

DAL ref No: DAL10/12
LPA ref No: 03/2011/0892
PINS ref No: APP/T2350/A/12/2181354

**Proof of Evidence
of
Jane Dickman**

**Planning Appeal
Against the refusal of consent for residential
development**

Land off Milton Avenue
Clitheroe
Lancs.

On behalf of
The Huntroyde Estate

Dickman Associates Ltd

**P O Box 97
Bolton
Lancs.
BL1 9PT**

October 2012

CHARTERED TOWN PLANNER

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CONTENTS

- 1.0 Introduction
- 2.0 Site Description
- 3.0 Planning History
- 4.0 Planning Policy
- 5.0 Discussion
- 6.0 Conclusions
- 7.0 Executive Summary

Appendices

- A – Proof of Caroline James of Trevor Dawson & Co, Chartered Surveyors, Blackburn on housing market
- B – Proof of Emma Kilduff of Bowland Ecology, Clitheroe

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1.0 INTRODUCTION

- 1.1 My name is Jane Dickman, I am a Chartered Town Planner and Director of Dickman Associates Ltd (DAL), Bolton.
- 1.2 I hold a BSc(Hons) and Diploma in Town Planning. I am a Member of the Royal Town Planning Institute; a Fellow of the Royal Institution of Chartered Surveyors and a Fellow of the Royal Geographical Society.
- 1.3 I established Dickman Associates Ltd in 2009 and have acted for a variety of clients on schemes ranging from large mixed use redevelopment and residential schemes to proposals for change of use; Listed Building re use and site promotion for developers through the development plan process.
- 1.4 Prior to setting up DAL I have worked for over 25 years in the private sector either in house for housebuilders, (Westbury and Persimmon Homes) and also in the property development department of British Gas NW; and as a consultant within large real estate firms including GVA Grimley and Savills.
- 1.5 During my career I have undertaken planning applications, appeals and policy promotion and representation work on numerous commercial and residential development schemes and changes of use mainly in the North of England, especially the NW.
- 1.6 I have acted as an expert witness at appeals and Examinations in Public for local and regional plans on behalf of clients/employers.
- 1.7 I have been the planning consultant for the proposed development throughout. I am extremely familiar with both the area of the appeal site and the policy context within which it has been considered.

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2.0 SITE DESCRIPTION

- 2.1 The appeal site extends to 1.23ha of open land, shown edged red on the location plan included in this appeal and lies on the western side of Clitheroe town centre. It is a relatively flat site surrounded by hedges and with some trees parallel with its eastern boundary on the adjacent land. It is presently in agricultural use, albeit that it is used for low grade haylage at present, and I am advised it suffers from many of the issues that often affect 'urban fringe' land – e.g. fly tipping of garden waste, trespass etc.
- 2.2 There are existing residential developments both north and south of the site. To the west are open fields and views across to Waddow Hall. The eastern boundary is with a car park and playground, beyond which is the rail/bus interchange, Booths supermarket and Clitheroe town centre.
- 2.3 The site is in a highly sustainable location adjacent to all the facilities of Ribble Valley BC's major settlement and exceptionally well located for multi modal transport options. It sits immediately adjacent to one of the town centres principal car parks, and indeed as I detail below the Council have considered on occasion that the car park might be extended into the appeal site. There is probably no site within the district which is more accessible to modes of transport other than the private car.

3.0 PLANNING HISTORY

- 3.1 In 1999 this site was discussed with RVBC as a possible residential development scheme by Bellway Homes. Whilst representations to the development plan were made we have found no information indicating that an application was ever made by Bellway on this site.
- 3.2 In 2009 RVBC approached the appellant seeking to use the site for a car park extension. This was not further pursued by RVBC, but I am instructed that the approach was a serious one following careful consideration by the Council as to how such a land use would operate. This approach is indicative of the site specific merits of the appeal site in transportational terms.
- 3.3 Following pre app discussions in summer 2011. In October 2011 an application for new residential development of 50 dwellings was lodged with RVBC. (LPAno.3/2011/0892/P). This was recommended for approval in the officer's report to committee and after going to 3 committees May, June, July 2012 it was refused on highway safety grounds, contrary to the recommendation of officers.
- 3.4 The reason for refusal is:

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'The proposed development is considered contrary to Policy G1 of the Ribble Valley Districtwide Local Plan in that it would have an adverse impact on the operation of the highway network to the detriment of highway safety and to the general amenities of the area.'

- 3.5 A Statement of Common Ground (SoCG) has been agreed with the LPA. This states:

The parties agreed that highway safety was the only matter in dispute and the LPA stand by all other matters in their report to committee. The report to committee accurately sets out the planning history, relevant policy context as well as those issues which are not in dispute as between the parties. The Council officers confirmed that 'amenity' referred to in the reason for refusal related to the highway safety issues only specifically congestion.

4.0 PLANNING POLICY

- 4.1 Relevant planning policy includes the NPPF, the RSS for the NW, the adopted Ribble Valley Districtwide Local Plan (RVDLP) and the emerging Core Strategy.

National Planning Policy Framework (NPPF)

- 4.2 The NPPF was adopted on 27.3.12 and came into immediate effect. It cancelled the previous PPGs/PPSs including 1,2,3,7,13 and 25 and Circular 05/2005 on Planning Obligations. Its underling premise is a presumption in favour of sustainable development unless material considerations indicate otherwise.
- 4.3 The underlining premise is planning for growth to provide sustainable homes, economic growth and jobs. LPAs should plan positively for new development and make every effort to meet housing, business and other development needs and wider opportunities for growth. They should be flexible and responsive regarding the supply of land for key sectors, including housing; foster economic growth; recognise the likely range of benefits; and not impose unnecessary burdens on development.
- 4.4 Paragraph 7 of NPPF defines 'sustainable development' as having 3 elements – economic, social and environmental.
- 4.5 Paragraph 14 of NPPF states that development proposals which accord with the development plan should be approved without delay and where the development plan is silent, absent or relevant policies are out of date permission should be granted unless any adverse impact of so doing

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- would significantly or demonstrably outweigh the benefits when assessed against policies in NPPF as a whole or if NPPF indicates development should be restricted.
- 4.6 Paragraph 32 of NPPF discusses how sustainable transport on new schemes which generate traffic movements should include a transport statement and assessment that looks at a variety of travel modes; safe and suitable site access; improvement to the network to limit significant impacts and states that:
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 4.7 Paragraph 47 of NPPF refers to boosting housing supply and how LPAs should do this. It states:
- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
 - identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
 - identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
 - for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
 - set out their own approach to housing density to reflect local circumstances.
- 4.8 The explanatory superscript to Paragraph 47 explain deliverable now and developable:

Superscript 11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five

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years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

Superscript 12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

4.9 In addition LPAs are encouraged to address barriers to investment and understand business needs in their and adjacent areas.

4.10 The NPPF requires LPAs to:

- Identify an additional 20% buffer of sites for housing in the initial 5 year housing requirement in order to give choice and competition, if they have had consistent undersupply of housing.
- Housing sites still need to be available, developable, deliverable, sustainable, accessible and viable
- To bring empty dwellings back into use.
- Provide a wide choice of homes.
- Consider use of large extensions to existing settlements or new settlements and whether these would need new Green Belts round them.
- reappraise previously allocated land and produce the SHLAA and Economic assessments together
- ensure viability and deliverability of sites
- they should not seek such a scale of obligations and policy burdens as to threaten the viability of a development
- schemes should be providing acceptable returns to willing landowners and developers to enable delivery of schemes
- Promote sustainable transport
- LPAs should give positive weight to schemes for economic and housing development.
- The presumption on planning applications should be in favour of sustainable development and finding ways of overcoming substantial planning objections where practical and consistent with the Framework.
- Planning conditions should only be attached when they can be shown to be necessary, relevant, enforceable, precise and reasonable
- Planning obligations should only be sought if the following tests are met: necessary to make development acceptable in planning terms; directly relate to the scheme; and fair and reasonably relate in scale to the kind of development

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The Development Plan

- 4.11 The statutory development currently comprises the RSS for NW (Sept 2008) and the saved policies of the RVBC Districtwide Local Plan (June 1998). The NPPF as the most recent document (March 2012) should be given full weight whereas as the NPPF states the RSS is due to be abolished though it carries some weight by the fact it carries through to 2021. The RVDLP saved policies arose from the Lancashire Joint Structure Plan which RSS superseded is over 18 years old and thus should be afforded very limited weight.

North West Regional Spatial Strategy

- 4.11 RSS is due to be abolished by the Localism Act which came into force on 15.11.11. To date the relevant provisions have not yet been brought into force.
- 4.9 The RSS policy L4 required that RVBC should provide 2900 homes (net of clearance replacement) from 2003 to 2021, with an annual average of 161 homes and 65% being on brownfield sites and therefore 35% being on greenfield sites.
- 4.10 The NLP report prepared summer 2011 for RVBC provided clear evidence based upon up to date economic and demographic data that the the annual average needed to be nearer 4000 homes or approx 200dpa (2008-28). The range suggested by NLP **as a minimum** was 190 to 220 units pa.
- 4.11 The Inspector's report on the Henthorn Inquiry (APP/T2350/A/11/2161186) at paragraph 20 suggests there is ...'credible and robust evidence to suggest the figure should be much higher and closer to the 330 to 350 dwellings per annum in the uncontested evidence of Mr Nicol.'
- 4.12 RVBC have now produced an update report which was endorsed by a planning committee on 16.8.12 in regard to housing land availability. This claims that RVBC have a 6 year supply of housing land based on RSS figures of 161dpa or a 5 year supply based on the NLP report figure of 200dpa. A more recent update (13.9.12) attached as the appendix to the LPA statement on Barrow Brook appeal shows based on RSS there is now a 5.82 year supply and based on NLP is figure is below 5 years at 4.97 year supply. The calculation however has a number of problems, since it is not based upon a proper trajectory which assess the deliverability of sites, and moreover it has assumed that the past non-delivery of sites ought to be spread across a period of time which extends well beyond 5 years, rather than recognising that the starting point for an assessment of need is that such units need to be delivered now (or rather at the outset of the period being assessed).

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Ribble Valley Districtwide Local Plan

- 4.13 This document (RVDLP) was adopted in June 1998 and the housing policies therein refer to being in accordance with the Lancashire Structure Plan 1991-2006. Given the age of this document and the fact the Structure Plan end date was almost 6 years ago limited reliance should be given to it. Happily it is common ground that the housing policies of the local plan (and the resultant settlement boundaries) are out of date within the meaning of NPPF (paragraph.14).
- 4.14 The RVDLP is the adopted plan and the appeal site is shown as an unallocated site within the urban boundary of Clitheroe.
- 4.15 The reason for refusal refers to policy G1 – Development Control. This covers a wide range of development control matters. Given the SoCG sections b) and d) of Policy G1 are the crux of this appeal:

b) The likely scale and type of traffic generation will be assessed in relationship to the highway infrastructure and the proposed and existing public transport network. This will include safety, operational efficiency, amenity and environmental considerations.

d) A safe access should be provided which is suitable to accommodate the scale and type of traffic likely to be generated.

- 4.16 Policy G2 of the RVDLP also applies:

‘Within the plan area developments will be mainly directed towards land within the main settlement boundaries. These are defined on the proposals map. The following **scale of development will be approved:**

ii) Clitheroe - consolidation and expansion of development and rounding off development. In all cases this must be on sites wholly within the settlement boundary and must be appropriate to the town's size and form;’

RVBC Core Strategy

- 4.17 The Core Strategy (CS) has been out for public consultation and has at 28.9.12 been submitted for examination but is not as yet an adopted document. It does not deal with individual residential sites apart from a proposed strategic site for housing at Standen.
- 4.18 An important element of the evidence base of the emerging CS is the SHLAA and the subject site was judged by RVBC to have a sustainability score of 88 one of the highest in the borough. It is considered to be a ‘localised extension to infill between housing’. It is available in the 0-5 year

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time period from the 2008 SHLAA and is achievable and deliverable and thus is 'included in the 5 year supply'.

Affordable Housing Memorandum of Understanding

4.17 The RVDLP policies have now been superseded by the Affordable Housing Memorandum of Understanding which is the policy currently adopted by the council and treated as a material consideration in planning applications. It provides a definition of affordable housing:

'In Ribble Valley the following formal definition of affordable housing has been agreed as the basis of housing policy:

"housing, irrespective of tenure, ownership or financial arrangements, available to people who cannot afford to occupy homes generally available on the open market".'

4.18 It also details how affordable homes for sale should be treated:

'To ensure that homes are affordable to the majority of people living in Ribble Valley

These should be sold at a price that does not exceed;

**_ three times the mean of an individual's gross annual earnings
_ or two and a half times the gross median household earnings of those households identified as being in housing need in the parish.**

This is based on the calculation commonly used by mortgage lenders when assessing the household's suitability for a mortgage.'

4.19 It also discusses how affordable for rent or for shared ownership should be treated. Before setting out the affordable housing thresholds:

'The Council will negotiate the provision of affordable housing on all qualifying housing developments as follows:

_ In Longridge and Clitheroe on housing developments of 10 or more dwellings (or sites of 0.5 hectares or more, irrespective of the number of dwellings) the Council will seek affordable housing provision at 30 % of units on the site.

_ In all other locations in the borough on developments of 3 or more dwellings (or sites of 0.1 hectares or more irrespective of the number of dwellings) the council will seek 30% affordable units on the site.

_ The Council will only consider a reduction in this level of provision to a minimum of 20% only where supporting evidence, including a viability appraisal fully justifies a lower level of provision.'

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Addressing Housing Need

4.20 RVBC has held recent public consultations in August and September 2011. One of the documents out to consultation is the June 2011 document on Addressing Housing Need. This emerging document includes reference to bungalows for the elderly and half of such dwellings being affordable.

4.21 This new section states:

‘Providing housing for the elderly has been a priority within the Housing Strategy for many years. However the market has developed little bungalow accommodation.

The requirement for 15% of the units to be bungalows for the elderly would be achieved by;

- on sites of 30 units or more a requirement for 15% to be for the elderly,
- of the 15% elderly accommodation a minimum of 50% would be affordable and included within the affordable offer of 30%.
- The remaining 50% of the elderly accommodation could be market housing be sold at market value or rent.’

4.22 This is not adopted policy.

5.0 DISCUSSION

5.1 The RVDLP was adopted in 1998 and based on information that was collected over 18 years ago. Whilst various policies have been saved, including G1 referred to in the reason for refusal, these policies are outdated, as the LPA admit in their report to committee of 11.10.12 so in line with NPPF should be given little or no weight. The NPPF itself came into force on 27.3.12 and thus carries full weight.

5.2 RVBC is preparing its Core Strategy but this has not yet been to examination. Furthermore it only identifies strategic sites not specific housing sites. The subject site was understandably put forward and included in the SHLAA as a site suitable for housing to be included in the 0-5 year supply.

5.3 The appeal site was identified in the SHLAA as a site suitable for delivery of housing in the 0-5 year time period. The pre app meeting on 18.7.11 and follow up letter from the LPA of 3.8.11 both supported development of this site. An application was made in October 2011 so over a year ago seeking residential consent on this land and taking account of the various matters identified in the pre app letter. It should have been dealt with within the statutory time period but instead was recommended for approval by officers at the May 2012 committee and eventually refused by

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- committee and against officer recommendation at the July 2012 committee.
- 5.4 The LPAs calculations of 5 year housing supply take no account of deliverability.
- 5.5 The evidence of Tim Dean at the Henthorn inquiry confirmed that not all the 270 units would be delivered in the 0-5 year time frame as none would occur in the first year and the build out thereafter would be 35-40 dpa completed i.e. 140-160 units thus a shortfall of 110-130 units. Nevertheless the full 270 units are shown in the LPAs latest 5 year supply calculation.(13.9.12).
- 5.6 A scheme at Billington of 49 units is the only other large scheme listed. This is for 49 dwellings 26 have been completed but the remaining 23 are still not even under construction even though reserved matters were given over 10 years ago.
- 5.7 At the recent inquiry (9.10.12) into a mixed use scheme at Barrow Brook which included housing the LPA agreed that at Henthorn and Billington delivery was an issue and approximately 150 units should be taken off the 5 year total. They also accepted that the figure was a minimum not a fixed target.
- 5.8 In the planning committee report of 11.10.12 on an outline scheme for 49 units at Littlemoor, Clitheroe the LPA comment as follows on their 5 year supply:

‘For decision making purposes, the Council has adopted the RS housing requirement pending its review through the preparation of the Core Strategy. The RS requirements plan for some 161 units per year against which the Council can demonstrate a 5.82 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. **The Council cannot however demonstrate a five year supply against this requirement.** *(my highlight)* It should be borne in mind that whilst a five year supply can be demonstrated against the RS requirement, this is not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development.’

RVBC confirm they cannot demonstrate a 5 year supply. They do not say what their under supply is and whether they have a further reduced supply

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than their 13.9.12 calculation (i.e. 4.97 years) but given their agreement to a delivery shortfall at the Barrow Brook inquiry on 9.10.12 they will need to reassess their figures. The appellants at Barrow Brook calculated there was only a 4.5 year supply. That was taking 133 units off the total not the 150 the LPA agreed at the appeal on Barrow Brook. Doing the calculation with 150 the LPA have a 4.47 year supply using 200dpa.

- 5.9 In the report to committee on the appeal site in regard to the 5 year supply it states:

'The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year in line with the Government Guidance.'

Given the committee report is post NPPF it is incorrect in regard to Government Guidance. RVBC are clearly still grappling with which dpa to employ despite the fact the special meeting of Planning and Development Committee on 2 February 2012 agreed 200dpa as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) and the Henthorn appeal inspector also concluding the NLP 200dpa figure should be applied as a minimum, not the 161dpa of RSS.

- 5.10 The planning committee of 11.10.12 also includes the resubmission of a 55 dwelling scheme at Lawsonsteads in Whalley. The officers report comments:

'Members must also bear in mind that irrespective of the 5 year supply issue, some of the policies of the DWLP are considered out of date (in particular the settlement strategy and thus the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits is at this time the over riding consideration.'

The officers at least recognise the implications of NPPF and how it should work in regard to delivering sustainable development in their area. Also the planning committee have approved Clitheroe, Longridge and Whalley as areas for growth as part of the CS process at their July 2012 committee.

- 5.11 Lawsonsteads resubmission at Whalley was approved by committee on 11.10.12, but Littlemoor was deferred. Both these applications are subject to S106's being completed within 6 months of their approval. Until such time as those are signed consent will not be issued and the numbers should not form part of the LPAs 5 year supply calculations. A smaller (21unit) scheme at Gisburn was approved but it too is subject the signing of a S106.

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- 5.12 Most residential consents listed in the LPAs 5 year supply are small 1 or 2 unit infill plots. Henthorn and Billington being the main exceptions. Though at the July 2012 committee consent was granted (again in both cases subject to S106's being completed within 6 months) for 52 new dwellings in Longridge and also for a 30 unit scheme outside the Clitheroe settlement boundary at Low Moor. The Longridge one was full consent whereas Low Moor was outline. Concerns over access were expressed to committee regarding Low Moor and the fact it is in open countryside and less sustainable than the appeal site shows a lack of consistent approach to planning policy on new housing by RVBC. Whilst Longridge was a full application approved subject to a S106 being signed within 6 months of committee and we understand has a potentially interested developer (see attached proof of Caroline James of Trevor Dawson & Co at Appendix A); Low Moor is outline and thus until a S106 is completed and reserved matters are approved is marginal as to whether it would fall into the 0-5 year time frame for the 6-10 year one. The housing under supply applies across RVBC but is especially notable in Clitheroe so the schemes in Longridge, Whalley and Gisburn will not ease that problem.
- 5.13 RVBC have consistently under delivered on new housing yet their 5 year supply calculations assume this backlog can be projected forward beyond 5 years rather than recognising that the starting point for an assessment of need is that such units need to be delivered at the outset of the period being assessed.
- 5.14 The appeal site is a sustainable development site with the urban boundary of Clitheroe the main settlement in RVBC area. It is for 50 dwellings of which 35 are open market and 15 affordable. It is in a single ownership and there has been interest from a number of housebuilders already. The size of scheme means it could be developed out in 1 to 2 years and could therefore provide much needed housing within the RVBC. The attached proof of Caroline James of Trevor Dawson & Co explains the housing market position. (Appendix A). It also concludes that the appeal site ranks highly in market demand terms when compared to alternative sites in the Ribble Valley and that the development of this site maximises the opportunities for sustainable economic growth in the Town Centre.
- 5.15 Access to the appeal site is via Milton Avenue. The appellant owns the hedge at the end of Milton Avenue which abuts the adopted highway. The attached proof of Emma Kilduff of Bowland Ecology confirms that the hedge is not important in regard to the 1997 Hedgerow Regulations and it is of limited ecological value. The loss of the hedge is not considered significant in ecological terms.(Appendix B)

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- 5.16 The appeal site is the closest site to the main bus/rail interchange in Clitheroe which is just the other side of the car park on the east side of the site, a 5 minute walk. Booths supermarket is next to the transport interchange and the town centre of Clitheroe with all its facilities (post office, shops, other supermarkets, financial institutions, health and leisure facilities, etc) are a 5-10 minute walk from the site.
- 5.17 The SHLAA calls the appeal site a localised extension to infill between housing and records it as being a site suitable for housing in the 0-5 year time period. It confirms it is within the urban boundary and though Greenfield is not Green Belt and is not employment or other allocated land use land.
- 5.18 As previously mentioned the site is in a single ownership and housebuilders have already expressed an interest in the site. It is therefore available, accessible, deliverable and sustainable.
- 5.19 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides the statutory basis for Local Plans:
If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.[]
- 5.20 The RVDLP is based on the Lancashire Joint Structure Plan which has been superseded by the RSS (NW) which in itself is due to be abolished under NPPF. Whilst there are saved policies in the RVDLP this document dates back to 1998 and thus should only be given very limited weight. The RVBC CS is an emerging document but has not been adopted and is still going through that process. The Council have not yet commenced their Site Allocations DPD which is some 18-24 months minimum away from starting. The NPPF being adopted in March 2012 is fully up to date and carries full weight. As paragraph 14 of states that development proposals which accord with the development plan should be approved without delay and where the development plan is silent, absent or relevant policies are out of date permission should be granted unless any adverse impact of so doing would significantly or demonstrably outweigh the benefits when assessed against policies in NPPF as a whole or if NPPF indicates development should be restricted. The development plan for RVBC is out of date. The LPA have agreed in the SoCG that highway safety is the only matter in dispute. Alan Davies of dtpc proof demonstrates highway safety is not an issue. There is therefore no adverse impact that would significantly or demonstrably outweigh the benefits of this proposal and thus it is NPPF compliant and consent should be granted without delay.

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- 5.21 Policy G1 in the subsections referring to transport matters does not reflect current national policy and does not refer to the fact that there has to be shown to be 'severe' residual cumulative impacts of development in order to justify refusal. The proof of Alan Davies of dtpc provides the detailed transport case in support of the appeal.
- 5.22 Paragraph 47 of NPPF seeks to boost housing supply and explains how LPAs should do this. It needs a sound evidence base and is to include identifying key sites which are critical to the delivery of the housing strategy over the plan period. The CS identifies one strategic site – Standen – which is not likely to deliver any housing in the 0-5 year period as it is a strategic site. Work on the Site Allocations DPD has not even commenced in RVBC as previously noted. They have not identified key sites to ensure the housing strategy is delivered over the plan period.
- 5.23 On the second aspect of para 47 RVBC have a consistent undersupply when that is correctly calculated i.e. taking account of delivery thus they need to increase their figures by 20% to afford them the requisite buffer. They have not identified deliverable sites ie sites that are available, achievable, viable now in suitable locations. The subject site fulfils all these criteria.
- 5.24 Whilst they have identified one site in the emerging CS to cover the latter 2 periods of the plan no other sites have been identified.
- 5.25 Information on housing density suited to various parts of the LPA area has not been addressed. The LPA have looked at affordable housing and housing need concluding 30% affordable on sites over 0.5ha or 10 units in Clitheroe and Longridge and of these 15% to be for elderly. Although not adopted policy the LPA also seek that of the 15% elderly accommodation a minimum of 50% would be affordable and included within the affordable offer of 30%.The remaining 50% of the elderly accommodation could be market housing to be sold at market value or rent.'
- 5.26 The appeal site is fully NPPF compliant and should be approved without further delay.

6.0 CONCLUSIONS

- 6.1 The proposal complies with the relevant national and local policies.
- 6.2 RVBC admit they cannot demonstrate a 5 year supply of housing.

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- 6.3 Emma Kilduff of Bowland Ecology confirms that the loss of the hedge is not considered significant in ecological terms.
- 6.4 Caroline James of Trevor Dawson & Co concludes that the appeal site ranks highly in market demand terms when compared to alternative sites in the Ribble Valley and that the development of this site maximises the opportunities for sustainable economic growth in the Town Centre.
- 6.5 From a planning perspective this is a highly sustainable site within the urban boundary. As the TA demonstrates it is highly accessible by a variety of transport modes being adjacent to the rail/bus interchange.
- 6.6 The site complies with NPPF being a sustainable development. It accords with the RVDLP and there are no material considerations which outweigh the presumption in favour of sustainable development. Therefore in regard to NPPF it should be approved without delay.
- 6.7 The site complies with adopted local plan policy G2, being rounding off of land and wholly within the settlement boundary of Clitheroe. It is of an appropriate size and scale of development.
- 6.8 The site was identified in the SHLAA as a site suitable for housing in the 0-5 year time period of delivery and one of the highest scoring sites for sustainability in the RVBC area.
- 6.9 Given the RVDLP dates from 1998 and it has not been updated whilst policies including G1 have been saved they should in accordance with NPPF be given little weight. NPPF on the other hand should be given full weight.
- 6.10 For these reasons this appeal for residential development should be allowed.

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7.0 EXECUTIVE SUMMARY

- 7.1 The appeal site extends to 1.23ha or thereabouts of open land, shown edged red on the location plan included in this appeal and lies on the western side of Clitheroe town centre. There are existing residential developments to the north and south.
- 7.2 In October 2011 an application for new residential development of 50 dwellings was lodged with RVBC. (LPAno.3/2011/0892/P). This was recommended for approval in the officer's report to committee and after going to 3 committees May, June, July 2012 it was refused on highway safety grounds.
- 7.3 A Statement of Common Ground (SoCG) has been agreed with the LPA. The parties agreed that highway safety was the only matter in dispute and the LPA stand by all other matters in their report to committee.
- 7.4 Relevant planning policy includes the NPPF, the RSS for the NW, the adopted Ribble Valley Districtwide Local Plan (RVDLP) and the emerging Core Strategy. The weight attached to each of these documents ranges from full weight to NPPF, through limited weight to the emerging CS and the soon to be abolished RSS to little or no weight to the RVDLP which dates back to 1998.
- 7.5 Paragraph 14 of NPPF states that development proposals which accord with the development plan should be approved without delay and where the development plan is silent, absent or relevant policies are out of date permission should be granted unless any adverse impact of so doing would significantly or demonstrably outweigh the benefits when assessed against policies in NPPF as a whole or if NPPF indicates development should be restricted.
- 7.6 Paragraph 32 of NPPF states :
Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.7 Paragraph 47 of NPPF refers to boosting housing supply and how LPAs should achieve this. RVBC do not have a 5 year supply of housing as required by NPPF and have consistently failed to deliver sufficient housing.
- 7.8 The RVDLP is the adopted plan, even though very out of date, and the appeal site is shown as an unallocated site within the urban boundary of Clitheroe. Policy G2 supports development of such sites.

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- 7.9 Policy G1 – Development Control. This covers a wide range of development control matters. Given the SoCG that highway safety is the issue in dispute sections b) and d) of Policy G1 are the crux of this appeal.
- 7.10 The Core Strategy (CS) has been out for public consultation but is not as yet an adopted document. It does not deal with individual residential sites apart from a proposed strategic site for housing at Standen. RVBC also have not started their Site Allocations DPD which is 18-24 months from being started.
- 7.11 Policy G1 in the subsections referring to transport matters does not reflect current national policy and does not refer to the fact that there has to be shown to be ‘severe’ residual cumulative impacts of development in order to justify refusal. The proof of Alan Davies of dtpc provides the detailed transport case in support of the appeal.
- 7.12 The proposal complies with the relevant national and local policies.
- 7.13 Emma Kilduff of Bowland Ecology confirms that the loss of the hedge is not considered significant in ecological terms.
- 7.14 Caroline James of Trevor Dawson & Co concludes that the appeal site ranks highly in market demand terms when compared to alternative sites in the Ribble Valley and that the development of this site maximises the opportunities for sustainable economic growth in the Town Centre.
- 7.15 Given the RVDLP dates from 1998 and it has not been updated whilst policies including G1 have been saved they should, in accordance with NPPF be given little weight. NPPF on the other hand should be given full weight.
- 7.16 For these reasons this appeal for residential development should be allowed.

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