequartileandmedian>

## 6.3 Affordable Housing Need and Delivery

- 6.3.1** The latest identified affordable housing need for Ribble Valley is set out within the May 2025 Affordable Housing Needs Assessment (AHNA)<sup>8</sup>, produced by Justin Gardner Consulting. The AHNA identifies a significant net need of 230 affordable homes per annum across the borough and makes clear that the provision of new affordable housing is an important and pressing issue. Notably, this affordable housing need equates to approximately 74% of the authority's latest LHN figure of 311 dpa. However, as explained in the AHNA, caution should be exercised about making a direct link between affordable need and overall housing need, with the relationship being complex. More locally, the AHNA identifies a net need of 49 affordable homes per annum for Clitheroe.
- 6.3.2** According to data produced by the Government, Ribble Valley Borough Council has failed to deliver the annual number of affordable homes required to meet the latest identified need over the past three decades<sup>9</sup>. The highest level of affordable housing delivery was 164 affordable homes, across a range of tenures, between 2022 and 2023. Whilst the latest identified affordable housing need is forward-looking and is not fully representative of previous needs, it is clear that a step change in affordable housing delivery is required in the borough to meet current local needs.
- 6.3.3** The number of households listed on the Council's housing register as of 2025 is 795<sup>10</sup>. This is a stark number and represents a significant number of individuals and families in need across Ribble Valley. Figure 1 below details the number of households on the Council's housing register in comparison to

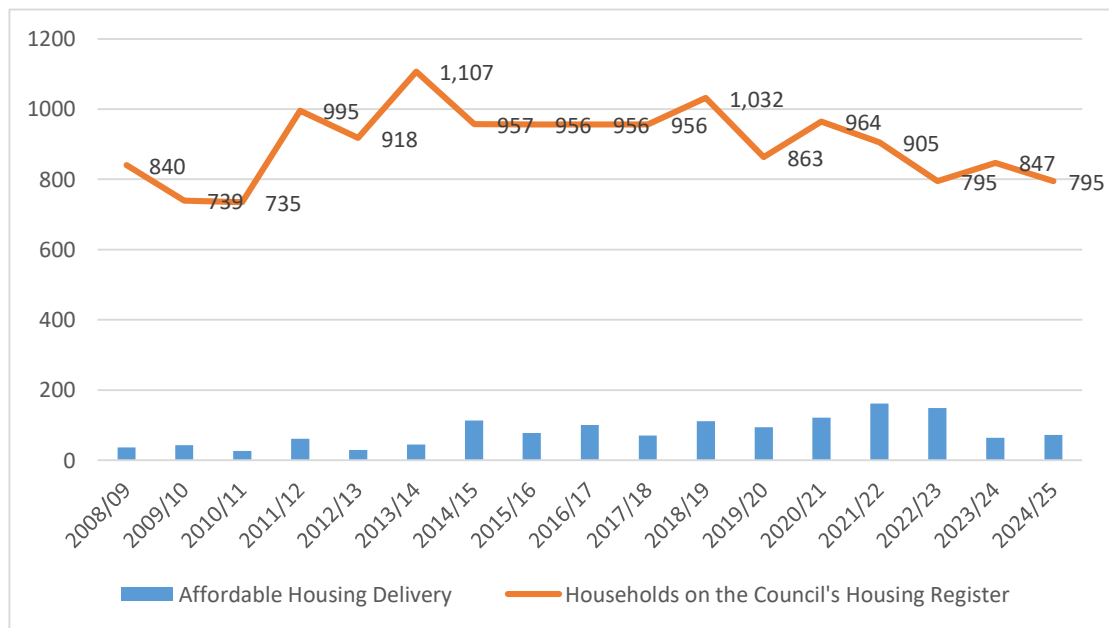
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<sup>8</sup> Affordable Housing Needs Assessment, May 2025. Available at: [https://democracy.ribblevalley.gov.uk/documents/s9494/Appendix%201%20-%20Ribble\\_Valley\\_AHNA\\_Clean.pdf](https://democracy.ribblevalley.gov.uk/documents/s9494/Appendix%201%20-%20Ribble_Valley_AHNA_Clean.pdf)

<sup>9</sup> Live Table 1011C: additional affordable housing supply, detailed breakdown by local authority, completions. Available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

<sup>10</sup> Live Table 600: number of households on local authority housing registers (waiting lists) by district, England, from 1987. Available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-rents-lettings-and-tenancies>

affordable housing delivery<sup>11</sup> between 2008 and 2025. It clearly demonstrates that there is a substantial number of households that cannot be effectively accommodated in the borough and that the number has remained high over a long period of time. Furthermore, Figure 1 illustrates that the delivery of affordable housing in Ribble Valley has never been enough to reduce the high number of households on the Council’s housing register.



**Figure 1: Number of Households on Ribble Valley Borough Council’s Housing Register Compared with Affordable Housing Delivery**

## 6.4 Affordable Housing as a Material Consideration

6.4.1 The unaffordability of housing in the borough and the continuous high numbers of households on the Council’s housing register clearly indicate that by any measure of affordability, Ribble Valley is in the midst of an affordable housing crisis, and urgent action must be taken to deliver more affordable homes.

<sup>11</sup> Housing Land Availability Survey (2025). Available at: <https://www.ribblevalley.gov.uk/downloads/file/4513/housing-land-availability-survey-hlas-2025>

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- 6.4.2** At both a national and local level, it is clear there is an urgent and pressing need to deliver as much affordable housing as quickly as possible. There is clear under provision in the borough and an existing need that requires addressing.
- 6.4.3** The provision of 30% affordable housing, equating to up to 35 homes, on this site will contribute significantly towards the borough's affordable housing supply requirements and will provide people with a local connection to the area an affordable property to call their own. This will help alleviate the affordability issue and is a considerable benefit to be weighed positively in the planning balance.

## 7 PLANNING BALANCE AND CONCLUSIONS

### 7.1 The Planning Balance

- 7.1.1** This outline planning application is made in the context of the Government's aim to significantly boost the supply of homes and the presumption in favour of sustainable development. In this case, the proposals also respond positively to Ribble Valley Borough Council's five year housing land supply shortfall.
- 7.1.2** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.1.3** In this instance, it has been demonstrated that the application proposals would be compliant with the policies and objectives of the development plan.
- 7.1.4** As demonstrated through this statement and the technical assessments accompanying the application submission, there are no technical or environmental constraints that would preclude the development of this site subject to planning conditions and/or obligations. Gladman is willing to enter into constructive dialogue with the Council to agree a list of conditions and draft heads of terms for a section 106 legal agreement that are necessary to make the development acceptable in planning terms.
- 7.1.5** The site represents a suitable and sustainable location to deliver a high-quality residential development that could be successfully integrated into the existing settlement and surrounding landscape. Clearly, the site is located in an established direction of growth around Clitheroe, adjacent to residential development delivered in the past decade, and its development would provide a logical continuation of housing growth at the most sustainable settlement in the borough, as identified in the Settlement Hierarchy (December 2008) evidence base document.

- 7.1.6 It is also the case that paragraph 11d of the Framework is engaged, in accordance with footnote 8, due to the Council being unable to demonstrate a five year housing land supply. In the absence of a five year housing land supply, reduced weight must be afforded to the preferences of development plan policies that would serve to restrict the delivery of additional residential development in otherwise sustainable locations so that the housing land supply shortfall can be addressed.
- 7.1.7 As there are no footnote 7 policies that provide a strong reason for refusal, the planning application falls to be determined under the ‘tilted balance’ in accordance with paragraph 11d(ii) of the Framework.
- 7.1.8 It has been demonstrated through this statement that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission in this instance. Furthermore, the specific paragraphs of the Framework outlined in footnote 9 have been adhered to, including through the provision of a policy-compliant level of affordable housing, the sustainability of the site’s location and the adoption of a positive design strategy that both utilises land efficiently and respects local character.
- 7.1.9 Critically, the planning balance clearly tips in favour of granting planning permission whether assessed on a flat or tilted balance in this case. As such, outline planning permission should be granted for the proposals without delay.

## 7.2 Benefits and Adverse Impacts

### Benefits

- 7.2.1 The table below highlights some of the key benefits arising in respect of the application proposal.

#### BENEFITS

The provision of **up to 115 market and affordable homes**, which are capable of being delivered in the short term. Ribble Valley Borough Council cannot currently demonstrate a five year housing land supply; the

current housing need in the borough is not being met. The Council does not have a credible short- to medium-term strategy to address this shortfall. The delivery of housing should be afforded very significant weight.

The provision of **affordable housing (30% or up to 35 homes)** in a borough where there is an existing unmet need that is unlikely to be delivered through alternative means. The delivery of affordable housing should be attributed very significant weight.

The provision of **4.04 hectares of green infrastructure (approximately 56% of the total site area)**, comprising a new community parkland, other publicly accessible open space, a community orchard, landscaping and planting, recreational routes, two children's play areas and two attenuation basins.

**Improved connectivity to the surrounding public rights of way network**, including the Ribble Way.

The provision of a **visitor car park**, supporting access to the country parkland and the wider local area.

The site will achieve at least a **10% biodiversity net gain**.

The **build cost of the development is expected to be around £17.72 million**. Calculations suggest that this construction expenditure would support around **97 direct FTE construction jobs and 132 indirect FTE jobs in associated industries per annum over the build-out period**.

The development of new homes in the proposed development could help to address local unemployment in the construction industry and provide apprenticeship and training opportunities for young unemployed people. Calculations suggest that **7 apprenticeships will be generated per annum over the build-out period**.

**Household expenditure** from the 115 new homes would be **over £3.13m per year**. This will benefit the local area.

The new residents will **increase demand for and use of local services and businesses**. The increased spending will help to protect, maintain and enhance the services available and accessible within the town and surrounding area.

### Adverse Impacts

- 7.2.2** The supporting material, assessments and reports demonstrate that there are no unacceptable adverse impacts associated with the scheme.
- 7.2.3** As with any greenfield site, the development will inevitably introduce changes to the area, resulting in some urbanising effects and the loss of

some agricultural land. However, the LVA demonstrates that the scheme can be delivered without unacceptable landscape and visual impacts.

**7.2.4** In addition, the proposals will give rise to some limited impacts during the construction phase of the development, but these will be temporary in nature and extent and can be controlled through the use of planning conditions.

## **7.3 Conclusion**

**7.3.1** The proposal would be deliverable in the short term and increase the supply and choice of housing in Clitheroe and the borough more widely at a time when supply has been constrained. It would provide a substantial amount of green infrastructure, contribute towards economic growth and have wider social benefits to the local community, including meeting a range of housing needs, such as affordable housing. The economic, social and environmental benefits that would accrue from the proposal are considerable and provide strong justification for granting planning permission.

**7.3.2** Being compliant with the development plan and the Framework as a whole, the proposals constitute sustainable development. As the Council is unable to demonstrate a five year housing land supply, the proposals also positively respond to the pressing need for additional housing in the borough.

**7.3.3** As demonstrated above, the harms of the proposal are limited and do not come close to outweighing the considerable benefits. The planning balance clearly tips in favour of granting planning permission whether assessed on a flat or tilted balance in this case. As such, outline planning permission should be granted for the proposals without delay.

APPENDIX 1: PRINCIPLE OF DEVELOPMENT STATEMENT OF  
COMMON GROUND BETWEEN GLADMAN AND RIBBLE VALLEY  
BOROUGH COUNCIL FOR LAND OFF HENTHORN ROAD,  
CLITHEROE

**Land off Henthorn Road, Clitheroe  
Ribble Valley Borough Council**

**Statement of Common Ground between  
Gladman Developments Ltd and Ribble Valley Borough Council  
in relation to the principle of development**

**Proposed development for up to 110 dwellings with associated open space with  
all matters reserved saved for access**

**APP/T2350/W/19/3221189**



**Ribble Valley  
Borough Council**  
[ribblevalley.gov.uk](http://ribblevalley.gov.uk)

**May 2019**

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# 1 INTRODUCTION

## 1.1 Background

1.1.1 This Statement of Common Ground (SoCG) has been prepared by Gladman Developments Ltd (the Appellant) and Ribble Valley Borough Council (RVBC/the Council) and identifies the areas of common ground between them following exchange of evidence.

## 1.2 Parties

1.2.1 The SoCG is jointly agreed by:

Signed:



Date:

2/5/19.

**Neil Lewis**

On behalf of Gladman Developments Ltd

Signed:



Date:

2.5.19.

**Nicola Hopkins**

On behalf of Ribble Valley Borough Council

## **2 AGREEMENT ON THE PRINCIPLE OF DEVELOPMENT**

### **2.1 The Principle of Development**

- 2.1.1 Following exchange of evidence, both parties agree that the sole area of disagreement between the parties as to whether the appeal proposal accords with the development plan is in relation to the accessibility of the appeal site.
- 2.1.2 Both parties agree that if the Inspector concludes that the appeal scheme is accessible then the proposal accords with the development plan and should be approved without delay, as per policy DS2 of the Core Strategy and paragraph 11 c) of the NPPF2019.

APPENDIX 2: LAND OFF HENTHORN ROAD, CLITHEROE APPEAL  
DECISION (REFERENCE: APP/T2350/W/19/3221189)



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## 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: 19<sup>th</sup> June 2019

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### **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.
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### **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)<sup>1</sup> 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

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<sup>1</sup> 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 policy<sup>2</sup>. 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 document<sup>3</sup>.
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.

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<sup>2</sup> Paragraphs 2,5 and 6.13 Mr Plowman's proof of evidence

<sup>3</sup> 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 2018<sup>4</sup> (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

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<sup>4</sup> CD 5.02

updated housing land supply position presented at the Inquiry<sup>5</sup> 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.<sup>5</sup> 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 2023<sup>5</sup>. 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

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<sup>5</sup> 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 email<sup>6</sup> 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

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<sup>6</sup> 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 Inquiry<sup>7</sup>.

36. The appellant also considers that the Council should have taken into account the Inspector's findings in the 'Woolpit' appeal decision<sup>8</sup> 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

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<sup>7</sup> Inquiry Document 1 - Updated 5 year housing supply figure and Scott Schedule

<sup>8</sup> 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 centre<sup>9</sup>. 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 2017<sup>10</sup> 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'<sup>11</sup> 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 Streets<sup>12</sup> (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.

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<sup>9</sup> Figure 2 and page 18 Mr Helme's proof of evidence

<sup>10</sup> CD 10.02 and Appendix E Mr Helme's proof of evidence

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

<sup>12</sup> 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 site<sup>13</sup> 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

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<sup>13</sup> 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.<sup>14</sup> Furthermore, the Travel Plan submitted with the planning application<sup>15</sup> 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.

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<sup>14</sup> CD 3.07

<sup>15</sup> CD 1.08

## **Other Matters**

### *Highway and pedestrian safety*

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

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

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

### *Ecology*

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

### *Education and medical facilities*

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

### *Other appeal decisions*

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

### **Planning Obligation**

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

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

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

### **Conditions**

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

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

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

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

### **Conclusion**

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

*Stephen Normington*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY

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

### FOR THE APPELLANT

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

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

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

## DOCUMENTS SUBMITTED DURING THE INQUIRY

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

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

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

## **SCHEDULE OF CONDITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX 3: LAND SOUTH OF ACCRINGTON ROAD, WHALLEY  
APPEAL DECISION (REFERENCE: APP/T2350/W/25/3368139)



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## Appeal Decision

Hearing held on 10 September 2025

Site visit made on 10 September 2025

**by T Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

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**Appeal Ref: APP/T2350/W/25/3368139**

**Land south of Accrington Road, Whalley Easting (x) 373577 Northing (y) 436047**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Oakmere Homes (NW) Ltd against the decision of Ribble Valley Borough Council.
  - The application Ref is 3/2022/1158.
  - The development proposed is erection of 17 dwellings and 57 apartments with associated access, roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley town centre.
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### Decision

1. The appeal is allowed and planning permission is granted for Erection of 17 dwellings and 57 apartments with associated access, roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley town centre at Land south of Accrington Road, Whalley Easting (x) 373577 Northing (y) 436047 in accordance with the terms of the application, Ref 3/2022/1158 subject to the conditions in the attached schedule.

### Applications for costs

2. An application for a full award of costs was made by Oakmere Homes (NW) Ltd against Ribble Valley Borough Council. This application is the subject of a separate decision.

### Preliminary Matters

3. At the time the original application was determined by the Council, two reasons for refusal were set out which centred on the main issues below. However, the Council later confirmed that they no longer wished to defend either reason for refusal.
4. The original reasons for refusal are matters which are nonetheless included within the concerns of interested parties and I shall consider them as main issues. The main issues within the appeal were agreed between the Council and appellant at the Hearing.
5. It is common ground between the Council and appellant that the appeal site benefits from an outline permission via a planning approval dating from June 2013 and subsequent reserved matters approval for a residential development for the elderly comprising of 37 bungalows and 40 retirement apartments. It is also

common ground that this permission could continue to be built and completed without requiring any new planning permission.

6. A completed planning obligation has been submitted. The obligation seeks to restrict the occupancy of the apartments to those not less than 55 years of age and partners/spouses/family members, the provision of a public car park to serve Whalley Town Centre and to set up, and obtain the Council's written approval of, a management company for the development which will manage and maintain the public open space, landscaping, biodiversity net gain habitat areas, SuDS infrastructure and flood compensation storage area infrastructure. The planning obligation also includes financial contributions towards off site leisure facilities and open space, for primary school provision and a financial contribution towards travel plan monitoring.
7. The evidence indicates that the provisions within the planning obligation are necessary to make the development acceptable in planning terms. They are directly related to the development and fairly and reasonably related in scale and kind. They therefore meet the relevant tests<sup>1</sup>.

### **Main Issues**

8. The main issues are therefore whether the proposal would address local housing need or contribute towards a balanced or inclusive community with reference to affordable housing having regard to the viability of the proposal and the effect of the proposal on the safe operation of the immediate highway network.

### **Reasons**

#### *Planning policy position*

9. The development plan for the area comprises the Ribble Valley Core Strategy (2014) (CS). The most important policies are identified within the Statement of Common Ground. There is nothing within the evidence to suggest that the most important policies or indeed the development plan as a whole should be considered out of date and I have no reason to come to any other conclusion given I find them broadly reflective of the aims of the Framework.

#### *The appeal site*

10. The appeal site which is currently largely undeveloped sits within the settlement boundary of Whalley and is identified as a committed housing site within the policies map associated with the CS. The site is closely adjacent to existing residential areas and a short distance from a range of services and facilities within Whalley which is identified as one of the principal settlements of the district within the development strategy for the area under Key Statement (KS) DS1 of the CS.
11. The River Calder runs a short distance from the site boundary and the site sits to a large degree below Accrington Road as it rises adjacent to the opposite boundary of the site. The site sits outside of the Whalley Conservation Area (the Conservation Area), the closest part of which encompasses the stone built terraced properties diagonal to the site on the opposite side of Accrington Road. The apartments would be provided over two blocks, one smaller providing 8no. apartments and the other larger block providing 49no. apartments.

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<sup>1</sup> Within Paragraph 58 of the National Planning Policy Framework 2024.

### *Affordable housing*

12. The evidence indicates that a number of viability appraisals were submitted by the appellant during the course of the application. In August 2024, the Council instructed an independent viability assessment.
13. Part of this assessment found that in conflict with an earlier assessment with regard to the apartment buildings and the applicability of BCIS rates, these should be applied to the gross internal area to include all the shared areas. Taking this approach led to the identification of a substantial increase in apartment build costs.
14. With no affordable housing contribution and no other contributions via planning obligation the scheme was found to generate a residual land value well below the benchmark land value. Overall, the assessment concluded that the scheme is under significant viability pressure which would warrant a reduction in planning policy requirements for contributions in order to give the site the best chance of being delivered and nothing firm indicates otherwise.
15. However, KS H3 of the CS states that with regard to sites such as that before me, the Council will require 30% affordable units on the site. It also stipulates that a reduction in that level of provision to a minimum of 20% will only be considered where a viability appraisal fully justifies a lower level of provision.
16. Whilst KS DMI1 states that policy obligations will be negotiated on a site by site basis suggesting more flexibility than KS H3, affordable housing is at the top of the order of priority for planning contributions. Given that no affordable housing would be provided whilst other contributions are being made, the proposal therefore would not fully contribute towards a balanced or inclusive community with reference to affordable housing, albeit that is not included due to viability issues. The proposal draws conflict with KS H3 and KS DMI1 of the CS.

### *Operation of the Highway network*

17. The effect of the proposal has been modelled on the nearest main junctions which are the mini roundabout at the junction of Accrington Road and King Street as well as the signalised junction in the other direction from the site where Accrington Road meets the A671.
18. This modelling concluded that the maximum increase in traffic at either the Accrington Road / King Street mini roundabout and A671 traffic signals would be 8 vehicles an hour, or an additional vehicle every 7.5 minutes. The report concludes that this level of traffic increase would be imperceptible and well within the daily variation in traffic flow that would be experienced at the junctions.
19. On that basis, the proposal would have no significant adverse impact on the safe operation of the immediate highway network. Subsequently, there would be no conflict with policies KS DMI2 or DMG3 of the CS which amongst other things state that in making decisions on development proposals, considerable weight should be afforded to the adequacy of infrastructure to serve those moving to and from the development.

## Other Matters

20. Extensive concern has been raised within comments from interested parties with regard to the flood risk to the proposed development and the risk of the proposal increasing the risk of flooding elsewhere.
21. The Environment Agency Flood Map shows parts of the site as being within Flood Zones 2 and 3 and therefore at higher risk of flooding. The argument is made within the submitted Flood Risk Assessment, that based on the 2020 Flood Risk Management Scheme appraisal model developed by Mott MacDonald, the site could no longer be considered to fall within flood zone 3 and should be classified as being partially within Flood zone 2.
22. Within the flood risk vulnerability classification within the Framework, housing is classed as more vulnerable development. Separately, The Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The proposal is a type of development which should normally be subject to the sequential test with regard to flood risk.
23. The overall aim of the sequential test is to steer new development to areas with the lowest risk of flooding, and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The sequential test has not been applied here and it is not known whether there are reasonably available alternative sites at lower risk of flooding.
24. However regardless of the flood zone within which the site sits, regard must be given to the existing extant planning approval at the site which relates to a similar level of development. Given that this scheme could be implemented without any further planning approval this matter should be afforded significant weight.
25. Further, the development is designed such as the properties would be set on a raised platform above the predicted flood level. To offset the loss of floodplain storage associated with this raising of ground levels, compensatory flood water storage would be provided to prevent increase in flood risk elsewhere within the area. The scheme for flood water storage is required via condition whilst provision for its management is included within the planning obligation.
26. I therefore consider that given the very specific circumstances surrounding the fall-back position at this particular site, on a site that is identified for development within the CS, I afford limited weight to the lack of a sequential assessment.
27. Issues surrounding flood risk and the site and within the surrounding area have been considered in detail and no refusal reason was included by the Council with regard to this matter nor has it raised concern over this point. The Environment Agency have been consulted and consider that the development would be safe from flooding and would not exacerbate flood risk elsewhere as long as the proposed flood risk mitigation measures, which would be secured, are implemented.
28. There would therefore be no conflict with Policy DME6 of the CS which amongst other things states that development will not be permitted where the proposal would be at an unacceptable risk of flooding or exacerbate flooding elsewhere.

29. The proposal would cause no harm to the setting of Whalley Conservation Area by reason of its separation from the main body given the Conservation Area is largely detached from the site with its nearest point including stone built terraced properties on the opposite side of Accrington Road away from the site. There would therefore be no conflict with Policy EN5 of the CS which amongst other things requires that the settings of heritage assets will be conserved and enhanced in a manner appropriate to their significance and heritage value.

### **Planning Balance**

30. There would be some conflict with KS H3 which requires 30% affordable units to be provided on the site. It also stipulates that a reduction in that level of provision to a minimum of 20% only will be considered where a viability appraisal fully justifies a lower level of provision. It is also the case that KS DMI1 states that affordable housing is at the top of the order of priority for planning contributions. Other contributions have been provided here ahead of any affordable housing provision. There is also therefore a degree of conflict with this Policy.
31. Set against this, KS H3 states that providing housing for older people is a priority for the Council within its housing strategy, whilst KS DMI1 states that obligations will be negotiated on a site by site basis, which suggests that there can be a degree of flexibility in the way that contributions associated with any particular site can be assessed.
32. In this particular case, a public car park would be provided a short distance from the centre of Whalley by the developer to assist with identified parking issues in the area. Policy DMI1 offers the flexibility of approach and the Council advised me at the Hearing that this approach was deemed most appropriate for the particular circumstances of this particular site.
33. This leads me to afford limited weight to the conflict of the scheme with parts of KS H3 and Policy DMI1. There would be no conflict with the development plan when taken as a whole. This position is agreed by the main parties as common ground.
34. The presence of the fall back position, to which I afford significant weight, outweighs the conflict with the Framework which seeks to direct development to areas at lower risk of flooding. The evidence indicates that the development would be safe from flooding and would not exacerbate flood risk elsewhere. The site is identified for development within the CS.
35. The five year housing land supply figure (5YRHLS) was not agreed between the main parties, with the appellant placing this at 3.38 years and the Council, via its 5YRHLS document from May 2025 placing the figure at 6.2 years.
36. However, there is no need for me to come to a conclusion on that matter as paragraph 11 of the Framework requires that development proposals that accord with an up to date development plan should be approved without delay. Material considerations do not indicate a decision otherwise than in accordance with the development plan.

### **Conditions**

37. Conditions 1, 2 and 11 are required to define the development. Condition 3 is necessary in the interests of the living conditions of nearby occupiers. Conditions 4, 8, 9, 10, 14, 21, 22, and 24 are necessary to minimise flood risk. Conditions 5

and 26 are necessary in the interests of biodiversity whilst conditions 6, 7, 13, 15, 16, 17 and 18 are necessary in the interests of highway safety. Conditions 12 and 25 are necessary in the interests of the character and appearance of the area. Conditions 19, 20 and 23 are necessary to encourage the use of more sustainable modes of travel.

## Conclusion

38. For the reasons set out above the appeal should be allowed.

*T Burnham*

INSPECTOR

## SCHEDULE OF CONDITIONS

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

2. The development hereby permitted shall be carried out in accordance with the plans hereby approved:

Site Location Plan 015-LOC-01  
Topographical Survey Sheet 1 15J270/001  
Topographical Survey Sheet 2 15J270/001  
Site Layout Plan 015/R-OAK/01 Rev L  
Boundary Treatment Layout 015/R-OAK/03 Rev G  
Surface Treatment Layout 015/R-OAK/06 Rev G  
Garage and Parking Layout 015/R-OAK/09  
Street Scenes A-B and Site Section C 015/P-STREET\_1 Rev G  
Site Sections D-H 015/P-STREET\_2 Rev A  
Site Section J 015/P-STREET\_3 Rev A  
Tree Survey Plan c-812-20 Rev A  
Bin Store SD/BS/01  
Landscaping Sheet 1 c-812-31 Rev C  
Landscaping Sheet 2 c-812-32 Rev C  
Landscaping Sheet 3 c-812-33 Rev C  
Bowfell Housetype 015/BOW/P03 Rev A  
Brathay Housetype 015/BRAY/P03  
Grasmere Housetype 015/GRA/P03 Rev A  
Kirkstone Housetype 015/KIRK-AG/P03 Rev A  
Wasdale Housetype 015/WAS/P03 Rev A  
Accrington Road Apartments - Floor Plans 015/AR-APT/P01 Rev C  
Accrington Road Apartments - Elevations 015/AR-APT/P02 Rev E  
Small Block Apartments 59 - 66 015/APTS/P03 Rev B  
Cut and Fill Areas Plan 21315-GAD-00-ZZ-DR-C-1411-P03  
Drainage Layout 21315-GAD-01-ZZ-DR-C-1001-P06

Drainage Longsections Sheet 1	21315-GAD-01-ZZ-DR-C-1021-P02
Drainage Longsections Sheet 2	21315-GAD-01-ZZ-DR-C-1022-P02
Drainage Longsections Sheet 3	21315-GAD-01-ZZ-DR-C-1023-P01
Finished Levels and Retaining Walls	21315-GAD-01-ZZ-DR-C-1406-P04
Flood Exceedance Route Plan	21315-GAD-01-ZZ-DR-C-1005-P05
Foul Water Manhole Schedules	21315-GAD-01-ZZ-DR-C-1012-P02
Impermeable Areas Plan	21315-GAD-01-ZZ-DR-C-1040-P03
Section 104 SUDS Details	21115-GAD-01-ZZ-DR-C-1070-P01
Surface Water Manhole Schedules	21315-GAD-01-ZZ-DR-C-1011-P02
Highways Details	21315-GAD-ZZ-01-DR-C-1530-P01
Highways Kerbing Layout	21315-GAD-01-ZZ-DR-C-1556-P03
Highways Longsections 1	21315-GAD-01-ZZ-DR-C-1511-P02
Highways Longsections 2	21315-GAD-01-ZZ-DR-C-1512-P02
Highway Setting Out	21315-GAD-00-ZZ-DR-C-1501-P03
Highways Finished Surfaces Layout	21315-GAD-01-ZZ-DR-C-1551-P03
Site Access and Highway Mitigation Proposals (with Swept Path)	P434/15/002 - Plan 1 Rev A
Site Access and Highway Mitigation Proposals (without Swept Path)	P434/15/002 - Plan 2 Rev A

3. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors; Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing; and
- Delivery, demolition and construction working hours.

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

4. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during

construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority. The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

5. 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 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 species site plan and include details of plot numbers and identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated into the identified individual dwellings during their construction and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in accordance with the approved details.

6. 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 mitigation has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the submitted scheme shall include and not be limited to:

- Uncontrolled pedestrian crossing to the west of the Public Car Park junction which will connect to the existing dropped kerb provided where the existing eastbound bus stop is located.
- Uncontrolled pedestrian crossing to the west of the residential junction, and another located on the opposite side of the carriageway on the footway to the east of Sydney Avenue.
- Kerb build out to the east of Sydney Avenue and an uncontrolled pedestrian crossing opposite on the proposed eastbound footway.
- Kerb build out located where Public Footpath 3-45-FP27 meets Accrington Road and another kerb build out opposite, provided on the existing footway.
- Relocation of the existing eastbound bus stop to the proposed kerb build out to the east of Sydney Avenue.

- Creation of a new westbound bus stop to the east of the residential junction. Review of the speed limit along Accrington Road, from the mini-roundabout junction between King Street/ Accrington Road to the signalised junction between A4671/ B6246/ Spring Wood Picnic Area.
- Pursue Traffic Regulation Orders along the full site frontage; junction between Accrington Road/ Sydney Avenue and to the kerb build out to the east of the junction.
- Tactile paving provided at both proposed junctions.
- Street Lighting Assessment for the full length of Accrington Road.

All agreed works shall thereafter be completed prior to first occupation of the site.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the Local Planning Authority. The streets shall be maintained in accordance with the approved management and maintenance details thereafter for the lifetime of the development.

8. The development hereby permitted must not be commenced until such time as a scheme to provide appropriate compensatory storage for flood mitigation on site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme and plans submitted shall show the final engineering solution for the compensatory storage measures, including (but not limited to) the detailed design and hydraulic modelling to demonstrate how the scheme will function to ensure flood waters can enter the storage and be discharged freely after a flood. It must be demonstrated through the hydraulic modelling that there will be no loss in storage capacity for the lifetime of the development. The scheme shall be fully implemented prior to any development on site and subsequently maintained, in accordance with the scheme's timing/phasing arrangements.

9. The development hereby permitted must not be commenced until such time as a detailed management plan for the compensatory flood storage scheme has been submitted to and approved in writing by the Local Planning Authority. The maintenance plan must demonstrate how the compensatory storage scheme, including proposed drainage channel shall be maintained for the lifetime of the proposed development. The plan as a minimum shall include:

- Details of the organisation responsible for the ongoing maintenance for the lifetime of the development.
- Details of the funding arrangements in place for the inspection and maintenance. It must be demonstrated how the ongoing maintenance for the lifetime of the development will be funded.
- As built drawings and a maintenance and operation manual. This must include physical access arrangements for maintenance and establishment of legal rights of access.
- The maintenance schedule of work - itemising the tasks to be undertaken and the frequency at which they should be performed so that an acceptable long-term performance standard is secured. The schedule should be a living document as it may change, where inspections advise changes to the scheme maintenance requirements.

10. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy and a foul water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment [and indicative surface water sustainable drainage strategy] submitted (6th December 2022 / CN21315 / M & P Gadsden Consulting Engineers Ltd) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly and shall be limited to a maximum peak flow rate of 15.3l/s

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
  - i) 100% (1 in 1-year) annual exceedance probability event;
  - ii) 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
  - iii) 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep and a 35% allowance for the remaining greenfield areas.

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i) Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
  - ii) Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
  - iii) Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iv) Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - v) Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
  - vi) Details of proposals to collect and mitigate surface water runoff from the development boundary;
  - vii) Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.
- e) Evidence to demonstrate how post development ground levels do not contribute to new surface water flood flow routes from higher ground to adjacent lower ground, both on and off site.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

11. Prior to the commencement of development, detailed specifications for the construction of the car park fronting Accrington Road (including landscaping, lighting, surfacing, marking out and drainage) and a timetable for the construction and transfer of the car park shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and in accordance with the approved timetable for construction and hand-over.

12. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

13. The new estate road shall be constructed to at least base course level between Accrington Road and the construction site compound area, in accordance with the Construction Management Plan (to be submitted) before any development takes place within the site.

14. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (OAKMERE-JBAU-XX-XX-RP-0002-S3-P06-AccringtonRdFRA / JBA Consulting / December 2022).

The measures shall be fully implemented prior to occupation of the development and 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.

15. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 70 metres have been provided at both site accesses. These shall thereafter be permanently maintained with nothing within those splays higher than 1 metre above the level of the adjacent footway/verge/highway.

16. The development hereby permitted shall not be occupied until such time as the off-road internal pedestrian links Public Footpath 3-45-FP27 have been built to an adoptable standard.

17. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Doyle Transport drawing number P434/15/002 - Plan 1 Rev A. Thereafter the onsite parking provision shall be retained as such in perpetuity.

18. Prior to occupation of apartment Plots 10 to 58, a minimum of six accessible spaces should be provided in the shared car parking area.

19. No building or use hereby permitted shall be occupied or the use commenced until a cycle storage plan for the residential units has been submitted to the Local Planning Authority, in consultation with the Local Highway Authority. These cycle facilities shall thereafter be kept free of obstruction and available for the parking of bicycles only at all times.

20. No building or use hereby permitted shall be occupied or use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

21. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

22. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

23. The garage(s) hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability for their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

24. No increase to existing land levels shall be undertaken on site, over and above those hereby approved, to accommodate the development hereby approved unless precise details of the increase in land-levels have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed building in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

25. The landscaping proposals hereby approved (Drawings: Landscaping Sheet 1: c-812-31 Rev C, Landscaping Sheet 2: c-812-32 Rev C and Landscaping Sheet 3c-812-33 Rev C) shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 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. All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

26. No removal of vegetation including trees or hedges shall be undertaken within the nesting bird season (1st March - 31st August inclusive) unless a pre-clearance check on the day of removal, by a licenced ecologist, confirms the absence of nesting birds. A letter from the ecologist confirming the absence of nesting birds shall be submitted to the Council within one month of the pre-clearance check being undertaken. Any removal of vegetation outside the nesting bird season shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal to ensure that removal does not result in unacceptable impacts upon nesting birds or other species of conservation concern.

### **APPEARANCES**

#### **FOR THE APPELLANT:**

Graham Love BA (Hons) BPL MRTPI

Laurie Lane BSc (Hons) MRTPI

John Jackson BA (Hons) DipTP MRTPI

#### **FOR THE LOCAL PLANNING AUTHORITY:**

Shemuel Sheikh (of Counsel)

Lyndsey Hayes BA (Hons) MRTPI

Stephen Kilmartin BSc

### **DOCUMENTS SUBMITTED AT HEARING:**

Lancashire County Council Education Contribution Assessment 9<sup>th</sup> September 2025

Appellant Response to Councils Costs Rebuttal

Email Comments regarding planning obligation

Appellant Appearances list

### **DOCUMENTS SUBMITTED AFTER HEARING:**

CIL Compliance Statement

Completed Planning Obligation by unilateral undertaking

Agreed Schedule of conditions

Whalley Conservation Area Appraisal

Whalley Conservation Area Management Guidance

Whalley Conservation Area Map

## APPENDIX 4: SECTION 106 HEADS OF TERMS

## DRAFT SECTION 106 HEADS OF TERMS

Gladman will seek to enter into constructive dialogue with Ribble Valley Borough Council to agree obligations that in accordance with the CIL Regulations (2010) (as amended) are necessary, directly related to the development and fairly related in scale and kind to the development.

The following Heads of Terms are suggested:

### AFFORDABLE HOUSING

- i. The Agreement will provide for 30% affordable housing, with a tenure split to be agreed with the local planning authority.

### OPEN SPACE

- i. The Agreement will require the Developer to provide on-site informal open space and equipped children's play areas.
- ii. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long-term maintenance and management of these areas, including any off-site commuted sums as applicable.

### HIGHWAYS AND PUBLIC TRANSPORT

- i. The Agreement will require the Developer to provide, as necessary, the improvements identified to improve the public highway and sustainable and public transport provision within the vicinity of the site.

### OTHER

- i. Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.

