



Appendices to Proof of Evidence of Ben Pycroft BA (Hons), Dip TP, MRTPI in relation to housing land supply

Residential development of up to 110 no. dwellings at
land at Henthorn Road, Clitheroe, BB7 2PL

for Gladman Developments Limited

Emery Planning project number: 19-069

PINS ref: APP/T2350/W/19/3221189

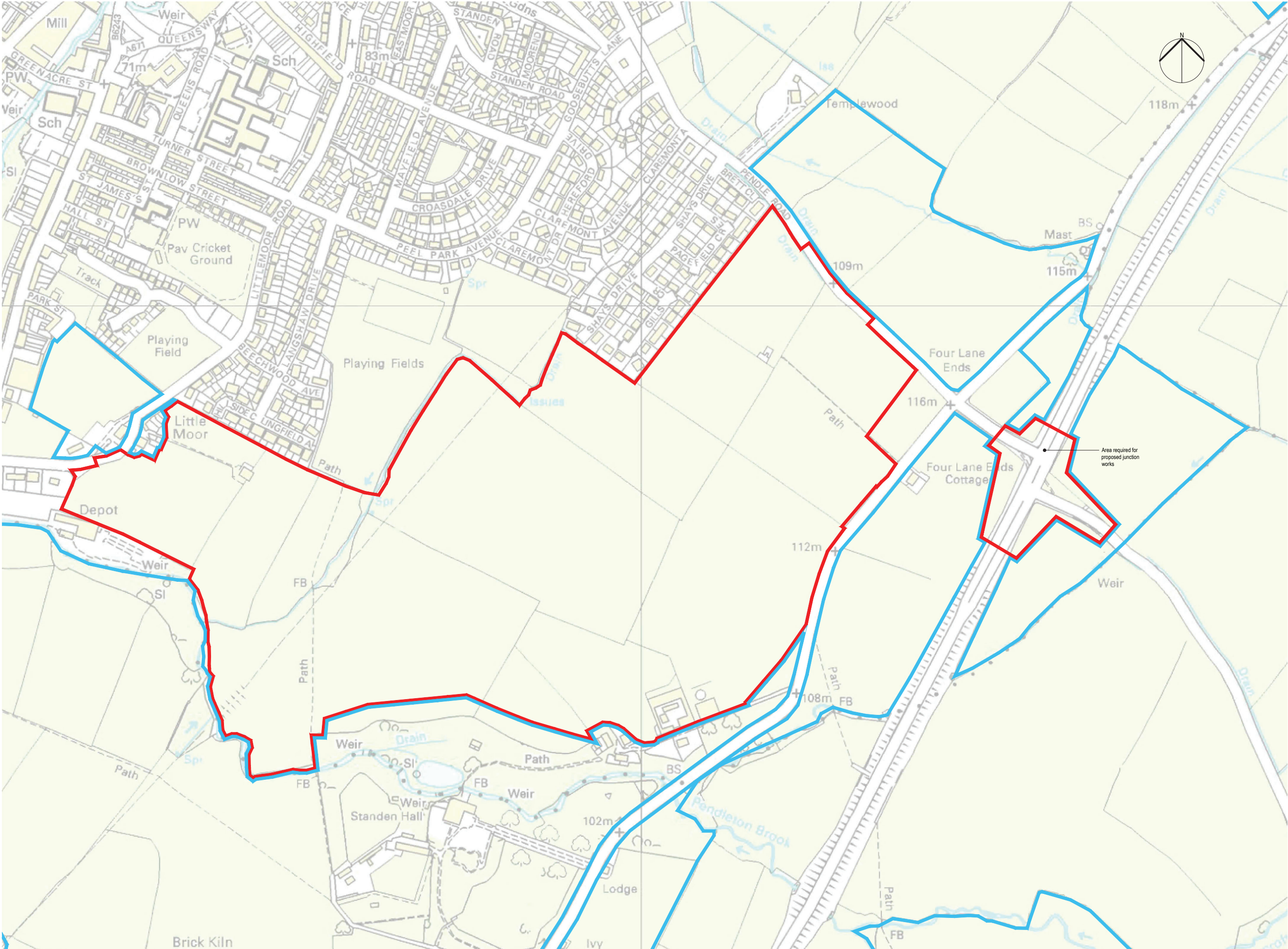
LPA ref: 3/2018/0688



Appendices

- EP1. Information relating to the site at Higher Standen, Clitheroe
- EP2. Information relation to the site at Chipping Lane, Longridge
- EP3. Information relation to the site at Whalley Road, Barrow
- EP4. Information relating to the site at Waddington Road, Clitheroe
- EP5. Information relating to the site south of Henthorn Road, Clitheroe
- EP6. Information relating to the site at Worthalls Farm, Read
- EP7. Lead-in times in Ribble Valley
- EP8. Affordable housing to be delivered in Ribble Valley to 2028
- EP9. Appeal decision regarding Bath Road, Corsham
- EP10. Appeal decision regarding Dylon International Premises, Station Approach, Lower Sydenham, London

EP1



NOTES:
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drawing originated by: PC	date: 28/09/12	
revisions	drawn/reviewed	date
REV A	PC/GP	01/10/12
Boundary amended to incorporate roundabout works.		
REV B	PC/GPUB	04/10/12
Boundary amended		
REV C	PC/GPUB	08/10/12
Drawing status from Comment to Planning		
REV D	PC/GPUB	08/10/12
Amendment to blue boundary line		

Legend

- Site application boundary
- Other land owned by applicant

PLANNING

'TRUSTEES OF THE STANDEN ESTATE' CLITHEROE MASTERPLANNING

Site Boundary Application Plan

Scale: 1:2500 @ A1
Reviewed by : GP

job	drawing	rev
5381	SP(90)15	D

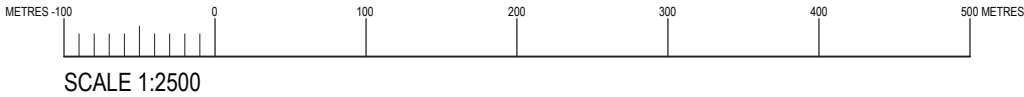
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RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

APPLICATION NO: 3/2012/0942

DECISION DATE: 17 April 2014

DATE RECEIVED: 18/10/2012

APPLICANT:

The Trustees of the Standen Estate
c/o Ingham and Yorke
Littlemoor
Clitheroe
BB7 1HG

AGENT:

Steven Abbott Associates
Broadsword House
2 Stonecrop
North Quarry Business Park
Appley Bridge
Wigan
Lancashire
WN6 9DL

PARTICULARS OF DEVELOPMENT:

1040 residential dwellings comprising: 728 market homes, 312 affordable homes, 156 of the total (1040) would be for elderly people (ie over 55 years of age) of which 78 would be affordable, 0.8ha to be reserved for retirement living within the total of 1040 homes, 0.5ha for local retail, service and community facilities (Classes A1 to A4, B1 and D1), 2.25 ha for employment (Class B1) accommodating up to a maximum gross floorspace of 5,575m², 2.1 ha of land for a primary school site, public open space including green corridors and areas for tree planting and landscaping, an improved (roundabout) junction between Pendle Road the A59, new vehicular, pedestrian and cycle accesses onto Pendle Road and Littlemoor, new pedestrian and cycle accesses onto Worston Old Road, New pedestrian and cycle access from the end of Shays Drive, Roads, sewers, footpaths, cycleways, services and infrastructure including: A sustainable urban drainage system,; New services such as gas, electricity, water and telecommunications

AT: Land at Higher Standen Farm and Part Littlemoor Farm, Clitheroe

Ribble Valley Borough Council hereby give notice in pursuance of provisions of the Town and Country Planning Act 1990 that **outline planning permission has been granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following conditions:

Details

1. The development hereby permitted shall not be carried out except in substantial accordance with the principles and parameters described and identified in the Design and Access Statement dated October 2012 and Parameters Plan drawing number SP(90)14D.

REASON: For the avoidance of doubt to define the scope of the permission.

2. The following drawings are authorised by this planning permission:
Site Boundary Application Plan Drawing SP(90)15D
Parameters Plan Drawing SP(90)14D

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

Phasing

3. Prior to the submission of any reserved matters application, a phasing plan including the parcels which shall be the subject of separate reserved matters applications shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the maximum number of dwellings other land use types and other supporting infrastructure developments (within and external to the site) to be implemented in each phase of development. The development shall be carried out in accordance with the approved phasing plan.

REASON: To ensure the satisfactory phasing of the development and to ensure that the development, including affordable housing, open space, employment and community uses is delivered with supporting infrastructure in a co-ordinated, planned way.

Design Codes

4. Prior to the submission of the first reserved matters application for each phase, a detailed Design Code for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The detailed Design Code shall demonstrate how the objectives of the Design and Access Statement will be met, including the Character Areas, Landscape Framework and Building in Context principles set out in Appendix 1 thereto, and shall take account of the drawings referred to in Condition 2 above. The development hereby permitted shall be carried out in accordance with the approved Design Code. The Design Code shall include the following:

- a) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using locally sourced and recycled construction materials;
- b) accessibility to buildings and public spaces for the disabled and physically impaired;
- c) sustainable design and construction, in order to achieve a minimum Code for Sustainable Homes Level 3 (or other such equivalent sustainability standard as may be agreed in writing by the Local Planning Authority) for residential buildings and a 'very good' Building Research Establishment Environmental Assessment Method (BREEAM) rating for non-residential buildings, maximising passive solar gains, natural ventilation, water efficiency measures and the potential for home composting and food production;
- d) measures which show how energy efficiency is being addressed to reflect policy and climate change, and show the on-site measures to be taken to produce at least 10% of the total energy requirements of the development hereby permitted by means of renewable energy sources;
- e) built-form strategies to include architectural principles, lifetime homes standards, character areas, density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
- f) principles for hard and soft landscaping including the inclusion of important trees and hedgerows;
- g) structures (including street lighting, floodlighting and boundary treatments for commercial premises, street furniture and play equipment);
- h) design of the public realm, including layout and design of squares, areas of public open space, areas for play and boundary treatments;
- i) open space needs including sustainable urban drainage;
- j) conservation of flora and fauna interests;
- k) provision to be made for art;

- l) a strategy for a hierarchy of streets and spaces;
- m) alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, bridleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
- n) on-street and off-street residential and commercial vehicular parking and/or loading areas;
- o) cycle parking and storage;
- p) means to discourage casual parking and to encourage parking only in designated spaces;
- q) integration of strategic utility requirements, landscaping and highway design.

REASON: In order that a high standard of design is secured for the details to be submitted as part of the reserved matters as the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft– Post Submission Version (including proposed main changes).

5. No more than 1040 dwellings shall be constructed on the site pursuant to this planning permission.

REASON: The development was supported by an Environmental Statement which took account of the particulars of the application.

Reserved Matters and Implementation

6. Approval of the details of the access, layout, scale, design and external appearance of any part of the residential development within each phase of the development hereby permitted and the landscaping associated with it ('the residential reserved matters') shall be obtained in writing from the Local Planning Authority before that part of the residential development is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

7. Approval of the details of the access, layout, scale, design and external appearance of any part of the non-residential development within each phase of the development hereby permitted and the landscaping associated with it ('the non-residential reserved matters') shall be obtained in writing from the Local Planning Authority before that part of the non-residential development is commenced within that phase. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

8. Application for approval of the residential reserved matters and non-residential reserved matters in respect of Phase 1 of the development hereby permitted on the Pendle Road frontage (including the ancillary retail and community uses and access by any mode) shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

9. Phase 1 of the development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 1 year from the date of approval of the last of the residential reserved matters or the non-residential reserved matters (as the case may be) to be approved in respect of that phase, whichever is the later.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

10. Application for approval of the residential reserved matters and non-residential reserved matters in respect of each subsequent phase of the development hereby permitted shall be made to the Local Planning Authority before the expiration of 8 years from the date of this permission.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

11. Subsequent phases of the development hereby permitted shall be begun either before the expiration of 9 years from the date of this permission, or before the expiration of 1 year from the date of approval of the last of the residential reserved matters or the non-residential reserved matters (as the case may be) to be approved in respect of that phase, whichever is the later.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

12. Plans and particulars submitted pursuant to Conditions 6 and 7 above shall include the following details:
- a) the existing and proposed ground levels on the development site and on neighbouring land, and the slab levels of neighbouring buildings and proposed buildings;
 - b) any proposed access road(s) detailing the levels of the proposed roads including details of horizontal, vertical alignment and drainage (to an adoptable standard);
 - c) layout, specification (including drainage) to an adoptable standard and construction programme for (1) any internal roads not covered by (b) above, (2) footway and cycle way links to the existing built up area, footpaths and cycleways beyond the site, (3) vehicle parking, turning and loading/unloading areas within the site (including visibility splays), (4) secure and sheltered cycle facilities including cycle parking areas and storage facilities (5) access facilities for the disabled, (6) individual accesses, (7) car parking and (8) school drop off and pick up;
 - d) the positions, design, materials and type of boundary treatment (including all fences, walls and other means of enclosure) to be provided;
 - e) details for all hard landscaped areas, footpaths and similar areas, including details of finished ground levels, all surfacing materials, and street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon;

- f) contours for all landscaping areas, together with planting plans and schedules of plants, noting species, sizes and numbers/densities, details of all trees, bushes and hedges which are to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
- g) details of compliance with the principles set out in the Design Code as approved pursuant to Condition 4;
- h) lighting to roads, footpaths and other public areas;
- i) provision for buses so that they can circulate through each completed part or phase of the development and ultimately between Pendle Road and Littlemoor when all phases have been completed;
- j) a Waste Minimisation Statement;
- k) full details of water butts to serve each dwelling; and
- l) a scheme for the provision of fire hydrants, to be served by mains water supply, and a timetable for their installation;
- m) public open space / play facilities
- n) a heritage impact assessment

REASON: To ensure that the development integrates with the locality and In order that the Local Planning Authority shall be satisfied as to the details because the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Parameters

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order and subsequent re-enactments and amendments with regard to permitted development rights for dwellings, no buildings (other than those ancillary outbuildings allowed by the above Order without an express consent) shall be erected within 15 metres of the boundaries of properties in the following streets: -

- Lingfield Avenue
- Hillside Close
- Shays Drive
- Brett Close
- Pagefield Crescent
- Gills Croft

REASON: To reduce the impact on existing properties in the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

14. No buildings above 6 metres in height (1.5 storeys) shall be located within 21 metres of the boundaries of properties in the following streets: -

- Lingfield Avenue
- Hillside Close
- Shays Drive
- Brett Close
- Pagefield Crescent
- Gills Croft

REASON: To reduce the impact on existing properties in the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

15. The school building(s) hereby permitted shall not exceed 9 metres in height and shall be located a minimum of 21 metres from the rear boundary to properties in:

- Lingfield Avenue
- Hillside Close
- Shays Drive
- Brett Close
- Pagefield Crescent
- Gills Croft

REASON: To reduce the impact on existing properties in the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

16. None of the other non-residential buildings on the site (ie those not affected by the above condition) shall exceed 9 metres in height in respect of the retail and community buildings or 12m in height for the employment buildings.

REASON: To reduce the impact on visual amenity and in the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Commercial and Community Uses

17. The Ancillary Retail and Community buildings hereby permitted shall not exceed 1500m² gross floorspace in total.

REASON: The development was supported by an Environmental Statement, which took account of the particulars of the application

18. The Employment (Class B1) buildings hereby permitted shall not exceed 5575m² gross floorspace in total.

REASON: The development was supported by an Environmental Statement, which took account of the particulars of the application

19. The primary school hereby permitted shall not exceed 1285m² gross floorspace.

REASON: The development was supported by an Environmental Statement, which took account of the particulars of the application.

Heritage and Archaeology

20. A buffer of land shall be kept clear of any buildings or vehicular highways for a distance of 15 metres from the deer fence which marks the north boundary of the new woodland known as Jubilee Wood. For the avoidance of doubt, the surface water drainage system is not affected by this condition.

REASON: To reinforce the screening between the application site, Standen Hall, listed buildings in accordance with Policies G1 and ENV19 of the Ribble Valley Districtwide Local Plan, Key Statement EN5 and Policies DMG1 and DME4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

21. Notwithstanding the Green Buffer Zone to the east of 1 – 15 (odd) Littlemoor and to the north of The Old Bothy shown on the Parameters Plan (IBI Taylor Young Drawing SP(90) 14D) submitted with the application, there shall be no buildings or vehicular highways for a distance of 10 metres and 20 metres respectively from the boundary of the application site which abuts those Buffer Zones. For the avoidance of doubt, the surface water drainage system is not affected by this condition.

REASON: To mitigate the impact of the development on the setting of no's 1 – 15 (odd) Littlemoor and The Old Bothy, a listed buildings in accordance with Policies G1 and ENV19 of the Ribble Valley Districtwide Local Plan, Key Statement EN5 and Policies DMG1 and DME4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft– Post Submission Version (including proposed main changes).

22. Notwithstanding conditions 4, 20 and 21 above or those under the heading 'Landscaping' below (conditions 27-30) for the whole site, no development shall commence until full details of the planting of the buffer in condition 20 and buffer zones in condition 21 have been submitted to and approved by the Local Planning Authority in writing.

The details shall include:

- planting details (including species, numbers, planting distances/densities and plant sizes);
- within the planting details - express identification of all supplementary and compensatory planting of native trees and hedgerows which shall be over a greater area than any trees or hedges to be lost (as a minimum of ratio of 3:1);
- boundary treatments;
- a programme for the implementation of the landscaping works including all boundary treatments.

The development shall be implemented in accordance with the approved details. The planting thereby approved shall be implemented within the first planting season after the start date of the first phase or any part of the development.

REASON: To reinforce the screening between the application site and Standen Hall, a listed building and to mitigate the impact of the development on the setting of The Old Bothy, a listed building in accordance with Policies G1 and ENV19 of the Ribble Valley Districtwide Local Plan, Key Statement EN5 and Policies DMG1 and DME4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

23. Any grassed areas, plants or trees forming part of the landscape works approved under Condition 22 above

(for the avoidance of doubt, this includes retained trees and grassed areas) which within a period of 5 years from the completion of the approved landscaping scheme for that part of the site, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season. Replacement trees and plants shall be of a similar size and species to those lost, unless the LPA gives written approval of any variation.

REASON: To ensure the effectiveness of screening between the application site and Standen Hall and The Old Bothy, listed buildings in accordance with Policies G1 and ENV19 of the Ribble Valley Districtwide Local Plan, Key Statement EN5 and Policies DMG1 and DME4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

24. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To enable the appropriate archaeological recording, excavation and analysis of any surviving upstanding earthworks and buried below-ground archaeological remains of interest in accordance with Policies G1 and ENV14 of the Ribble Valley Districtwide Local Plan, Key Statement EN5 and Policy DME4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

25. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To enable appropriate records to be made of the historic farm buildings at Higher Standen Farm in accordance with Policies G1 and ENV14 of the Ribble Valley Districtwide Local Plan, Key Statement EN5 and Policy DME4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

26. No part or phase of the development hereby permitted shall begin until a scheme for screening the site during construction relating to such part or phase has been submitted and approved by the LPA in writing

REASON: To minimise the impact on heritage assets in accordance with Policies G1 and ENV19 of the Ribble Valley Districtwide Local Plan, Key Statement EN5 and Policies DMG1 and DME4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Landscape and Open Space Strategy/Play Space

Landscaping

27. Notwithstanding the provision of Condition 4 above no development shall take place on any part or phase of the development until full details of both hard and soft landscaping works relating to such part or phase have been submitted to and approved by the LPA in writing.
These details shall include:

- planting details (including species, numbers, planting distances/densities and plant sizes);
- within the planting details - express identification of all supplementary and compensatory planting of native trees and hedgerows which shall be over a greater area than any trees or hedges to be lost (as a minimum of ratio of 3:1);

- surfacing;
- street furniture;
- signage;
- boundary treatments;
- a programme for the implementation of the landscaping works including all boundary treatments.

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

REASON: To enhance the appearance of the development in the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

28. All landscaping schemes approved (pursuant to conditions 6 & 7 of this permission) for each phase of development (as approved under condition 3 of this permission) shall be fully implemented in the first complete planting and seeding season following the occupation of the dwellings, or non-residential uses within that phase or the completion of the phase to which they relate, whichever is the sooner.

Any grassed areas, trees or plants (for the avoidance of doubt, this includes retained trees and grassed areas) which, within a period of five years from completion of the relevant development phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season. Replacement trees and plants shall be of a similar size and species to those lost, unless the LPA gives written approval of any variation.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft– Post Submission Version (including proposed main changes).

29. No more than one bridge shall cross the unnamed watercourse on the site.

REASON: To minimise the impact on local biodiversity to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Play Space

30. Prior to commencement of development within a phase a Play Space Management Plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for the play areas within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The Play Space Management Plan shall also provide precise details of all play equipment in that phase and its maintenance and indicate a timescale when the play spaces shall be provided and made available for use within that phase. The Play Space Management Plan shall be carried out in accordance with the details so approved.

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policies G1 and RT8 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMB4 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Ecology and Biodiversity

31. No site clearance, site preparation or development work shall take place within a phase until a Long Term Landscape and Ecological Management Plan to include long term design objectives post completion management responsibilities and maintenance schedules for all landscaped/habitat areas (other than privately-owned domestic gardens) including any areas of public open space not covered by condition 30 and the buffer zones in conditions 20 and 21 such as grasslands, hedges, trees, swales, reed beds and other sustainable drainage features within that phase has been submitted to and approved in writing by the Local Planning Authority. The Long Term Landscape and Ecological Management Plan shall include (but not be limited to):

- monitoring of the establishment of all landscape planting and habitat planting;
- aftercare of all landscape planting and habitat enhancement in accordance with conservation and biodiversity objectives;
- monitoring and treatment of invasive species;
- monitoring of condition of and maintenance of footpaths to encourage use and avoid the creation of informal footpaths that may damage other habitats;
- monitoring and maintenance of bat and bird boxes;
- maintenance of SUDS; and
- appropriate timings of management works to ensure avoidance of bird nesting seasons etc.

The Long Term Landscape and Ecological Management Plan shall be informed by the details contained within Chapter 7 Volume 1 of the Environmental Statement (October 2012) lodged with the planning application prepared by Amec. The Long Term Landscape and Ecological Management Plan shall be carried out as approved.

REASON: To minimise the impact on ecology and the enhancement of ecology post development in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

32. No part or phase of the development shall begin until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- 1) A vegetated buffer zone no less than 8 metres wide between Pendleton Brook and any construction activities.
- 2) A vegetated zone no less than 5 metres wide between any other watercourse or ditch to be retained.

The width of the buffer zones shall be measured from the top of the banks of the watercourses and shall be kept free of structures, hard standings and fences and shall be planted with locally native plant species of UK generic provenance.

REASON: To protect local biodiversity to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

33. No part of the zones referred to in condition 32 shall contain the curtilages to any buildings.

REASON: To maintain the character of the watercourses and provide undisturbed refuges for wildlife using the corridors thereby protecting local biodiversity to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

34. No development shall commence on any part of a bridge over the unnamed watercourse on the site until full details have been submitted to and approved in writing by the Local Planning Authority. The crossing shall comprise a single clear span structure. The details shall demonstrate that the location of the structure would be sited as far away from Pendleton Brook as possible. In addition, the details shall demonstrate that the structure has been designed to be as narrow as possible.

REASON: To minimise the impact on local biodiversity to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

35. No development shall take place within a phase until details of the provisions to be made for bat roosts on suitable trees, plots and building elevations within that phase and details of artificial bird (species) nesting sites/boxes on suitable trees, plots and building elevations within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented before the development in that phase is first brought into use.

REASON: In the interests of enhancing local biodiversity to comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Construction Environmental Management Scheme

36. No part or phase of the development shall begin until a Construction Environmental Management Scheme relating to such part or phase has been submitted to and approved in writing by the Local Planning Authority.

Where relevant, the Construction Environmental Management Scheme for each Phase shall contain (but not be limited to): -

- i. Tree and hedgerow protection measures in accordance with BS5837:2012;
- ii. Measures to be applied to protect nesting birds during tree felling/vegetation clearance works, or other works that may affect nesting birds (including buildings or other suitable breeding bird habitat which are to be removed as part of the proposals);
- iii. Watercourse and ditch protection measures including location and type of protective demarcation fencing along Pendleton Brook (and the calcareous grassland) and other important habitats identified in Volume 3 of the Environmental Statement (October 2012) lodged with the planning application such as Ditch 1;
- iv. A method statement for the protection of bats at the trees and buildings identified in Volume 3 of the Environmental Statement (October 2012) lodged with the planning application including licensing requirements;
- v. Construction lighting scheme;

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- vi. A method statement for the protection of Brown Hare (particularly during the breeding season);
 - vii. Pollution Prevention Guidelines (PPG) and protocol including surface water monitoring along the Ditches and Pendleton Brook; and
 - viii. Eradication Management Plan for Japanese Knotweed

The Construction Environmental Management Scheme shall be carried out as approved.

REASON: To ensure that the environmental impact is minimised in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Tree Protection

37. No part or phase of the development shall begin until an Arboricultural Method Statement, Tree Protection Plan and Tree Protection Monitoring Schedule relating to such part or phase has been submitted to and approved in writing by the Local Planning Authority before the site works are begun within that phase.

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

REASON: In order to ensure that any trees/hedgerow affected by the development considered as being of visual, amenity value are afforded maximum physical protection from the potential adverse effects of development in order to comply with policies G1 and ENV13 of the Districtwide Local Plan and Key Statement EN2 and Policies DMG1 and DME2 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

38. The particulars submitted pursuant to Condition 36(i) and 37 above shall include:
- a) a plan showing the location of, and allocating a reference number to, each existing tree on the site identifying which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter, approximate height and an assessment of the health and stability of each retained tree;
 - c) details of any proposed topping or lopping of any retained tree;
 - d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree;
 - e) The root protection zone for each tree which shall be agreed in writing by the Local Planning Authority before the development begins in that phase and the agreed tree protection measures shall remain in place until all the approved works have been completed within that phase and all excess materials have been removed from the site including soil/spoil and rubble;
 - f) During the building works, no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone;
 - g) No tree as identified to be retained in (a) above shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);
 - h) If any tree identified to be retained at (a) is removed, uprooted or destroyed or dies, another tree shall

be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

REASON: In order to ensure that any trees/hedgerow affected by the development considered as being of visual, amenity value are afforded maximum physical protection from the potential adverse effects of development in order to comply with policies G1 and ENV13 of the Districtwide Local Plan and Key Statement EN2 and Policies DMG1 and DME2 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Construction Management

39. Before each phase of development hereby permitted is commenced a Construction Method Statement/Management Plan in respect of that phase shall have been submitted to and approved in writing by the Local Planning Authority. Construction of each phase of the development shall not be carried out otherwise than in accordance with each approved Construction Management Plan. Each Construction Management Plan shall include the following matters:
- a) the routeing of construction and delivery vehicles using restricted routes thereby avoiding minor lanes/roads and the centre of Clitheroe;
 - b) programme of works (including measures for traffic management and operating hours) parking and turning for vehicles of site personnel, operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) erection and maintenance of security hoarding and lighting;
 - f) wheel washing facilities and a programme for cleaning;
 - g) a Management Plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
 - h) a scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site;)
 - i) a Management Plan to control noise and vibration during the construction phase (in accordance with BS : 5228 : 2009 code of Practice titled ‘Noise and Vibration Control on Construction and Open Sites’). The Noise Management Plan for each part or phase of the development shall include details of acoustic heavy duty fencing and locations; location of site offices, compounds and storage and operation of the wheel wash;
 - j) details of lighting to be used during the construction period which should be directional and screened wherever possible

REASON: In the interests of protecting the residential amenities of the locality and highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Energy/Sustainability

40. Before development begins within a phase a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development hereby permitted within that phase from renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented and retained as operational thereafter.

REASON: In order to encourage renewable energy and to comply the with Key Statement EN3 and Policy DME5 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

41. The dwellings hereby permitted shall achieve a Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In order to reduce carbon emissions and to comply with Key Statement EN3 and Policies DMG1 and DME5 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

42. The non-residential buildings hereby permitted shall achieve a BREEAM “very good” rating or above. No part of any non-residential building hereby permitted shall be occupied until a copy of a post-construction completion certificate, verifying that that building has achieved a “very good” rating, has been submitted to the Local Planning Authority.

REASON: Reason: In order to reduce carbon emissions and to comply with Key Statement EN3 and Policy DME5 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Noise

43. No part or phase of the development shall begin until a scheme to mitigate noise during construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that noise levels during periods of construction will not exceed 65dB LAeq.12hr at any properties beyond the site. The works shall thereafter be carried out in accordance with the details so approved.

REASON: To minimise the impact of noise during construction phases in the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

44. No part or phase of the development involving non-residential buildings hereby permitted shall begin until details of any fixed noise sources have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the details so approved and thereafter retained.

REASON: To minimise the impact of noise post construction in the interests of amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

45. No part or phase of the development shall begin until a suitable scheme of glazing/ventilation for buildings within that phase has been submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the details so approved with the glazing/ventilation thereafter retained.

REASON: In the interests of amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

46. Construction on any part or phase of the development shall be restricted to the following hours:

- Monday to Friday 0800 – 1800
- Saturday 0900 – 1300

For the avoidance of doubt, no construction shall take place on Sundays or public holidays.

REASON: In the interests of protecting residential amenity whilst construction works are in progress in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

47. No deliveries or vehicles involved in construction shall arrive or depart from the site other than between the hours set out in condition 46 above.

REASON: In the interests of protecting residential amenity whilst construction works are in progress in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

48. Construction on any part or phase of the development shall be undertaken in accordance with the mitigation measures as described in Section 10.5.1 of the Environmental Statement dated October 2012.

REASON: In the interest of environmental health to protect amenity whilst construction works are in progress in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

49. All parts or phases of the development shall achieve a noise rating level for fixed items of plant of no more than 5 dB below existing background noise levels as indicated in 10.8.1 of the Environmental Statement of October 2012.

REASON: In the interests of protecting residential amenity whilst construction works are in progress in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Highways and Parking

Construction access

50. No development shall take place until full details of the access onto Pendle Road have been submitted to and approved in writing by the Local Planning Authority which is in accordance with the final junction layout (with development). Furthermore no construction activities shall take place until that access has been constructed to base course standard (to an adoptable standard and in accordance with the approved plans) for a distance of 30 metres beyond the current access point into the site or up to the first internal junction whichever is the greater.

REASON: In the interests of road safety to ensure that a proper site access has been created for construction traffic in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Transport and highways

51. No development shall be commenced until a scheme of off-site works of highway improvement has first been submitted to, agreed in writing by the Local Planning Authority and delivered in line with agreed

trigger points. To include A59/Whalley Road roundabout, junctions around and served by either Waterloo Road and Pendle Road.

REASON: In the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft– Post Submission Version (including proposed main changes).

52. No part or phase of the development comprising the non-residential buildings hereby permitted shall begin until a Travel Plan Framework relating to such part or phase has been submitted to and approved in writing by the Local Planning Authority.

REASON: To promote sustainable travel patterns and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft– Post Submission Version (including proposed main changes).

53. Prior to the occupation of the first dwelling within a phase (as approved under Condition 3) a Travel Plan based upon the submitted Framework Travel Plan to improve accessibility by sustainable modes for residents of dwellings within that phase shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- a) appointment of a named Travel Plan Co-ordinator;
- b) details of initiatives to encourage sustainable travel patterns and a mechanism to ensure they can be fully delivered/funded;
- c) a scheme for the management and implementation of the Travel Plan;
- d) targets for modal shift;
- e) implementation timescales;
- f) a strategy for marketing and proposed incentives;
- g) arrangements for monitoring and review.

The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved Travel Plan for development within that phase for a period of time not less than 5 years following completion of the final parcel of development in that phase (as approved under Condition 3).

REASON: In the interests of sustainability and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft– Post Submission Version (including proposed main changes).

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

REASON: In the interests of highway and pedestrian safety and sustainability and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

55. No part or phase of the development shall begin until full details of the footpath and cycle way accesses from beyond the site (including a timetable for implementation) relating to such part have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved details and timetable.

REASON: To minimise the environmental impact of the development and integrate it with the existing built up area to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

56. Means of vehicular access shall be from Pendle Road and Littlemoor. In the case of Littlemoor the access shall only be used for buses and emergency vehicles.

REASON: To minimise the environmental impact of the development and integrate it with the existing built up area to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

57. No part or phase of the development shall begin until full details of the vehicular access from Pendle Road up to such part or phase have been submitted to and approved by the LPA in writing and the access and road has been constructed to base course standard.

REASON: In the interests of road safety and to ensure those roads to an acceptable standard are provided within the development in line with the construction of buildings and use of the site to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

58. No part or phase of the development to the south and west of the unnamed water course within the site shall begin until full details of the emergency and bus only vehicular access from Littlemoor relating to such part or phase have been submitted to and approved by the LPA in writing and the access and road has been constructed to base course standard.

REASON: To enhance permeability for buses, cyclists and pedestrians and enhance the sustainability of the development as a whole to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

59. No part or phase of the development shall begin until full details of all footpath and cycle linkages relating to such part or phase (including a timetable for implementation) have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved details and timetable.

REASON: To ensure that the development integrates with the local area in a sustainable manner to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

60. Development shall not be commenced for any part or phase until full details of the proposed bus stops have been submitted to and approved in writing by the Local Planning Authority.

REASON: To promote sustainable travel to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley

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

61. No dwellings to be built in any part or phase of development shall be occupied until all of the bus stops shown on the plans to be submitted have been constructed are available for use within that phase.

REASON: To promote sustainable travel to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

62. Not more than 50% of the dwellings to be built shall be occupied until the employment site hereby permitted has been provided with vehicle, pedestrian and cycling accesses to adoptable standard and all three are available for public use.

REASON: To promote sustainable travel to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

63. No more than 200 dwellings shall be occupied until the local retail centre hereby permitted has been provided with vehicle, pedestrian and cycling accesses to adoptable standard and all three are available for public use.

REASON: to promote sustainable travel to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

64. No part of phase of the development hereby permitted shall commence, including site preparation works, until the proposed roundabout at the junction of the A59 and Pendle Road has been constructed and is open for use as part of the public (adopted) highways.

REASON: To enhance accessibility between the site and the principal road network to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Lighting

65. Prior to commencement of development within a phase (approved pursuant to Condition 3) details of a scheme for artificial public street/road/footway lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details to demonstrate how artificial illumination of important wildlife habitats (boundary vegetation of the site and bat commuting routes identified across the site) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

REASON: In the interests of the amenities of nearby residents, ecology and to avoid light pollution to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Drainage and Flooding

General

66. At the same time as the submission of the first Reserved Matters application for a phase or part of a phase of the development hereby permitted a Foul and Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval in writing. Such strategy to include the following details as a minimum:

- i. the proposed foul connection points to existing public sewerage infrastructure for the entire site. This shall clearly show the points of connection for the foul flows into the existing public sewerage network from all phases of development defined under condition 3;
- ii. the details of any additional off-site drainage infrastructure required as a result of the entire development; and
- iii. any drainage infrastructure connections (foul and surface water) between the different phases of the development defined by condition 3. Where drainage infrastructure connects development from different phases, it will be necessary to show how much development will be served by the connecting drainage infrastructure.
- iv. The existing greenfield surface water run-off rate for the entire site and details demonstrating how the combined phases of development discharging to Pendleton Brook and its tributary within the site will not exceed the existing greenfield rate as identified.

At the same time as the submission of each subsequent Reserved Matters application for a phase or part of a phase, an updated Foul and Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval. Such Strategy to include as a minimum the details listed above.

Unless otherwise agreed in writing with the Local Planning Authority there shall be no foul and surface water connections between phases of development defined (and as may be amended from time to time) by condition 3 other than in accordance with the connections identified and approved under item (iii) above. The detailed drainage schemes for each phase of development required by conditions 67, 68 and 69 shall be submitted for approval in writing in accordance with the foul and surface water drainage details approved under this condition.

No development shall be commenced on any phase or part of any phase of the development hereby permitted unless and until the Foul and Surface Water Drainage Strategy submitted with the relevant Reserved Matters application has been approved in writing by the Local Planning Authority.

REASON: To ensure a holistic approach to the construction of the detailed drainage infrastructure for the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Key Statement DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

67. For the avoidance of doubt, surface water shall drain separately from the foul. Unless otherwise agreed in writing, no surface water shall discharge directly or indirectly into the public foul, combined or surface water sewerage systems in accordance with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition 66 above and with the details contained in the submitted application form, Flood Risk Assessment prepared by Amec Environment and Infrastructure dated October 2012, and the Foul Water and Surface Water Management Strategies for the whole site produced by Amec in January 2013.

REASON: To reduce the risk of flooding & pollution to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Foul Drainage

68. Prior to commencement of any phase or part of any phase of the development hereby permitted, full details of the foul drainage scheme for that phase including full details of any connections to the foul sewer network and any necessary infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details for each part or phase must be consistent with the Foul and Surface Water

Drainage Strategy submitted and approved pursuant to condition 66 above and with the principles of the Flood Risk Assessment prepared by Amec Environment and Infrastructure dated October 2012 and the Foul Water and Surface Water Management Strategies for the whole site produced by Amec in January 2013. No housing or other development shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details and written notice of this fact has been sent to the Local Planning Authority.

REASON: To promote sustainable development, secure proper drainage and to reduce the risk of flooding & pollution to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Surface Water Drainage

69. Prior to the commencement of each phase or part of the development hereby permitted, full details for a surface water regulation system and means of disposal for that phase or part phase, based wholly on sustainable drainage principles and evidence of an assessment of the hydrological and hydrogeological context of the development for that phase (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) shall be submitted to and approved by the Local Planning Authority in writing. The drainage scheme shall demonstrate that the surface water run off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the existing undeveloped site and following the corresponding rainfall event. The details for each phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition 66 above and with the principles of the Flood Risk Assessment prepared by Amec Environment and Infrastructure dated October 2012 and the Foul Water and Surface Water Management Strategies for the whole site produced by Amec in January 2013. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to reduce the risk of flooding & pollution to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft– Post Submission Version (including proposed main changes).

70. No part of phase of the development shall begin until full details of the method to delay and control surface water discharged from that part or phase of the development; and the measures taken to prevent pollution of the receiving ground waters have been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent pollution and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

71. Prior to the commencement of each phase or part phase of the development hereby permitted, a Sustainable Drainage, Construction, Maintenance and Management Plan (CMP) for the lifetime of that phase or part phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include arrangements for permanent adoption by a SuDs approving body (SAB), Statutory Authority or other relevant party of any sustainable drainage features including any outfalls into local water courses, structures, ponds and bridges. Each phase shall be completed maintained and managed in accordance with the approved details.

REASON: To prevent flooding and pollution to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

72. The discharge of surface water into Pendleton Brook and its tributary within the site shall not exceed the

greenfield run-off rate as identified in the Foul and Surface Water Drainage Strategy.

REASON: To prevent flooding and pollution to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft– Post Submission Version (including proposed main changes).

73. The development hereby permitted shall conform in its entirety to the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition 66 above and to the recommendations in the Flood Risk Assessment produced by Amec in October 2012 as updated by the Foul Water and Surface Water Management Strategies for the whole site produced by Amec in January 2013. More particularly where not referred to elsewhere in this decision notice:

In submitting the full details of the sustainable surface water drainage systems for each phase of the development they shall include some re-profiling of the site to remove local low points and ensure that all run-off from the site enters the proposed SuDS drainage system and does not concentrate temporarily along overland flow paths.

All finished floor levels (FFLs) shall be at least 150mm above the local ground level at each development plot.

A 10 metre wide access corridor shall be kept clear at all times along the lower 800 metres of the unnamed on site water course from its confluence with Pendleton Brook.

All surface water run-offs from the entire development shall be managed and attenuated on site using a combination of underground surface water storage devices and sustainable urban drainage (SuDS) structures such as geocellular structures beneath roads, attenuation ponds, swales and filter drains.

REASON: To prevent flooding and pollution to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME6 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft – Post Submission Version (including proposed main changes).

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the consent see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. This permission shall be read in conjunction with the accompanying legal agreement which for the avoidance of doubt covers matters associated with affordable housing (mechanisms for its delivery); education (contributions towards local education facilities; the provision of a new primary school on the site and provisions for adjusted contributions); sports and recreation (contributions towards the provision of facilities at Ribblesdale School, Clitheroe or otherwise as agreed); Jubilee Wood (management) and transport (contributions towards the provision of public transport and a Travel Plan)
4. Dwellings should achieve the water credits required to meet Code level 3 of the Code for Sustainable Homes.
5. For non-residential development where the development is being assessed against BREEAM the Environment Agency suggests that buildings should achieve the maximum number of water credits in accordance with the requirements of the relevant BREEAM scheme with the exceptions of credits awarded

for grey water/rainwater systems. These systems should be installed where cost effective and the system is designed to ensure that energy user and carbon emissions are minimised.

6. Developers should consider:

Water management in the development including dealing with grey water;
Using sustainable forms of construction including the recycling of materials;
Energy efficient buildings.

7. Any waste to be used on site requires an appropriate waste exemption or permit from the Agency.

8. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. Developer as waste producers therefore have a duty of care to ensure that all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

9. Developers are advised to contact the Environment Management Team in the Agency's Preston office; 01772 7614198
www.environment-agency.gov.uk/subject/waste

10. Consideration should be given to opening up of any piped or culverted watercourses and the removal of weirs.

11. Flood Defence Consents (FDCs) will be required for the outfall structures draining any SuDS ponds into the local watercourses and for any bridges.

12. Only FDCs for necessary and appropriately designed structures will be approved.

13. Attention is drawn to the law with regard to the sensitivities of breeding birds.

14. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

15. The applicant should contact United Utilities Service Enquiries on 0845 746 2200 regarding connection to the water mains/public sewers. The provision of a mains water supply could be expensive.

16. Water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

17. United Utilities offer a fully supported mapping service at a modest cost for our water mains and sewerage assets. This is a service, which is constantly updated by our Property Searches Team (Tel No: 0870 7510101). It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development. Please note, due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact a Building Control Body to discuss the matter further.

18. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpaths 11 and 14 in the parish of Clitheroe affect the site.

19. The Local Planning Authority has endeavoured to work proactively and positively to resolve issues and

**RIBBLE VALLEY BOROUGH COUNCIL
OUTLINE PLANNING PERMISSION**

APPLICATION NO: 3/2012/0942

DECISION DATE: 17 April 2014

considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.

20. This permission should be read in conjunction with the Section 106 Agreement signed 16 April 2014.

**JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES**



Contract Areas:

- PHASE 1 (RESIDENTIAL)
- PHASE 2 (RESIDENTIAL)
- PHASE 3 (RESIDENTIAL)
- PHASE 4 (RESIDENTIAL)
- PHASE 5 (RESIDENTIAL)
- PHASE 6 (RESIDENTIAL)
- NON RESIDENTIAL AREAS

Project Title:
Residential Redevelopment
Address:
Pendle Road,
Clitheroe

Drawing:
Contract Plan

Drawing No: TW/PRC/CP/01 Chk'd by: GB

Drawn: atb Date: 06/10/15
Scale: 1:1250 Paper Size: A0 Revision: 1

EP2

Key

Application Boundary



n*ORTH

0m

20m

40m

60m

80m

100m

Scale 1:2500 (@A3)

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e*SCAPE

urbanists

Project Title

Higgin Brook, Longridge

e*SCAPE Job No.

013-008

Client

Barratt Homes

Drawing Number

013-008-P001b

Revision

REV F

Drawing Title

Outline Application Boundary Plan

Scale

1:2500 @ A3

Date

November '13

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

APPLICATION NO: 3/2014/0764

DECISION DATE: 29 October 2015

DATE RECEIVED: 08/09/2014

APPLICANT:

BDW Trading Ltd
c/o agent

AGENT:

Barton Willmore
Tower 12
18/22 Bridge Street
Manchester
Greater Manchester
M3 3BZ

PARTICULARS OF DEVELOPMENT: Development of up to 363 homes including affordable housing and housing for the elderly, relocation of Longridge Cricket Club to provide a new cricket ground, pavilion, car park and associated facilities, new primary school, vehicular and pedestrian access landscaping and public open space, with all matters reserved except for access.

AT: Land East of Chipping Lane Longridge

Ribble Valley Borough Council hereby give notice in pursuance of provisions of the Town and Country Planning Act 1990 that **outline planning permission has been granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following conditions:

General

- 1 No part of the development hereby permitted shall be commenced on any phase (as referred to in Condition 4) until full details of the layout, scale and appearance of the buildings and landscaping within that phase (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority.

In relation to landscaping, the details for each phase shall include: the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform, full specifications of all boundary treatment and a scheme of maintenance, including long term design objectives.

REASON: As the application is outline only and to define the reserved matters in accordance with Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

P.T.O.

APPLICATION NO: 3/2014/0764

DECISION DATE: 29 October 2015

-
- 2 No more than 363 dwellings shall be developed on the application site edged red on the submitted Red Line Boundary Plan (e*SCAPE drawing reference 013-008-P001b Rev F) and the vehicular and pedestrian accesses to the site shall be constructed in accordance with the details shown on the following plans unless otherwise required by condition of this permission:

Vectos Proposed Access Plan drawing reference VN30277-300

Each site access shall be constructed to base course level prior to the first occupation of a dwelling within the phase or parcel of the development served by the access and completed in accordance with the timetable to be approved pursuant to Condition 4 of this permission.

REASON: For the avoidance of doubt and to clarify the permission in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy.

- 3 Applications for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the final of the reserved matters.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Phasing

- 4 Prior to the submission of any reserved matters application, a phasing scheme including the parcels which shall be the subject of separate reserved matters applications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

REASON: To ensure the development is appropriately phased to deliver a sustainable form of development in accordance with Policies DMG1, DMG3, DME3, DMI2 and Key Statements EN2 and EN4 of the Ribble Valley Core Strategy (Adopted Version).

- 5 The development hereby approved shall be carried out in accordance with the principles established on the Parameters Masterplan (e*SCAPE drawing reference 013-008-P017 Rev E), the Parameters Landscape Strategy (e*SCAPE drawing reference 013-008-P020 Rev D), Design Code (Tyler Grange reference 2001/P60c) and within the Design and Access Statement (dated August 2014).

REASON: To ensure the development accords with the general design principles and to reserve full consideration of the reserved matters in accordance with Policies DMG1, DMG3, DME3, DMI2 and Key Statements EN2 and EN4 of the Ribble Valley Core Strategy.

P.T.O.

Landscaping & Levels

- 6 All landscaping and landscape maintenance schemes approved for each phase of development (as approved under condition 4) shall be fully implemented in accordance with the approved details and in accordance with an agreed planting programme. The programme shall be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwelling in each phase. Any trees or plants which, within a period of five years from completion of the relevant development phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the site is satisfactorily landscaped in accordance with Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

- 7 Applications for the approval of reserved matters for each phase shall include details of existing and proposed land levels and finished floor levels, including the levels of the proposed roads. The development shall thereafter be carried out in accordance with the approved details.

REASON: To secure satisfactory finished ground and floor levels in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Drainage

- 8 The drainage strategy shall accord with the approved Flood Risk Assessment and Drainage Appraisal (Ref: 880500 R1 (03), dated March 2015) and shall demonstrate that the surface water run-off generated by the 1 in 100 year plus climate change critical storm shall not exceed the run-off from the undeveloped site and shall not increase the risk of flooding off-site. Surface water discharge from the developed site should be limited to 7.3l/s/ha (Greenfield QBar). Prior to the commencement of development within a phase, the details of a scheme for surface water drainage and means of disposal for that phase, to accord with the Drainage Strategy approved and to include evidence of an assessment of site conditions, sustainable drainage principles, an assessment of the hydrological and hydro-geological context of the development, management and maintenance and timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented, maintained and managed in accordance with the approved details at all times thereafter.

REASON: To ensure satisfactory storage and disposal of surface water from the site to prevent flooding in accordance with Policies DMG1 and DME6 and Key Statement EN2 of the Ribble Valley Core Strategy.

- 9 Prior to the commencement of development within a phase, details of the foul drainage scheme for that phase, which shall be based on the Drainage Strategy approved pursuant to Condition 8 of this permission, shall be submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be implemented prior to completion of the first dwelling within that phase of development and maintained and managed in accordance with the approved details at all times thereafter.

REASON: To ensure satisfactory means of foul drainage in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

P.T.O.

Construction

- 10 Prior to commencement of development within a phase, the sampling and analytical strategy of the site investigation for that phase shall be submitted to and approved in writing by the local planning authority. The strategy shall address; the nature, degree and distribution of contamination and ground gases; an identification and assessment of the risk to receptors as defined under Part IIA of the Environmental Protection Act 1990, focusing primarily on risks to human health and controlled waters; implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes; and on wider environmental receptors including ecological systems and property. The site investigation shall be carried out in accordance with the approved details and the results submitted to and approved in writing by the local planning authority prior to commencement of development. If the site investigation(s) indicates remediation is necessary, Remediation Statement(s) detailing the recommendations and remedial measures to be implemented within the site, including timescales for implementation, shall be submitted to and approved in writing by the local planning authority. The remediation shall be carried out in accordance with the agreed statement and on completion of the development/remedial works with each phase (approved pursuant to Condition 4), the developer shall submit a Verification Report to the local planning authority for approval in writing that certifies that all works were completed in accordance with the agreed Remediation Statement prior to the first occupation of each dwelling in that phase or in accordance with an alternative timescale to be submitted and agreed in writing by the local planning authority.

REASON: To prevent pollution of ground and surface waters both on and off site and to ensure the site is suitable for its end use in accordance with Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy.

- 11 No development approved by this permission shall commence within a phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall be adhered to throughout the construction period and shall provide for:
- i) The routes to be used by construction vehicles carry plant and machinery routes to be used by vehicles carrying plant and materials to and from the site which shall have been constructed to base course level;
 - ii) Parking of vehicles within the site of site operatives and visitors;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant, materials and potential ground and water contaminants;
 - v) Erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - vi) Wheel washing facilities;
 - vii) A management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
 - viii) A scheme for recycling/disposing of waste resulting from construction works. There shall be no burning on site;
 - ix) A scheme to control noise during the construction phase;
 - x) Details of lighting to be used during the construction period;
 - xi) Site working hours;
 - xii) Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when such trips should not be made)
 - xiii) Sustainable travel options for journeys by construction workers including pedestrian routes, travel by bicycles, journeys by train, car sharing schemes and other opportunities to reduce journeys by car.

REASON: In the interests of residential amenity, highway safety and convenience and to protect the adjacent biological heritage site during construction works in accordance with Policies EN2, EN4, DMG1, DME2 and DME3 of the Ribble Valley Core Strategy.

P.T.O.

Highways

- 12 No part of the development hereby permitted shall commence until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to, and approved by, the local planning authority in consultation with the highway authority. The approved works shall be completed in accordance with the approved details prior to occupation of any part of the development hereby permitted.

The works comprise:

- a) Site access priority junction, subject to detailed design as shown in Vectos Plan 3, drawing reference VN30277-300.
- b) Gateway entrance and speed limit change measures on Chipping Lane, subject to detailed design, as shown in Vectos Plan 4, drawing reference VN30277-202.
- c) Bus stop improvements/upgrade to quality bus standard and footway connection including footway alignment splayed to allow sufficient forward visibility to junction of Chipping Lane and Inglewhite Road, subject to detailed design, as shown on Vectos Plan 7, drawing reference VN30277-202.

REASON: In the interests of highway safety and to mitigate the impacts of the development in accordance with Policies EN2, DMG1, DMI2 and DMG3 of the Ribble Valley Core Strategy.

- 13 Prior to the first occupation of any dwelling within the phase of development that adjoins the new footpath connection providing a link to the site to the adjacent Sainsbury's site (approved pursuant to Condition 4), full details, including a scheme of lighting, of the footpath shall be submitted to and approved in writing by the local planning authority. The footpath shall be constructed in accordance with the approved details prior to the occupation of 50 per cent of dwellings within the applicable phase of the development unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of pedestrian safety.

- 14 Prior to the first occupation of any dwelling in an approved phase of development the new paved footpath connection from that phase will be provided to link the site to the adjacent residential road as indicated on Vectos Plan 6, drawing reference VN30277-110 unless otherwise agreed in writing by the local planning authority.

REASON: to provide a safe and adequate standard of pedestrian route between the site and the existing footpath network.

P.T.O.

APPLICATION NO: 3/2014/0764

DECISION DATE: 29 October 2015

- 15 Prior to the first occupation of any dwelling a Framework Travel Plan shall be submitted to and approved in writing by the local planning authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the local planning authority:

The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use or other identifiable stage of development.

Where the local planning authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the local planning authority. All elements shall continue to be implemented at all times thereafter for not less than a period of 5 years after completion of the final phase of development.

REASON: To deliver a sustainable form of development and to reduce reliance on the private car in accordance with Policies EN2, DMG1, DMI2 and DMG3 of the Ribble Valley Core Strategy and the National Planning Policy Framework.

Trees

- 16 Prior to the commencement of each phase of the development, should the LPA consider the surveys for that phase to be out dated an updated Tree Survey report and associated documents shall be submitted to the local planning authority in writing in relation to that phase. The development shall thereafter be carried out in complete accordance with the approved details. All trees identified to be retained in or adjacent to the application site shall be protected during construction in accordance with BS5837: 2012 Trees in relation to design, demolition and Construction.

REASON: In the interests of visual amenity and to protect trees during construction in accordance with Policies DMG1, DME2, DME3 and Key Statement EN4 of the Ribble Valley Core Strategy.

Ecology

- 17 There shall be no tree felling or removal of hedgerows during the bird nesting season (March to August inclusive) within each phase of development (pursuant to Condition 4) unless the absence of nesting birds within that phase has been confirmed by further surveys or inspections undertaken by an appropriately qualified ecologist, the results of which shall be submitted to and approved in writing by the local planning authority prior to any commencement of development in that phase in the bird nesting season.

REASON: To protect nesting birds, having regard to the adjacent biological heritage site in accordance with Policies DMG1, DME3 and Key Statement EN4 of the Ribble Valley Core Strategy.

- 18 Prior to the commencement of each phase of the development (approved pursuant to condition 4), the land within that phase shall be subject to a further survey to confirm the continued absence of badgers and badger setts and the results shall be submitted to the Local Planning Authority for approval in writing together with proposals for mitigation if required. The development shall be carried out in complete accordance with the approved survey(s).

REASON: To protect any badgers that may be present on the land at the time of commencement in accordance with Policies DMG1, DME3 and Key Statement EN4 of the Ribble Valley Core Strategy.

P.T.O.

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- 19 The reserved matters application(s) shall be accompanied by repeat surveys of the trees identified for removal and existing cricket pavillion to confirm the continued absence of roosting bats. If the surveys demonstrate that bats have colonised, the surveys shall include appropriate mitigation and/or compensation proposals. The development shall thereafter be carried out in complete accordance with the approved survey(s).

REASON: In the interests of protected species in accordance with Policies DMG1, DME3 and Key Statement EN4 of the Ribble Valley Core Strategy.

- 20 No site works shall take place within a phase until a Landscape Management Plan, for that phase, to include: long-term design objectives; habitat creation; details of the retention, creation and enhancement of native hedgerows, mature trees, woodlands, grasslands and ponds; and shall demonstrate that the habitat of protected and priority species (most notably bats, but also breeding birds and amphibians) is enhanced; enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens) and timing of works within each phase, has been submitted to and approved in writing by the Local Planning Authority.

The Landscape Management Plan for each phase shall include (but not be limited to) details of the proposed woodland buffers, trees and tree lines, hedgerows and other areas of public open space. The Landscape Management Plan for each phase of development shall be informed by the Ecological Appraisal (reference 2001_R08b_JM_SMC, dated 19 March 2015), Tree Quality Survey & Outline Development Implications report (reference 2001_R09a_JB_HM, dated 19 March 2015) and the details approved pursuant to condition 16. Habitats shall comprise locally appropriate native species and plant species used in more formal/ornamental planting should be selected to provide benefit for biodiversity (i.e. pollen, nectar, berry bearing). The landscape management plans shall be implemented and maintained in accordance with the approved details.

REASON: To secure biodiversity enhancements having regard to the adjacent biological heritage site in accordance with Policies DMG1, DME3 and Key Statements EN2 and EN4 of the Ribble Valley Core Strategy.

- 21 Prior to commencement of development within a phase, details of the provisions to be made for building dependent species of conservation concern, including artificial bird nesting boxes and artificial bat roosting sites for that phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated during the actual construction of those individual dwellings identified on the submitted plan and made available for use before each such dwelling is first occupied unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity and to enhance roosting opportunities for species of conservation concern in accordance with Policies DMG1, DME3 and Key Statement EN4 of the Ribble Valley Core Strategy (Adopted Version).

P.T.O.

Lighting

- 22 Prior to commencement of development within a phase (approved pursuant to Condition 4) details of a scheme for all external lighting for that phase/parcel, including timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall accord, where relevant, with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers and the Highway Authority. The lighting scheme(s) shall be implemented in complete accordance with the approved details and retained thereafter at all times unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of residential amenity and protected species in accordance with Policies DMG1, DME1 and DME3 of the Ribble Valley Core Strategy.

Cricket Club Land

- 23 No development, with the exception of demolition, site clearance, or other such remedial works, shall commence pursuant to the delivery of the proposed new cricket ground (Phase A on the Cricket Pitch Delivery Phasing Plan, Baldwin Design drawing reference BH/L/PHL/01) until a scheme for its development, including full details of the pavilion, machinery store and practice nets, the cricket pitch design, layout, construction, associated earthworks, drainage, landscaping and timescales for implementation, has been submitted to and approved by the local planning authority, after consultation with Sport England. The design should comply with the standards set by the England and Wales Cricket Board and Sport England unless otherwise agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

REASON: To ensure the development is fit for purpose and sustainable and to accord with paragraph 74 of NPPF.

- 24 No development shall commence on the existing Longridge Cricket Club site, marked Phase B on the Cricket Pitch Delivery Phasing Plan (Baldwin Design drawing reference BH/L/PHL/01), until development of the replacement cricket ground in Phase A is completed and is available for use unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with paragraph 74 of NPPF.

- 25 The entirety of Phase B as shown on the approved Cricket Pitch Delivery Phasing Plan (Baldwin Design drawing reference BH/L/PHL/01), shall be kept free of construction material, traffic, construction workers and otherwise left undeveloped until the replacement cricket ground in Phase A has been completed and is fully operational unless otherwise agreed in writing by the local planning authority.

REASON: To protect the existing cricket ground from damage, loss or availability of use and to accord with paragraph 74 of NPPF.

Note(s)

- 1 For rights of appeal in respect of any condition(s)/or reason(s) attached to the consent see the attached notes.
- 2 The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
P.T.O.

**RIBBLE VALLEY BOROUGH COUNCIL
OUTLINE PLANNING PERMISSION**

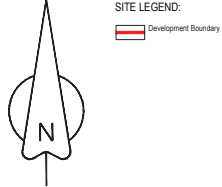
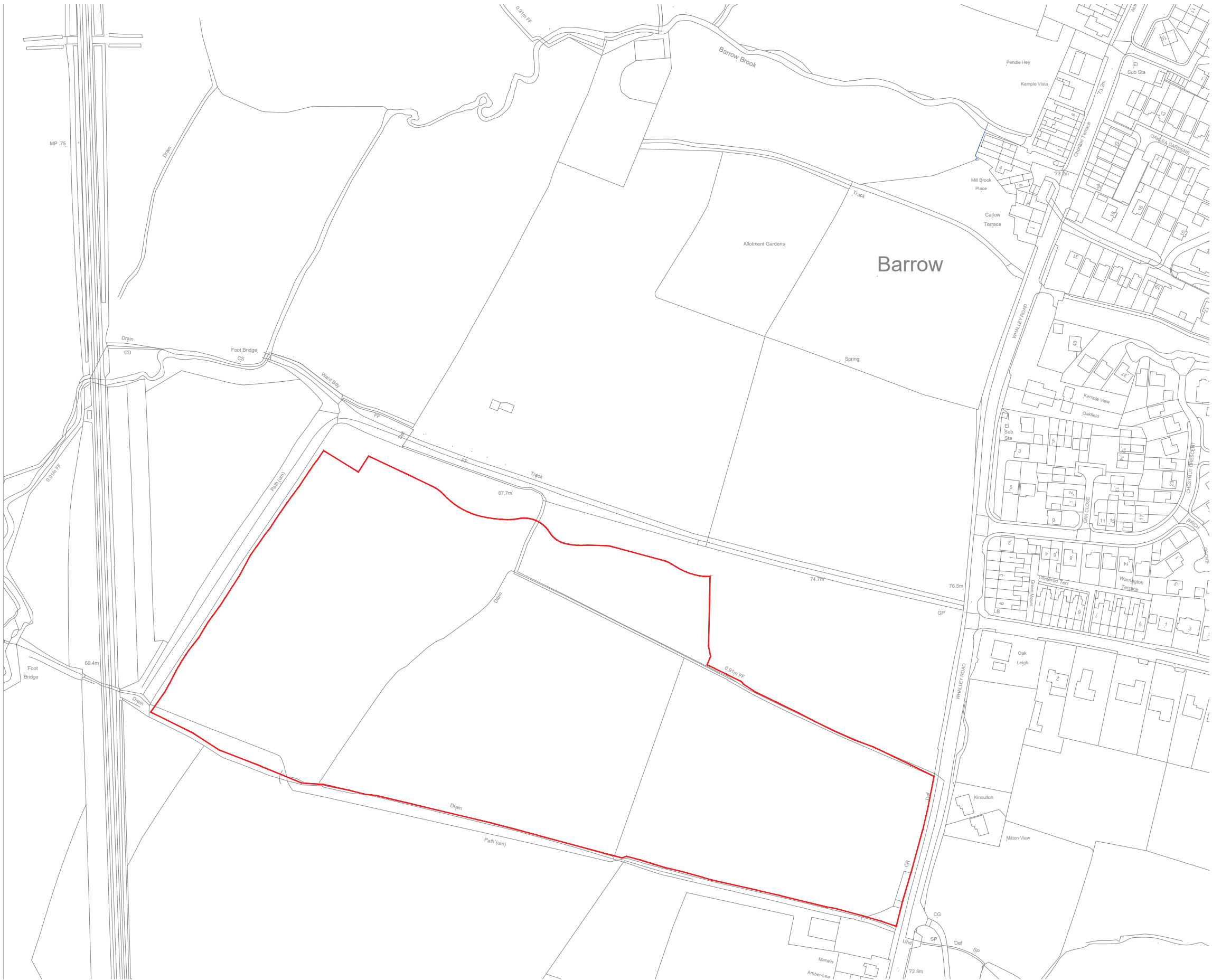
APPLICATION NO: 3/2014/0764

DECISION DATE: 29 October 2015

- 3 This permission shall be read in conjunction with the Section 106 Agreement dated 29 October 2015.
- 4 The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development .

**JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES**

EP3



Baldwin **Design**
Consultancy Ltd

Revision:		
PLANNING DRAWING		
Project Title: Residential Development		
Address: Land off Whalley Road, Barrow.		
Drawing: Location Plan		
Drawing No: DWH-WRB/LP/00		
Drawn: SQ	Ch'd: JL	Date: Date 17/10/18
Scale: 1:1250	Rev:	Paper Size: A1

Whalley Road, Barrow



Department for Communities and Local Government

Duncan Chadwick Esq.
David Locke Associates
50 North Thirteenth Street
Milton Keynes
MK9 3BP

Our Ref: APP/T2350/A/13/2190088
Your ref: LBA002

20 February 2014

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY THE BARROW LANDS COMPANY LTD
LAND TO THE SOUTH-WEST OF BARROW AND WEST OF WHALLEY ROAD,
BARROW, LANCASHIRE - APPLICATION REF: 3/2012/0630/P**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Phillip J G Ware BSc (Hons) DipTP MRTPI, who held an inquiry on 4 - 7 and 11 - 14 June and 11 - 12 September 2013 into your client's appeal under Section 78 of the Town and Country Planning Act 1990 against the failure of Ribble Valley Borough Council to give notice within the prescribed period on an outline planning permission for the provision of up to 504 dwellings (falling within Use Class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on-site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station, in accordance with application ref 3/2012/0630/P dated 13 July 2012.
2. The appeal was recovered for the Secretary of State's determination on 18 January 2013, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves a proposal for residential development of over 150 units on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation

3. The Inspector, whose report is enclosed with this letter, recommended that the appeal be allowed and planning permission granted. For the reasons given in this letter, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the Inspector's report (IR) is enclosed. All paragraph numbers, unless otherwise stated, refer to the Inspector's report (IR).

Julian Pitt
Planning Casework Division
Department for Communities and Local Government
Zone 1/H1, Eland House
Bressenden Place
London SW1E 5DU

Tel 0303 44 41630
Email: PCC@communities.gov.uk

Procedural matters

4. At the inquiry a costs application was made by The Barrow Lands Company Ltd against Ribble Valley Borough Council. That application is the subject of a separate decision also being issued today.

Matters arising after the close of the inquiry

5. Following the close of the inquiry, the Secretary of State wrote on 12 December 2013 to the main parties who appeared at the inquiry and to Network Rail, enclosing correspondence indicating that Network Rail had not been invited to comment on this appeal proposal, despite them having objected to a separate appeal proposal on part of the same site. The Secretary of State invited Network Rail and the other recipients of his letter to comment on any issues arising in relation to level crossings over the railway in the vicinity of the appeal site and, if relevant, to consider any need to revise the unilateral undertaking discussed at the Inquiry or any need for a new condition not discussed at the Inquiry. Comments were also invited on whether the level crossings issue had any implications for the appellant's application for a partial award of costs against the Council.
6. All the responses received were recirculated for further comment under cover of an email dated 22 January 2014. The appellant's response included an application for a partial award of costs against Network Rail. That application will be the subject of a further costs decision letter, which will be issued at a later date..
7. A list of all responses received from parties is set out at Annex A to this letter. The Secretary of State has taken account of all these responses in his consideration of the appeal before him. As the responses were circulated to the main inquiry parties, he does not consider it necessary to summarise the responses here or attach them to this letter. Copies of the correspondence can be obtained upon request to the address at the bottom of the first page of this letter.

Policy considerations

8. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the saved policies of the Ribble Valley Districtwide Local Plan 1998 (the Local Plan).
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework – March 2012); Technical Guidance to the National Planning Policy Framework; Circular 11/1995: *Use of Conditions in Planning Permission* and the *Community Infrastructure Levy (CIL) Regulations 2010* (as amended). The Secretary of State has had regard to the fact that on 28 August 2013 Government opened a new national planning practice guidance web-based resource. However, given that the guidance is currently in test mode and for public comment, he has attributed it limited weight.
10. The Secretary of State notes that the draft Ribble Valley Core Strategy (CS) was submitted to him for Examination in September 2013 and that the Inspector has yet

to report. In these circumstances the Secretary of State attaches limited weight to CS policies in the determination of this appeal.

Main issues

Housing land supply & policy

11. The Secretary of State notes that both parties agree that the Council's adopted housing policies are out of date, that the draft CS can only be given limited weight, and that the appeal should be judged predominantly against the Framework (IR196). After the close of the inquiry, in October 2013 the Council agreed that it did not have a five year supply of specific deliverable housing sites (IR201). The Secretary of State considers that the lack of a five year housing land supply weighs significantly in favour of the appeal. In reaching this conclusion he has taken into account his conclusions on housing land supply in Ribble Valley Borough as set out in his decision letter of 23 January 2014 regarding a recovered appeal case at land off Waddington Road, Clitheroe (application ref 3/2012/0913). This includes the potential contribution to five year housing land supply of a site at Standen, near Clitheroe.

The effect on the character and appearance of the area

12. For the reasons given at IR144-154, the Secretary of State agrees with the Inspector's conclusion that the effect on the character and appearance of the area, particularly the local area, will be noticeable and, to that extent, there is limited conflict with some draft CS policies. He agrees, however, that whilst not diminishing the inherent value of the countryside, the development accords with advice in the Framework that land should be allocated (in a plan-making context) which has the least environmental or amenity value (IR146). In addition, the Secretary of State agrees that the limited conflict with some draft CS policies falls far short of suggesting that the development would be unacceptably harmful, and that there would be little discernible landscape impact from more than around two kilometres (IR155).

Accessibility to non-car modes of transport

13. The Secretary of State agrees with the Inspector's reasoning at IR156-167 and agrees with his conclusion that overall, the development would comply with emerging CS policy. He notes that in its report on the application, the Council stated that the site was sustainable and met the requirements of the Framework (IR157). The Secretary of State agrees with the Inspector that it would be readily accessible by non-car modes and the proposal, including the Travel Plan and sustainable travel incentives, offer additional accessibility benefits (IR168). Overall, he considers that the proposal accords with Framework policy on promoting sustainable transport.

The effect on highway safety and congestion

14. For the reasons given by the Inspector at IR169 -181, the Secretary of State agrees with the Inspector's conclusion that the proposal would not harm highway safety and would not conflict with emerging CS policy. He notes that even if the development were likely to cause highway issues, the policy in the Framework is that development should only be prevented or refused on transport grounds where

the residual cumulative impacts of development are severe. Taking into account the mitigation measures within Whalley, along Whalley Road, and at the A671/A59 junction, the Secretary of State agrees with the Inspector that the evidence is that the residual cumulative impact would be nowhere near that level (IR182).

Railway level crossings

15. The Secretary of State has given careful consideration to the evidence and views put forward after the close of the inquiry about safety at the two pedestrian level crossings over the railway to the west of the appeal site.
16. Network Rail objects to the appeal proposal but states that it would be willing to remove its objection subject to a list of actions, principally the closure of the Brook House and Lamb Roe level crossings, the installation of a new footbridge entirely funded by the developer at the Brook House site to replace the level crossings and the diversion of public footpaths 5 and 6 so as to utilise a new footbridge. The Secretary of State notes that a new footbridge would require a separate planning application to Ribble Valley Borough Council and that there is no certainty as to either this being granted, or that an as yet unspecified design and access to the bridge could be delivered by agreement with all affected landowners. He also notes that the appellant has made no offer to fund a bridge. Moreover, footpath diversions would require separate applications to Lancashire County Council and there is no certainty as to these being approved. The Secretary of State also notes Network Rail's comments on its programme of railway upgrades. However no information has been provided about any firm plans for the line in question that would be affected by increased usage of the level crossings.
17. Network Rail has drawn the Secretary of State's attention to the Office of Rail Regulation having mandated that, in the period 2014 – 19, Network Rail must close approximately 200 level crossings on the London North Western Route which includes the Ribble Valley area. The Secretary of State has also had regard to Network Rail's vision to eliminate the risk of harm to everyone who interacts with the railway, and its general policy to close level crossings. However, in the specific circumstances of the appeal case before him, he considers that the key issue is what measures in relation to railway safety would be necessary, reasonable and proportionate in order to mitigate any increase in risk due to residents in the development using the crossings.
18. The appellant submitted evidence on increased usage and associated risk at the level crossings and suggested a corresponding package of mitigation measures. The appellant's evidence on increase in the number of people using the level crossing utilised Network Rail's 'ALCRM' risk assessment of the crossings in question during November 2013. This assessment suggests that currently an average of no more than two persons per day use the Brook House Crossing ('base census'), with a similarly low rate of usage at the Lamb Roe crossing. The assessment considered two options for increased usage. These were an increase to an average of 6 – 9 users per day and an increase to an average of 12 users per day at each crossing. If the higher increase is assumed, the assessment indicated that the ALCRM 'collective risk ranking' would only increase from level 7 now to level 6 after development, on a scale where level 1 represents the highest level of risk and 13 represents zero risk. Network Rail has not challenged the assumption of an increase to an average of 12 users a day if 504 dwellings are built on the appeal site. The Secretary of State considers this six fold increase,

from 2 to 12, is a reasonable assumption. In reaching this view he has had regard to the increase in the population of Barrow if 504 dwellings are built on the appeal site, its proximity to the railway crossings and the destinations west of the railway that may attract pedestrians.

19. In its representation dated 6 February 2014, Network Rail combined the ALCRM risk scores for both level crossings and suggested that when the base census is increased to 12 persons at both crossings there is a 500% increase in risk. However, the Secretary of State notes that this percentage increase does not alter the fact that the collective risk ranking only rises from level 7 to 6.
20. Network Rail makes the point that in addition to increased numbers of people using the crossings their demographic would change, and that potential future users would not necessarily recognise the activity of the railway as they cross over, by being distracted by earphones, smartphones, dogs and pushchairs, and that there will be an increase in numbers of children crossing who will not necessarily have an awareness of the dangers of the railway. Network Rail considers that whilst quantifiable evidence can be provided to show the level of risk at a level crossing, this does not take account of pedestrians' cognisance of the risk as they cross the line and ALCRM should not be relied upon solely to assess and manage risks. The Secretary of State takes the view that the number of people expected to use the level crossings after the development in question is not large and that individuals have a responsibility to take heed of warning signs and to exercise due caution. Equally, parents have a responsibility for their children's whereabouts and conduct in relation to railway safety as they do in relation to road safety.
21. The appellant accepts that the increase in users of the level crossings will result in a modest increase in risk and a corresponding need for mitigation. Through a Unilateral Undertaking dated 16 January 2014 the appellant has offered a sum of £10,000 to Lancashire County Council in its capacity as highway authority towards footpath improvements in the vicinity of the appeal site. The Unilateral Undertaking does not specify these, but the appellant suggests that suitable mitigation measures to be funded from this pot include a dog walkers path around the appeal site to reduce the need for this group to cross the railway line; improvements to fencing at the railway boundary; a gate after the stile at the crossings to reinforce the transition from footpath to railway environment; an extension of rail crossing panels by 2m; additional signs and surface marking to highlight the location of the crossing decision point; and coloured surface treatment of the boards to emphasise the danger area. The Secretary of State considers that this package of measures is adequate and reasonable in response to the increased risk.
22. The Council has made the point that the above measures can only be delivered by Lancashire County Council on land it is responsible for, or provided through agreement with landowners including Network Rail. With the exception of the proposed dog walk, considered below, The Secretary of State considers the Undertaking dated 16 January is reasonable on the basis that, in the absence of a new footbridge, landowners including Network Rail will wish to cooperate with the County Council in implementing safety improvements on public rights of way where they cross the railway.
23. The dog walk around the appeal site might include sections of public rights of way. However the walk would have to incorporate permissive route sections across land

controlled by the developer and away from public rights of way. Consequently the Secretary of State considers that the developer rather than the County Council should be responsible for funding and implementation of the dog walk, and that an additional condition to secure this is appropriate, numbered 29 in Annex B. With this condition in place, the £10,000 sum made over to the County Council will be available exclusively for the other mitigation measures identified above.

24. Network Rail has drawn to the Secretary of State's attention recent appeal decisions at Park Mill Farm, Princes Risborough (application reference 10/07225/OUTEA) and at Manor Farm, Bessacar Lane, Doncaster (application reference 01/1201/P) where railway crossings were an issue. However the circumstances in those cases were materially different to the current appeal and the Secretary of State considers that the current appeal should be determined on its merits having regard to the particular circumstances and evidence in this case.

25. The Secretary of State has taken other issues and concerns raised by Wiswell Parish Council and local residents into account in reaching his conclusions on the railway crossing issue.

26. Overall, the Secretary of State considers that the mitigation measures proposed by the appellant in response to the increase in risk at the two railway level crossings are acceptable and fairly and reasonably related in scale and kind to the development.

Prematurity

27. For the reasons at IR183-194 the Secretary of State agrees with the Inspector's conclusion that the objection to the appeal scheme on the basis of prematurity cannot be sustained (IR194).

Conditions and s.106 obligations

28. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions as set out in IR206-217 and on the S.106 Planning Obligation, as set out in IR219-220. The Secretary of State is satisfied that the conditions recommended by the Inspector and set out at Annex B attached to the IR are reasonable and necessary and meet the tests of Circular 11/95 (IR218). He is also satisfied that the Planning Obligation dated 24 June 2013 meets the policy in paragraph 204 of the Framework and all the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010, and is a material consideration in this case. He has reached the same conclusion about the second unilateral undertaking dated 16 January 2014 referred to above. Conversely, he agrees with the appellant and the Council that Network Rail has not provided sufficient evidence to justify a new footbridge, and consequently that this would not comply with Section 122 of the CIL Regulations 2010.

Overall conclusions

29. The Secretary of State agrees with the Inspector's overall conclusions at IR 221-228. The housing policies in the development plan are out of date, the proposal would provide a substantial amount of much needed market and affordable housing and the lack of a five year housing land supply weighs significantly in favour of the appeal. The effect of the development on the character and

appearance of the local area will be noticeable but acceptable, with little discernible landscape impact from more than around two kilometres. Accordingly he places limited weight on these effects. He considers that the transport impacts would be acceptable, including increased usage of railway level crossings given the risk mitigation measures proposed by the appellant. Overall the Secretary of State concludes that the planning balance falls strongly in favour of the proposal and that it accords with the policies in the Framework including the presumption in favour of sustainable development.

Formal decision

30. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for residential development of up to 504 dwellings (falling within Use Class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on-site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station, in accordance with application ref 3/2012/0630/P dated 13 July 2012, subject to the conditions listed at Annex B of this letter.
31. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
32. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

33. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
34. A copy of this letter has been sent to Ribble Valley Borough Council. A notification letter or e-mail has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

Authorised by the Secretary of State to sign in that behalf

POST INQUIRY REPRESENTATIONS**Annex A**

In response to the Secretary of State's letter of 12 December 2013:

Name of party	Date of letter
David Birtwhistle	16 December 2013
Mrs Margaret Mayor	06 January 2014
John C Bradley	08 January 2014
Diane Clarke Network Rail Town Planning Team LNW Desk 122 – Floor 1 Square One 4 Travis Street Manchester M1 2NY	9 January 2014 (interim response) 17 January 2014 (final response)
Sarah Westwood Planning Appeals Development Department Ribble Valley Borough Council Council Offices Church Walk Clitheroe, Lancashire BB7 2RA	16 January 2014
Mrs Victoria Wilson Wiswell Parish Council	17 January 2014
Duncan Chadwick David Lock Associates 50 North Thirteenth Street Milton Keynes MK9 3BP	17 January 2014 (with attachments including a technical report and a late claim for an award of costs against Network Rail)

In response to the Secretary of State's email of 22 January 2014:

Name of party	Date of letter
David Birtwhistle	23, 24, 27 & 28 January & 10 February 2014
John C Bradley	27 January 2014
Sarah Westwood Planning Appeals Development Department Ribble Valley Borough Council Council Offices Church Walk Clitheroe, Lancashire BB7 2RA	4 February 2014
Diane Clarke Network Rail Town Planning Team LNW Desk 122 – Floor 1 Square One 4 Travis Street Manchester M1 2NY	6 February 2014
Duncan Chadwick David Lock Associates 50 North Thirteenth Street Milton Keynes MK9 3BP	6 February 2014 (& follow-up 10 February 2014)

General

1. No part of the development hereby permitted shall be commenced on any parcel (as referred to in Condition 5) until full details of the layout, scale and appearance of the buildings and landscaping within that parcel (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority.

In relation to landscaping, the details shall include: the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or land form and the types and details of all fencing and screening. The development shall not be carried out otherwise than in accordance with the approved details.

In relation to ecology, any submission of reserved matters shall incorporate the recommendations of the Ecological Survey and Assessment dated May 2010/Updated May 2012 as summarised in Figure 5 (Ecological Constraints, Recommendations and Opportunities Map).

2. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4. No more than 504 dwellings shall be developed on the application site edged red on the submitted Site Boundary Plan (Drawing No. PP9), and the vehicular and pedestrian accesses to the site shall be constructed in accordance with the details shown on the following submitted plans:

- Northern access point Drawing no. VN20066-05-D
- Central mini roundabout junction Drawing no. VN20066-06-D
- Southern access point Drawing no. VN20066-07-C

Each site access shall be constructed to base level prior to the first occupation of any dwelling within the parcel of the development served by the access and completed in accordance with the timetable to be approved pursuant to Condition 14 of this permission.

Phasing

5. Prior to the submission of any reserved matters application, a phasing scheme including the parcels which shall be the subject of separate reserved matters applications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Landscaping and Levels

6. All landscaping schemes approved (pursuant to Condition 1 of this permission) for each parcel of development (as approved under Condition 5 of this permission) shall be fully implemented in the first complete planting and seeding season following the first occupation of the dwellings within that parcel. Any trees or plants which, within a period of five years from completion of the relevant parcel die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7. Applications for the approval of reserved matters (as required by Condition 1 of this permission) shall include details of existing and proposed site levels and the levels of the proposed roads. The development shall thereafter be carried out in accordance with the approved details.

Design

8. Prior to the submission of any reserved matters within a phase or parcel (as approved under Condition 5) a Masterplan and Design Code for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan and Design Code shall substantially accord with the Design and Access Statement submitted with the application. The design code shall address the following matters:

- Architectural and sustainable construction principles.
- Character areas.
- Lifetime homes standards.
- Street types and street materials.
- Development block types and principles.
- Pedestrian and cycle links.
- Boundary treatments.
- Building types and uses.
- Building heights.
- Building materials.
- Sustainable drainage systems.
- Public open spaces.
- Parking and manoeuvring arrangements for vehicles.

Applications for approval of reserved matters within a phase shall thereafter be in accordance with the approved Masterplan and Design Code for that phase.

9. Notwithstanding the details shown on the submitted Parameter Plans and referred to in the Design and Access Statement, no dwelling in excess of 10 metres in height (as measured from ground level to the ridge of any dwelling) shall be constructed within 40 metres of the eastern site boundary of the site (Whalley Road), as edged red on the submitted Site Boundary Plan (Drawing No. PP9).

Drainage

10. Prior to the commencement of any development, a Drainage Strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to and approved in writing by the Local Planning Authority. This Drainage Strategy shall include details of all necessary drainage infrastructure including details of all discharge points from the development and any pumping stations or other bespoke features. The Drainage Strategy should demonstrate that the surface water run-off generated up to and including the 1:100 year return period critical storm including climate change allowance will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Thereafter the detailed schemes for foul and surface water drainage submitted as part of Conditions 11 & 12 for development within each phase (as approved by Condition No. 5) shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Drainage Strategy approved under this condition.

11. Prior to the commencement of development within a phase (as approved pursuant to Condition 5), the details of a scheme for surface water drainage and means of disposal for that phase, based on the Drainage Strategy approved pursuant to Condition 10 of this permission, evidence of an assessment of site conditions, sustainable drainage principles, an assessment of the hydrological and hydro-geological context of the development, the Flood Risk Assessment submitted by Rutter Johnson dated May 2012 (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no surface water shall connect into the public sewerage system, directly or indirectly, in accordance with the submitted application and Flood Risk Assessment. The scheme shall be implemented prior to completion of the first dwelling within that phase of the development and maintained and managed in accordance with the approved details at all times thereafter.

12. Prior to the commencement of development within a phase (as approved pursuant to Condition 5), details of the foul drainage scheme for that phase, which shall be based on the Drainage Strategy approved pursuant to Condition 10 of this permission and shall include any necessary infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be implemented prior to completion of the first dwelling within that phase of development and maintained and managed in accordance with the approved details at all times thereafter.

13. Not more than 150 dwellings approved by this permission shall be occupied until the United Utilities plc capacity improvement of the Whalley Waste Water Treatment Works (WWTW) has either:

- been completed in full; or
- a scheme demonstrating that foul flows to Whalley WWTW will not be increased as a result of the development or phase of development hereby permitted before the improvement work at Whalley WWTW has been completed has been submitted to and approved in writing by the Local Planning Authority.

Any foul drainage scheme approved in advance of the capacity improvement work at Whalley WWTW being completed shall be constructed in accordance with the approved details.

Highways/Transport

14. No development approved by this permission shall commence within a phase until a detailed scheme (including a timetable for implementation and completion) for the construction of the relevant site access(es) and any temporary construction arrangements including pedestrian facilities to serve that phase and the associated off-site highway improvements to directly serve that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for the off-site highway improvements shall be in accordance with the details agreed in the Statement of Common Ground for highway/transportation matters agreed between Vectos and Lancashire County Council (as local highway authority) and as set out in the Unilateral Undertaking related to this permission. The scheme shall be implemented in accordance with the approved details and timetable.

15. The new estate roads within any phase (as approved under Condition 5) of the development hereby permitted shall be constructed in accordance with a detailed scheme (including a timetable for implementation) which shall be submitted to and approved in writing by the Local Planning Authority before development commences within that phase. The estate roads shall be constructed to adoptable standards in accordance with the Lancashire County Council Specification for Construction of Estate Roads and the scheme shall be implemented in accordance with the approved details and timetable.

16. Prior to the occupation of the first dwelling within any phase (as approved under Condition 5) a Travel Plan, based upon the submitted Framework Travel Plan, to improve accessibility by sustainable modes for residents of dwellings within that phase shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- The appointment of a named Travel Plan Co-ordinator.
- Details of measures to encourage sustainable travel patterns.
- A scheme for the management and implementation of the Travel Plan.
- Targets for modal shift.
- A strategy for marketing and proposed incentives.
- Arrangements for monitoring and review.

The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved Travel Plan for development within that phase for a period of time not less than 5 years following completion of the final parcel of development in that phase (as approved under Condition 5).

Construction

17. No development approved by this permission shall commence within a phase until a Construction Method Statement/Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statement/Plan shall incorporate the recommendations of the Acoustic Survey and Assessment (Section 5) and results of the Air Quality Assessment (Section 4) dated July 2012 produced by Martin Environmental Solutions submitted in support of the application and shall be adhered to throughout the construction period. The Statement shall provide for:

- The routing of heavy (HGV) construction vehicles via the A59/A671 and Whalley Road, Barrow.
- Parking of vehicles of site operatives and visitors within the site.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- A management plan to control the emission of dust and dirt during construction, identifying suitable mitigation measures.
- A scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site).
- A scheme to control noise during the construction phase.
- Details of lighting to be used during the construction period, which should be directional and screened wherever possible.

18. No heavy goods vehicles (exceeding a gross vehicle weight of 7.5T) shall enter or leave the site, as edged in red on the submitted Site Boundary Plan (Drawing No. PP9), in connection with the construction of the development hereby permitted between the hours of 0830 and 0930, and 1500 and 1600 hours, Monday to Friday inclusive except during school holidays.

Energy/Sustainability

19. Before development begins within any phase (as approved under Condition 5) a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development within that phase from renewable or low carbon

energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.

20. The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued certifying that Code Level 3 has been achieved.

Biodiversity/Tree Protection

21. Tree felling/vegetation clearance works, or other works that may affect nesting birds (including buildings or other suitable breeding bird habitat which are to be removed as part of the proposals) within a phase shall not take place between March and August inclusive or in accordance with the requirements of paragraph 5.5.8 of the Ecological Survey and Assessment prepared by ERAP Limited dated May 2010 and updated May 2012 as it relates to the cattle shed on the site. In the event that works are required to be carried out during the nesting period a comprehensive risk assessment in order to establish the absence/presence of nesting birds (with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority before such works are undertaken. Works shall be carried out in accordance with the risk assessment/mitigation/compensation strategy so approved.

22. No site clearance, site preparation or development work shall take place within a phase until a Landscape/Habitat Management Plan to include long-term design objectives, timing of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens) within that phase has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include (but not be limited to) details of the treatment of the Biological Heritage Site located outside the red-lined site as shown on the submitted Site Boundary Plan (as set out in Paragraph 5.7.14 (iii) of Ecological Survey and Assessment report), the retained woodland, trees and tree lines, hedgerows and other areas of public open space. The Landscape Management Plan shall be informed by the Ecological Survey and Assessment report (May 2010/Updated May 2012) prepared by ERAP Limited. The Landscape Management Plan shall be carried out as approved.

23. Appropriate working methods shall be adopted at all times during the construction of the development hereby permitted to prevent the spread of Himalayan Balsam.

24. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the submitted Preliminary Arboricultural Impact Assessment prepared by Bowland Tree Consultancy Limited (dated June 2012); and the conditions relating to tree work and replacement planting shall have effect until the expiration of 5 years from completion of the final phase of development:

- Before the development begins within any phase (as approved under Condition 5), including any site preparation works, the delivery of materials or any excavations within that phase, all trees and hedgerows identified for retention in the Preliminary Arboricultural Impact Assessment dated June 2012 by Bowland

Tree Consultancy Ltd in that phase shall be protected in accordance with British Standard 5837 2012 (Trees in Relation to Demolition, Construction and Design) the details of which shall be agreed in writing by the Local Planning Authority and implemented in full. An Arboricultural Method Statement, Tree Protection Plan and Tree Protection Monitoring Schedule shall also be submitted to and approved in writing by the Local Planning Authority and the tree protection measures shall be inspected by the Local Planning Authority before the site works are begun within that phase.

- The root protection zone shall be agreed in writing by the Local Planning Authority before the development begins in that phase and the agreed tree protection measures shall remain in place until all the approved works have been completed within that phase and all excess materials have been removed from the site including soil/spoil and rubble.
- During the building works, no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.
- No disturbance, pruning or other arboricultural works to any Category 2a or 2b tree identified within Figure 4 of the Ecological Survey and Assessment dated May 2010/Updated May 2012 as supporting features with either current or potential future potential for use by roosting bats shall take place within a phase until a detailed investigation by a qualified and licensed ecologist has taken place. The results of any investigation including details of any mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority before any tree works take place in that phase.
- No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- The development shall be carried out in full compliance with the Preliminary Arboricultural Impact Assessment dated June 2012 by Bowland Tree Consultancy Ltd unless the Local Planning Authority agrees in writing to any variations to the requirements of the assessment.

25. No development shall take place within any phase (as approved under Condition 5) until details of the provisions to be made for bat roosts on suitable plots and building elevations within that phase in accordance with paragraphs 5.7.27-5.7.29 of the Ecological Survey and Assessment dated May 2010/Updated May 2012 and details of artificial bird (species) nesting sites/boxes on suitable plots and building elevations within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented before the development in that phase is first brought into use.

Play Space

26. Prior to commencement of development within any phase (as approved under Condition 5) a play space management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for the play areas within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The play space management plan shall also provide precise details of all play equipment in that phase and its maintenance and indicate a timescale when the play spaces shall be provided and made available for use within that phase. The play space management plan shall be carried out in accordance with the details so approved.

Lighting

27. Prior to commencement of development within any phase (as approved under Condition 5) details of a scheme for artificial public street/road/footway lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details to demonstrate how artificial illumination of important wildlife habitats (boundary vegetation of the site and the significant bat commuting route identified across the centre of the site) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

Noise

28. Prior to commencement of development within any phase of development (as approved under Condition 5) a scheme of noise mitigation measures for that phase adhering to the principles laid out in Section 6 of the Acoustic Survey and Assessment dated July 2012 produced by Martin Environmental Solutions and submitted with the application, shall be submitted to and approved in writing by the Local Planning Authority. The measures so identified shall be incorporated into the construction of the development within that phase and thereafter retained.

Dog / leisure walk around site

29. Prior to commencement of development within any phase (as approved under Condition 5) details of a scheme for a dog walking/leisure footpath around the development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be consistent with access, landscaping, ecological and other matters specified in other conditions, and shall include management and maintenance responsibilities. The scheme shall be carried out in accordance with the details approved by the Local Planning Authority.

End



Report to the Secretary of State for Communities and Local Government

by Phillip J G Ware BSc(Hons) DipTP MRTPI

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

Date: 20 November 2013

RIBBLE VALLEY BOROUGH COUNCIL

**LAND TO THE SOUTH-WEST OF BARROW AND WEST OF WHALLEY ROAD,
BARROW, LANCASHIRE**

APPEAL BY THE BARROW LANDS COMPANY LTD

Inquiry held on 4 – 7, 11 - 14 June and 11 – 12 September 2013

Land to the south-west of Barrow and west of Whalley Road, Barrow, Lancashire

File Ref: APP/T2350/A/13/2190088

File Ref: APP/T2350/A/13/2190088**Land to the south-west of Barrow and west of Whalley Road, Barrow, Lancashire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by The Barrow Lands Company Ltd against Ribble Valley Borough Council.
- The application Ref 3/2012/0630/P is dated 13 July 2012.
- The development proposed is the provision of up to 504 residential units (falling within Use Class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on-site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station.

Summary of Recommendation: The appeal be allowed, and outline planning permission be granted subject to conditions.

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Procedural matters

1. The application is in outline, with only the accesses onto the site to be considered at this stage along with the principle of the development.
2. An application for partial costs was made by The Barrow Lands Company Ltd against Ribble Valley Borough Council. This application is the subject of a separate report.
3. On 3 August 2012¹ the Council stated that the proposal required an Environmental Impact Assessment (EIA) in terms of the 2011 Regulations². This was subject to a request from the appellant to the Secretary of State that he make a Direction on the matter in relation to Regulation 10³. By letter dated 21 September 2012⁴, the Secretary of State directed that the development was not (EIA) development⁵. It was subsequently confirmed that a site visit had been carried out before this Direction was issued⁶.
4. The appeal was recovered for decision by the Secretary of State on 18 January 2013. The reason for recovery was that the appeal involves a proposal for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply, and create high quality, sustainable, mixed and inclusive communities.
5. The appeal (24 December 2012) was against the Council's failure to issue a decision. On 14 February 2013 the Council resolved that planning permission would have been refused for four reasons⁷. In summary, these were:
 - Prejudice to the emerging policy in the Core Strategy.
 - The effect on the character of the countryside.
 - Insufficient information being available to assess the likely impact on the local highway infrastructure.
 - Insufficient information being available to enable an adequate assessment of the archaeological interest of the site.
6. After this resolution the appellants submitted additional information, particularly in relation to highways and archaeology. In the light of a geophysical survey, which concluded that the site had little or no archaeological potential, the Council resolved (11 April 2013) not to pursue the archaeological reason for refusal.
7. The Inquiry sat for 8 days commencing on 4 June 2013 and for two further days on 11 and 12 September 2013. These last days dealt solely with housing land supply issues. The background to these additional days is dealt with in the separate report dealing with the appellant's cost claim.

¹ CD 17

² Town and Country Planning (Environmental Impact Assessment) Regulations 2011

³ CD 18

⁴ CD20

⁵ Doc 3 Para 4.5

⁶ CD21

⁷ Set out in full in CD2 Pages 1 and 2

8. Accompanied and unaccompanied visits were undertaken to the site and the surrounding area on 13 June 2013, and a further unaccompanied visit was undertaken to observe the effects of school traffic in Barrow on the morning of 14 June 2013.
9. A Planning Obligation was being negotiated between the appellants, the Council and the County Council before and during the Inquiry. It became apparent that agreement was not likely to be reached on some matters, and the appellant was therefore given time to produce a Unilateral Obligation after that session of the Inquiry. The Council were given the opportunity to comment on the final Obligation, which is dated 24 June 2013⁸, but (following the discussion on the principles of the Obligation at the Inquiry) they did not do so.
10. In October 2013, after the Inquiry closed, the Council approved a further report⁹ dealing with housing land supply issues. This was a relevant consideration in relation to one of the main issues, and written submissions were made by both parties¹⁰.

The site and its surroundings

11. The appeal site is 18.26 hectares in extent and lies to the west of Whalley Road and to the south-west of Barrow, which is an expanding settlement located around 2.5 miles south of Clitheroe. The site is largely pastureland which slopes down from the road in a westerly direction¹¹. Two public footpaths cross the land.
12. Within the boundary of the site there is an area of allotments, owned by the appellants, which are not proposed to be developed. In addition there is an area of land in the same ownership to the west of the site, which is a locally designated biological heritage site, which is also not proposed to be developed. The proposal includes enhancements to both these areas. A railway line runs to the west of the site, there is a copse and the rear of residential properties in Catlow Terrace to the north, and open agricultural land to the south. There is a small commercial yard in the north-western part of the site
13. Whalley Road was originally the main road along the valley running between Whalley in the south to Clitheroe to the north, but a new road (the A59) has been constructed to the east, bypassing Barrow, Whalley and Clitheroe. Burrow was originally a largely linear village, but there has been significant recent development to the east of Whalley Road towards the A59. Opposite the appeal site a minor road (Whiteacre Lane) runs to the village of Wiswell, from where access onto the A671 heading south can be obtained.
14. In the wider area the Forest of Bowland Area of Outstanding Natural Beauty (AONB) lies to the east and west of the site – at a distance in excess of 1 km. Barrow is not affected by any statutory designations, unlike Whalley and Wiswell – both of which are conservation areas and include a number of Listed Buildings.

⁸ Doc 9

⁹ Doc 13

¹⁰ Docs 14 and 15

¹¹ Photographs of the site and the surrounding area at APP 17 Appendix 2 and LPA 10

Policy context

15. The Regional Strategy for the North West was revoked in May 2013, and the parties agreed that it was no longer of any relevance to consideration of the proposal.
16. The only remaining element of the development plan are the saved policies of the Ribble Valley Districtwide Local Plan (1998) (LP).
17. The site is outside the settlement boundary of Barrow as defined in the LP, and does not meet the exceptions set out in policy G5 for development in such locations¹². The main parties agree that the proposal accords with a range of LP policies¹³ dealing with crime prevention, affordable housing, the loss of agricultural land, biodiversity and nature conservation, archaeology, open space and parking provision.
18. Work on the draft Core Strategy (CS) began in 2006 and, after various rounds of consultation¹⁴, was submitted to the Secretary of State for Examination in September 2013, with further consultation being undertaken by the Council at the same time. The CS has not yet been adopted, and has been the subject of letters from the appointed Inspector to the Council in November 2012 and January 2013¹⁵. The Examination was suspended at the time of the Inquiry. The parties have agreed a number of CS policies¹⁶ which are relevant, to the extent that the CS carries weight.

The proposal

19. The application is in outline, with details of the three new access points to be determined at this stage. It proposes up to 504 units and associated development, including three new accesses off Whalley Road.
20. The proposal is supported by a series of Parameter Plans and an Indicative Master Plan¹⁷.
21. The proposal includes 30% on-site provision of affordable housing, with 15% being provided for elderly persons. This is secured by the Planning Obligation¹⁸.

Planning history

22. There are no previous planning applications affecting the appeal site prior to the proposal which is the subject of the current appeal.
23. A second planning application was submitted by the current appellants in January 2013. This second application relates to a smaller area of the appeal site, and proposes up to 190 residential units. This is the subject of a separate appeal against the Council's failure to issue a decision, which is to be considered at a separate Hearing later in November 2013. The Council has resolved not to oppose this appeal.

¹² Doc 3 Para 5.7

¹³ Doc 3 Para 5.6

¹⁴ Doc 3 para 6.6

¹⁵ CD70 and CD71

¹⁶ Doc 3 Para 6.7

¹⁷ Doc 3 Para 4.3

¹⁸ Doc 9

24. The parties agree that two other appeal decisions close to the appeal site are relevant (others were put in evidence by one party or the other). These are at Land off Henthorne Road, Clitheroe¹⁹ where planning permission was granted on appeal for 270 dwellings and a doctor's surgery, and Site 2, Barrow Brook Business Village²⁰ where planning permission was granted on appeal for 73 open market dwellings and 31 social housing properties.

The Statements of Common Ground and remaining areas of dispute

25. The main parties completed three Statements of Common Ground (SOCG) – related to planning matters²¹, education²² and highways²³.
26. The key elements of the Planning SOCG, agreed between the appellants and the Council, include:
- Agreement that where the development plan is out of date (as in this case especially in relation to housing policies) the National Planning Policy Framework (the Framework) is to be given great weight, including the presumption in favour of sustainable development in relation to economic, social and environmental factors.
 - The broad location of the site was considered to be capable of delivering sustainable development in the emerging CS in 2011²⁴, particularly in relation to the recognised strategic employment location (Barrow Enterprise Park). The Sustainability Appraisal that reviewed this option found development in this broad location to be sustainable²⁵.
 - The proposed 30% on-site delivery of affordable housing²⁶ accords with draft CS policy H3 and with other Council policy²⁷.
 - The Masterplan indicates a range of open space which would meet LP and CS policy requirements²⁸. Additionally the existing allotments in the centre of the site would be retained. The proposal is close to other facilities in Barrow.
 - The Masterplan shows adequate provision for the retention of trees²⁹.
 - There are no significant wildlife interests on the site. This is confirmed by Natural England and Lancashire County Council (Ecology)³⁰.
 - The Parameter Plans, Design and Access Statement and Masterplan demonstrate that there will be no undue harm to the amenities of adjoining residents.

¹⁹ 2161186 CD35

²⁰ 2176977 CD13

²¹ Doc 3

²² Doc 4

²³ Doc 7

²⁴ CD 48

²⁵ CD 49

²⁶ Details at Doc 3 Para 7.5 – 7.5

²⁷ CD 43

²⁸ Doc 3 Paras 7.6 – 7.7

²⁹ Doc 3 Para 7.8

³⁰ Doc 3 Para 7.9

- The proposed dwellings would not be the subject of unacceptable levels of noise from Whalley Road or the railway³¹.
- The site is within Flood Zone 1, and the development would include a foul water pumping station serving those parts of the site on lower ground. The Environment Agency and United Utilities PLC raise no objections to the proposal³².
- The requirements for education provision can be addressed through the Planning Obligation, as agreed in the Education SOCG³³.
- The archaeological reason for refusal has been withdrawn on the basis of the appellant's geophysical survey³⁴.

27. The Planning SOCG also records outstanding differences between the main parties³⁵:

- The weight to be attached to the CS. The Council attaches some weight to the CS, whilst the appellant considers it has very little weight.
- Whether the proposal would prejudice the emerging CS policy. The Council considers that approval of the proposal would predetermine the outcome of the plan making process. The appellant contests this due to the scale of need for housing, national policy advice, the extent of the delay in the CS, and the related advice in the Framework³⁶.
- The extent of the visual impact on Barrow and its surroundings.
- Whether the Council has a five year housing land supply. This related, amongst other matters, to the quantum of the housing requirement and the method of calculation employed. (This area of disagreement has been resolved with the Council's October 2013 report³⁷.)

28. The key elements of the Education SOCG, between the appellants and Lancashire County Council as the local education authority, include:

- An agreement as to the assessment of the educational requirements arising from the proposal.
- An agreement related to contributions towards potential land acquisition and educational contributions.

29. The key elements of the Highways SOCG, between the appellants and Lancashire County Council as the highway authority, include:

- Agreement on the details of the proposed new accesses onto Whalley Road (part of the current proposal).

³¹ CD 3 paras 7.10 – 7.12

³² Doc 3 Paras 7.14 – 7.16

³³ Doc 3 Para 7.17

³⁴ Doc 3 Paras 7.18-7.19,

³⁵ Doc 3 Section 8

³⁶ Doc 3 para 8.6

³⁷ Doc 13

- Agreement on the internal site layout, pedestrian and cycle access and parking standards as shown on the Illustrative Masterplan. The internal site layout would permit bus services to pass through the site³⁸.
- Agreement on the need for changes to the A671/A59 roundabout, the signalisation of the junction of the A671 and Whalley Road, and various alterations in King Street, Whalley³⁹.
- Agreement on the potential trip distribution⁴⁰.
- Agreement on a framework Travel Plan and contributions to support the Plan⁴¹.
- Agreement on a range of matters to be included in a Planning Obligation and by way of a S278 Agreement⁴².
- Agreement on a contribution towards secure cycle shelters at Whalley station.

30. The Highways SOCG also records outstanding differences between the main parties:

- The sustainability of the site particularly in terms of accessibility.
- The future year of assessment for traffic growth. The appellant considers completion in 2019 to be realistic, using multiple builders, whilst the Council considers 2023 is more realistic. This has implications for the capacity assessment.
- The suitability of Whalley to accommodate the increased traffic flow as a result of the development. It is agreed that Whalley is sensitive to traffic movement and is affected by a range of factors, and that the proposed measures will benefit the free flow of traffic. However there is a difference as to whether the existing mini-roundabouts would operate over-capacity following the proposed development (the Council's view) or whether they would operate at capacity – allowing for traffic diversion onto the A59 (the appellant's view).
- The potential for the redistribution of existing trips from Whalley Road to the A59, thus lessening the traffic flows past the site and through Whalley.
- Whether the 30 m.p.h. speed limit should extend into Whalley (the appellant's position) or the current 40 m.p.h. limit should be retained (the Council's position). It is agreed that any consequent works could be part of a reserved matters application.

31. During the course of the final day of the resumed Inquiry, a Statement of Common Ground on Housing Land Supply (HLS) was completed⁴³. However this

³⁸ Existing bus services along Whalley Road at Doc 3, Table 3.1

³⁹ All shown at APP 6, and described in Doc 7 Section 2

⁴⁰ Doc 7 Figure 6.1

⁴¹ Doc 7 Section 3

⁴² Doc 7, Paragraph 9.2

⁴³ Doc 12

has largely been overtaken by the Council's October 2013 report (discussed below).

32. On 10 October 2013 the Council approved a report entitled "Development Management – Housing Figures"⁴⁴. There were two key outcomes arising from this report:

- The Council adopted a housing requirement figure of 250 dwellings per annum (as an assessment of housing need) for Development Management purposes.
- The Council adopted the Sedgefield method of calculating housing land supply.

As a result of this report, the Council has stated that it does not currently have a 5 year supply of deliverable housing sites.

33. As a result of the agreement reached on a range of matters, the remaining areas of dispute between the main parties are:

- The effect on the character and appearance of the area.
- The accessibility of the development to non-car modes of transport.
- The effect of the proposal on highway safety.
- Whether the proposal would undermine the emerging Core Strategy.
- The consequences of the lack of a five year housing land supply.

The case for the Appellant⁴⁵

Summary

34. The appeal proposal will deliver up to 504 homes in an area where there is no 5 year supply of land. This is something the Secretary of State has regarded as the most significant material consideration in recent decisions. It will also deliver up to 151 affordable homes in an area with an acute need for affordable housing. The appeal proposal will deliver substantial economic benefits. The site is in a sustainable location at the edge of a growing settlement with good accessibility to local facilities and with good bus services. The proposal will also have a strong link with the Council's principal strategic employment site which is within easy walking distance. The visual impact would be localised, with wider impacts being very limited. The package of highway mitigation measures will bring a number of benefits to the local highway network, encourage sustainable travel patterns, and mean that any residual impacts from increased traffic are mitigated. The proposal would not prejudice the draft Core Strategy, which in any event is long delayed and is in serious difficulties.

⁴⁴ Doc 13

⁴⁵ The case given here is an edited version of the two closing submissions at APP 15 and APP 21, as modified by the position on Housing Land Supply after the close of the Inquiry, and the evidence.

Policy context

35. There is a good deal of agreement on the policy context. It is agreed that the appeal proposal should be judged primarily against the Framework⁴⁶. Key points are:
- The importance of significantly boosting housing and hence economic growth.
 - The importance of demonstrating a 5 year housing land supply⁴⁷.
 - Paragraph 14 of the Framework applies as the development plan is out of date. Therefore permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or specific policies in the Framework indicate that development should be restricted. (The Council agrees this latter qualification is not applicable⁴⁸.)
 - The proposal should be determined against the three strands of sustainable development - economic, social and environmental.
36. The Council initially argued that footnote 9 to paragraph 14 of the Framework applied. However the Council later conceded⁴⁹ that the site is not an important open space and that the footnote relates to land with special status, as demonstrated in the Tewkesbury decision⁵⁰.
37. The Local Plan was adopted in June 1998 to cover the period to mid-2006. The Council agree that many of its policies can now be given only limited, if any, weight. The officer's report on the appeal scheme noted that the Local Plan and its settlement boundaries are significantly out-of-date⁵¹.
38. The draft Core Strategy (CS) can only be given limited weight in terms of housing numbers and distribution of growth⁵².
39. The overwhelming trend of appeal decisions is in favour of allowing housing development, based on the pro-growth agenda of national policy.

Visual impact

40. There are some important points of context in relation to visual impact:
- Visual matters were not raised at the pre-application meeting in October 2011 and it was only on 23 December 2011 that it was suggested that a Landscape and Visual Impact Assessment (LVIA) was needed. Visual issues were not seen as being key at that stage⁵³.

⁴⁶ CD 36 pages 29 and 31; Mr Hirst in xx

⁴⁷ Para 47

⁴⁸ Ms Westwood in xx

⁴⁹ Ms Westwood in xx

⁵⁰ CD 88

⁵¹ CD 36

⁵² LPA 11 paragraph 3.49; Mr Hirst in xx

⁵³ CD 29

- The officer's report on the application expressed no view on visual impact⁵⁴. The report noted that an independent assessment had been commissioned in order to establish whether this would form part of the Council's case. The report from the (first) landscape architect was received the day before the Committee meeting and stated that the proposal was acceptable in landscape terms⁵⁵.
- The Council did not consider residential amenity (which includes an element of visual impact) to be a reasonable concern in relation to an outline proposal.
- The Council did not consider that the impact on trees, which confer a high visual amenity on the local landscape, to be a reasonable concern at this stage, based on the Illustrative Masterplan.
- Natural England raised no objection⁵⁶ in relation to the nearby Forest of Bowland AONB (1.4 – 2.4 km away) or designated Landscape Area 33 - as they did not believe that the proposal would impact on the purposes of designating the AONB or harm the national character area. They raised no issue about the quality of the LVIA, whilst noting that there was still a need for the assessment of local landscape impacts.
- The Secretary of State's EIA Screening Direction was that the proposal would not be likely to have significant effects on the environment⁵⁷. The Direction focused on visual impact and followed a site visit. There was no criticism of the LVIA.

41. A main part of the Council's evidence was criticism of the appellant's LVIA. However:

- The reasons for refusal did not allude to insufficient information related to visual matters (unlike transport and archeology). This matter was not raised before the exchange of proofs.
- The LVIA had regard to the Guidelines for Landscape and Visual Assessment (GLVIA)⁵⁸, although there is nothing requiring the use of this guidance. In any event not every development requires an LVIA and judgment has to be exercised as to the extent to which the use of the GLVIA is appropriate⁵⁹. The GLVIA (2nd edition) is primarily aimed at LVIA's carried out as part of an Environmental Impact Assessment (EIA), which is not the case here. They are not a prescriptive set of rules. The GLVIA (3rd edition) notes that where there is no EIA an LVIA is an informal document with more flexibility.

42. The wider context is that:

- The housing needs of the Ribble Valley will require the development of greenfield sites. 75% of the Borough is designated as an Area of

⁵⁴ CD 36 pages 3 and 37

⁵⁵ APP 3

⁵⁶ CD 26

⁵⁷ CD 21

⁵⁸ CD 23 paragraph 1.3

⁵⁹ Paragraph 1.11 of the GLVIA (2nd Ed)

Outstanding Natural Beauty (AONB)⁶⁰. There are also 39 biological heritage sites, 6 Sites of Special Scientific Interest, European protected sites, 21 Conservation Areas and thousands of Listed Buildings in the Borough. The appeal site is not within or close to any of these designations. The Framework⁶¹ seeks the development of land with the least environmental amenity value. The appeal site is an underdeveloped pocket of urban fringe and is, in part, previously developed land.

- The broad location was included as Option E in the Generation of Alternative Development Strategy Options for the Core Strategy (June 2011)⁶². The location was considered to be capable of delivering a sustainable development of 1,950 residential units.
43. Barrow is not a typical village, nor does it exhibit a ribbon pattern as suggested by the Council⁶³. It is a long-established industrial village, and is a growing settlement with a number of recent permissions for housing – both inside and outside the settlement limits of the LP. Barrow is the Borough's principal strategic employment development location, with an extant permission for 46,000 sq. m. of business floorspace and other outline permissions in a swathe of new development. The schemes include some very large buildings⁶⁴, but no LVIA was requested in any of these cases.
44. The site is physically and visually related to Barrow more than to the surrounding countryside. It displays an urban fringe character. The development would represent the 'rounding off' of the settlement⁶⁵.
45. The Council's landscape evidence focused exclusively on LP policies, despite these being significantly out of date, and also alleged conflict with LP policies which were not in the reason for refusal. But the evidence did not allege a breach of the policy (G1) which is in the reason for refusal. The Council's planning witness also accepted that this policy was not breached as the site was not an important open space in policy terms. The Council accepted that LP policy ENV3 is fundamentally affected by the fact that the settlement boundary was out of date⁶⁶.
46. There is no assessment of the policies in the draft Core Strategy or the Framework in the Council's landscape evidence.
47. There are some key visual characteristics of the proposal:
- It is an outline application, with on site landscaping and formal and informal open space.
 - The allotments and the adjoining Biological Heritage Site would not be developed.

⁶⁰ APP 2

⁶¹ Paragraphs 110 – 112

⁶² CD 48

⁶³ LPA 10 paragraph 4.8.13

⁶⁴ APP 17 paragraph 6.62; CD 23 photo 3

⁶⁵ APP 18 paragraph 7.31; APP 17 paragraph 5.56

⁶⁶ Ms Westwood in xx

- The majority of the existing trees and hedgerows would be retained and there would be new planting⁶⁷.
 - There is a fall of approximately 10 metres to the west from Whalley Road and 16 metres to the south west.
 - The longer distance views of the appeal site would include the new development on the east side of Whalley Road⁶⁸.
48. There would be a large magnitude of change in respect of some viewpoints within or immediately adjoining the site⁶⁹. But similar effects would result from the development of any greenfield site. In all other views the magnitude of change would be small or medium. The operational impact and effect on adjoining properties would be similarly localised.
49. Even if the Council's evidence on viewpoints were accepted, there is nothing to support effects much beyond the immediate environs of the site. From the AONB and the wider area the proposal would not be prominent. The Council does not explain the significance of any effect over the wider area.

Highway and transportation issues

50. Agreement on many transport issues are in the Highways Statement of Common Ground⁷⁰, based on the submitted Transport Assessment (2012) and highway improvements totalling around £1 million.
51. In relation to the remaining transportation issues the Framework⁷¹ states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council's highway evidence did not allege that the impacts would be severe.
52. The background to the Council's argument about sustainability is:
- The officer's report states that the site is sustainable and meets the requirements of the Framework.
 - The Council accepts that, in terms of proximity to services, the site could be deemed to be in a sustainable location⁷².
 - The reason for refusal refers to insufficient information about highway impact, but says nothing about sustainability. Nor was any such information sought⁷³. The reason for refusal was based on the County Council's consultation response, which does not include sustainability as a key area of concern.

⁶⁷ CD 36 page 36

⁶⁸ LPA 10 appendix 2

⁶⁹ LPA 10 Viewpoints 1; 2; 3; 5; 6; 7; and 13

⁷⁰ Doc 7

⁷¹ Paragraph 32

⁷² LPA 11 paragraph 5.4 and Ms Westwood in xx

⁷³ As recorded in Doc 7 in relation to a meeting on 14 February 2014

- The Council's Statement of Case referred to insufficient information on sustainable modes of transport but did not specify what information was lacking⁷⁴.
- The Planning Statement of Common Ground outlines the areas of dispute but does not suggest that sustainability was an issue⁷⁵.
- The Strategic Environmental Assessment and Sustainability Framework recognised that the broad location of the site was sustainable⁷⁶.
- The suggestion that the site is unsustainable conflicts with the permissions granted by the Council or on appeal elsewhere in Barrow, without any objection based on sustainability. In none of those cases did the Council object on sustainability grounds, although the sites are indistinguishable from the appeal site in terms of accessibility.
- The 'other settlements' put forward for housing in the draft Core Strategy have worse sustainability credentials than Barrow.
- In terms of the 'Lancashire Residential Development Accessibility Score Calculator' the site has a medium level of accessibility.
- Developing 504 houses in Barrow offers far greater sustainability opportunities than would spreading development across a number of settlements. The local spending power of 500 houses has been quantified as £2.7 million per annum to the economy of Ribble Valley⁷⁷.
- No community or other mixed use facilities have ever been suggested by the Council.

53. There is good bus accessibility⁷⁸ with over 10 bus services each way connecting to Clitheroe and Whalley, where there are railway stations. In the original Highway Authority letter this was noted as acceptable⁷⁹. This was agreed by the Council's highway witness⁸⁰. The centre of the site is c. 260 metres from bus stops and the western extremities are at c. 600 metres⁸¹. For those areas beyond the guidelines⁸² which suggest a maximum walking distance of 400 metres, the additional walk would be no more than around 2.5 minutes. Agreement has been reached⁸³ to allow buses to enter the development - thus bringing all the homes within 400 metres of a bus stop. The existing bus stops and access thereto would be upgraded as part of the package in the Planning Obligation.

54. The Council stated that residents of Barrow currently do not make much use of buses. However the provision of alternatives to the private car should be welcomed and the Travel Plan is designed to assist with this. As well as the basic

⁷⁴ CD 2

⁷⁵ Doc 3 Section 8

⁷⁶ CD 49

⁷⁷ APP 19 rebuttal

⁷⁸ CD 49 page 55 and Doc 7 page 12

⁷⁹ APP 16 appendix A

⁸⁰ Mr Stevens in xx

⁸¹ Doc 7 paragraph 2.11

⁸² LPA 9 paragraph 6.6.4

⁸³ Doc 7 paragraph 3.6

Travel Plan contribution of £24,000 there is £175,000 towards sustainable travel incentives. This could support a variety of measures.

55. The Council criticised pedestrian access to local facilities⁸⁴. However the Council accepted that, just because particular provision lies in excess of the preferred maximum distance, this does not necessarily entail harm⁸⁵. There is a range of retail and food provision, including the Co-Operative c. 1000 metres away, which is a reasonable distance for top-up shopping. Barrow Primary school is 900 metres from the centre of the site. The level of facilities is greater than in many 'other settlements' as defined in the draft Core Strategy.
56. Although the Council does not refer to it, access to employment is important. The Barrow Business Park and the Whalley Industrial Park are within easy walking distance of the site.
57. In terms of cycle access, there is a range of facilities within 5000 metres⁸⁶ and access would be improved as part of the package of benefits in the Planning Obligation. The site provides good accessibility for cyclists, and all the cycling improvements suggested by the Highway Authority will be provided.
58. In terms of accessibility, it should be noted that, through no fault of the appellants, there is no proposal for a new train station at Barrow. However the proposed increase in population would increase potential demand and hence the prospects of a new station.
59. Turning to traffic impact, the Council's concern is limited to the impact on Whalley, and in particular on two mini-roundabouts at either end of King Street. The likely build out rate is of importance in this context as this affects the timing of the additional traffic.
60. The development will be started in 2014 and completed in 2019 – a build out rate of 100 units p.a. using four builders. This is due to the lack of environmental constraints, and the use of three separate accesses⁸⁷. The assessment accords with DfT Guidance on Transport Assessments (2007). The build out rate accords with the Council's evidence⁸⁸ of average build rates of 30 dwellings per year – for a single builder. It would not be out of step with the recent phasing plan for the Henthorn Road development, which shows a delivery of c. 75 p.a. with two builders on a site with one difficult access. The build out rate is a robust assessment, and was not queried until 9 months after the application was made. In any event, there was nothing to suggest a severe impact related to the build out rate for the purposes of the Framework.
61. The context for considering the traffic issue in Whalley is that:
- The Council needs to establish that the residual traffic effect would be severe, notwithstanding the package of mitigation measures.
 - The Council's highways assessment of the existing traffic situation in Whalley as being at "breaking point" is not one shared by other officers of

⁸⁴ LPA 9 paragraph 6.6.14

⁸⁵ Mr Stevens in xx

⁸⁶ LPA 9 table 4

⁸⁷ APP 18

⁸⁸ LPA 11 paragraph 4.5

the Highway Authority. It was stated in relation to a proposal at Mitton Road that while data might suggest that “individual junctions in Whalley are operating close to their theoretical capacity and can experience periods of delay with the demands being placed on the highway network infrastructure, these delays appear to be very localised and typical of a compact road network serving a large village where the main street has to serve the conflicting interests of deliveries, public transport, parking, pedestrians and through traffic”.

- The concern about the mini roundabouts arises from ARCADY modeling, which the Council accepts⁸⁹ has to be used with caution as the operation of these junctions is influenced by events both up and down stream.
- It is agreed⁹⁰ that the mini-roundabouts in isolation (excluding all influences both up and down stream) generally operate efficiently. The proposed improvements to King Street would further assist.
- Even without the appeal proposal, the mini-roundabouts will be either approaching or exceeding theoretical capacity by 2023⁹¹. The Highway Authority has no strategy to deal with this problem and accepted that a possible strategy is to try to encourage through traffic off Whalley Road and on to the A59 bypass – which is part of the appellant’s mitigation strategy.

62. The appeal proposal will generate additional traffic in Whalley. The issue is whether the proposed mitigation would avoid any severe impact. The appellant’s mitigation is in two main parts:

- Contribution to a series of improvements in Whalley, as suggested by the Highway Authority, including changes to the mini-roundabouts; lay-bys; a zebra crossing; footway crossovers and other public realm improvements; de-cluttering and kerb enhancements⁹². These will prevent the kind of upstream and downstream events that currently adversely impact on the mini-roundabouts. The most that the Highway Authority could say was that this might not remove “all the issues”.
- A series of measures aimed at reducing through traffic on Whalley Road by encouraging it to use the bypass⁹³. A considerable number of vehicles passing along Whalley Road and Whalley are through traffic⁹⁴ - up to 86% despite the availability of the A59. This was not contested by the Council. The mitigation provides highway widening on the approach to the A671/A59 roundabout to allow traffic turning south to use two lanes (which will almost double capacity), traffic calming on Whalley Road⁹⁵ which would slow journey times along that route. Although this will not remove all through traffic the introduction of measures to slow Whalley Road and speed the A59 route will affect perceptions and hence behaviour.

⁸⁹ LPA 9 paragraph 6.8.4

⁹⁰ Doc 7 paragraph 4.10

⁹¹ LPA paragraph 6.8.9

⁹² Doc 7 paragraph 2.26

⁹³ APP 6

⁹⁴ APP 16 appendix J

⁹⁵ Doc 7 plan 8

63. With the two elements of the mitigation in place the impact of the proposal on the mini-roundabouts will be positive, and this was not challenged. The Council did not explain how there would be a severe impact from allowing the appeal.
64. Residents raised the issue of the traffic from the proposed development on Whiteacre Lane and Wiswell. The percentage of traffic from the development using this route is likely to be very low, around 1%, as it is an unattractive and restricted route for traffic. Despite that, the impact has been assessed on the basis of 6%, but the Highway Authority agree that, even at that level, the impact would not cause concern.

The effect on the emerging Core Strategy

65. The background to this issue is as follows:
- The application was made to support the promotion of the appeal site through the draft CS, as agreed with the Council. However, delays occurred with the CS and the application, and the appeal was lodged because of the lack of progress on the CS and due to the lack of a five year housing land supply. The appeal site is superior to other sites which were being given permission at that time.
 - Prematurity is the Council's main ground of objection⁹⁶.
 - The Council accepts the CS can only be given limited weight⁹⁷ because there have been unresolved substantial objections⁹⁸. This is relevant when considering prematurity and is not contested by the Council⁹⁹.
 - Prematurity requires consideration of two main matters¹⁰⁰ - the stage the draft policy has reached (not the mere fact of submission), and whether there would be prejudice to the emerging policy.
 - Even if there were a prematurity objection it is not a trump card¹⁰¹, as it can be outweighed by material considerations¹⁰².
66. The Council has been under a duty to adopt a CS since 2004. The draft CS was (eventually) commenced in 2007 but has been beset by significant delays. The draft CS was submitted in September 2012, whilst consultation was still being undertaken on proposed changes. Although this is an important milestone the CS has progressed little further. Formal examination was due to begin last year, but the process has been suspended because of fundamental concerns raised by the Inspector that the evidence base (including the SHMA and SHLAA) was out of date and unreliable, and that the spatial approach to the delivery of new housing was unclear.
67. The Inspector stated that these are fundamental matters at the heart of the plan, and discussed suspension or withdrawal. In agreeing to suspend the examination

⁹⁶ Mr Hirst in xx

⁹⁷ LPA 11 paragraph 3.49 and in xx; Mr Hirst in xx

⁹⁸ CD 73 paragraph 4.2 and schedules and CD 74 schedule

⁹⁹ CD 62 paragraph 18; CD 3 paragraph 216

¹⁰⁰ CD 62 paragraphs 17 – 19; CD 3 paragraph 216

¹⁰¹ Mr Hirst in xx

¹⁰² As in CD 96

the Inspector expressed continued reservations. The scale of the work needed to the evidence base work is immense¹⁰³. Some work has been completed, but some has not, and there are still numerous hurdles to overcome. On the best case the draft CS remains many months from examination – let alone adoption.

68. It still remains possible that the CS will have to be withdrawn, will be found unsound, or to have to be changed to such a degree that the Inspector would not be able to recommend the necessary modifications.

69. There are a number of points on prejudice to the emerging CS:

- The draft CS could not be said to be prejudiced if it is outdated and likely to be withdrawn.
- The Council accepted that there was no allegation of prejudice in terms of housing numbers¹⁰⁴. The housing requirement in the CS is a minimum and there would be no planning harm in it being exceeded, especially in the light of the Framework policy to significantly boost housing.
- Against the total figure of 4000 homes required over the 20 year CS period the appeal proposal would amount to only c. 12.5%. Even if the supply deducted by the Council were applied, that still leaves a need for 2,500 homes, of which the appeal proposal would be only around 20%.
- The appeal proposal would make up a large percentage of the residual number of houses required in the CS 'other settlements' (such as Barrow) - but there is no evidence that this would be harmful. There is also no evidence that the delivery of these houses elsewhere would be practicable, especially as such proposals may be contentious, and there are no allocations in the 'other settlements' which could be prejudiced. The appeal proposal could take pressure off other settlements, some of which are in the AONB. The appeal scheme would not prejudice the spatial strategy favouring these settlements.
- Delivery of affordable housing would be easier, as the proposed 151 units on the appeal site (close to Clitheroe where there is the greatest need, and close to the strategic employment allocation) would be more attractive to many Registered Social Landlords than units spread across the Borough. In any case it would not preclude delivery of affordable housing elsewhere.
- The Council does not have a 5 year housing land supply. This is critical in terms of any prejudice argument relying on numbers and weighs heavily against a prematurity objection.
- The site was included in the Strategic Housing Land Availability Assessment Report (SHLAA) (2009)¹⁰⁵ as having capacity for 709 dwellings deliverable in 6+ years from 2014 onwards.
- The broad location of the appeal site was included as Option E in the Generation of Alternative Development Strategy Options for the CS (June

¹⁰³ CD 72 - minutes which list the work

¹⁰⁴ Mr Hirst in xx

¹⁰⁵ CD 41

2011)¹⁰⁶ and the location was considered to be capable of delivering a sustainable development for 1,950 residential units.

70. The recent growth of Barrow – in a way not anticipated by the CS¹⁰⁷ - means that the proportion of 'other settlement' housing that Barrow should take has greatly increased. Barrow is different from the rest of the 'other settlements' as it is home to the principal strategic employment allocation and has also seen a number of planning permissions for housing, commercial and business development. It is already different in scale to the rest of the 'other settlements'. The appeal scheme would not prejudice the CS – which could, in any case, be reviewed.

Housing land supply

71. The Council accepts that, since 2008, the authority has under-delivered against its requirements¹⁰⁸. In the context of paragraph 47 of the Framework the Council agrees, and as recent appeal decisions have confirmed¹⁰⁹, that it is a '20% authority' - that is one where there has been a record of persistent under delivery of housing.
72. One of the key issues that arose between the parties is whether the Council could demonstrate five years worth of supply against their housing requirements for the purposes of paragraph 47 of the Framework. The Council sought to diminish this issue on the basis that the main consequence of there not being a 5 year supply is that the Council's housing policies would not be up to date - so that the presumption in favour of sustainable development in the Framework¹¹⁰ applies. As the Council has already accepted that its LP housing policies are significantly out-of-date, it sought to downplay the significance of the housing land supply.
73. However, the absence of a five year supply remains important because, as the Council accepted¹¹¹, its absence is a significant material consideration in favour of allowing the appeal. This is supported by a number of recent appeal decisions where significant weight has been given to this matter¹¹². This illustrates the importance of boosting housing and demonstrating a 5 year housing land supply.

(Inspector's note) The key differences between the parties on the issue related to the calculation of the level of housing need and the method of calculation. At both the June and September sessions of the Inquiry the Council's position was that a figure of 200 dwellings per annum (dpa) was appropriate, and that the calculation should be undertaken on the residual (Liverpool) method. On that basis, the Council had a five year housing land supply. The appellants argued for a figure of 300 dpa, and that the calculation should be undertaken using the Sedgfield approach – on which basis the Council did not have a five year supply.

¹⁰⁶ CD 48

¹⁰⁷ LPA 8 paragraphs 3.7 and 3.8

¹⁰⁸ LPA 8 paragraphs 6.7 and 6.9

¹⁰⁹ LPA 8 appendix 13

¹¹⁰ Paragraph 14

¹¹¹ Mr Hirst and Ms Westwood in xx

¹¹² For example CD 88; CD 64; CD 65; CD 89

However in a report on 10 October 2013¹¹³, the Council (based on a report by Nathaniel Lichfield & Partners earlier in the year¹¹⁴) formally adopted a figure of 250 dpa, and that the Sedgfield method should be used. On that basis, the Council does not have a five year housing land supply.

The views of the parties have been sought and obtained on this report and the revised position¹¹⁵, and what follows is the relevant section of the appellant's conclusion¹¹⁶.

74. The Council cannot demonstrate a 5 year supply as all the evidence supports a housing need figure of at least 250 dpa. The residual method was not the proper approach and this is now agreed. The starting point for the determination of this appeal is therefore the absence of a 5 year supply. The Council has stated that it only has a 4.25 year supply¹¹⁷. That is a significant material consideration in favour of the grant of permission.

Other considerations and conclusion

75. There are a number of considerations in favour of the appeal, most of which have been agreed by the Council. In summary:

- The appeal site is in a sustainable location.
- The development would provide much needed housing and affordable housing. The immediate contribution to affordable housing is particularly significant and will help to reduce the very severe adverse social impacts resulting from under-provision of such housing over a long period.
- There would be enhancements to ecology and open space on the site, and on the adjoining Biological Heritage Site.
- There would be significant economic benefits.
- There would be a very strong link with the Council's nearby strategic employment allocation and a boost for the Council's employment aspirations, by providing homes for the economically-active people needed for the jobs it intends to create in the draft CS period.
- The proposal has been developed to high standards of environmental design, including achieving Code for Sustainable Homes Level 3 and incorporating measures to reduce carbon emissions, promote renewable energies and increase energy efficiency. There would be no adverse pollution impacts either at construction or operational stage and there is no issue with land contamination.
- The proposal includes a foul water pumping station that will be utilised for pre-2016 development to provide detention storage volume and pump control. This will also provide added off-line storage volume that will benefit existing sewers upstream of the site.

¹¹³ Doc 13

¹¹⁴ Appended to Doc 16

¹¹⁵ Docs 14 and 15

¹¹⁶ The full closings are attached at APP 15 and APP 21

¹¹⁷ LPA 8 Position statement to reopened Inquiry, table 4

- The development includes a package of traffic calming measures for Whalley Road and beyond to reduce traffic speeds and assist pedestrian and cycle movement.
- There is a package of sustainable travel enhancements in and around Barrow.

76. In conclusion, paragraph 14 of the Framework applies. This creates a presumption in favour of granting planning permission. Accordingly, in undertaking the planning balancing exercise this requires that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. This is clearly a case where permission should be granted.

The case for the Council¹¹⁸

Development plan background

77. The Regional Strategy was revoked on 20 May 2013 and the saved policies of the Ribble Valley District Local Plan (LP) remains the statutory development plan until replaced by the Local Development Framework.
78. The appeal site lies outside the settlement boundary of Barrow as defined in LP policy G4. To that extent the proposal does not comply with the development plan but it is acknowledged that the policies of the LP are out of date.

Landscape and visual amenity

79. Previous national policy in relation to the protection of the countryside for the sake of its intrinsic character and beauty has not been restated in the Framework¹¹⁹. However the weight to be given to landscape and visual amenity has not changed, and this position was not challenged¹²⁰.
80. The appellant's position emphasises the economic importance of securing development¹²¹. However, that merely requires weight to be given to the economic need to secure beneficial development, but does not diminish the weight to be given to landscape matters.
81. The background to the issue is that:
- The appeal site is largely in agricultural use and consists of open fields.
 - The surrounding countryside is dominated by elevated landscape of the Longridge Fell and Pendle Hill.
 - The trees on the site confer a high visual amenity in the immediate and wider local landscape.

¹¹⁸ The case given here is an edited version of the two closing submissions at LPA 7 and LPA 12, as modified by the position on Housing Land Supply after the close of the Inquiry (email 21 October 2013), and the evidence.

¹¹⁹ Planning Policy Guidance 7

¹²⁰ LPA 10

¹²¹ APP 16

- Since the establishment of the LP settlement limits, development has been confined to the land bounded by Whalley Road and the A59. These highways provide clear physical boundaries.
82. The appellant's document entitled 'Landscape and Visual Impact Report'¹²² was suggested to have been informed by the Guidelines for Landscape and Visual Impact Assessment (GLVIA). Those guidelines, although designed specifically for EIA development, are widely used as a methodical, transparent and robust methodology for assessing landscape¹²³.
83. However the appellant's document does not appear to have been completed by a landscape professional. It is better characterised as 'advocacy'¹²⁴. In contrast the Council's analysis is consistent with the Landscape Institute's methodology.
84. The area exhibits many of the characteristics specifically identified in the National Character Areas¹²⁵. The site lies within the Bowland Fringe and Pendle Hill Character Area 33, where the "...settlement pattern is of smaller villages with isolated houses and farms dotted around the winding country lanes. Many of the smaller villages and hamlets are linear in character and commonly take the form of terraced stone cottages along the main road...". This is developed further at the countywide level¹²⁶ and the more localised Sub-Character Area 5(e).
85. The landscape is described as being small scale and pastoral in land use. Settlements are small and are arranged along the roads. Hedgerows, hedgerow trees and woodlands are key elements in all character assessments. These components of the identified character areas are reflected in the appeal site and its surroundings.
86. The Council has identified the magnitude of change which would be caused by the development and its landscape impact¹²⁷. This was scarcely challenged and the difference relates to professional landscape judgment.
87. The following matters can be identified:
- There will be a loss of landscape elements.
 - There will be irreversible adverse change from open countryside to urban development and a loss of some key landscape elements.
 - There will be a loss of views out of the landscape towards the fells and the AONB.
 - There would be change to the nature of the area, and the result would not be typical for a settlement within the Character Area. Barrow continues to exhibit the characteristics of a linear village.
 - The scheme would be noticeably out of scale with the existing pattern of development¹²⁸.

¹²² CD23

¹²³ LPA 10 paragraph 3.2.2

¹²⁴ For example CD 23 paragraph 4.2

¹²⁵ CD 93

¹²⁶ CD 94

¹²⁷ LPA 10 Table 2 page 16

¹²⁸ LPA 10 paragraph 4.6.7

- The development would introduce urbanisation to the west of Whalley Road where very little development currently exists. The appellant's suggestion that this is required in order to balance the settlement is incapable of justification.
- From higher ground the broader setting, including that of the AONB, will be altered¹²⁹ (especially viewpoints 8 and 9).

88. The Council has identified viewpoint locations, receptors, description of view and sensitivity of receptors consistent with the approach of the Landscape Institute¹³⁰. The Council has summarised the assessed view and provided the analytical data¹³¹. It is clear that a view of houses is not intrinsically harmful¹³², but adverse elements are identified including:

- Loss of open countryside.
- Loss of key landscape elements.
- Loss of long distance views to the fells.
- Loss of the characteristic linear arrangement along Whalley Road.

89. The effect on the occupiers of properties, mainly on Whalley Road, would be substantial, consisting of a loss of view across the open countryside to the fells. This is a significant and adverse change.

90. The removal of sections of hedgerows which form the current boundary will occur in four locations¹³³. This will open up views of the development, and the village character of a narrow linear settlement would be lost.

91. Public footpaths run throughout the landscape and up to the AONB, and there would be substantial adverse changes to users in the immediate vicinity¹³⁴. From public rights of way surrounding Barrow the appreciation of the edge of the settlement and the urbanisation to the west of Whalley Road would be noticeable. Further afield, the change from the clearly defined linear, small scale settlement to a much larger settlement of indeterminate urban form would be seen.

92. The advice from the landscape architect initially consulted by the Council¹³⁵ suffers from the same shortcomings in analysis as that of the appellant¹³⁶.

93. The appellants draw support from the comments made in the Screening Direction letter¹³⁷. But that is not a determination of the landscape and visual case, as it makes it clear that it is only for the purpose of deciding whether to require an Environmental Statement. It does not determine the landscape effects.

¹²⁹ LPA 10 paragraph 4.6.9

¹³⁰ LPA 10 page 18

¹³¹ LPA 10 page 20.

¹³² LPA 10 paragraph 4.8.2

¹³³ LPA 10 paragraph 4.8.7

¹³⁴ LPA 10 page 23

¹³⁵ APP 13

¹³⁶ LPA 10 rebuttal

¹³⁷ CD 20

Highways and transportation - background

94. The application was accompanied by a Transport Assessment (TA) (2012), which was the subject of comments¹³⁸ made by the Highway Authority including:

- The central access would receive a large proportion of movements and this may necessitate a more detailed assessment.
- There was an inability to replicate the traffic growth data and a recommendation that a robust growth scenario be used.
- There was a challenge as to whether it was realistic to reassign traffic from Whalley Road onto the A59/A671.
- There was an underestimate of the impact of the trips from the proposed development through Barrow, Wiswell and Whalley.
- If there was no access to a wide range of facilities within recommended distances this would be reflected in higher vehicular trip rates.
- Without improvements in conditions for cyclists, it was considered that a high level of cycle use would not be achieved. Distances to a regular/frequent bus service were noted and further measures would be necessary to promote and support sustainable development, particularly in respect of public transport.
- The conclusion was that the proposed development would result in a significant increase in vehicle flows on the existing transport network in and around Barrow, at peak times and throughout the day. There would be increased vehicle turning movements and impact on pedestrian movements at junctions in the vicinity of the development and at a number of other junctions in Barrow. The TA underestimates the likely impact of the development on the operation of the local highway network but does not give sufficient credence to the range of movements linking to the nearby main road network. Further information was required.
- The key areas of concern related to traffic growth, trip distribution, impact on the local highway network and elements of the site access design.

95. There was no attempt by the applicant to address these concerns and the appeal was lodged in December 2012. It was three months after the comments that a meeting took place at which the appellant agreed to provide the further information that had been sought.

96. The appellant has stated that they had a reasonable expectation that all matters could be agreed and a full Statement of Common Ground concluded. But there must have been an expectation that the Highway Authority would review the data and, if there was a significant change to the TA assumptions, some further assessment might be required¹³⁹. The information requested by the Highway Authority was significant¹⁴⁰.

¹³⁸ APP 16 appendix A

¹³⁹ APP 16 paragraph 1.17

¹⁴⁰ LPA 9 paragraph 3.9

Highways and transportation – accessibility and sustainability

97. National policy on sustainability needs to be read in the context of the Framework as a whole. It is clear that some developments are not sustainable but may be made acceptable – it is in that context that the Council has characterised the development as unsustainable. This is in relation to accessibility by various modes of transportation including on foot, by bicycle and using public transport.
98. The Council's views are consistent with the comments in the Sustainability Appraisal (SA) related to the draft CS options¹⁴¹. These views include:
- Service provision (including essential services) in Barrow is relatively poor and a new development would need to provide for this to be viable.
 - There are concerns about this becoming an isolated commuter development which may not achieve social cohesion with surrounding areas or a sense of community spirit.
 - This option did little to address the issue of poor public transport in rural areas especially for low-income families – this may lead to disparities being increased.
 - Given the size and nature of the option, the development would need an appropriate degree of self sustenance in terms of local amenities, including green space provision, public transport improvements, health services, primary school, post office and local shops.
 - Currently there are no existing facilities to support such a development in the area, so the relative merits of the proposal would depend upon its ability to provide such services and create a self sustaining community.
99. In terms of paragraph 17 of the Framework this is a location which, in terms of facilities¹⁴² and accessibility, is not sustainable - but could be made so. However the appellant considers the location to be inherently sustainable¹⁴³.
100. In terms of paragraph 32 of the Framework the appellant maintains that planning permission may only be refused where the residual cumulative highway impacts of the development are severe. But that would necessarily mean that where opportunities for sustainable transport modes have not been taken into account there is no justification for the refusal of planning permission. That cannot be the intention of national policy.
101. In addition the Framework¹⁴⁴ sets out the need to secure sustainable development. It provides that larger scale residential developments should include a mix of uses in order to provide opportunities to undertake day-to-day activities including work. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

¹⁴¹ CD 49 pages 488-492 and CD 53

¹⁴² The range and accessibility of facilities is agreed. LPA 9 Table 8

¹⁴³ Mr Davis in xx

¹⁴⁴ Framework paragraph 38

102. That approach has similarities with the 'scheme' that was promoted in 2007¹⁴⁵. That scheme identified fundamental aspects of the development contemplated at that time:

- The removal of all through traffic from Whalley Road.
- The promotion of the village with its own railway station.
- The provision of a new village centre.
- The promotion of live/work development within the site.

103. It is true that the appeal proposal would relate to the employment area east of Whalley Road and the employment allocation in the CS. However there is no mechanism for the co-ordination of delivery of the residential and employment development. The appellant's case is that the proposal would be built within 5 years – so unless the delivery of the employment land is contemporaneous the prospect of any resident taking advantage of the employment opportunity is very limited. The risk is that Barrow would become a commuter village.

104. The Institute of Highways and Transportation Guidelines are designed to assist developers in the achievement of sustainable modes of transport, and provide a developer's checklist¹⁴⁶ which includes:

- Bus services should be attractive to users.
- Direct access should be allowed through developments.
- The maximum walking distance to bus stops should not exceed 400 metres, and preferably not be more than 300 metres.

105. It is clear that:

- There is considerable scope to update the bus stops to make them more attractive for all users¹⁴⁷.
- There is no evidence indicating an increased frequency of existing services or routing through the site.
- The car is a significant mode of travel for residents of Barrow¹⁴⁸. The current availability of bus services is therefore not a matter influencing existing residents.
- If the quality and frequency of the bus services in Barrow were sufficient the usage of public transport would be considerably greater. The fact that it is not greater suggests that there is considerable scope to encourage sustainable modes of transport.

106. It is important to facilitate safe and efficient pedestrian movements¹⁴⁹. In respect of the movements from Barrow to Whalley dropped kerbs along desire

¹⁴⁵ CD 99

¹⁴⁶ LPA 9 paragraph 6.6

¹⁴⁷ LPA 9 paragraph 6.65

¹⁴⁸ LPA 9 rebuttal

¹⁴⁹ LPA 9 paragraph 6.6.10

lines, improvements to the surface materials and signing would encourage a shift to more sustainable modes of transport.

107. The only cycle route in the vicinity is not connected to any wider network. Without improvement it is unlikely a high level of cycle use can be achieved. That was a matter specifically pointed out at the time of the Highway Authority response in November 2012.

Highways and transportation – impact on Whalley

108. Build-out rates are relevant to the effect on traffic in Whalley and the surrounding network, as they affect how the TA traffic growth assessment should be calculated.
109. The TA uses an assessment year of 2019. The information provided until recently assumed two housebuilders on the site¹⁵⁰. The appellant's current position is that there would be four housebuilders on site – although this is not required by the Planning Obligation or any conditions.
110. No evidence has been provided of a site of this size anywhere in Pennine Lancashire achieving the construction of anything like the 100 dwellings p.a. as suggested by the appellant. The appellant's build rate is entirely unrealistic, and this means that the TA assessment period is wrong and the full impacts of the development have not been assessed. A more realistic basis for assessment would be a ten year period, and there would accordingly be significant differences in the assessment¹⁵¹.
111. The effect on Whalley is of particular concern. The centre of Whalley is vibrant and attractive but the highway infrastructure only just satisfies its current function during typical peaks. There are a number of problems, including the fact that a small incident can cause wider congestion and there are problems with the mini-roundabouts at either end of King Street¹⁵².
112. Committed development (excluding the appeal proposal) will increase peak traffic flows by 74 a.m. and 63 p.m. (not inclusive of background growth). The appeal scheme would add 122 a.m. and 114 p.m.
113. The current position is that the operation of the junctions in Whalley is just within theoretical capacity¹⁵³. Once committed development and growth is added, they would be beyond capacity, and the appeal development would add further to those levels of congestion. For example at the King Street/Accrington Road eastern arm the development would increase queues in 2023 from 47 to 79¹⁵⁴. These queue lengths would harm the centre of Whalley.
114. The appellant's response to the problem is to try to redistribute traffic from Whalley and Whalley Road onto the A59/A671. Their approach is based on the contention that the excess traffic along Whalley Road is caused by queues and congestion at the A59/A671 roundabout – but this is not reflected by the

¹⁵⁰ APP 16 appendix I paragraph 2.4

¹⁵¹ LPA 9 table 5 page 21.

¹⁵² LPA 9 paragraph 4.3

¹⁵³ LPA 9 table 6

¹⁵⁴ LPA 9 table 7

journey times in evidence¹⁵⁵ and was queried by the Highway Authority in 2012¹⁵⁶. In effect, the appellants are rearranging existing traffic movements to create greater capacity on Whalley Road. There is no basis for such an approach, particularly if congestion is not the explanation for the journeys – it could be personal choice or linked trips.

Prematurity

115. National policy on prematurity is found in the 'Planning System: General Principles'¹⁵⁷. In an assessment of prematurity the key considerations are:

- The degree to which the plan has progressed towards adoption.
- Whether the proposal would prejudice the process.

116. In this case the proposal is so substantial that the grant of planning permission would prejudice the emerging CS and other subsequent documents by predetermining decisions about the scale, location and phasing of development.

117. The draft CS deals with the most suitable locations for development¹⁵⁸. Considerable time has gone into the assessment of the location of future housing development, which is to be managed to reflect the existing settlement pattern and the availability of key aspects of infrastructure¹⁵⁹.

118. This approach was tested in the preparation of the CS:

- In August 2010 a series of strategic options were published based on the extant RS housing requirement¹⁶⁰. No clear preferred option emerged.
- Alternative options¹⁶¹ were prepared in June 2011 including Option E - a strategic site at Barrow¹⁶². The Sustainability Appraisal (SA) found a very close comparison between the option for growth at Clitheroe and a new settlement at Barrow (which was predicated on a significant urban expansion including 1,950 dwellings)¹⁶³.

119. The SA made a number of important points:

- Service provision (including essential services) in Barrow is relatively poor and a new development would need to remedy this.
- Aside from the undetermined 35% of overall development, there are no clear provisions for development in other market towns. Opportunities may be missed to capitalise on existing services and employment in these areas and towns such as Clitheroe and Whalley may be overlooked for development which may be beneficial to their vitality.

¹⁵⁵ LPA 9 rebuttal para graph 3.1

¹⁵⁶ APP 16 appendix A

¹⁵⁷ CD 62 paragraph 17

¹⁵⁸ Paragraphs 6.1 and 6.2

¹⁵⁹ Paragraphs 4.9 - 4.11

¹⁶⁰ LPA 8 appendix 10 page p.135

¹⁶¹ CD 48

¹⁶² CD 99

¹⁶³ LPA 8 appendix p.48 onwards

- Currently there are no existing facilities to support such a development in Barrow, so the sustainability merits of a proposal would depend upon its ability to provide such services and create a self-sustaining community.
- The provision of a balanced strategy would minimise the effects on the transport network and would enable realistic levels of growth to be achieved in major centres to retain their vibrancy, whilst also encouraging growth in rural areas to preserve their viability and reduce the need for travel.

120. The last point is particularly important given the scale of the appeal scheme. The provision of over 500 houses at Barrow would remove the ability to distribute housing (and to secure affordable housing) in other settlements by way of the emerging CS and subsequent documents. The affordable housing requirement to serve the whole of the Borough would be developed in one location.

121. The testing of the soundness of the Council's approach will be at the examination of the CS.

Housing land supply

(Inspector's note) The key differences between the parties on the issue related to the calculation of the level of housing need and the method of calculation. At both the June and September sessions of the Inquiry the Council's position was that a figure of 200 d.p.a. was appropriate, and that the calculation should be undertaken on the residual (Liverpool) method. On that basis, the Council had a five year housing land supply. The appellants had argued for a figure of 300 dpa, and that the calculation should be undertaken using the Sedgfield approach – on which basis the Council did not have a five year supply.

However in a report on 10 October 2013¹⁶⁴, the Council (based on a report by Nathaniel Lichfield & Partners earlier in the year¹⁶⁵) formally adopted a figure of 250 dpa, and that the Sedgfield method should be used. On that basis, the Council agrees that it does not have a five year housing land supply.

The views of the parties have been sought and obtained on this report and the revised position¹⁶⁶, and what follows is based on the Council's response¹⁶⁷.

122. The Council agrees that the report entitled 'Development Management - Housing Figures' dated 10 October 2013 is a material consideration as it is an expression of the Council's recently adopted stance on such matters.

123. The report outlines the background to the decision to recommend (following consultation) the use of a revised figure of 250 d.p.a. for decision making purposes and use of the Sedgfield method of calculating supply.

¹⁶⁴ Doc 13

¹⁶⁵ Appended to Doc 16

¹⁶⁶ Docs 14 and 15

¹⁶⁷ The full closings are attached at APP 15 and APP 21

124. The figure of 250 dpa is the subject of unresolved objections, as was the previous 200 dpa figure. The correct forum for establishing the final figure is the examination into the CS.
125. However, the Council accepts that, whilst untested, the 250 dpa figure is the most up-to-date evidence available and has resolved to use it for decision making purposes pending the outcome of the examination, at which time it will be reviewed.
126. The decision of the Council to use 250 dpa and the Sedgfield method means that the Council is unable to demonstrate a five year supply of deliverable housing sites. Using these assumptions, the Council has a 4.25 year supply¹⁶⁸.
127. The Council accepts that this has an impact on the overall planning balance under paragraph 14 of the Framework. It acknowledges that the lack of a five year supply of deliverable housing sites is a matter of considerable weight. However, the Council stresses that the figure is yet to be tested through the CS examination and that there are unresolved objections to it.

Comment on the Section 106 Obligation

128. The Obligation submitted by the appellants has a clause¹⁶⁹ whereby it is provided that, if the Secretary of State does not expressly find that the Obligation is necessary to make the development acceptable in planning terms, or otherwise finds that such an obligation fails to meet the statutory tests, the Obligation shall be deemed to no longer be of any effect.
129. Whilst the decision may be expected to address the issue it is unreasonable to impose this clause as it attempts to fetter the manner in which the decision is expressed. The correct interpretation is that if permission is granted and implemented the Obligation becomes effective.

Conclusion

130. The appeal should be dismissed on the basis that:
- The appeal proposal would cause significant and permanent harm to landscape character and visual concerns.
 - There are significant concerns over the highway consequences and implications.
 - The proposal is premature in that it will undermine the ability to make decisions that ought properly to be taken in the context of the emerging CS.

The case for others who appeared at the Inquiry

131. Jackie Copley (CPRE Lancashire)¹⁷⁰ stated that the proposal was wholly unsustainable, especially in the light of the policies in the Framework. It would conflict with the plan led approach and be premature in the light of the

¹⁶⁸ LPA 8 Position statement to reopened Inquiry, table 4

¹⁶⁹ Doc 9 paragraph 3.3

¹⁷⁰ Doc T1

emerging CS. The development would be within view of the Forest of Bowland AONB, close to the Light Clough Site of Special Scientific Interest, and would result in a loss of local habitats. There would be an unacceptable loss of pasture land and the development would be contrary to policy to resist development in the open countryside. Access to the site is by way of roads which are close to capacity or are unsuitable. The development would not provide the necessary infrastructure and would be unsustainable.

132. Margaret Mayor¹⁷¹ is a resident of Whiteacre Lane, opposite the appeal site. The proposal will generate considerable volumes of traffic, as Barrow has few facilities. Traffic from the development would either go into Whalley (which is very congested), to the junction with the A671 (often congested), or along Whiteacre Lane. This is narrow and dangerous – for pedestrians and drivers alike. It is unrealistic to expect residents of the proposed development to use public transport. The scheme is out of all proportion to the settlement, and would be unsustainable. Evidence was submitted¹⁷² of current and pending proposals in Barrow, and the doubling of the size of the settlement could not be justified.
133. Robert Eddlestone¹⁷³ is a resident of Wiswell. The proposal would undermine the Council's draft CS and take up a large proportion of the housing allocation intended for a number of settlements. It would be an unsustainable development which would be heavily reliant on the private car. Whiteacre Lane and Wiswell are totally unsuitable for additional traffic – there is a 30m.p.h. speed limit coming into effect in September 2013¹⁷⁴, but even this is far above a safe speed.
134. John Bradley¹⁷⁵ is a resident of Wiswell, and produced a photographic record of the roads and danger points along Whiteacre Lane and around Wiswell. The essentially medieval layout of Wiswell is totally unsuited to modern traffic. The reality is that nobody knows what the traffic flow through Wiswell will be.
135. David Borland¹⁷⁶ is a resident of Barrow. He believes in proportionate and sustainable development. However the proposal would be disproportionate – doubling the size of the settlement without the provision of support facilities. It would cause a significant increase in commuting and school car trips. The sewage facilities would be inadequate. The CS has been the subject of public consultation, unlike the current proposal, and the development should be considered as part of the CS process. The proposal would have an adverse impact on the landscape. The aspect from the front of his house would be harmed by the three storey block shown on the Masterplan.
136. Alan Scholfield¹⁷⁷ is a resident of Wiswell. The development of Barrow was as an industrial village and the proposal would do nothing to re-establish a community which would be socially, economically and environmentally sustainable. The proposal would encourage out-commuting and the extensive

¹⁷¹ Doc T2

¹⁷² Doc T16

¹⁷³ Doc T3

¹⁷⁴ Doc 5

¹⁷⁵ Docs T4 and T7

¹⁷⁶ Doc T13

¹⁷⁷ Doc T5

use of the private car. The emerging CS discounted Barrow for development and this decision should be respected. The settlement boundary may be out of date but a new natural boundary exists in the form of the A59. Local residents have not been consulted by the developer since 2007. The incentives previously offered, such as a primary school and social facilities, have disappeared.

137. Jean Brown (Wiswell Parish Council)¹⁷⁸ supported the objections by Mrs Mayor and Mr Scholfield. The proposal would not be sustainable, would be lacking in infrastructure, would be unjustified, and has not been the subject of consultation with local residents. Many of the appellant's statements are ambiguous or out of date. The traffic calming measures could themselves be dangerous. Barrow has already had its fair share of new development, and further expansion cannot be justified¹⁷⁹.
138. David Birtwhistle¹⁸⁰ raised ecological concerns. An independent wildlife survey should be undertaken. In addition, the heavy haulage depot in the corner of the site raises safety concerns, especially for children. The employment sites in the area are in little demand, so the appellant's arguments are unrealistic. Barrow is becoming a dormitory town, with cars the primary mode of transport – buses are too expensive. Barrow has few amenities. The car park which is used as a drop off area for the primary school and nursery is to be lost – and this will exacerbate traffic and parking problems on Whalley Road.
139. Janet Higgins (Save Whalley Action Group)¹⁸¹ was particularly concerned at the effects of traffic, and the number of accidents which have occurred in and around Whalley. Parking problems in Whalley are already acute and the proposal will worsen them. There is a danger of Barrow and Whalley merging as a result of unregulated development – which would undermine the CS¹⁸².

Written representations

140. Nigel Evans MP (Ribble Valley)¹⁸³ objected to the size of the proposal, which would be disproportionate. It would result in Barrow doubling in size. The proposal is premature in the light of the emerging CS and would fetter the Council's discretion. The resulting traffic would have a harmful effect on Whiteacre Lane. The local infrastructure cannot cope with a community of this size.
141. Stephen Abbott Associates (representing the Trustees of the Standen Estate)¹⁸⁴. The Standen site is the subject of a planning application for a mixed use extension to Clitheroe, proposing 1,040 dwellings (including affordable homes), retail and community facilities, employment, a primary school and other elements. The site is identified as a Strategic Site in the draft Core Strategy. The submission sets out factual points of clarification regarding the Standen site. There is an estimate of 90 completions per year – based on three

¹⁷⁸ Doc T6

¹⁷⁹ Doc T15

¹⁸⁰ Docs T8 and T10

¹⁸¹ Doc T12

¹⁸² Doc T14

¹⁸³ Doc T11

¹⁸⁴ Doc T9

housebuilders on site, following a start in mid 2015. There are no delivery problems associated with the Standen site.

Inspector's conclusions

[Numbers in square brackets denote source paragraphs]

Background, agreed matters and main considerations

142. There are a number of matters about which the main parties reached agreement, before or during the Inquiry, largely as set out in the Statements of Common Ground [26 - 31]. There was an additional area of agreement, as a result of a report approved by the Council in October 2013 [32], related to housing land supply. The most important areas of agreement are as follows:

- The policies of the Local Plan (LP), including the identification of the site as being outside the defined settlement boundary, are out of date.
- The draft Core Strategy (CS) can only be given very limited weight, particularly in terms of housing numbers and the distribution of growth, although other policies can be given slightly more weight.
- The appeal should be judged primarily against the National Planning Policy Framework (the Framework). In particular:
 - 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.
 - The proposal should be determined against the three strands of sustainable development in the Framework - economic, social and environmental.
 - The importance of significantly boosting housing and identifying a five year housing land supply is an important material consideration.
- The broad location of the site is considered to be capable of delivering sustainable development.
- The proposed 30% affordable housing element accords with Council policy.
- The Council has only a 4.25 year supply of deliverable housing sites.

143. Given the matters agreed between the main parties, the main considerations in this case are:

- The effect on the character and appearance of the area.
- The accessibility of the development to non-car modes of transport.
- The effect of the proposal on highway safety.
- Whether the proposal would undermine the emerging Core Strategy.
- The consequences of the lack of a five year housing land supply.

The effect on the character and appearance of the area

144. The proposal is in outline, although the Illustrative Masterplan provides a significant amount of supporting material which is of assistance in assessing the potential form of the development.
145. Beginning with the effect of the proposal from local viewpoints, it is self-evident that the character of the immediate area would change from agricultural land to a substantial housing development. Clearly there would be a large magnitude of change in respect of a range of viewpoints within the site or directly adjoining it [48, 86 - 88]. From some locations the development would be seen in the foreground of views towards the distant hills.
146. However, given the acknowledged housing needs of the area, it is inevitable that significant new development in the Borough will have to occur on greenfield land. The appeal site is not within or adjacent to an Area of Outstanding Natural Beauty (AONB) or any other landscape or heritage designation – unlike much of the remainder of the Borough [14, 42]. The adjoining Barrow Brook Field Biological Heritage Site would be unaffected (and would be enhanced as part of the Landscape/Habitat Management Plan). Whilst not diminishing the inherent value of the countryside, the development of an area such as this would accord with the advice (given in a plan-making context) in the Framework that land should be allocated which has the least environmental or amenity value.
147. There are a number of trees and hedgerows on the site, which make an important contribution to the immediate and wider local landscape [40, 47, 87, 88, 90]. Although there would inevitably be a limited loss of hedgerows, in order to provide access to the site, the development as shown in the Illustrative Masterplan suggests that the overwhelming majority of the existing vegetation could be retained [47]. This matter could be the subject of conditions reserving the details of the development for further consideration.
148. Turning to the effect on the form of Barrow, the existing settlement has been variously described by the parties. The Council describe Barrow as a linear village running along Whalley Road [87], whilst the appellant's view is that Barrow has been significantly affected by recent development and that the proposal would be a 'rounding off' of the settlement [44].
149. There is some truth in the approach of both parties. It is clear that Barrow was once a generally linear industrial settlement and that its commercial nature set it aside from other small settlements in the area. The former settlement boundary in the LP, acknowledged as being out of date, doubtless reflected its original nature. However much has changed recently, and the settlement has expanded considerably since the adoption of the LP. A significant amount of development has taken place to the east of Whalley Road, running up to the A59, and further permissions have been granted in that area [43, 81, 87]. The linear nature of Barrow, to the extent that this was an accurate description of the historical settlement, has largely been lost. That said, the proposal would introduce urban development to the west of Whalley Road where there is currently little built form away from the road – as such, 'rounding off' is not an appropriate description.

150. The proposal would therefore differ from the general pattern of development which is along Whalley Road and also running up to the A59. However, although the scale of the scheme would be significant, the overall effect on the perceived form of Barrow would not be great, given the amount of development which has occurred of late. In addition, there is a fall in the land (in excess of 10 metres) west of Whalley Road, and this change in topography would limit the impact of the scheme.
151. Before turning to the effect of the proposal from more distant viewpoints, it is noteworthy that the broad area of Burrow including the appeal site was identified as suitable for development as part of the emerging CS (Generation of Alternative Development Strategy Options) in 2011 [42]. At least at that stage, the Council was presumably content that the effect on the existing settlement was acceptable.
152. Finally, consideration needs to be given to the effect of the proposal in the wider landscape, in particular from the AONB. Views of Barrow can be obtained from various areas of higher land, and the parties agreed that Viewpoints 8 and 9 in the Council's evidence were representative [47, 87]. From those locations (and others) the view towards Barrow is dominated by the new development which has taken place between Whalley Road and the A59 and, to some extent, by the traffic on the A59 itself. The magnitude of change caused by the proposal when viewed from the surrounding wider area would be small.
153. The response of Natural England, as the body responsible for designating and advising on AONBs and responsible for designating national character areas, is of significance [40]. Whilst noting the need for the assessment of local landscape impacts, Natural England raised no concern in relation to the AONB or the national character area.
154. The Council criticised the Landscape and Visual Impact Report submitted as part of the application documents. However the Report is a useful document, although parts do not wholly accord with the Guidelines for Landscape and Visual Assessment (GLVIA). It was not criticised by the Council in the officer's report, the reason for refusal or by Natural England. In any event, there is nothing requiring the use of the GLVIA guidance, which is not a prescriptive set of rules. It is also noteworthy that the first landscape architect retained by the Council to inform the officer's report did not object to the proposal, and that the report itself did not raise objection on landscape grounds. Even the landscape architect (appointed after the Council's consideration of the proposal) who appeared for the Council at the Inquiry agreed that the only policy referenced in the reason for refusal was not breached – although he maintained that the scheme was in conflict with other policies [40, 92].
155. Overall, the effect on the character and appearance of the area, particularly the local area, will be noticeable. To that extent there is a limited conflict with some draft CS policies¹⁸⁵. However that falls far short of suggesting that it would be unacceptably harmful. From more than around two kilometres, there would be little discernable landscape impact.

¹⁸⁵ DMG 1, DMG2, DME2

Accessibility to non-car modes of transport

156. There are four background matters which inform the consideration of the Council's position on accessibility. Firstly, as one of the options in the emerging CS, the broad location of the appeal site was considered to be capable of delivering sustainable development in 2011. This was especially in relation to the proximity of the strategic employment location at Barrow Enterprise Park [56, 103]. Although this option envisaged a wider development, it is noteworthy that the Sustainability Appraisal specifically reviewed the option and found it to be acceptable.
157. Secondly, the Council officer's report on the application stated that the site was sustainable and that it met the requirements of the Framework. This was based in part on the response of the Highway Authority, which did not include sustainability as a key area of concern. Although the reasons for refusal refer to insufficient information about highway impact, they make no reference to sustainability [52].
158. Thirdly, the Planning Statement of Common Ground, aside from referring to the consideration of the site in the emerging CS, does not refer to the issue of sustainability [22, 27, 52]. The document records the outstanding areas of dispute, but does not list any sustainability/accessibility issue.
159. Finally, the Highway Statement of Common Ground (completed significantly later) notes the concern with the sustainability of the site particularly in terms of accessibility [30, 96]. The Council's subsequent evidence focuses on the extent to which the development would be accessible by non-car modes [97 onwards]. This is the area of dispute between the parties.
160. Retail and educational facilities within Barrow, whilst not extensive, are more plentiful than are found in many settlements of this size – and there are more than in some other locations to which the Council's emerging policy seeks to direct development. In particular there is a primary school, a Co-operative top up shop, a limited delicatessen, two faith establishments and recreational facilities.
161. The extent of built and consented employment floorspace in Barrow is of considerable significance in terms of access to work. Whilst there can be no guarantee that the building of the consented employment schemes will coincide with the building of the appeal scheme, there is already a good mix of residential and employment in the area. The location of the Council's main strategic employment area in Barrow is an important consideration in favour of the appeal scheme in sustainability terms.
162. Some of these existing and consented facilities are beyond the preferred walking distance from the appeal site, but it would be wrong to equate a destination beyond a notional maximum walk and the automatic use of the car. The facilities are still within the same settlement, and some people will choose to walk greater distances. Cycling is also a realistic option as, although there is no connection to the wider cycle network, there is a wide range of facilities within the recommended 5000 metre distance. The attractiveness of cycling would also be enhanced by the proposed traffic calming measures in Whalley Road, junction improvements and proposed cycle parking at Whalley station [57, 107].

163. Looking beyond Barrow itself, over 10 bus services each way run along Whalley Road, serving Clitheroe and Whalley [53]. In both those settlements there are railway stations serving a wider area (as well as further employment opportunities). This is a good level of bus provision, which the original Highway Authority consultation response noted was acceptable. This was confirmed at the Inquiry by the Council's highway witness [53].
164. The centre of the site is around 260 metres from bus stops (which would be upgraded as part of the package of transport measures) and even the furthest houses would only be around 600 metres away. Those latter properties, although beyond the normal maximum walking distance, would still be in reasonable walking time to the bus stops [53]. There is a suggestion that buses could be rerouted into the site but, as there is no evidence that this is likely, the suggestion can be given little weight.
165. The Council's evidence [53, 54, 105] shows existing low bus usage in Barrow, and the suggestion was put forward that if the convenience/price of the buses was as good as it was claimed, buses would be more in demand. However the frequency and proximity of the buses would give residents of the proposed development the realistic option of accessing middle and higher order facilities by public transport, thus offering the option of alternative means of transport to the car.
166. The Council's position in terms of the accessibility of the appeal site sits uneasily with its approach towards other developments in Barrow. The Council has not objected on sustainability/accessibility grounds to any of the other developments in the settlement (whether approved by the Council or on appeal), and there is no clear justification for adopting a different approach in this case. This unexplained difference weakens the position of the authority on the appeal.
167. The Council criticised the proposal on the basis that it is not a mixed use development, which would be inherently more sustainable [52, 101]. Reference was made to the document entitled 'Living and Working in Barrow' as a more all-embracing concept [102]. But this was an aspirational document put forward by a landowner, and there was no indication that it was likely to go ahead. In any event key facilities such as primary schools and local shops, along with employment opportunities, are located within walking distance of most of the proposed dwellings and this provides a good mix of uses in the area.
168. Overall, the development would comply with emerging CS policy¹⁸⁶. It would be readily accessible by non-car modes and the proposal, including the Travel Plan and sustainable travel incentives, offers additional accessibility benefits.

The effect on highway safety

169. There are a number of areas of agreement in relation to highways and traffic matters. There are no issues related to the accesses into the site, the internal site layout, pedestrian and cycle provision, and parking standards – all as shown

¹⁸⁶ DMG3

on the Illustrative Masterplan [29]. There is also agreement on the potential trip distribution [30].

170. It is the suitability of Whalley to accommodate the increased traffic flow as a result of the development which is at the heart of the dispute between the main parties. It is self-evident that the proposal, located on the road between Whalley and the junction of the A671/A59 (with access to Clitheroe and onto the A59), will generate additional traffic in Whalley.
171. In this context it is first necessary to address a dispute as to the likely build out rate of the development, which then has implications for the capacity assessments in the Transport Assessment (TA). The appellant considers that completion in 2019 is realistic [60], using multiple builders, whilst the Council considers 2023 is more likely [30].
172. The TA originally assumed two housebuilders working on the site [109]. This was not queried by the Highway Authority for nine months after the application was submitted but, in any event, the appellant is now stating that four builders would be used, thus producing a build rate of 100 dwellings p.a. [60].
173. Although this is undoubtedly a high build rate, the site is a large one and would have three points of access – which would allow multiple builders to operate independently, and there are no known difficulties with the site which might slow development [60]. The rate is not significantly out of step with the Council's evidence of an average build rates of 30 dwellings p.a. for a single builder or with a recent phasing plan for another development showing a delivery of around 75 dwellings p.a. with two builders on a site with a difficult access [60, 110]. Overall the build out rate can be considered a robust assessment.
174. Turning to the effect on the centre of Whalley, the traffic issues are dominated by the effect of two mini-roundabouts on the main route through the settlement, and it is the effect of the proposal on these roundabouts which is the source of concern. The Transport Statement of Common Ground records that they generally operate efficiently (excluding influences up and down stream).
175. The Council's position at the Inquiry was that, allowing for committed development and growth, the mini-roundabouts would be at 'breaking point'. However this assessment needs to be approached with caution, as it has not been the approach of the Highway Authority towards other proposals which would generate additional traffic on the roundabouts and the local system [61]. In addition, the concern about the mini roundabouts arises from ARCADY modelling, which the Council accepted has to be used with caution as the operation of the junctions is influenced by events both up and down stream, and these effects are outside the model [61].
176. In any event, if the Council's position were accepted it is notable that the Council's position is that, even without the appeal scheme, the roundabouts would cease to function efficiently as a result of committed developments. However the Highway Authority has no proposals or funding to mitigate these effects [61].

177. In contrast, the appeal scheme includes two areas of mitigation. Firstly a significant contribution would be made to a range of alterations in Whalley, including changes to the mini-roundabouts, lay-bys, a zebra crossing, footway crossovers, de-cluttering and kerb improvements [62]. The details of these works are all agreed with the Highway Authority, although the extent of their benefit is not. However there is little doubt that the cumulative effect of these alterations would be to improve the traffic flow through the settlement, especially by reducing the likelihood of manoeuvring events which currently obstruct the free flow of traffic.
178. The second aspect of the proposed mitigation would be a number of measures along Whalley Road through Barrow, most particularly the signalisation of the junction of the A671 and Whalley Road, and changes to the A671/A59 roundabout [62]. The background to these works is the appellant's uncontested evidence of 86% of vehicles on Whalley Road as through traffic [62]. The intention is that the combined effect of these works would make Whalley Road a less attractive through route and encourage the use of the A59 bypass.
179. It is uncertain whether the amount of through traffic using Whalley Road is due to personal preference or avoidance of queues at the A59 junction - something on which the evidence is not convincing [62, 114]. However the overall effect of the works must logically be to encourage at least some through vehicles onto the A59 and reduce the attractiveness of Whalley Road to through traffic. There is therefore potential for the redistribution of existing trips from Whalley Road to the A59, thus lessening the traffic flows past the site and into Whalley.
180. There is one other potential mitigation measure which is not agreed between the parties. That is the possibility of extending the 30 m.p.h. speed limit between Barrow and Whalley, which is the appellant's position, whilst the Council wished it to remain as 40 m.p.h. However there is no evidence that the omission of this additional restriction would detract to any significant degree from the mitigation package [30].
181. There is one additional matter which is of particular concern to local residents (though not the Highway Authority) [132, 133, 134, 137]. That is the amount of traffic from the development which might use Whiteacre Lane, which is opposite one of the site entrances. This is, for the most part, a very narrow road and leads into an historic village (and beyond) where the road layout is clearly not designed to cater for modern traffic and which is soon to be the subject of a 30 m.p.h. speed limit. The appellant's evidence was that only 1% of the traffic generated by the development would use Wiswell Lane (although a robust figure of 6% was used in the TA). No other detailed assessment was put forward and, although residents' concerns about traffic using this very restricted route are appreciated, it seems unlikely from the evidence that the development would generate significant traffic flows in this direction [64].
182. Overall the evidence of the problems which the development would cause to the free flow of traffic in Whalley is less than persuasive, and the apparently conflicting approach of the Highway Authority towards various schemes which have the potential to worsen the situation does little to bolster their case. The conclusion is that the proposal would not harm highway safety and would not conflict with emerging CS policy. But even if it were considered that the development were likely to cause highway issues, the policy in the Framework is

that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Taking into account the mitigation measures within Whalley, along Whalley Road, and at the A671/A59 junction, the evidence is that the residual cumulative impact would be nowhere near that level.

Whether the appeal would undermine the emerging Core Strategy

183. The application was apparently submitted to support the promotion of the appeal site during the CS process, and this approach was stated to have been agreed with the Council [65]. However the delays in progressing the CS led to the appeal being lodged, and the Council then resolved to oppose the development on the grounds that it would prejudice the emerging plan.
184. It is important to consider the stage which the emerging CS has reached, the level of unresolved objections to it, and the extent to which the proposal could prejudice the development plan process.
185. The draft CS was submitted for examination in 2012, at the same time as further consultations were underway. This would normally be a key milestone in the production of a development plan, but in this case the examination was then suspended due to the appointed Inspector identifying flaws in the evidence base, especially in relation to housing land supply issues [66, 67]. Wide ranging work has since been undertaken by the Council, and further consultations have taken place.
186. There are obviously a range of potential scenarios, but even the most optimistic timescale for the adoption of the Core Strategy is mid-2014. If less optimistic assumptions are made, the adoption date could be some considerable time further ahead.
187. The Council also confirmed at the Inquiry that no work has been done on any Allocations Development Plan Document. It would be this document which would provide more detail on the preferred locations of housing development.
188. There are substantial unresolved objections to the emerging CS, many of which express fully reasoned concerns [65]. In the light of the level and substance of the objections the Council accepts that only limited weight can be given to the CS. The unresolved objections to relevant policies must make the outcome of the examination into the draft plan less certain.
189. The Council needs to clearly demonstrate how the grant of permission for the appeal scheme would prejudice the outcome of the development plan process. There is no issue over the scale of the proposed development which, in its own right, would be significant. However, considered against the total amount of housing required over the lifetime of the CS, the appeal scheme would only amount to around 12% of the total, and even if the Council's supply figures were put into the equation, the scheme would still be only around 20% of the total [69].
190. However the Council is not alleging prejudice in relation to the quantum of housing being provided – only to its location [69, 116]. However this is not a new site where a developer has found a windfall parcel of land and put it forward by way of a planning application. The appeal site is within a wider area identified in the Strategic Housing Land Availability Assessment Report (2009)

as having the capacity for 709 dwellings, and in the CS Generation of Alternative Development Strategy Options (2011) as having the potential for 1,950 units [69, 118].

191. Furthermore the emerging CS does not preclude housing development at Barrow, as this is defined as an 'other settlement' destined for some new housing [69, 120]. Although the appeal scheme is clearly well above the minimum level in the draft policy, there is no upper limit. There would be no policy objection to housing development in other locations if this proposal went ahead.
192. In any event, Barrow is different from most of the 'other settlements' as it includes the Council's principal strategic employment allocation and is already a very substantial settlement. Given the amount of the Borough which is affected by designations which might restrict potential development, the appeal scheme could take pressure from other locations where housing delivery could prove problematic. In any event, there is no evidence that the scale of the proposal in relation to the effect on 'other settlements' would be harmful.
193. Overall, although the Core Strategy has reached the milestone of being submitted for examination, it has since stalled and its forward progress is uncertain and potentially lengthy. There are substantial unresolved objections to it, including objections to the spatial approach to the delivery of new housing, which make the outcome of the process far from clear [65]. The Allocations document is farther away still.
194. The appeal scheme is on a site which has been identified as a potential development site for some time, and is in a general location where some housing is envisaged in the emerging plan. In addition, given the agreed lack of a five year supply of deliverable housing land and the need to increase housing supply, the objection to the appeal scheme on the basis of prematurity cannot be sustained.

The effect on housing land supply

195. The issue of housing land supply was the subject of substantial evidence from both parties and was dealt with at length at the Inquiry. However, due to events set out below, the issue can be dealt with briefly.
196. Both parties agreed from the start that the Council's adopted housing policies are out of date, that the draft CS can only be given limited weight, and that the appeal should be judged predominantly against the Framework [26]. The Council also accepts that there has been persistent under-delivery of housing, and that it is a '20% authority' in terms of paragraph 47 of the Framework [71].
197. At both the June and September sessions of the Inquiry the key differences between the parties related to the level of housing need and the method of calculation.
198. The Council's position was that a figure of 200 dwellings per annum (dpa) was appropriate, and that the calculation should be undertaken using the residual (Liverpool) method. This need figure was based in part on a 2011 Nathaniel Lichfield & Partners report which recommended a dwelling requirement between 190 and 220 dpa, in the light of which the Council adopted 200 dpa and the use

of the residual method. The appellants argued for a figure of 300 dpa, and the use of the Sedgefield method of calculation.

199. Although the detail varied as the Inquiry progressed, the essential position remained that the Council considered that it had a five year housing land supply, whereas the appellant considered that the authority fell short. (A Council report in June 2013 amended the dwelling requirement figure to 250 dpa for CS purposes, but still endorsed the 200 dpa figure for development management purposes. It also retained the residual method of calculation.)
200. However, in October 2013, the Council (in the light of a May 2013 report by Nathaniel Lichfield & Partners) formally adopted a figure of 250 dpa, and resolved that the Sedgefield method should be used [32]. On that basis, the Council agrees that it does not have a five year housing land supply. The previous evidence of the authority demonstrates that there is in fact a 4.25 year supply.
201. The Council correctly notes that the adopted figure of 250 dpa is the subject of unresolved objections (as was the previous 200 dpa figure) and that the forum for establishing the final figure is the CS Examination. However both parties agree that the current evidence base shows that the authority does not have a five year supply of specific deliverable housing sites.
202. One consequence of the absence of a five year housing land supply is that the Council's housing policies should not be considered up to date. However the authority had already accepted that this was the case [72], so this adds little to the overall balance.
203. Importantly, national policy seeks to boost significantly housing supply, and one of the core planning principles of the Framework stresses the importance of identifying and meeting the housing needs of an area. The Council accepts that the lack of a five year housing land supply will have an impact on the overall planning balance under paragraph 14 of the Framework and that it is a significant material consideration [127].
204. The proposed provision of open market and affordable housing is wholly in line with national policy aimed at boosting housing supply and providing economic benefits. The importance of this issue was illustrated by a range of appeal decisions submitted by the appellant [73].
205. Although this issue is dealt with briefly in this report, due to the substantial level of agreement between the parties, this does not indicate a lessening in its weight. The lack of a five year housing land supply weighs significantly in favour of the appeal.

Planning conditions

206. The recommended conditions were the subject of extensive discussion between the parties before and during the Inquiry, and were the subject of a separate session at the Inquiry itself. They represent agreed conditions to be imposed if permission were granted.
207. There are a number of initial conditions, reserving details of the development for further consideration, confirming the extent of the site, and dealing with the details of the accesses and their construction (Conditions 1 – 4). Given the

- scale of the development, a condition is necessary to divide the overall scheme into specific phases for the reserved matters applications (Condition 5).
208. The landscaping, levels and a comprehensive Masterplan and Design Code need to be submitted for each phase of the development – the reserved matters applications would be required to be in accordance with those documents (Conditions 6 - 9).
209. There was a particular concern raised at the Inquiry relating to the height of the proposed buildings along the eastern boundary of the site along Whalley Road. The appellant accepted that the buildings shown on the submitted Parameter Plans were taller than intended or desirable, and a condition is necessary to ensure that development fronting the road is of a reasonable height in the interests of the living conditions of residents opposite (Condition 9).
210. A drainage strategy, details of surface water drainage and details of foul drainage need to be submitted for approval. More specifically a condition is necessary to ensure that no more than 150 dwellings are occupied before the capacity issue at the Waste Water Treatment Works has been resolved, possibly by way of a capacity improvement scheme (Condition 13).
211. A range of highway details need to be submitted, dealing with the access points and estate roads (Conditions 14 and 15), all in the interests of highway safety. In addition, in the interests of sustainability, a Travel Plan (based on the Framework Travel Plan) needs to be submitted for approval and implemented (Condition 16).
212. In the interests of the amenities of residents of the surrounding area, it is necessary to submit a Construction Method Statement/Management Plan, dealing with a specified range of construction details, including the routing and timing of vehicles.
213. In order to encourage renewable energy, conditions are necessary to secure at least 10% of the energy supply from renewable or low carbon energy sources, and achieve Level 3 of the Code for Sustainable Homes (Conditions 19 and 20).
214. A range of tree and biodiversity conditions (Conditions 21 – 22, 24 - 25) are necessary for ecological and landscape reasons. In particular a Landscape/Habitat Management Plan is required, and the retention and protection of existing trees needs to be ensured by conditions. A condition is necessary to prevent the spread of Himalayan Balsam on the site (Condition 23).
215. In order to provide adequate play space, a condition is needed to require the submission of a play space management plan for approval (Condition 26). This would include maintenance provisions.
216. A scheme for public lighting needs to be submitted for approval (Condition 27). This is partly in the interests of the living conditions of nearby residents and partly to avoid light pollution for ecological reasons.
217. Any necessary noise mitigation measures, in line with the principles set out in the Acoustic Survey, need to be submitted for approval in the interests of the amenity of residents. (Condition 28).

218. All the conditions are necessary and relevant and accord with the extant guidance on conditions in Circular 11/95.

Planning obligation

219. A Unilateral Planning Obligation has been completed [21, 25, 28, 29, 53, 54, 62], in discussion with the Council. This provides for:

- 30% affordable housing units on the site, 15% of the development to be for elderly persons (of these there would be a 50:50 split between market and affordable units). This is in line with the Council's emerging draft policy H3 and is reasonable and is agreed by the authority.
- A range of works and payments related to off-site highway proposals. These are discussed in relation to highway considerations above, and directly relate to the scale of the development and the potential highway impact, and the need to encourage the use of sustainable transport modes. A minority of the triggers have not been agreed but, in the light of the TA, the Transport Statement of Common Ground and the evidence, the appellant's trigger points are considered reasonable.
- Primary and secondary level educational contributions. These directly and reasonably relate to the scale of the development. There are certain trigger dates and calculations which are not wholly agreed with the County Council, but overall the Obligation would produce the required amounts at the trigger dates. The Obligation also provides for the identification of a primary school site at an early stage. If the transfer is not called upon, the land is released for development. This is agreed with the County Council and is a reasonable approach.

220. In all respects the terms of the Obligation relate directly to the proposed development and are necessary to make it acceptable in planning terms. The Obligation meets the policy in paragraph 204 of the National Planning Policy Framework and all the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and is a material consideration in this case.

The planning balance and conclusion

221. The housing policies in the development plan are out of date, as accepted by the Council and by virtue of the fact that the authority does not have a five year supply of deliverable housing sites.

222. With this background it is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. (The Council accepts that there are no specific policies in the Framework which indicate that development should be restricted.) National policy should therefore be accorded great weight, especially the presumption in favour of sustainable development, which I consider that this proposal represents.

223. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. In this context the proximity of the site to the Council's strategic employment allocation is an important consideration.

The development would provide additional infrastructure of wider benefit – including highway works, education provision and a foul water pumping station.

224. In terms of the social role of sustainability the development would enhance the local community and provide a substantial amount of much needed market and affordable housing to meet the needs of present and future generations. The quality of the built environment would remain to be assessed at the detailed stage, but based on the Illustrative Masterplan there is no reason to doubt that a high quality built environment could be created. The proposal would rely, and to a limited extent enhance, the accessibility of existing local services – both within Barrow and further afield. The concerns of the Council regarding accessibility are not supported by the balance of the evidence.
225. In relation to the environmental role it is self-evident that the landscape would be changed as a result of the proposal. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the pressing housing needs of the Borough. Good design and the retention of existing vegetation would mitigate this effect to some degree. Of significance is the fact that the site does not benefit from any specific landscape or heritage designation, unlike large areas of the Borough, and the effect on the character of the settlement would be acceptable. Longer views from the AONB would be very limited.
226. The broad location of the site was considered to be capable of delivering sustainable development in the SHLAA (2009) and the emerging CS (2011), particularly in relation to the recognised strategic employment location. The Sustainability Appraisal that reviewed this CS option found development in this general area to be sustainable.
227. The progress of the CS has been slow to date, and its future progress is uncertain, especially given the level of unresolved objections. In any event, the evidence does not support the argument that the proposal would prejudice the development plan process.
228. The lack of a five year supply of deliverable housing land, combined with the historic under supply of housing, is a most important material consideration. To the very limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited local landscape effects – this consideration outweighs the objections and points clearly towards the grant of planning permission.

Recommendation

229. It is recommended that the appeal be allowed and planning permission be granted subject to conditions set out in Annex A to this report.

P. J. G. Ware

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

John Barrett of Counsel	Instructed by the Head of Legal Services
He called	
Colin Hirst	Head of Regeneration and Housing Services
BA(Hons) DipPlg DMS MRTPI	
MCIM	
Neil Stevens	Strategic Highways Planning Manager,
BEng(Hons) MSc	Lancashire County Council
Carl Taylor	Director, TPM Landscape
BA(Hons) DipLA CMLI	
Sarah Westwood	Senior Planning Officer
BA(Hons) MA MRTPI	

FOR THE APPELLANT:

James Maurici QC	Instructed by David Lock Associates
He called	
Gareth Davis	Director, Vectos (North) Transport Planning
MSc MCIHT CMILT	Specialists
Brian Denny	Landscape and Environmental Planning Director,
BA(Hons) DipLA CMLI CENV	Pegasus Environmental
MIEMA	
David Lock	Chairman, David Lock Associates
CBE MRTPI	
Stephen Nichol	Managing Director, Regeneris Consulting
MA BA	

INTERESTED PERSONS:

Jackie Copley	Planning Manager, CPRE Lancashire
MRTPI BA(Hons) PgCert	
Margaret Mayor	Resident, Barrow
Robert Eddlestone	Resident, Wiswell
John Bradley	Resident, Wiswell
David Borland	Resident, Barrow
OBE FRICS	
Alan Scholfield	Resident, Wiswell
Chartered Engineer	
Jean Brown	Vice Chairperson, Wiswell Parish Council
David Birtwhistle	Resident, Barrow
Janet Higgins	Resident, Whalley (Save Whalley Action Group)

DOCUMENTS

	Inquiry documents
1	Lists of persons present at the Inquiry
2	Council's letter of notification of the Inquiry and list of persons notified
3	Planning Statement of Common Ground
4	Education Statement of Common Ground
5	Proposed 30 m.p.h Order, Wiswell
6	Appeal decisions related to housing land supply calculations: Groby, Ashby-de-la-Zouch, Markfield (2181080, 2192131, 2180699)
7	Highways Statement of Common Ground
8	Agreed conditions
9	Unilateral Planning Obligation (24 June 2013)
10	Waddington Road, Clitheroe - Statement of Common Ground
11	Waddington Road, Clitheroe – Housing Land Position statement
12	Housing Land Supply Statement of Common Ground
13	Development Management – Housing Figures - report and Minutes (10/10/13)
14	Statement (email dated 16 October 2013) by appellant related to Development Management – Housing Figures – report
15	Statement (email dated 21 October 2013) by Council related to Development Management – Housing Figures – report
16	Core Strategy – Revised Housing Evidence – report 25 June 2013 (with NLP 30 May 2013 report appended)

	Appellant's documents
APP 1	Opening statement
APP 2	Plan of the AONB and 2 km buffer, list of settlements in AONB
APP 3	Draft landscape and visual assessment summary by Penny Bennett (for the Council)
APP 4	Guidelines for Landscape and Visual Assessment (Second and third editions)
APP 5	Barrow Community Action Facebook page
APP 6	Composite plan showing off-site highway proposals
APP 7	Extract from draft Highway SOCG (V10)
APP 8	Representations (5 August 2011) from County Council on CS
APP 9	Representations (7 February 2013) from County Council on Mitton Road proposal
APP 10	Note of meeting (11 October 2011) between David Lock and Council
APP 11	Email (23 December 2011) from Ms Westwood to David Lock
APP 12	Email (29 May 2013) regarding survey of footpaths
APP 13	Undated letter from David Lock to Planning Inspectorate regarding Site 2 Barrow Brook Business Village
APP 14	Report related to Old Row, Barrow
APP 15	Closing Submissions
APP 16	Evidence of Gareth Davis (Proof, Appendices A – M, Rebuttal, Rebuttal Appendices A - C)
APP 17	Evidence of Brian Denny (Proof, Appendices 1 – 2)

APP 18	Evidence of David Lock (Proof, Appendices 1 – 4)
APP 19	Evidence of Stephen Nichol (Proof, Appendix A, Rebuttal, Rebuttal Appendices A – C, updated Table 4-1A)
APP 20	Appellant's note on completed S106 Obligation
APP 21	Further Closing Submissions related to housing land supply

	Council's documents
LPA 1	Opening statement
LPA 2	Phasing plan, Henthorn Road development
LPA 3	Revised Housing Land Supply calculations
LPA 4	Living and Working in Barrow consultation (2007)
LPA 5	LDF timetable report (23 May 2013)
LPA 6	Documentation relating to the appointment of Mr Hirst
LPA 7	Closing Submissions
LPA 8	Evidence of Colin Hirst (Proof, Appendices 1 – 28, Supplementary Statement on Planning, Appendices 1 – 2 to Supplementary Statement on Planning, Supplementary Statement on Housing Land Supply, Appendix to Supplementary Statement on Housing Land Supply)
LPA 9	Evidence of Neil Stevens (Proof, Appendices 1 – 3, Rebuttal, Rebuttal Appendices 1 – 6)
LPA 10	Evidence of Carl Taylor (Proof, Methodology Appendices, Viewpoint Appendices)
LPA 11	Evidence of Sarah Westwood (Proof, Rebuttal)
LPA 12	Further Closing Submissions related to housing land supply

	Third party documents (Read at the Inquiry unless asterisked)
T 1	Statement by CPRE Lancashire
T 2	Statement by Mrs Mayor
T 3	Statement by Mr Eddleston
T 4	Statement and photographs by Mr Bradley
T 5	Statement by Mr Scholfield
T 6	Statement by Mrs Mayor
T 7	Statement by Mr Bradley
T 8	Statement by Mr Birtwhistle*
T 9	Statement by Mr Abbott for Standen Estate*
T 10	Statement by Mr Birtwhistle
T 11	Letter from Nigel Evans MP*
T 12	Traffic evidence of Ms Higgins
T 13	Statement by Mr Borland
T 14	Statement by Mrs Higgins
T 15	Statement by Mrs Brown
T 16	Further statement by Mrs Mayor

	Core Documents
	Volume 1
CD1	RVBC Draft Core Strategy 2008 – 2028
CD2	RVBC Statement of Case
CD3	National Planning Policy Framework
CD4	Statement of Common Ground (Transport) - Draft

CD5	Statement of Common Ground (Planning) - Draft
CD6	Statement of Common Ground (Education) – Final
CD7	S106 Obligation
CD8	Wiswell and Barrow Housing Needs Survey 2011
CD9	Barrow Enterprise Park 6 hectares RVBC Committee report 0346
CD10	Barrow Enterprise Park 3 hectares RVBC Committee report 0739
CD11	Ribble Valley Districtwide Local Plan
CD12	Committee report/minutes/ request by Wiswell Parish 20/11/12
CD13	Barrow Brook Business Village Site 2 appeal decision APP/T2350/A/12/2176977
CD14	Parameter plans submitted with the application
CD15	DLA to RVBC EIA Screening request
CD16	Further letters to RVBC from DLA (EIA Screening request)
CD17	RVBC EIA Screening Opinion
CD18	Request to SoS for Screening Direction by DLA Letter and Appendix
CD19	Letter of complaint DLA to SoS re delay with Screening Direction
CD20	Screening Direction letter from SoS
CD21	Nick Boles MP Letter to DLA
	Volume 2
CD22	Town and Country Planning (EIA) Regulations 2011
CD23	DLA Landscape and Visual Assessment Report
CD24	Consultation responses (RVBC statutory consultees)
CD25	DCLG Circular 3/2009 Cost Awards in Proceedings
CD26	RVBC letter to applicant - new 13 week determination date 16/11/12
CD27	DLA letter to RVBC 20th November 2012
CD28	RVBC Proposed Changes to Draft Core Strategy (Regulation 19)
CD29	Emails from RVBC to DLA 11th and 18th December 2012
CD30	CLG Planning Guarantee Monitoring Report Sep 2012
CD31	Planning Inspectorate's Statistical Report 2011-12
CD32	Local Newspaper Reports and DLA Review of 3rd Party Comments
CD33	No Place to Call Home IPPR document (Dec 2012)
CD34	RVBC A2 (3/2013/0099) application validation letter
CD35	Henthorn Road appeal decision (APP/T2350/A/11/2161186)
CD36	RVBC 14 th February Committee Report (putative reasons for refusal)
CD37	Minutes of the 14th February 2013 Planning and Development Committee
CD38	RVBC Annual Monitoring Report 2006 (extract)
CD39	NLP Ribble Valley Headroom Housing Requirement Report 2011
CD40	Officers' report on housing need for the 2nd February 2012 RVBC Special P&D Committee and Minutes of Committee meeting
CD41	RVBC SHLAA 2009
CD42	RVBC SHMA 2008
CD43	Addressing Housing Need in Ribble Valley June 2011
CD44	Pennine Lancashire Housing Strategy 2009-2029
CD45	Shelter Research on affordable housing supply in Ribble Valley
CD46	RVBC Annual Monitoring Report 2011
	Volume 3
CD47	RVBC Housing Land Availability (to 31st Dec 2012)
CD48	RVBC Generation of Alternative Development Strategy Options (June 2011)

CD49	Hyder Sustainability Appraisal for Core Strategy
CD50	Hyder Sustainability Appraisal - European Sites Plan
CD51	Hyder Sustainability Appraisal – Habitats Regulations Assessment
CD52	Hyder Sustainability Appraisal – SA Report Addendum
CD53	Hyder Sustainability Appraisal Non Technical Summary
CD54	BLCL Representations on the Draft Core Strategy July 2012
CD55	CLG Planning Performance and the Planning Guarantee Consultation
CD56	The Plan for Growth 2011 (Executive Summary and pages 43 - 50)
CD57	Planning for Growth Ministerial Statement
CD58	Andover appeal decision (APP/X3025/A/10/2140962)
CD59	Binhamy Farm appeal decision (APP/D0840/A/09/2115945)
	Volume 4
CD60	Chief Planner's Letter 31st March 2011
CD61	'Laying the Foundations' Government document November 2011
CD62	The Planning System General Principles document (2005)
CD63	Sellars Farm appeal decision (APP/C1625/A/11/2165865)
CD64	Tetbury appeal decision (APP/F1610/A/11/2165778)
CD65	Harlow appeal decision (APP/N/1540/A/11/2167480)
CD66	Tewkesbury High Court decision (CO/10438/2012)
CD67	Congleton Cheshire High Court decision (CO/102732/2012)
CD68	RSS Relevant Policies extracts
CD69	Saved Ribble Valley Local Plan Policy list
CD70	Inspector's letter to RVBC re Core Strategy - 23rd November 2012
CD71	Inspector's letter to RVBC re Suspension of CS examination - 9th January 2013
CD72	Minutes of the Core Strategy Working Group 13th Feb, 27th Feb, 13th March, 20th March 2013
CD73	Council report to Committee on Draft Core Strategy - 16 th August 2012
CD74	Core Strategy Summary of Responses – Committee Report of 11th April 2013
CD75	Council Report March 2012 – Objections by CRAG to Core Strategy
CD76	Inspector's letter to RVBC re Core Strategy - 15th October 2012
CD77	Committee report on progress with the preparation of the Housing and Economic Development DPD
CD78	Whiteacre Lane application 3/2011/0776 – 12th April 2012 Committee Report
CD79	Letters in support of self build submitted with application 3/2012/0630
CD80	8th November 2012 Committee Report (App 3/2012/0617/P) regarding proposal at Clitheroe Road, Barrow
CD81	Stephen Nicol, Proof of Evidence on Henthorn Road Appeal, December 2011 Appeal by Gladman Developments, Site at Land off Henthorn Road, Clitheroe, Lancashire (APP/T2350/A/11/2161186)
CD82	Inspector's Report, 24th August 2012, Honeybourne, Worcestershire (APP/H1840/A/12/2171339)
CD83	Department for Communities and Local Government, Strategic Housing Market Assessments Practice Guidance, Version 2, August 2007 (extract)
CD84	Office for Budgetary Responsibility (OBR), Economic and Fiscal Outlook, March 2013 (extract)
CD85	NJL Consulting, Ribble Valley BC: 5 year Housing Land Supply Analysis,

	December 2012
	Volume 5
CD86	BE Group, Employment Land Study for Ribble Valley (2008)
CD87	RVBC, Employment Land Position Statement, 2011
CD88	Homelands Farm, Bishops Cleeve SoS appeal decision on APP/G1630/A/11/2146206 and APP/G1630/A/11/2148635
CD89	Shottery, Stratford upon Avon appeal decision (APP/J3720/A/11/2163206)
CD90	RVBC Housing Land Availability Schedule April 2013
CD91	DLA letters (x2) to RVBC re A2 (3/2013/0630) seeking a positive determination
CD92	Council of Europe: European Landscape Convention (2000)
CD93	Extracts from - Countryside Character: Volume 2 North West – Countryside Agency, now Natural England (2005) - Joint Character Area (JCA) 33 'Bowland Fringe and Pendle Hill' and JCA 35 'Lancashire Valleys'
CD94	A Landscape Strategy for Lancashire: Landscape Character Assessment' – Lancashire County Council (2000)
CD95	Burgess Farm, Worsley, Manchester appeal decision (APP/U4230/A/11/2157433)
CD96	Cheshire, Sandbach High Court Judgement (CO/322/2013)
CD97	Consultation responses on Standen planning application (3/2012/0942)

Annex A – Recommended conditions

General

1. No part of the development hereby permitted shall be commenced on any parcel (as referred to in Condition 5) until full details of the layout, scale and appearance of the buildings and landscaping within that parcel (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority.

In relation to landscaping, the details shall include: the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or land form and the types and details of all fencing and screening. The development shall not be carried out otherwise than in accordance with the approved details.

In relation to ecology, any submission of reserved matters shall incorporate the recommendations of the Ecological Survey and Assessment dated May 2010/Updated May 2012 as summarised in Figure 5 (Ecological Constraints, Recommendations and Opportunities Map).

2. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. No more than 504 dwellings shall be developed on the application site edged red on the submitted Site Boundary Plan (Drawing No. PP9), and the vehicular and pedestrian accesses to the site shall be constructed in accordance with the details shown on the following submitted plans:

- Northern access point Drawing no. VN20066-05-D
- Central mini roundabout junction Drawing no. VN20066-06-D
- Southern access point Drawing no. VN20066-07-C

Each site access shall be constructed to base level prior to the first occupation of any dwelling within the parcel of the development served by the access and completed in accordance with the timetable to be approved pursuant to Condition 14 of this permission.

Phasing

5. Prior to the submission of any reserved matters application, a phasing scheme including the parcels which shall be the subject of separate reserved matters applications shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Landscaping and Levels

6. All landscaping schemes approved (pursuant to Condition 1 of this permission) for each parcel of development (as approved under Condition 5 of this permission) shall be fully implemented in the first complete planting and seeding season following the first occupation of the dwellings within that parcel. Any trees or plants which, within a period of five years from completion of the relevant parcel die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. Applications for the approval of reserved matters (as required by Condition 1 of this permission) shall include details of existing and proposed site levels and the levels of the proposed roads. The development shall thereafter be carried out in accordance with the approved details.

Design

8. Prior to the submission of any reserved matters within a phase or parcel (as approved under Condition 5) a Masterplan and Design Code for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan and Design Code shall substantially accord with the Design and Access Statement submitted with the application. The design code shall address the following matters:
 - Architectural and sustainable construction principles.
 - Character areas.
 - Lifetime homes standards.
 - Street types and street materials.
 - Development block types and principles.
 - Pedestrian and cycle links.
 - Boundary treatments.
 - Building types and uses.
 - Building heights.
 - Building materials.
 - Sustainable drainage systems.

- Public open spaces.
- Parking and manoeuvring arrangements for vehicles.

Applications for approval of reserved matters within a phase shall thereafter be in accordance with the approved Masterplan and Design Code for that phase.

9. Notwithstanding the details shown on the submitted Parameter Plans and referred to in the Design and Access Statement, no dwelling in excess of 10 metres in height (as measured from ground level to the ridge of any dwelling) shall be constructed within 40 metres of the eastern site boundary of the site (Whalley Road), as edged red on the submitted Site Boundary Plan (Drawing No. PP9).

Drainage

10. Prior to the commencement of any development, a Drainage Strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to and approved in writing by the Local Planning Authority. This Drainage Strategy shall include details of all necessary drainage infrastructure including details of all discharge points from the development and any pumping stations or other bespoke features. The Drainage Strategy should demonstrate that the surface water run-off generated up to and including the 1:100 year return period critical storm including climate change allowance will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Thereafter the detailed schemes for foul and surface water drainage submitted as part of Conditions 11 & 12 for development within each phase (as approved by Condition No. 5) shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Drainage Strategy approved under this condition.
11. Prior to the commencement of development within a phase (as approved pursuant to Condition 5), the details of a scheme for surface water drainage and means of disposal for that phase, based on the Drainage Strategy approved pursuant to Condition 10 of this permission, evidence of an assessment of site conditions, sustainable drainage principles, an assessment of the hydrological and hydro-geological context of the development, the Flood Risk Assessment submitted by Rutter Johnson dated May 2012 (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no surface water shall connect into the public sewerage system, directly or indirectly, in accordance with the submitted application and Flood Risk Assessment. The scheme shall be implemented prior to completion of the first dwelling within that phase of the development and maintained and managed in accordance with the approved details at all times thereafter.
12. Prior to the commencement of development within a phase (as approved pursuant to Condition 5), details of the foul drainage scheme for that phase, which shall be based on the Drainage Strategy approved pursuant to Condition

10 of this permission and shall include any necessary infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be implemented prior to completion of the first dwelling within that phase of development and maintained and managed in accordance with the approved details at all times thereafter.

13. Not more than 150 dwellings approved by this permission shall be occupied until the United Utilities plc capacity improvement of the Whalley Waste Water Treatment Works (WWTW) has either:

- been completed in full; or
- a scheme demonstrating that foul flows to Whalley WWTW will not be increased as a result of the development or phase of development hereby permitted before the improvement work at Whalley WWTW has been completed has been submitted to and approved in writing by the Local Planning Authority.

Any foul drainage scheme approved in advance of the capacity improvement work at Whalley WWTW being completed shall be constructed in accordance with the approved details.

Highways / Transport

14. No development approved by this permission shall commence within a phase until a detailed scheme (including a timetable for implementation and completion) for the construction of the relevant site access(es) and any temporary construction arrangements including pedestrian facilities to serve that phase and the associated off-site highway improvements to directly serve that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for the off-site highway improvements shall be in accordance with the details agreed in the Statement of Common Ground for highway/transportation matters agreed between Vectos and Lancashire County Council (as local highway authority) and as set out in the Unilateral Undertaking related to this permission. The scheme shall be implemented in accordance with the approved details and timetable.

15. The new estate roads within any phase (as approved under Condition 5) of the development hereby permitted shall be constructed in accordance with a detailed scheme (including a timetable for implementation) which shall be submitted to and approved in writing by the Local Planning Authority before development commences within that phase. The estate roads shall be constructed to adoptable standards in accordance with the Lancashire County Council Specification for Construction of Estate Roads and the scheme shall be implemented in accordance with the approved details and timetable.

16. Prior to the occupation of the first dwelling within any phase (as approved under Condition 5) a Travel Plan, based upon the submitted Framework Travel Plan, to improve accessibility by sustainable modes for residents of dwellings within that phase shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- The appointment of a named Travel Plan Co-ordinator.
- Details of measures to encourage sustainable travel patterns.
- A scheme for the management and implementation of the Travel Plan.
- Targets for modal shift.
- A strategy for marketing and proposed incentives.
- Arrangements for monitoring and review.

The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved Travel Plan for development within that phase for a period of time not less than 5 years following completion of the final parcel of development in that phase (as approved under Condition 5).

Construction

17. No development approved by this permission shall commence within a phase until a Construction Method Statement/Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statement/Plan shall incorporate the recommendations of the Acoustic Survey and Assessment (Section 5) and results of the Air Quality Assessment (Section 4) dated July 2012 produced by Martin Environmental Solutions submitted in support of the application and shall be adhered to throughout the construction period. The Statement shall provide for:

- The routing of heavy (HGV) construction vehicles via the A59/A671 and Whalley Road, Barrow.
- Parking of vehicles of site operatives and visitors within the site.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- A management plan to control the emission of dust and dirt during construction, identifying suitable mitigation measures.
- A scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site).
- A scheme to control noise during the construction phase.
- Details of lighting to be used during the construction period, which should be directional and screened wherever possible.

- 18.No heavy goods vehicles (exceeding a gross vehicle weight of 7.5T) shall enter or leave the site, as edged in red on the submitted Site Boundary Plan (Drawing No. PP9), in connection with the construction of the development hereby permitted between the hours of 0830 and 0930, and 1500 and 1600 hours, Monday to Friday inclusive except during school holidays.

Energy/Sustainability

- 19.Before development begins within any phase (as approved under Condition 5) a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development within that phase from renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.
- 20.The dwellings hereby permitted shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued certifying that Code Level 3 has been achieved.

Biodiversity/Tree Protection

- 21.Tree felling/vegetation clearance works, or other works that may affect nesting birds (including buildings or other suitable breeding bird habitat which are to be removed as part of the proposals) within a phase shall not take place between March and August inclusive or in accordance with the requirements of paragraph 5.5.8 of the Ecological Survey and Assessment prepared by ERAP Limited dated May 2010 and updated May 2012 as it relates to the cattle shed on the site. In the event that works are required to be carried out during the nesting period a comprehensive risk assessment in order to establish the absence/presence of nesting birds (with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority before such works are undertaken. Works shall be carried out in accordance with the risk assessment/mitigation/compensation strategy so approved.
- 22.No site clearance, site preparation or development work shall take place within a phase until a Landscape/Habitat Management Plan to include long-term design objectives, timing of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens) within that phase has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include (but not be limited to) details of the treatment of the Biological Heritage Site located outside the red-lined site as shown on the submitted Site Boundary Plan (as set out in Paragraph 5.7.14 (iii) of Ecological Survey and Assessment report), the retained woodland, trees and tree lines, hedgerows and other areas of public open space. The Landscape Management Plan shall be informed by the Ecological Survey and Assessment report (May 2010/Updated May 2012) prepared by ERAP Limited. The Landscape Management Plan shall be carried out as approved.

23. Appropriate working methods shall be adopted at all times during the construction of the development hereby permitted to prevent the spread of Himalayan Balsam.

24. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the submitted Preliminary Arboricultural Impact Assessment prepared by Bowland Tree Consultancy Limited (dated June 2012); and the conditions relating to tree work and replacement planting shall have effect until the expiration of 5 years from completion of the final phase of development:

- Before the development begins within any phase (as approved under Condition 5), including any site preparation works, the delivery of materials or any excavations within that phase, all trees and hedgerows identified for retention in the Preliminary Arboricultural Impact Assessment dated June 2012 by Bowland Tree Consultancy Ltd in that phase shall be protected in accordance with British Standard 5837 2012 (Trees in Relation to Demolition, Construction and Design) the details of which shall be agreed in writing by the Local Planning Authority and implemented in full. An Arboricultural Method Statement, Tree Protection Plan and Tree Protection Monitoring Schedule shall also be submitted to and approved in writing by the Local Planning Authority and the tree protection measures shall be inspected by the Local Planning Authority before the site works are begun within that phase.
- The root protection zone shall be agreed in writing by the Local Planning Authority before the development begins in that phase and the agreed tree protection measures shall remain in place until all the approved works have been completed within that phase and all excess materials have been removed from the site including soil/spoil and rubble.
- During the building works, no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.
- No disturbance, pruning or other arboricultural works to any Category 2a or 2b tree identified within Figure 4 of the Ecological Survey and Assessment dated May 2010/Updated May 2012 as supporting features with either current or potential future potential for use by roosting bats shall take place within a phase until a detailed investigation by a qualified and licensed ecologist has taken place. The results of any investigation including details of any mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority before any tree works take place in that phase.
- No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- The development shall be carried out in full compliance with the Preliminary Arboricultural Impact Assessment dated June 2012 by Bowland Tree Consultancy Ltd unless the Local Planning Authority agrees in writing to any variations to the requirements of the assessment.

25.No development shall take place within any phase (as approved under Condition 5) until details of the provisions to be made for bat roosts on suitable plots and building elevations within that phase in accordance with paragraphs 5.7.27- 5.7.29 of the Ecological Survey and Assessment dated May 2010/Updated May 2012 and details of artificial bird (species) nesting sites/boxes on suitable plots and building elevations within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented before the development in that phase is first brought into use.

Play Space

26.Prior to commencement of development within any phase (as approved under Condition 5) a play space management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for the play areas within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The play space management plan shall also provide precise details of all play equipment in that phase and its maintenance and indicate a timescale when the play spaces shall be provided and made available for use within that phase. The play space management plan shall be carried out in accordance with the details so approved.

Lighting

27.Prior to commencement of development within any phase (as approved under Condition 5) details of a scheme for artificial public street/road/footway lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details to demonstrate how artificial illumination of important wildlife habitats (boundary vegetation of the site and the significant bat commuting route identified across the centre of the site) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

Noise

28.Prior to commencement of development within any phase of development (as approved under Condition 5) a scheme of noise mitigation measures for that phase adhering to the principles laid out in Section 6 of the Acoustic Survey and Assessment dated July 2012 produced by Martin Environmental Solutions and submitted with the application, shall be submitted to and approved in writing by the Local Planning Authority. The measures so identified shall be

incorporated into the construction of the development within that phase and thereafter retained.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Title Number : LAN14658

This title is dealt with by HM Land Registry, Fylde Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 29 MAR 2019 at 14:09:58 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: LAN14658
Address of Property	: land on the west side of Clitheroe Road, Barrow
Price Stated	: £100,000
Registered Owner(s)	: BARROW LANDS CO. LIMITED (Co. Regn. No. 04173971) care of Boodle Hatfield LLP, 240 Blackfriars Road, London SE1 8NW.
Lender(s)	: None

Title number LAN14658

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 29 MAR 2019 at 14:09:58. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

LANCASHIRE : RIBBLE VALLEY

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land on the west side of Clitheroe Road, Barrow.
- 2 (30.08.2005) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of land adjoining the southern boundary of the land in this title dated 25 April 2005 made between (1) Alan Coates and (2) David Neil Parkes and Nicola Justine Parkes.

-NOTE: Copy filed under LAN17333.
- 3 (06.10.2014) The land has the benefit of the rights reserved by but is subject to the rights granted by the Deed of Easement and Covenant dated 31 July 2014 referred to in the Charges Register.
- 4 (21.07.2017) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 5 (21.07.2017) The land has the benefit of any legal easements reserved by the Transfer dated 14 July 2017 referred to in the Charges Register but is subject to any rights that are granted by the said deed and affect the registered land.
- 6 (09.08.2017) By a Deed dated 11 July 2017 made between (1) Gedlew Limited and (2) Barrow Lands Co. Limited and (3) New Barrow Limited the rights granted in clause 2 of the Deed dated 31 July 2014 referred to above have been varied as therein mentioned.

-NOTE: Copy filed under LAN143340.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (11.06.2009) PROPRIETOR: BARROW LANDS CO. LIMITED (Co. Regn. No. 04173971) care of Boodle Hatfield LLP, 240 Blackfriars Road, London SE1 8NW.
- 2 (11.06.2009) The price stated to have been paid on 5 June 2009 was £100,000.
- 3 (21.07.2017) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed by a conveyancer that the provisions of clauses 12.14(b) and 12.14(c) of a Transfer dated 14 July 2017 made between (1) Barrow Lands Co. Limited and Gedlew Limited and (2) Redrow Homes Limited have been complied with

B: Proprietorship Register continued

or that they do not apply to the disposition.

- 4 (21.07.2017) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed by a conveyancer that the provisions of clauses 38.1 and 38.2 of an Agreement dated 19 May 2017 made between (1) Barrow Lands Co. Limited (2) Gedlew Limited and (3) Redrow Homes Limited have been complied with or that they do not apply to the disposition.
- 5 (09.08.2017) The proprietor's address for service has been changed.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 By a Conveyance dated 5 August 1987 made between (1) Dutton's Brewery Limited and (2) Robert Ian Little and Sheila Ann Little the land in this title was with other land conveyed as follows:-

"THE payment of a yearly rent of four pounds thirty six pence being the balance of a yearly stipend of Eight pounds seventy five pence payable to the Curate of the Chapelries of Clitheroe and Whitewell who with the benefit of the covenants contained in an Indenture dated Fourteenth day of November One thousand eight hundred and ninety nine and made between Hargreaves and Tillotson of the one part and Thomas Longworth Arthur Longworth and John Ricketts Reddish of the other part and an Indenture dated the Sixteenth day of November One thousand eight hundred and ninety nine and made between the said Hargreaves and Tillotson of one part and Abraham Roberts of the other part for payment of the yearly sums of Thirty nine pence and four pounds being the balance of the yearly stipend of Eight pounds seventy five pence hereinbefore mentioned."
- 2 (06.10.2014) A Deed of Easement and Covenant dated 31 July 2014 made between (1) Gedlew Limited and Barrow Lands Co. Limited and (2) New Barrow Limited contains restrictive covenants by the Grantor.

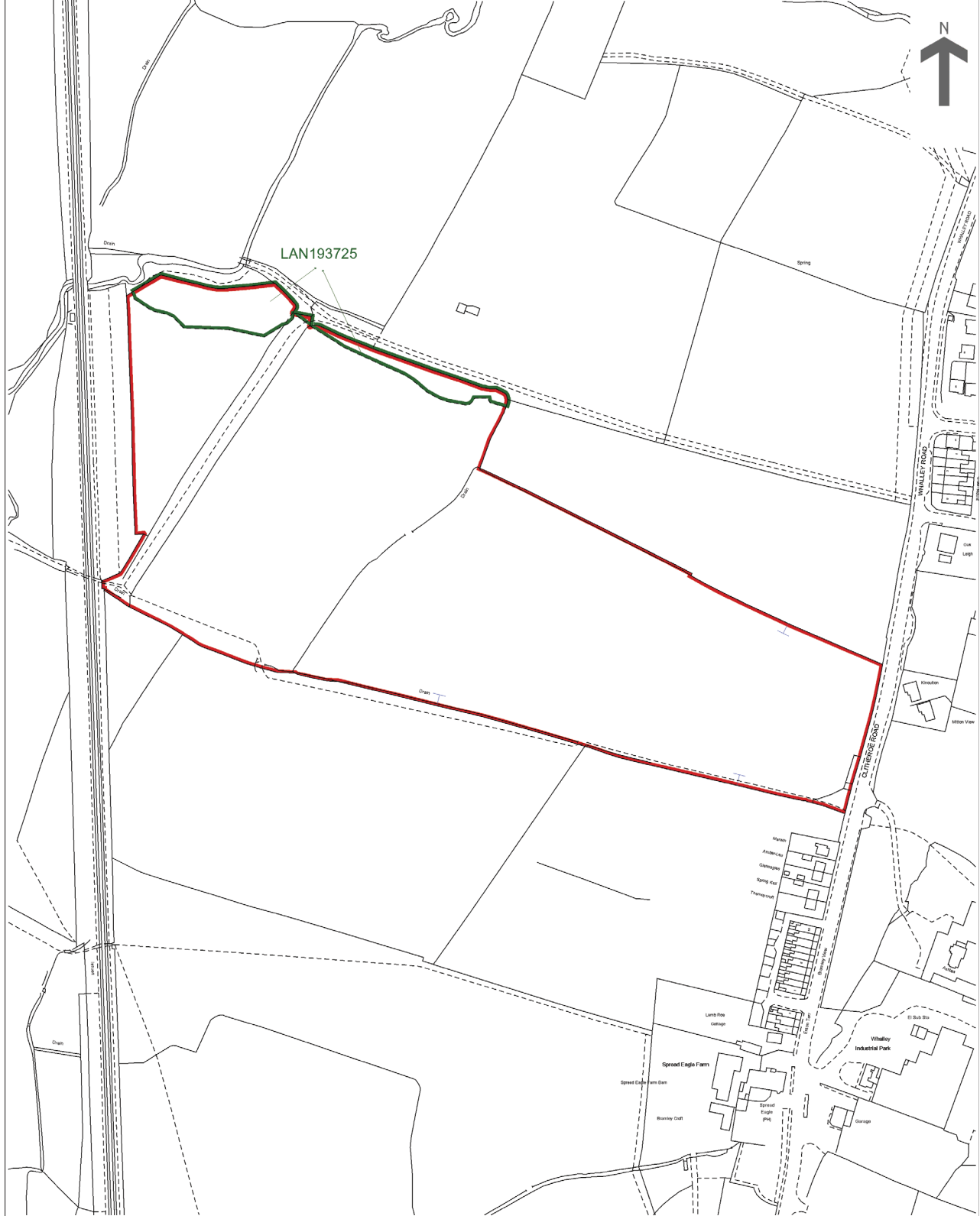
-NOTE: Copy filed under LAN156625.
- 3 (21.07.2017) A Transfer of the land edged and numbered LAN193725 in green on the title plan and other land dated 14 July 2017 made between (1) Barrow Lands Co. Limited and Gedlew Limited and (2) Redrow Homes Limited contains restrictive covenants by the Transferors.

-NOTE:-Copy filed under LAN193725.

End of register



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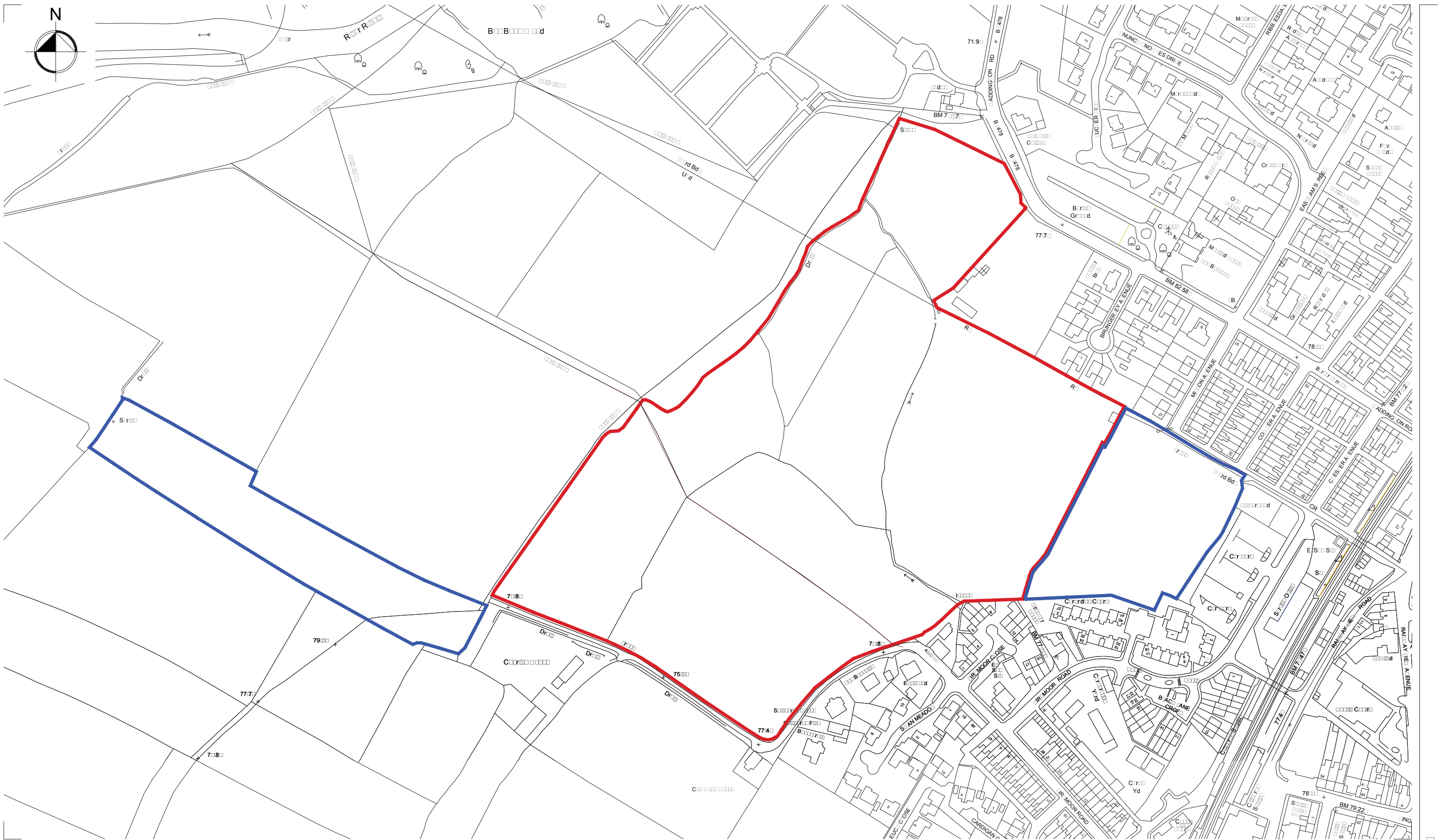
This is a copy of the title plan on 29 MAR 2019 at 14:09:58. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

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This title is dealt with by HM Land Registry, Fylde Office.

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RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

APPLICATION NO: 3/2014/0597

DECISION DATE: 06 March 2015

DATE RECEIVED: 07/07/2014

APPLICANT:

The Huntroyde Estate, Clitheroe Auction
Mart Co. Ltd., John Taylor, Sarah Howard
and Samantha Howard
c/o Agent

AGENT:

Dickman Associates Ltd
PO BOX 97
Bolton
Lancs
BL1 9PT

PARTICULARS OF DEVELOPMENT: Outline application for up to 275 new dwellings and access. All other matters reserved.

AT: Land off Waddington Road Clitheroe Lancashire BB7 2DE

Ribble Valley Borough Council hereby give notice in pursuance of provisions of the Town and Country Planning Act 1990 that **outline planning permission has been granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following conditions:

- 1 Approval of the details of the siting, design and external appearance of the building[s], and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
- 2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
- 3 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of [three] years from the date of this permission.
- 4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later
- 5 The submission of reserved matters in respect of layout, scale, appearance and landscaping shall be carried out in accordance with the Design and Access Statement and the 'illustrative master plan' (Drawing number 1110.1) submitted with the application.

REASON: To define the scope of the permission.

P.T.O.

APPLICATION NO: 3/2014/0597

DECISION DATE: 06 March 2015

- 6 The development hereby permitted in outline relates to the erection of up to 275 residential units. The application for reserved matters shall not exceed 275 residential units.

REASON: To define the scope of the permission.

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

- i) Sustainable travel options for journeys to and from work for the site operatives, including pedestrian routes, travel by bicycles, journeys by train, car sharing schemes and other opportunities to reduce journeys by motor car.
- ii) The parking of vehicles of site operatives and visitors;
- iii) Loading and unloading of plant and materials;
- iv) Storage of plant and materials used in the construction of the development;
- v) The erection and maintenance of security fencing;
- vi) Wheel washing facilities;
- vii) Measures to control the emission of dust and dirt during construction; and
- viii) A scheme for recycling/disposing of waste resulting from construction works.
- ix) Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made).
- x) Routes to be used by vehicles carrying plant and materials to and from the site which shall have been constructed to base course level.
- xi) Measures to ensure that construction vehicles do not impede adjoining accesses.
- xii) Plans identifying the existing surface water and foul drainage systems both within the site and outside the site; measures for the protection of those systems; and a remediation strategy in respect of any damage that might be caused to any parts of the existing drainage system whether within or outside the application site
- xiii) Details of how existing habitat features, hedgerows/streams shall be retained and protected during the lifetime of the development from the adverse effects of development works by maintaining construction exclusion zones the details of which shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of each phase of development.

The approved construction method statement shall be adhered to throughout the entire period of construction works.

REASON: In order to ensure safe working practices on or near the highway in the interests of safety and in the interests of the amenities of nearby residents in accordance with the requirements of Policy DMG1 of the Core Strategy (Adopted Version).

- 8 Prior to the commencement of the development hereby permitted in outline a scheme for flood risk mitigation shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be in accordance with the details contained in the flood risk assessment submitted with the application (reference 263 - FRA Rev 2.0 dated 2 July 2014) and shall be carried out in their entirety and thereafter retained in perpetuity.

REASON: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site in order to prevent a mitigate the risks of flooding on and off site and to comply with the requirements Policy DMG1 of the Core Strategy (Adopted Version) and the requirements of the National Planning Policy Framework.

P.T.O.

APPLICATION NO: 3/2014/0597

DECISION DATE: 06 March 2015

- 9 No development shall take place until a surface water drainage scheme for the site (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of grey water recycling and details of the phasing of the provision of its various elements. The surface water drainage scheme shall demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details (including the approved phasing) and shall be retained in perpetuity thereafter in a condition commensurate with delivering the approved objectives.

REASON: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site in order to prevent a mitigate the risks of flooding on and off site and to comply with the requirements of Policy DMG1 of the Core Strategy (Adopted Version) and the requirements of the National Planning Policy Framework.

- 10 Prior to the commencement of development, a strategy outlining the general system of foul drainage arising from the entire site shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include details of any necessary infrastructure including details of the phasing of the provision of its various elements. Thereafter, the detailed scheme for foul drainage for any phase of the development shall be submitted for approval in accordance with the strategy for the entire site that has been approved under this condition.

REASON: To secure proper drainage and to reduce the risk of flooding and pollution and to comply with Policy DMG1 of the Core Strategy (Adopted Version) and to comply with the requirements of the National Planning Policy Framework.

- 11 Any reserved matters applications submitted pursuant to this outline permission shall indicate the provision of a buffer zone extending 8 metres on each side of the watercourse that crosses the site. This buffer zone shall be measured from the top of the bank of the watercourse. No development, including the erection of any structures, buildings, fences, walls or other means of enclosure or formation of hard standings shall be carried out within this area unless precise details of any such developments have first been submitted to and approved in writing by the Local Planning Authority. No planting shall take place within this area except with the prior written permission of the Local Planning Authority.

REASON: To protect the watercourse and the wildlife using the river corridor and to reduce the impact of the development on biodiversity in accordance with Policies DMG1 and DME3 of the Core Strategy (Adopted Version).

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

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

P.T.O.

APPLICATION NO: 3/2014/0597

DECISION DATE: 06 March 2015

- 13 No tree pruning or removals shall be implemented at the site, with the exception of emergency situations without the prior consent of the Local Planning Authority, which will only be granted when the Local Planning Authority is satisfied that it is necessary. All tree works shall be implemented in accordance with BS3998:2010 Tree Work - Recommendations, and carried out by an approved arboricultural contractor. Note: these restrictions shall not apply to planned systematic hedgerow maintenance works.

REASON: In order to ensure that any trees affected by the development are afforded maximum physical protection from the adverse effects of development in accordance with Policies DMG1 and DME2 of the Core Strategy (Adopted Version).

- 14 No development shall begin until details of a lighting scheme have been submitted to and approved in writing by the Local Planning Authority. [The lighting scheme shall include details to demonstrate how artificial illumination of wildlife habitats (trees with bat roost potential and hedgerows used by foraging areas bats) is minimised] and how light spillages can be minimised close to existing residential properties around the site. Lighting columns should reflect the scale and character of the town. The approved lighting scheme shall be implemented in accordance with the approved details and thereafter retained in perpetuity in a condition commensurate with delivering the agreed levels of illumination.

REASON: In order to reduce the impact of the development on biodiversity in accordance with Policies DMG1 and DME3 of the Core Strategy (Adopted Version).

- 15 The dwellings shall achieve a minimum Level of the Code for Sustainable Homes in force on the date of occupation. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate Code Level has been achieved.

REASON: In order to encourage an energy efficient development in accordance with the requirements of the National Planning Policy Framework.

- 16 Prior to the commencement of development, precise details of the means of preventing the use of the bus lane within the development by vehicles other than authorised buses and emergency vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and thereafter retained in a condition commensurate with delivering the desired control.

REASON: In the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

- 17 The finished floor levels of all dwellings hereby permitted in outline shall be a minimum of 150mm above ground levels at the site as existing prior to any ground level changes carried out as part of the development.

REASON: In order to mitigate the risks of flooding to properties in accordance with the requirements of Section 10 of the National Planning Policy Framework.

P.T.O.

APPLICATION NO: 3/2014/0597

DECISION DATE: 06 March 2015

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- 18 Prior to the demolition or any renovation works on the barn in the north eastern corner of the site, appropriate surveys shall be carried out to determine whether the barn is used as a roost for bats and, if so, to provide detailed advice on mitigation and design requirements. The results of the survey and any proposed mitigation measures shall be submitted for the written approval of the Local Planning Authority; and any mitigation measures shall be carried out in accordance with the approved details.

REASON: In order to minimise the impact of development on a protected species (bats) and to comply with Policy DME3 of the Core Strategy (Adopted Version).

- 19 Prior to the commencement of any site works, including the formation of the vehicular accesses, a plan, prepared in accordance with guidance in BS5837:2012, shall be submitted to the Local Planning Authority and approved in writing. The plan shall include the following:

- a)Details of trees to be retained;
- b)Details of trees proposed for removal as part of the enablement works;
- c)Details of the locations and type of temporary protective fencing to be erected, in accordance with the advice contained in BS5837 2012;
- d)Details of proposed pruning of trees to be retained as part of the enablement works, whether located on site or on adjacent land;
- e)Details of all development related proposals, including ground level changes and excavations, within 10 metres of the Root Protection Area of any tree to be retained, including those located on adjacent land.

In addition to the plan a schedule of proposed enablement related tree works shall be provided to the Local Planning Authority and approved in writing prior to the commencement of any site works.

Following the implementation of the enablement related tree works the temporary protective fencing detailed in item c) shall be erected to form Construction Exclusion Zones in accordance with BS5837 2012 and the details on the approved plan. Prior to the commencement of any development works the temporary protective fencing shall be inspected and approved in writing by the Local Planning Authority. The Construction Exclusion Zones shall remain in place until all construction works have been completed and the removal of the fencing has been agreed, in writing, with the Local Planning Authority.

During the construction works no excavations or changes in ground levels of any type shall take place within the Construction Exclusion Zones. In addition, no construction materials, including spoil, soil, rubble, etc., shall be stored or redistributed within the Construction Exclusion Zones.

REASON: To enable the Local Planning Authority to consider the details of the proposed development in relation to the existing trees.

- 20 No development shall take place until a check for nesting birds has been undertaken if vegetation removal is to take place between 1st March to 31st August, inclusive. The nesting bird check shall be undertaken by a suitably qualified ecologist.

REASON: To safeguard nesting bird species in accordance with the provisions of the Wildlife & Countryside Act 1981 (as amended).

P.T.O.

APPLICATION NO: 3/2014/0597

DECISION DATE: 06 March 2015

- 21 No development shall take place until a scheme for the enhancement of the watercourse and retained hedgerows has been submitted to and approved by the local planning authority. The scheme for habitat enhancement shall include details of physical modifications to the watercourse, proposed habitat planting within the channel and details of proposals for hedgerow management. All new habitat planting to comprise locally occurring native plant species.

REASON: To safeguard and enhance the biodiversity value of the watercourse and hedgerows.

- 22 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) The numbers, type, size (including number of bedrooms), tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no RSL is involved); the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: To ensure the provision of affordable housing in order to comply with Policy DMH3 of the Core Strategy (Adopted Version) and the advice contained in Section 6 'Delivering a wide choice of high quality homes' of the National Planning Policy Framework.

- 23 No development shall take place until a survey has been undertaken to identify any overland routes used by otters within any areas likely to be affected by construction activities. A scheme for the protection of such routes during construction and in the future shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the approved scheme shall be implemented in accordance with the timescales set out therein.

REASON: In order to ensure that any otters in the locality of the site are appropriately protected from any potential adverse effects of the development.

- 24 A visibility splay at the junction of the site access onto Waddington Road shall be provided in accordance with the details shown on drawing number J087/Site access/Fig 1. This shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain within the visibility splay defined any building, wall, fence, hedge, tree, shrub or other device over the height of 0.6m from the channel level.

REASON: To ensure adequate visibility at the street junction or site access and in the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

P.T.O.

APPLICATION NO: 3/2014/0597

DECISION DATE: 06 March 2015

- 25 No phase or part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

REASON: To enable construction traffic to enter and leave the premises in a safe manner without causing hazard to other road users, in the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

- 26 The new estate road for the layout or for any phase of the layout shall be constructed in accordance with the Lancashire County Council Specification for the Construction of Estate Roads to at least base course level before any other construction work takes place within the site or within that phase.

REASON In order to ensure the provision of satisfactory and safe accesses into the site for construction vehicles in the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

- 27 No phase or part of the development hereby approved shall be occupied or opened for trading until all the offsite highway works and works required for improved access as listed below have been constructed in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a.Restricted access off Kirkmoor Road for buses, emergency vehicles, pedestrians and cyclists;
- b.New mini-roundabout junction improvement at Waddington Road/Railway View Road;
- c.Capacity improvements to the existing Whalley Road/Queensway Road mini-roundabout junction.

REASON: In order that traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of completion of the highway works, in the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

- 28 No phase or part of the development hereby approved shall be occupied or opened for trading until details of this developer's contribution to and programming of the offsite highway works and works required for improved access at the junction of Waterloo Road and Shawbridge Street have been determined in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: In order that traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of completion of the highway works, in the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

- 29 The proposed phasing of the construction and implementation of the development applied for (including numbers to be included in each phase) shall be submitted to and approved in writing by the Local Planning Authority before any construction work takes place. No phase or part of the development hereby approved shall be occupied or opened for trading until all the off-site highway works and means of access related to the phasing of the development of the site have been constructed in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works, in the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

P.T.O.

APPLICATION NO: 3/2014/0597

DECISION DATE: 06 March 2015

- 30 No phase or part of the development hereby approved shall commence until a scheme for the improvement of cycle and pedestrian facilities (cycle tracks and footpaths) related to the phasing of the development of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.

REASON: In order to encourage sustainable transport and to satisfy the Local Planning Authority and the Highway Authority that the details of improvements to cycle and pedestrian facilities are acceptable before work commences on site in the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

- 31 Prior to the commencement of development, a Framework Travel Plan for the whole development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to the commencement of development of any phase or portion of development, a separate Travel Plan (or updated information for the Framework Travel Plan) for each phase shall also be submitted to and approved in writing by the Planning Authority. The Travel Plan shall be implemented, audited and updated within the timescale set out in the approved plan.

REASON: To ensure a multimodal transport provision for the development and to reduce the traffic impact on the local road network, in the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

Note(s)

- 1 For rights of appeal in respect of any condition(s)/or reason(s) attached to the consent see the attached notes.
- 2 The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
- 3 The applicants are advised that the grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way would need to be subject of an Order under the appropriate Act.
- 4 The applicants are advised that the grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority reserved the right to provide the highway work within the highway associated with this proposal. Provision of the highway works includes design, procurement of the works by contract and supervision of the works. The applicant is advised to contact the Developer Support Manager at Lancashire County Council by email to developeras@lancashire.gov.uk.
- 5 This permission should be read in conjunction with the Section 106 Agreement signed and dated 24 February 2015.

**JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES**

EP5



Revision Notes:
 A: Existing road leading to Henthorn Road included within red edge boundary JAL 21/06/17



CLIENT
 Strategic Land Group Ltd.

PROJECT NAME
 Proposed Residential Development at

Henthorn Road (Phase 2), Clitheroe

DRAWING NAME
 Location Plan

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:1250 @ A3	ASL	04/04/17	17/018/L01	A

213 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7PS
 Telephone: 01257 261555 Fax: 01257 267224 Website: www.lmparchitects.co.uk
 LMP Architectural Consultants is the trading name of Lawson Magerison Practice Ltd. Registered in England and Wales. No. 8597973 ©

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 Fax: 01200 414488 Planning Fax: 01200 414487

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

APPLICATION NO: 3/2017/0433

DECISION DATE: 06 June 2018

DATE RECEIVED: 21/06/2017

APPLICANT:

The Strategic Land Group
C/o Agent

AGENT:

Mrs Rebecca Thompson
Hourigan Connolly
7 Swan Square
15 Swan Street
Manchester
M4 5JJ

PARTICULARS OF DEVELOPMENT: Application for outline planning permission for up to 24 new dwellings and associated infrastructure on land behind 115 Kemple View, Clitheroe including access via Henthorn Road.

AT: Land off Henthorn Road Clitheroe BB7 2QF

Ribble Valley Borough Council hereby give notice in pursuance of provisions of the Town and Country Planning Act 1990 that **outline planning permission has been granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following conditions:

- 1 No part of the development hereby permitted shall be commenced on any part of the development hereby approved until full details of the layout, scale and appearance of the buildings and landscaping within that phase (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority.

In relation to landscaping, the details for each phase (where relevant) shall include: the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform, full specifications of all boundary treatments and a scheme of maintenance, including long term design objectives.

The submitted landscape details shall take full account of the Landscape Strategy Plan (Job 2741 Dwg No: 201 Rev: F) and the mitigation and enhancement measures as contained within the submitted Phase 1 Habitat Survey (March 2017) and subsequent Ecological Addendum (Dated 12th November 2017).

REASON: As the application is outline only and to define the scope of the reserved matters in accordance with Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

P.T.O.

APPLICATION NO: 3/2017/0433

DECISION DATE: 06 June 2018

-
- 2 No more than 24 dwellings shall be developed within the application site edged red on the submitted Location Plan (Drawing 17/08/L01 Revision B)

REASON: For the avoidance of doubt and to clarify the scope of the permission in accordance with keys Statement DS1 and Policy DMG1 of the Ribble Valley Core Strategy.

- 3 Application(s) for approval of all of the outstanding reserved matters related to the consent hereby approved must be made not later than the expiration of three years 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 two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The details in respect of the submission of any subsequent reserved matters shall be in strict accordance with the design principles, parameters and landscape strategy as set out in the following approved documentation:

- Landscape Strategy Plan: Drawing 201 Revision F
- Indicative Proposed Site Plan: Drawing 17/018/P01 Revision A
- Indicative Proposed Street Scene: Drawing 17/018/P02 Revision A
- Design & Access Statement (Revised October 2017)

REASON: To ensure the development accords with the agreed general principles in relation to design, green infrastructure and pedestrian and vehicular movement within the site in accordance with Policies DMG1, DMG3, DME1, DME2 DME3, DMI2, DMB4, DMB5 and Key Statements EN3 and EN4 of the Ribble Valley Core Strategy.

- 5 Notwithstanding the submitted details, the height of any of the dwellings proposed in any subsequent reserved matters application(s) shall not exceed two storeys in height.

REASON: In the interests of the visual amenities and character of the area and to ensure that the proposed development remains compatible with the landscape character of the area and responds appropriately to the topography of the site so as to minimise undue visual impact in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

P.T.O.

- 6 Applications for the 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) including the levels of the proposed roads.

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 housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory form of development, its visual compatibility with the defined open countryside, in the interests of visual and residential amenities and to ensure the Local planning Authority can make an accurate assessment of the potential impacts upon existing nearby residential amenity in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

- 7 As part of any subsequent reserved matters application relating to layout and prior to the commencement of any development, precise specifications and details of the proposed pedestrian routes/footways interface with the adjacent Public Right of Way (Footpath 17), including a scheme for the improvement of the portion of the aforementioned existing Right of Way that is within the red edge of the application site (where applicable), shall have been submitted to and approved in writing by the Local Planning Authority in partnership with Lancashire County Council. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of the visual amenities and character of the area and to ensure that the proposed development interfaces with the adjacent Public Right of Way in a manner that will not compromise its safe operation and to secure enhancement of the existing footpath route in accordance with Policies DMG1, DMG2 and DMB5 of the Ribble Valley Core Strategy)

- 8 Applications for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation pond(s) on site.

For the avoidance of doubt the submitted information shall include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments where applicable. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory form of development in the interests of visual and residential amenities and to ensure the Local planning Authority can make an accurate assessment of the details relating to matters of flood risk and sustainable drainage in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

P.T.O.

- 9 Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

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

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

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

- 11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 3886/FRA/Final/v1.0/2017-07-27 and the following mitigation measures detailed within the FRA:

- All development to be located in Flood Zone 1.
- Finished floor levels are set no lower than 0.15 m above existing ground level.
- An 8 m undeveloped buffer strip will be provided from the top of bank of Pendleton Brook. No development, such as new dwellings, private gardens and fences, will be located within this 8 m easement.

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

REASON: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

P.T.O.

- 12 As part of any subsequent reserved matters application relating to layout and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.

Surface water drainage scheme which as a minimum shall include:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change - see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), 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 surface water run-off must not exceed the existing pre-development greenfield runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

P.T.O.

APPLICATION NO: 3/2017/0433

DECISION DATE: 06 June 2018

-
- 13 No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

- 14 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 unless and until a scheme for protective fencing for trees within and adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority.

Such fencing shall be in accordance with BS5837 (2012): 'Trees in Relation to Construction'. Such fencing shall be erected in its entirety prior to any other operations taking place on the site. This fencing should not be breached or removed during development. Furthermore within the areas so fenced the existing ground level shall be neither raised nor lowered and there shall be no development or development-related activity of any description including the deposit of spoil or the storage of materials unless expressly agreed by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Key Statement EN4 and Policies DMG1 and DME1 of the Ribble Valley Core Strategy.

P.T.O.

APPLICATION NO: 3/2017/0433

DECISION DATE: 06 June 2018

- 15 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 proposed enhancement and/or mitigation measures contained within the submitted Phase 1 Habitat Survey (March 2017) and subsequent Ecological Addendum (Dated 12th November 2017) has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the mitigation shall include, but not be limited to the provision for bat and bird boxes (building and pole-mounted), Barn Owl Boxes (Tree Mounted), wildflower grassland and scrub-planting.

The submitted details shall include the timing and phasing for the creation/installation of enhancement/mitigation measures and a scheme for their future management and maintenance. The submitted details shall further indicate the precise location, siting and nature of all bat/bird/owl box provision.

The agreed artificial bird/bat boxes to be building mounted shall be incorporated into their respective individual dwellings during the construction of those dwellings and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details including the timings and methodology for all installation.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to reduce the impact of development in accordance with Policies DMG1, DME3 and Key Statement EN4 of the Ribble Valley Core Strategy

- 16 Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

For the avoidance of doubt the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

REASON: To comply with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy, to ensure a satisfactory standard of appearance in the interests of the visual amenities of the area and to minimise the potential impacts of the development through the inclusion of measures to retain and enhance habitat connectivity for species of importance or conservation concern.

P.T.O.

APPLICATION NO: 3/2017/0433

DECISION DATE: 06 June 2018

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- 17 Applications for the approval of reserved matters, where relevant, shall be accompanied by full details of all proposed usable public open space and associated street furnishings/play equipment.

For the avoidance of doubt the submitted details shall include the specification and nature of all proposed surfacing, street furniture, informal/formal play equipment and details of existing and proposed land levels and all associated landscaping and boundary treatments (where applicable). The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and allows for the provision of an acceptable and adequate form of usable public open space in accordance with Policies DMG1 and DMB4 of the Ribble Valley Core Strategy.

- 18 Notwithstanding the submitted details, no development, including any site preparation or demolition shall commence or be undertaken on site until the new estate road/access point between the proposal site and the adjacent land to the north shall have been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and to ensure the safe operation of the highway during the construction phase of the development in accordance with Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy.

- 19 Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption by the Highway Authority 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 unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

P.T.O.

APPLICATION NO: 3/2017/0433

DECISION DATE: 06 June 2018

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- 20 The submission of reserved matters in respect of layout shall include details of the phasing and timings for the delivery/installation/construction of the proposed footpaths/pedestrian routes (formal and informal), public open space provision, landscaping and attenuation pond shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure that adequate usable public open space/recreational areas are delivered on an appropriately phased basis to ensure that adequate provision is provided to serve the occupants of the development in accordance with Policies DMG1, DMB4 and DMB5 of the Ribble Valley Core Strategy.

- 21 No development shall take place until a Construction Method Statement for the relevant phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:

- A.The location of parking of vehicles of site operatives and visitors
- B.The location for the loading and unloading of plant and materials
- C.The location of storage of plant and materials used in constructing the development
- D.The locations of security hoarding
- E.The location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such facilities shall remain in place for the duration of the construction phase of the development) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway
- F.Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- G.The highway routes of plant and material deliveries to and from the site.
- H.Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- I.Days and hours of operation for all construction works.

The approved statement shall be adhered to throughout the construction period of the development.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

P.T.O.

Note(s)

- 1 For rights of appeal in respect of any condition(s)/or reason(s) attached to the consent see the attached notes.
- 2 The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
- 3 The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.
- 4 This permission should be read in conjunction with the Section 106 Agreement signed on 30 May 2018.

**JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES**

EP6

134

132

PO

51

65

WESTFIELD AVE

47

49

1

5

32

Friendship Mill

Worthalls Farm

Bowling

Existing Site Plan 1:500



320150495P

Notes:

All work is to be carried out to the latest current British standards Codes of Practice and recognised working practices.
All work and materials should comply with Health and Safety legislation.
All dimensions are in millimetres where explicitly shown otherwise.
The contractor should check and certify all dimensions as work proceeds and notify the architect of any discrepancies.
Do not scale off the drawings, if in doubt ask.



Gary Hoerty Associates Chartered Surveyors
Suite 9 - Grindleton Business Centre
The Spinney
Grindleton
Clitheroe
Lancashire BB7 4DH

T: 01200 449700
Email: info@ghaonline.co.uk

Project:
Residential development on land at Worthalls Farm
Whalley Road
Read
BB13 7RP

Title: Existing Site Plan

Drawing No: Spe/559/1468/01

Drawn: PF

Client: Mr & Mrs Speak

Date: 11.06.15

Scale:
1:500 @ A3

Amendments:

Bowling

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

APPLICATION NO: 3/2015/0495

DECISION DATE: 9 September 2016

DATE RECEIVED: 30/07/2015

APPLICANT:

Mr and Mrs H Speak
c/o Agent

AGENT:

Mr Gary Hoerty
Gary Hoerty Associates
Suite 9
Grindleton Business Centre
The Spinney
Grindleton
Clitheroe
BB7 4DH

PARTICULARS OF DEVELOPMENT: Outline application (access only) for the erection of up to 15 dwellings on land at Worthalls Farm with access off Westfield Avenue.

AT: Land at Worthalls Farm Westfield Avenue Read BB12 7PW

Ribble Valley Borough Council hereby give notice in pursuance of provisions of the Town and Country Planning Act 1990 that **outline planning permission has been granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following conditions:

1 Application for approval of reserved matters must be made not later than the expiration of three years 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 two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

P.T.O.

APPLICATION NO: 3/2015/0495

DECISION DATE: 9 September 2016

- 2 No more than 15 dwellings (Use Class C3) are hereby permitted within the application site.

REASON: For the avoidance of doubt to ensure there is no ambiguity in the decision notice over what amount of development has been approved. In accordance with Key Statements DS1 and DS2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy, to ensure a satisfactory quantum and level of development given its location.

- 3 Applications for the approval of reserved matters shall include details of replacement parking provision for residents of Westfield Avenue and Whalley Road, for the avoidance of doubt the provision shall be adequate to accommodate 6 parked motor vehicles and shall not be made available for use by residents of the development hereby approved. The agreed parking provision shall be made available for use and completed in accordance with the approved details prior to first occupation of any of the dwellings hereby approved.

REASON: To secure satisfactory parking provision for existing residents in the area in accordance with Policies DMG1, DMG3 and DMI2 of the Ribble Valley Core Strategy.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, no alterations to the roof shall be undertaken and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the immediate area or be of detriment to the residential amenities of neighbouring occupiers due to site constraints, in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

- 5 Unless otherwise agreed in writing and in line with the surface water management hierarchy, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

P.T.O.

APPLICATION NO: 3/2015/0495

DECISION DATE: 9 September 2016

-
- 6 Applications for the approval of reserved matters shall include details of existing and proposed land levels and finished floor levels, including the levels of the proposed roads. The development shall thereafter be carried out in accordance with the approved details.

REASON: To secure satisfactory finished ground and floor levels in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

- 7 No development approved by this permission shall commence until a scheme for the on and off-site highway works, including timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of highway safety and to mitigate the impacts of the development in accordance with Policies EN2, DMG1, DMI2 and DMG3 of the Ribble Valley Core Strategy.

- 8 No development shall take place, including any site preparation or demolition works, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. For the avoidance of doubt the statement should provide details of:

- A.The location of parking provision for vehicles of site operatives and visitors
- B.The location for the loading and unloading of plant and materials
- C.The location for the storage of plant and materials used in constructing the development
- D.The erection and maintenance of security hoarding
- E.The location of wheel washing facilities that shall be made available during the construction phase of the development
- F.Measures to control the emission of dust and dirt during construction
- G.Routes to be used by vehicles carrying plant and materials to and from the site
- H.Hours of operation and the timing of deliveries
- I.Measures to ensure that construction and delivery vehicles do not impede upon access to existing properties
- J.Programme and timings of the road-sweeping of the adjacent highways network
- K.Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)

REASON: In the interests of protecting residential amenity from noise and disturbance and to satisfy the Local Planning Authority and Highway Authority that the development would not be of detriment to the safe operation of the immediate highway in the interests of highway safety and compliance with current highway legislation in accordance with Policies DMG1, DMG3 and DMI2 of the Ribble Valley Core Strategy.

P.T.O.

APPLICATION NO: 3/2015/0495

DECISION DATE: 9 September 2016

- 9 Prior to the commencement of the development, including any demolition or site preparation works, a joint survey shall be carried out between the developer and the Highways Authority to determine the current pre-construction condition of Whalley Road. A similar repeat survey shall be carried out within six months of the completion of the last dwelling hereby approved; the findings of the surveys shall be submitted to and agreed in writing by the Local Planning Authority.

For the avoidance of doubt the submitted details shall specify any works to be undertaken, and their timings, to make good any damage to Whalley Road as a result of construction works, to return the highway to the pre-construction situation/condition. The development and any remediation/repair works shall be carried out in strict accordance with the approved details.

REASON: To maintain the safe operation of the immediate highway and to ensure no long-term damage to the highway as a result of the construction phase of the development in accordance with Policies DMG1, DMG3 and Key Statement DMI2 of the Ribble Valley Core Strategy.

Note(s)

- 1 For rights of appeal in respect of any condition(s)/or reason(s) attached to the consent see the attached notes.
- 2 The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
- 3 The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.
- 4 This permission should be read in conjunction with the Section 106 Agreement signed and dated 24 August 2016.

**JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES**

EP7

Lead in times experienced on large sites in Ribble Valley which were under construction at 30th September 2018

A	B	C	D	E	F	G	H	I	J	K	L	M							N
Site	Capacity	Remaining	HLAS Page	Developer	Outline ref	Outline pp granted	RM / Full ref	RM / Full granted	First HLAS to record the site as being under construction	First completion recorded	Time between RM / Full permission and first completion and comment on build rate	Completion data							Average annual build rate
												13/14	14/15	15/16	16/17	17/18	01/04/18 to 30/09/18	Total	
"Oak Leigh Gardens", Barrow	183	179	13	Redrow	3/2012/0630	20/02/14 (at appeal)	3/2017/0064	16/05/17	October 2017	Between June and October 2018	15.5 months. RM approved 16/05/17. The site was recorded as being under construction at October 2017. None of the dwellings had been completed by 30 th June 2018. 4 dwellings had been completed by 30 th September 2019	-	-	-	-	-	4	4	-
"The Orchard", Whalley Road, Barrow	43	35	15	Morris	3/2013/0737	24/06/14	3/2016/0735	26/1/2017	October 2017	Between June and October 2018	19 months. RM approved 26/1/17. The site was recorded as being under construction at October 2017 when 6 dwellings were recorded as being under construction. By 30 th June 2018 no dwellings had been completed. 8 dwellings had been completed by 30 th September 2018	-	-	-	-	-	8	8	-
"High Beeches", Clitheroe	60	60	22	McDermott	-	-	3/2017/0616	09/02/18	June 2018	-	Full pp was granted on 09/02/18. The site is recoded as being under construction by 30 th September 2018, but no dwellings have been completed.	-	-	-	-	-	-	-	-
"Pendleton Grange", Clitheroe	130	65	24	Story	3/2013/0711	24/02/14	3/2015/0446	18/09/15	April 2016	16/17	6 months. RM approved 18/09/15. The site was recorded as being under construction in April 2016 with 10 dwellings under construction at that time.	-	-	-	21	22	22	65	26

Lead in times experienced on large sites in Ribble Valley which were under construction at 30th September 2018

A	B	C	D	E	F	G	H	I	J	K	L	M							N
Site	Capacity	Remaining	HLAS Page	Developer	Outline ref	Outline pp granted	RM / Full ref	RM / Full granted	First HLAS to record the site as being under construction	First completion recorded	Time between RM / Full permission and first completion and comment on build rate	Completion data							Average annual build rate
												13/14	14/15	15/16	16/17	17/18	01/04/18 to 30/09/18	Total	
											60 dwellings have been delivered over 2.25 years, which means an average of 27 dwellings per year								
"Half Penny Meadows", Clitheroe	228	208	26	Taylor Wimpey	3/2012/0942	17/04/14	3/2016/0324	08/03/17	October 2017	Between April and June 2018	15 months. RM approved 08/02/17. The site was recorded as being under construction at October 2017. 20 dwellings were completed by 30/09/18	-	-	-	-	-	20	20	-
"Manor Place", Clitheroe	40	26	28	Morris	3/2011/0892	04/02/13 (appeal)	3/2015/0903	17/11/16	October 2017	Between April and June 2018	18 months RM approved 17/11/16 4 dwellings were recorded as under construction at October 2017 First completions recorded between April and June 2018.	-	-	-	-	-	14	14	
"Rose Gardens", Clitheroe	81	66	30	Prospect Beck	3/2011/1064		3/2015/0652	06/10/16	October 2017	Between June and September 2018	20 months. RM approved 06/10/16, but no dwellings had been delivered 18 months later by 30 th June 2018. 15 completions had been recorded by 30/09/18	-	-	-	-	-	15	15	-
"Alston Bank", Longridge	53	53	35	Blackmore Group	-	-	3/2011/1071	07/11/12	October 2017	-	Over 5.75 years. (not included in the average) Planning permission was granted in 2012 but the site had not delivered any dwellings by 30 th September 2018.	-	-	-	-	-		-	-

Lead in times experienced on large sites in Ribble Valley which were under construction at 30th September 2018

A	B	C	D	E	F	G	H	I	J	K	L	M							N
Site	Capacity	Remaining	HLAS Page	Developer	Outline ref	Outline pp granted	RM / Full ref	RM / Full granted	First HLAS to record the site as being under construction	First completion recorded	Time between RM / Full permission and first completion and comment on build rate	Completion data							Average annual build rate
												13/14	14/15	15/16	16/17	17/18	01/04/18 to 30/09/18	Total	
"Bowland Meadow", Longridge	118	118	36	Barratt	3/2014/0764	29/10/15	3/2016/0193	07/09/16	October 2017	-	Over 24 months. RM approved 07/09/16 but no dwellings had been delivered by 30 th September 2018.	-	-	-	-	-	-	-	-
"Tootle Green", Longridge	195	137	38	Taylor Wimpey	3/2015/0065	31/03/15	3/2015/0688	13/11/15	April 2016	16/17	12 months. RM approved 13/11/15 but no dwellings had been delivered by October 2016. The first 7 dwellings were delivered between October 2016 and April 2017 49 dwellings have been delivered between October 2016 and June 2018, therefore an average of 28 per year (i.e. 49 / 1.75 years)	-	-	-	7	37	14	58	29
"Monk's Cross", Whalley	139	48	60	David Wilson	-	-	3/2012/0637	27/06/13 (at appeal)	October 2016	16/17	2.75 years. Permission was granted in June 2013. The site was not recorded as being under construction until October 2016 when it was noted that 14 dwellings were under construction. 91 dwellings have been delivered between October 2016 and June 2018, an average of 35.4 (i.e. 62 / 1.75 years)	-	-	-	4	52	35	91	36.4
											Average = 16.25 months								

EP8

Appendix EP8 - Housing Trajectories

A	B	C	D	E	F	G	H
	Site	Settlement	Council trajectory for plan period	Council affordable trajectory	EP trajectory for plan period	EP affordable trajectory	Affordable notes
1	Lawsonsteads	Whalley	160	48	160	48	
2	Barrowlands - Phase 2	Barrow	225	68	225	68	
3	Accrington Road	Whalley	77	23	77	23	
4	Higher Road	Longridge	122	37	122	37	
5	Standen - phase 2	Clitheroe	280	84	77	23	
6	Waddington Road	Clitheroe	207	62	207	62	
7	Chipping Lane - phases 2 and 3	Longridge	239	72	151	45	
8	Standen - phase 1	Clitheroe	208	68	208	68	
9	Barrowlands 1	Barrow	179	55	179	55	
10	Dilworth Lane	Longridge	137	18	137	18	26 AH in total, 8 completed
11	Chipping Lane - phase 1	Longridge	124	37	124	37	
12	Dale View	Billington	41	12	41	12	
13	Mills Way	Chipping	39	7	39	7	
14	Greenfield Avenue	Clitheroe	36	11	36	11	
15	Mill Lane	Gisburn	3	0	3	0	
16	Longsight Road	Langho	18	5	18	5	
17	Spout Farm	Longridge	34	10	34	10	
18	Pendle Street East	Sabden	17	0	17	0	
19	Victoria Mill	Sabden	30	0	30	0	
20	Oakhill College	Whalley	6	0	6	0	
21	Old Row	Barrow	23	7	23	7	
22	Malt Kiln	Chipping	4	0	4	0	
23	Chatburn Road	Clitheroe	23	6	23	6	
24	Henthorn Road	Clitheroe	24	7	24	7	
25	Whalley Road	Mellor Brook	5	0	5	0	
26	Worthalls Farm	Read	15	5	15	5	
27	1-9 Stonewater Close	Barrow	9	0	9	0	
28	Elbow Wood Drive	Barrow	35	13	35	13	
29	1-7 Whitethorne	Barrow	3	0	3	0	
30	Dale View 2	Billington	15	0	15	0	
31	Hare Hill Croft	Chatburn	7	0	7	0	
32	Coplow View	Clitheroe	60	15	60	15	
33	Appleby Square	Clitheroe	65	14	65	14	39 AH in total, 25 completed
34	Berkley Square	Clitheroe	26	12	26	12	12 AH in total, 0 completed
35	Sycamore Walk	Clitheroe	13	5	13	5	5 AH in total, 0 completed
36	Alexandra Close	Clitheroe	66	12	66	12	24 AH in total, 12 completed
37	Fax Hall Drive	Hurst Green	31	9	31	9	
38	Chapel Hill	Longridge	53	16	53	16	
39	Alston Meadow	Longridge	256	77	256	77	
40	Milton Road	Whalley	48	2	48	2	42 AH in total, 40 completed
41	Cherry Drive	Brockhall	1	0	1	0	
42	Eden Gardens	Brockhall	3	0	3	0	
43	Hillsode	Brockhall	1	0	1	0	
44	Meadow View	Read	7	0	7	0	
45	Moorcock Inn	Waddington	4	0	4	0	
46	Little Dudlands Farm	Rimmington	2	0	2	0	
47	Small sites full pp	-	77	0	247	0	
48	Small sites outline pp	-	8	0		0	
49	Small sites dev commenced	-	76	0		0	
50	Small sites conversion	-	78	0		0	
51	small sites conversion started		69	0		0	
	Total		3289	817	2937	729	
	Homes completed 01/04/08 - 30/10/18		2362	647	2362	647	
	Total predicted		5651	1464	5299	1376	
	Target		5600	1500	5600	1500	
	Over provision / shortfall		51	-36	-301	-124	

EP9

Appeal Decision

Inquiry opened on 20 January 2015

Site visit made on 28 January 2015

by David Prentis BA BPI MRTPI

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

Decision date: 27 May 2015

Appeal Ref: APP/Y3940/A/14/2222641

Land North of Bath Road, Corsham, Wiltshire SN13 0QL

- 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 Ltd against the decision of Wiltshire Council.
 - The application Ref 13/05188/OUT, dated 18 October 2013, was refused by notice dated 30 May 2014.
 - The development proposed is erection of up to 150 dwellings, up to 1,394 sqm B1 offices, access, parking, public open space with play facilities and landscaping.
-

Decision

1. The appeal is allowed and outline planning permission is granted for erection of up to 150 dwellings, up to 1,394 sqm B1 offices, access, parking, public open space with play facilities and landscaping at Land North of Bath Road, Corsham, Wiltshire SN13 0QL in accordance with the terms of the application, Ref 13/05188/OUT, dated 18 October 2013, and the plans submitted with it subject to the conditions set out in the attached schedule.

Application for costs

2. At the Inquiry an application for costs was made by Wiltshire Council against Gladman Developments Ltd. This application is the subject of a separate decision.

Preliminary matters

3. The Inquiry sat for 7 days from 20 to 23 January, on 27 January and on 12 and 13 March 2015. There was an accompanied site visit on 28 January 2015 and I carried out various unaccompanied visits to the locality of the appeal site prior to and during the course of the Inquiry.
4. The Wiltshire Core Strategy (CS) was adopted by the Council on 20 January 2015, the opening day of the Inquiry. As a result various policies of the North Wiltshire Local Plan referred to in the Council's decision notice have now been superseded by the policies of the CS.
5. On 27 January 2015 the Council and the appellant made a joint request for an adjournment to allow for additional work to be done in relation to the

requirements of the Habitats Regulations¹. This included discussions between the Council and the appellant, the preparation of a further draft appropriate assessment and consultation with Natural England. Natural England responded to this additional work in a letter to the Council dated 2 March 2015². I comment further on these matters below in the section dealing with ecology and designated sites.

6. The application was submitted in outline with all matters reserved except for access. Illustrative drawings were submitted with the application. These included a development framework, a landscape framework and a masterplan.
7. A revised version of the masterplan (5468-L-03 rev L) was submitted with the appellant's proofs of evidence. This revision introduced a landscape corridor along the eastern site boundary which was intended to mitigate ecological impacts of the proposed development. Proposed houses close to the boundary were shown facing a private drive alongside the buffer whereas before they were shown backing onto the boundary. The Council objected to this plan being considered on the basis that it would determine the orientation of dwellings in the vicinity of the boundary. It was suggested that this could be prejudicial to the interests of adjoining residents who may not have expected this form of layout to be promoted.
8. However, I did not regard this as an amendment to the appeal scheme because the application was made in outline. Revision L of the masterplan was accepted on the basis that it would be a further illustrative plan which would sit alongside any other illustrative plans before the Inquiry. I did not consider that any party would be prejudiced because, if outline planning permission were to be granted, the Council would have control over the layout at the reserved matters stage.
9. During the adjournment the appellant submitted an Ecological Parameters Plan and illustrative landscape cross sections. These plans showed proposed ecological mitigation measures and were relied on in relation to the draft appropriate assessment referred to above. The Council carried out some neighbour consultations on these plans. In closing, the Pickwick Association stated that a wider consultation should have been carried out. However, I do not think that these plans were an amendment to the outline application. Like revision L of the masterplan, they were submitted as illustrative plans during the course of a properly publicised Inquiry. There was no requirement for the Council to carry out consultation at all so there can be no criticism that the consultation it did was not wide enough. That said, the Council submitted copies of the consultation responses received and I have taken these into account.
10. The appellants sought a screening opinion from the Council in relation to the need for Environmental Impact Assessment (EIA). The proposed development fell within the category of 'urban development projects' where the area of works exceeds 0.5ha³. On 28 October 2013 the Council confirmed that EIA would not be required. At the Inquiry the Council asked to be provided with documents relating to the EIA screening carried out in relation to the appeal on

¹ Regulation 61 of The Conservation of Habitats and Species Regulations 2010

² Document GLD/LPA/07

³ Schedule 2, paragraph 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as it then was. The threshold was increased by the Town and Country Planning (Environmental Impact) (Amendment) Regulations 2015 on 12 March 2015.

behalf of the Secretary of State. This information was duly provided⁴. In closing the Council confirmed that it was satisfied that there had been no error of law in this regard. I have kept this matter under review and have found no reason to differ from the Council's screening opinion.

11. An Agreement under s106 of the Town and Country Planning Act was submitted at the Inquiry. The Agreement would secure the delivery of 30% of the dwellings as affordable housing. It would also make provision for highway works, for approval by the Council of details of open spaces and play areas and for the subsequent management of these areas. In addition there would be financial contributions to sport and recreation, cemeteries and secondary education. This Agreement resolved the matters referred to in the Council's 5th reason for refusal.
12. The transitional period relating to Regulation 123 of the Community Infrastructure Levy Regulations ended after the close of the Inquiry. Accordingly, I sought further comments from the parties in relation to the five obligation limit referred to in Regulation 123. The Council and the appellant agree that the circumstances of this case are such that Regulation 123 is complied with. Moreover, the Agreement anticipates the adoption of the Council's Community Infrastructure Levy charging schedule and contains provisions which would avoid any double payment of infrastructure contributions.
13. I consider that the obligations contained in the Agreement would be necessary and reasonable. They would accord with the relevant statutory provisions⁵ and with the National Planning Policy Framework (the Framework) and I have taken them into account accordingly. I comment further below on the individual obligations.
14. After the close of the Inquiry there was a revision to Planning Practice Guidance (the Guidance) relating to updating evidence on the supply of housing sites. In addition, my attention was drawn to recent appeal decisions at Cricklade and Oaksey dealing with housing land supply in Wiltshire⁶ and to two planning permissions for housing which have been granted in or near Corsham⁷. The parties were invited to make further comments in the light of these matters and I have taken account of the responses received.

Main issues

15. I consider that the main issues in this case are:

- whether the Council can demonstrate that there is a 5 year housing land supply,
- the effect of the proposal on ecology, including any effects on designated sites and protected species,
- the effect of the proposal on the character and appearance of the area,
- the effect of the proposal on heritage assets,
- whether allowing the appeal would be prejudicial to a plan-led planning process, and
- whether the proposal would amount to a sustainable form of development.

⁴ Document GLD/20

⁵ Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010

⁶ Cricklade – APP/Y3940/A/14/2223354; Oaksey – APP/Y3940/A/14/2225214

⁷ Email from Derek Burt of 8 April 2015

Reasons

The policy context

16. The CS comprises the development plan for the purposes of the appeal. Core Policy 1 sets out the settlement strategy which identifies four tiers of settlements. Principal settlements are to be the primary focus for development with market towns also having the potential for significant development and local service centres seen as providing for more modest levels of growth. Corsham is identified as a market town. Core Policy 1 states:

Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.

17. The delivery strategy for the CS is contained in Core Policy 2. It seeks to deliver at least 42,000 homes in Wiltshire between 2006 and 2026. Three housing market areas (HMA) are identified. Corsham is in the North and West Wiltshire HMA (NWWHMA) where the minimum housing requirement is 24,740. Table 1 in the CS sets out indicative housing requirements for settlements and community areas, the indicative requirement for Corsham Town being 1,220. However, this disaggregation to community areas is not intended to be so prescriptive as to be inflexible in terms of delivering the housing requirement for each HMA. Table 1 is intended to provide a strategic context for the preparation of a Housing Sites Allocation DPD and in order to plan for infrastructure provision. Core Policy 11 sets out the spatial strategy for the Corsham Community Area. Consistent with Table 1, it states that approximately 1,395 homes will be provided of which about 1,220 will be at Corsham. The CS notes that new growth at Corsham will be balanced, with housing delivery alongside employment.
18. Core Policy 2 also states that development outside the defined limits to development will not be permitted except in specific circumstances which do not apply to the housing element of the appeal scheme. As the appeal site is outside the defined limits the proposal is contrary to Core Policy 2.
19. Core Policy 34 is generally supportive of proposals for employment development within the principal settlements, market towns and local service centres. Where proposals are outside these settlements the policy sets out criteria which will be applied. Core Policy 50 states that development proposals must demonstrate how they protect features of nature conservation value as part of the design rationale. Measures to avoid and reduce disturbance of sensitive wildlife species are to be incorporated and all development should seek opportunities to enhance biodiversity.
20. Core Policy 51 seeks to protect, conserve and where possible enhance landscape character. The aspects of landscape character to be taken into account include landscape features of cultural, historic and heritage value. Core Policy 58 seeks to protect the historic environment, including the settings of designated heritage assets such as conservation areas. Core Policy 61 states that new development should be located and designed to reduce the need to travel particularly by private car and to encourage the use of sustainable transport alternatives.

Housing land supply

21. The Council and the appellant agreed that the relevant assessment period for both the housing requirement and the supply is 1 April 2014 to 31 March 2019. It was also agreed that the CS provides the housing requirement against which supply should be assessed and that the area to be assessed should be the NWWHMA. The Council and the appellant did not agree about the housing requirement or about some elements of supply.
22. The Inspector who conducted the examination of the CS (the CS Inspector) concluded that the Council could demonstrate a 5 year housing land supply (HLS)⁸. Planning Practice Guidance (the Guidance) states that:

The examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a 5 year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position⁹.

In this case I consider that the CS Inspector's report and the CS evidence base form an important part of the evidence before me on HLS. However, the Guidance does not preclude a decision maker considering a planning appeal such as this from taking account of evidence which emerges subsequent to the consideration of HLS in a development plan examination.

The housing requirement and the supply needed

23. The Council's figure for the housing requirement in the NWWHMA is 24,740 in accordance with Core Policy 2. Allowing for completions in the period 2006 – 2014, the 5 year supply needed would be 6,160. In accordance with paragraph 47 of the Framework, it was agreed that a buffer of 5% would be appropriate¹⁰. On this basis the supply needed to accord with the Framework would be 6,468. The appellant argued that the requirement should be increased to take account of an allowance for 900 dwellings west of Swindon (the Swindon allowance).
24. The Swindon allowance relates to an existing commitment for 900 dwellings to the west of Swindon. Although located within Wiltshire, these dwellings are regarded as meeting the needs of Swindon. At paragraph 4.29 the CS states that '*As part of the planned early review of the CS, the Council will clarify that its housing requirement will be met without relying upon the delivery of homes to the west of Swindon*'. These words were added by way of a modification recommended by the CS Inspector. He did not think that the housing requirement within Wiltshire should be partially met by relying on delivery west of Swindon. However, he concluded that '*This matter can be dealt with most expeditiously through the planned early review of the CS which will include the new joint SHMA, without prejudice to the overall soundness of the CS*'¹¹.
25. The appellant argued that the CS Inspector's finding of soundness in relation to the CS as a whole was predicated on a commitment to a planned early review. However, the Council's Local Development Scheme 2015 (LDS), which was

⁸ See paragraph 96 of the report at CD11

⁹ Reference ID: 3-033-20150327

¹⁰ See Statement of Common Ground on housing supply matters – document GLD/LPA/08

¹¹ See paragraph 87 of the CS Inspector's report. The SHMA referred to is a joint Strategic Housing Market Assessment to be carried out by Wiltshire Council and Swindon Borough Council.

adopted on the same day as the CS, makes no such commitment. Furthermore, the LDS only states that the new joint SHMA will '*inform the need for a further review of Core Strategy policies*'¹². The appellant considers that the Council has reneged on its commitment to a planned early review. In these circumstances, it was suggested that the full housing requirement for Wiltshire will not be delivered in a timely way unless the Swindon allowance is added to the requirements for the 3 HMAs. On this approach the 900 units would be distributed proportionately, adding 225 to the requirement for the NWWHMA.

26. I agree with the appellant to the extent that the LDS is not consistent with paragraph 4.29 of the CS or with paragraph 87 of the CS Inspector's report. Bearing in mind the statutory nature of the document¹³ this is not a minor matter. On the other hand, the CS Inspector has recently considered how the Swindon allowance should be dealt with. In particular, he considered whether the Swindon allowance ought to be added to the requirements for the HMAs. That is not what he recommended. Instead, he concluded that this matter ought to be dealt with through a planned early review of the CS. His modification includes the commitment to an early review within the wording of the CS itself.
27. On balance, having regard to all the circumstances, I do not think that the lack of reference to the review in the LDS amounts to a sufficient change in circumstances to warrant adopting a housing requirement for the NWWHMA other than that set out in the CS. For the purposes of this appeal I agree with the Council's position which is that the supply needed in the NWWHMA to accord with the Framework is 6,468 dwellings.

The supply of housing sites

28. The respective positions of the Council and the appellant in relation to the supply of housing sites are summarised in the updated Statement of Common Ground (SoCG) on housing supply matters. The SoCG records changes made by the Council and the appellant during the course of the Inquiry. References to the Council's figures in the following sections of this report are references to the position as set out in the updated SoCG. I turn next to those sites where the contribution to HLS was in dispute at the end of the Inquiry. Some of these were discussed at an Inquiry which took place in April 2014 relating to proposed residential development at Park Road, Malmesbury¹⁴. I have taken account of the findings of the Inspector in that case¹⁵ (the Park Road Inspector) together with the other evidence before me on HLS matters.

Westinghouse Recreation Ground

29. The site has planning permission for 74 houses. Based on a telephone conversation, the appellant argued that the developer is considering a change to the design which would result in a reduction of 10 units. The Framework states that sites with planning permission should be considered deliverable unless there is clear evidence that they will not be delivered within 5 years. There was no suggestion that this site is not deliverable. In my view there is

¹² See paragraph 2.10 of the LDS

¹³ Section 15, Planning and Compulsory Purchase Act 2004

¹⁴ APP/Y3940/A/13/2200503

¹⁵ This was a case where the Secretary of State did not agree with the Inspector's recommendation. However, the Secretary of State accepted the Inspector's findings in relation to HLS.

insufficient evidence to warrant adopting a figure lower than the extant permission. I accept the Council's figure for this site.

Hunters Moon

30. The Council resolved to grant outline planning permission for up to 450 dwellings in January 2014 subject to the completion of a s106 agreement. The developer's trajectory envisaged first delivery of dwellings 18 months after the grant of planning permission. The Council adopted the findings of the Park Road Inspector. He considered that delivery in 2014/15 was unlikely but that, thereafter, the site could produce at the rate assumed by the Council. This conclusion was based on the absence of a planning permission at the time of the Park Road Inquiry. The position at this Inquiry was that the outline planning permission had still not been issued. Consequently, it now seems unlikely that there will be delivery in 2015/16. I therefore agree with the appellant's position which is a reduction of the Council's figure by 56 units.

Westbury North Junction

31. The site has full permission for 102 dwellings granted in October 2013. It is a former quarry, in-filled with waste materials, subsequently used for HGV parking and now vacant. The appellant queried the delivery trajectory on the basis that there has been no discharge of pre-commencement conditions. In particular, it was suggested that a condition relating to contaminated land was onerous and would be time-consuming to deal with. However, whilst the wording of the condition in question is quite detailed, in substance it is little different to many such conditions. I consider that the Council's trajectory allows a reasonable period for the discharge of conditions and see no reason to make any adjustment for this site.

Foundry Lane

32. The site is an industrial estate which has been identified for regeneration for some time. A mixed use redevelopment is being promoted which would include up to 115 residential units. There was a resolution to grant outline planning permission in December 2013 subject to the completion of a s106 agreement although as yet no permission has been issued. The Park Road Inspector found that an allowance of 75 completions within the 5 year period was reasonable, having been informed that the agreement was in the process of being finalised. In August 2014 the Council indicated that 4 years should be allowed for site remediation prior to commencement¹⁶. Even if that figure is unduly cautious, given the complexity of the site and the continued absence of a planning permission, delivery within the 5 year period now seems unlikely. I agree with the appellant that 25 units should be deducted from the Council's figure.

Burton Hill

33. The site is allocated in the draft Malmesbury Neighbourhood Plan (MNP) for approximately 50 dwellings. The MNP was subject to examination in September 2014 and there was a referendum in December 2014. At the time of the Inquiry the Council was in the process of drafting the document which would complete the process of making the plan. The MNP is therefore at an advanced stage and significant weight may be given to it. The appellant argued that an earlier strategic housing land assessment suggested that delivery from this site

¹⁶ Email from Neil Tiley dated 26 August 2014 at Appendix 11 of Ms Mulliner's proof of evidence

would be outside the 5 year period because of the need to co-ordinate separate land ownerships. Moreover, it was said that there was no evidence of a forthcoming planning application and that any assessment by the MNP examiner of deliverability would not have needed to consider the 5 year period.

34. In my view matters have moved on since the strategic housing land assessment. It is important to note the site has been considered recently in the context of the MNP examination process. Had the examiner found that there were significant obstacles to delivery no doubt he would have said so. As to delivery within 5 years, I accept the Council's evidence that an application is being worked up by a delivery task group with the involvement of the landowners. The evidence supports the Council's delivery trajectory and no adjustment is required for this site.

Backbridge Farm

35. The site is allocated in the MNP for 170 dwellings. The appellant argued that the MNP requires the provision of pedestrian and cycle routes which would involve the use of 3rd party land. In the absence of a formal agreement with the owners concerned there was effectively a ransom strip. In response, the Council commented that the access problems had been overstated. One of the 3rd party owners concerned was the Council and one of the routes would be within an extension to a primary school site. A delivery task group had been established including representatives of the developer, the school and the education authority to bring forward proposals for the site.
36. As with the previous site, it is important to note that this site has recently been considered in the context of the examination of the MNP. The report of the MNP examiner emphasises the importance of the pedestrian and cycle links. It also records that representatives of the school attended the examination. The examiner concludes that *'From the evidence given on these matters I am satisfied that there is every possibility that the required pedestrian and cycle links would be secured through development'*¹⁷. The Guidance states that where potential ownership problems, such as ransom strips, are identified an assessment will have to be made as to how and when they can realistically be overcome¹⁸. In making that assessment I attach significant weight to the MNP examiner's report. I conclude that there is a realistic prospect that housing will be delivered at this site within the 5 year period. No adjustment to the Council's figure is needed.

North Chippenham

37. The Council resolved to grant outline planning permission for up to 750 dwellings together with employment uses and a local centre in April 2014, subject to a s106 Agreement. Permission has yet to be issued. The developer provided a revised trajectory in March 2014 indicating delivery of 360 units within the 5 year period. This figure was accepted by the Park Road Inspector and is relied on by the Council. The developer's trajectory assumed that the outline planning permission would be in place by April 2015. Consequently, the absence of such permission at the time of the Inquiry was not evidence of slippage and no adjustment to the Council's figure is needed.

¹⁷ Paragraph 3.34 of the examiner's report at Appendix 13 of Ms Mulliner's proof of evidence

¹⁸ Reference ID: 3-020-20140306

Patterdown and Rowden (South West Chippenham)

38. The site had previously been identified in the draft CS as a strategic allocation for 800 dwellings plus employment uses. The adopted version of the CS does not include strategic allocations at Chippenham. Instead, the Council intends to bring forward a Chippenham Sites Development Plan Document¹⁹. The Council's trajectory for this site includes delivery in 2016/17. As an outline application for 1000 houses was only submitted in December 2014 the appellant suggested that it was unlikely that there would be delivery before 2017/18.
39. The Park Road Inspector accepted the Council's trajectory which assumed a two year period between submission of an outline application and delivery. On that basis, given that the application was only actually made in December 2014, the site would start to produce completed units in the 4th quarter of 2016/17. Making a proportionate allowance for that quarter, and assuming that delivery would thereafter follow the Council's trajectory (slipped by one year), it is reasonable to allow for 190 units within the 5 year period²⁰. This is a reduction of 85 from the Council's figure.

Ashton Park, Trowbridge

40. The site is a strategic allocation in the CS for 2,600 homes together with employment land. Much of the site is controlled by Persimmon Homes, currently the developer of a nearby site at Castle Mead producing around 100 units per year. The Council and the appellant agreed that the site should produce completed dwellings from 2017/18. However, the appellant argued that Persimmon is unlikely to develop significant numbers of houses at Ashton Park until it has completed Castle Mead. Consequently the appellant suggested that only a few houses would be delivered in 2017/18 and that the build up in delivery thereafter would be slower than in the Council's trajectory.
41. A Statement of Common Ground between the Council and Persimmon Homes produced in May 2013 noted that there would be at least 4 outlets at Ashton Park, plus affordable housing. Although there would be limited overlap with Castle Mead competition between the two sites was not seen as a major issue. The Park Road Inspector noted that there had been some slippage in the submission of an outline application and reduced the projected delivery within the 5 year period from 600 to 350 accordingly. This is the figure now relied on by the Council. I consider that the scale of Ashton Park is such that it is likely there would be multiple outlets, as stated in the Statement of Common Ground. In my opinion there is insufficient evidence to support the appellant's suggestion that the build rates should be reduced. No adjustment to the Council's figure is therefore justified.

West of Warminster

42. The site is a strategic allocation in the CS for 900 dwellings together with employment land. The Council's trajectory assumes delivery from 2016/17. Given that no application has yet been submitted this now seems unlikely. The appellant suggests that the Council's trajectory should slip by one year. I agree. This results in a reduction of 140 from the Council's figure.

¹⁹ The Statement of Common Ground records that the CS Inspector found that the Sustainability Appraisal did not support the strategic allocations at Chippenham.

²⁰ The calculation is 15 units in the 4th quarter of 2016/17, 75 units in 2017/18 and 100 units in 2018/19.

Station Road, Westbury

43. The site was previously allocated in the West Wiltshire Local Plan and is now a strategic allocation for 250 dwellings in the CS. The Council adopts the developer's trajectory which shows 50 units in 2018/19. There would be a need for a link road to cross a railway line as part of the development. The appellant argued that no planning application has been submitted and questioned the viability of the site.
44. I understand that the site has been allocated for some time without development being brought forward. However, it has recently been reviewed in the context of the CS examination. The CS Inspector's report addressed the issue of viability, noting that the evidence presents '*a degree of ambivalence as to the viability of the site*'. Even so, the Inspector went on to say that the Council's revised viability evidence led to a reduction in affordable housing aspirations which will enhance the likelihood of viable delivery. He concluded that '*the Station Road site is justified as a strategic allocation*'. I attach significant weight to the CS Inspector's findings and conclude that there is a realistic prospect of delivery at this site. In terms of timing, the Council's trajectory indicates delivery in the final year of the 5 year period. This allows sufficient time for an application to be submitted and determined. No adjustment to the Council's figure is required.

Victoria Road, Warminster

45. The site has planning permission for 18 dwellings. However, a further planning application has been submitted for 8 dwellings and 3 retail units. On balance it seems more likely that this site will deliver 8 houses and it is therefore appropriate to make a reduction of 10 units from the Council's figure.

Conclusions on housing land supply

46. The supply needed in the NWWHMA, derived from the CS, is 6,468. This figure includes a 5% buffer in accordance with the Framework. The Council's figure for supply is 6,530. For the reasons given above I consider that this figure should be reduced by 316. The resulting figure is 6,214 which is below the supply needed to accord with the Framework. I acknowledge that the shortfall is not great. Indeed, the available supply exceeds the 6,160 that would be needed if it were not necessary to add a buffer. However, the Framework makes clear at paragraph 47 that a buffer should be added to ensure choice and competition in the housing market.
47. It follows that, in the NWWHMA, the Council cannot demonstrate a 5 year supply of deliverable housing sites with the buffer required by the Framework. In these circumstances the Framework states that relevant policies for the supply of housing should not be considered up-to-date.
48. The Council did not dispute that, insofar as Core Policy 2 seeks to restrict housing outside the limits of development, it is a relevant policy for the supply of housing which would be deemed to be out-of-date if there were found not to be a 5 year HLS. The appeal scheme also includes B1 office development. Core Policy 34 of the CS deals with employment land and is not a relevant policy for the supply of housing. I return to the application of development plan policy to the B1 element of the scheme later in this decision.

49. Paragraph 14 of the Framework states that where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate that development should be restricted. This is a case where paragraph 14 is not engaged, for reasons discussed in the concluding section of this decision.
50. I have referred above to two recent appeal decisions relating to sites at Oaksey and Cricklade which were drawn to my attention after the close of the Inquiry. Both sites are within the NWWHMA and in each case the Inspector accepted the conclusion of the CS Inspector in relation to the existence of a 5 year HLS. It can be seen from the Oaksey decision that the appellant in that case did not contest the CS Inspector's conclusion on HLS. Whilst there was some discussion of the allowance for windfall sites, it appears that the delivery trajectories for individual HLS sites were not discussed at the hearing.
51. It can be seen from the Cricklade decision that both the housing requirement and the HLS were disputed. I agree with the Cricklade Inspector that the CS requirement, disaggregated to the 3 HMA, provides the correct basis for establishing the requirement. The Inspector does not comment on individual supply sites and I do not know what detailed information was before him on this matter. It is clear that he attached very significant weight to the findings of the CS Inspector.
52. In common with the Cricklade Inspector I have afforded substantial weight to the report and conclusions of the CS Inspector. However, at the Inquiry evidence was put before me which demonstrates that, for some sites, the position now is materially different to the evidence that was before him. Neither the Framework nor PPG suggest that such evidence should be disregarded. Case law stresses the importance of an evidence based approach to the consideration of HLS²¹. On the basis of that evidence I have reached a different conclusion to the Oaksey and Cricklade Inspectors.
53. Finally, I note that since the Inquiry the Council has permitted housing development on two sites at or near Corsham, amounting to 152 dwellings. However, it would not be appropriate simply to add that figure to the supply – that would be tantamount to changing the base date of the HLS exercise. Moreover, some of these units are already accounted for in the HLS figures. The Council and the appellant have agreed that the correct base date for this appeal is 1 April 2014. If any later base date were used it would be necessary to review all the elements of the HLS exercise.

Effect on ecology, including designated sites and protected species

54. The appeal site comprises an arable field, within which there are some free-standing trees, and an area of grassland. There are corridors of trees and vegetation adjoining the northern and eastern site boundaries. These are associated with the grounds of Guyers House and open farmland to the north and with the back gardens of houses in Academy Drive to the east. The site is bounded by Bath Road to the south, beyond which is the urban area of Corsham. To the west it is bounded by Guyers Lane, beyond which there is a

²¹ *Wainhomes v Secretary of State for Communities and Local Government* [2013] EWHC 597 (Admin) – see for example paragraph 35 of the judgement

group of houses fronting Bath Road and open farmland. In the south west part of the site there is an airshaft leading to a disused underground quarry.

55. The site is not subject to any nature conservation designations. However, it is used by protected species, notably bats. All UK bats are protected species. An ecological appraisal and a bat survey were submitted with the application in 2013. This work identified several species of bats using the site. In response to matters raised by the Council and Natural England (NE) further bat surveys were undertaken during 2014.

Designated sites

56. The ecological appraisal identified one Special Area of Conservation (SAC) and 3 Sites of Special Scientific Interest (SSSI) in the area around the appeal site together with some non-statutory wildlife sites. The Box Mine SSSI is about 1.6km to the south west of the appeal site. This SSSI also forms part of the Bath and Bradford on Avon Bats SAC. The SAC is made up of various separate areas, the next nearest being respectively 7.5km and 9.6km from the site. The ecological appraisal did not identify any significant impacts on designated sites other than the Box Mine component of the SAC. This conclusion was not disputed by the Council and I see no reason to disagree.
57. The SAC is a European site and Regulation 61 of the Habitats Regulations therefore applies. The Council and the appellant agreed that the application is likely to have a significant effect on the SAC. Consequently, in accordance with Regulation 61, an appropriate assessment of the implications for that site must be made. To assist the Inquiry a draft appropriate assessment was prepared and agreed between the Council and the appellant²². The draft appropriate assessment concluded that the project was not likely to affect the integrity of the SAC, either alone or in combination with other plans and projects. NE was consulted and advised that it concurred with the assessment conclusions, provided that all mitigation measures are appropriately secured in any permission given²³. I have taken account of the draft appropriate assessment, together with the views of NE and all other evidence before the Inquiry in order to make my own appropriate assessment.
58. The interest features of the SAC are greater horseshoe bat (GHB), Bechstein's bat (Bechstein's) and lesser horseshoe bat (LHB). There are relatively large populations of GHB and LHB and a small population of Bechstein's which is estimated to be just 20 individuals. Unless bats are trapped or identified in the hand Bechstein's cannot be distinguished from other bats of the *Myotis* family. Due to the rarity of Bechstein's considerable survey effort is needed to confirm their presence or absence in circumstances where *Myotis* bats are detected.
59. Box Mine is the most important roosting, hibernation and swarming site for the qualifying species in the locality although other underground sites are used. The conservation objectives for Box Mine include avoiding the disturbance of the qualifying species, ensuring that the integrity of the site is maintained and that the site makes a full contribution to achieving favourable conservation status for each of the qualifying features.
60. Box Mine is not understood to be physically connected with the underground quarry at the appeal site by any underground route. To confirm whether or not

²² GLD/LPA/06

²³ NE letter of 2 March 2015 – GLD/LPA/07

the qualifying species are hibernating below ground, bat trapping was undertaken at the airshaft in March/April 2014. Natterer's and Daubenton's bats were trapped but no Bechstein's, GHB or LHB. The airshaft is used by *Myotis* bats as a swarming site in late summer. The difficulty of confirming the presence or absence of Bechstein's had been an outstanding matter of concern to the Council. However, following the 2014 surveys both the Council and NE are now satisfied with the level of survey work and agree that the airshaft is not used significantly by Bechstein's or by the other qualifying species.

61. Bat activity surveys identified modest numbers of GHB and LHB using the northern boundary of the site as a commuting route. *Myotis* bats, which could include Bechstein's, were also recorded using the northern and eastern boundaries for much of the summer with large increases in activity during September. Foraging activity was also recorded.
62. The survey evidence shows that the 3 qualifying species are not using the underground quarry or the trees within the site as roosts. However, the commuting routes may well be used to reach foraging areas and roosts in the locality so the proposed development may have indirect effects. It is likely to require external lighting associated with roads, footpaths and buildings. As the qualifying species are known to be light sensitive, increased lighting close to the commuting routes is likely to disturb bats, potentially impacting on the conservation objectives for the SAC.
63. Mitigation measures have been proposed to avoid or reduce the potential impacts. The key features, as shown on the ecological parameters plan, would be landscape buffers of at least 15m width containing species-rich grassland and tree/shrub planting along the western, northern and eastern boundaries. These buffers would be designed and managed to protect the commuting routes. In addition there would be a 10m offset to the closest elevation of any buildings. To my mind the key issues to be addressed are whether this mitigation would be effective and whether it could be adequately secured, bearing in mind the outline nature of the appeal scheme.
64. The indicative design of the buffers is shown on the illustrative landscape cross sections. These show that the buffers would be of sufficient width to include hedgerow and tree planting on either side of a central grassland strip. A close boarded fence would be contained within the planting closest to the proposed development in order to cut down light spill into the buffer zone. A lighting report has been submitted which includes modelled lighting levels across the site. This shows that light levels within the buffers could be kept below 1.0 lux, the level which is generally regarded as the threshold for bat disturbance. The survey information has identified how the site is used by commuting and foraging bats and I consider that there is sufficient knowledge about the behaviour of the qualifying species to be confident that the mitigation measures would be effective in protecting the commuting routes.
65. The Council and the appellant suggested a condition which would require the submission of reserved matters to accord with the ecological parameters plan including the dimensions and lighting levels referred to above. Further conditions could be imposed requiring the approval of a Landscape and Ecological Management Plan, to ensure that the future maintenance of the buffers was appropriate to their mitigation function, and the approval of an external lighting scheme. I am satisfied that these conditions would secure the

implementation of the proposed mitigation measures without prejudicing the Council's ability to consider the planning merits of any reserved matters submissions.

66. In conclusion, my assessment is that the commuting routes could be adequately protected from the proposed development subject to the imposition of appropriate planning conditions. On this basis the project would not be likely to affect the integrity of the SAC either alone or in combination with other plans or projects. For the same reasons, the project would not be likely to harm the Box Mine SSSI.

Protected species - bats

67. The surveys have identified several bat species at the site, including the 3 referred to above. Insofar as these species are using the site for commuting and foraging the mitigation measures described above would be of value to all of the bat species. The Council's main concern was the effect of the proposal on the use of the airshaft and underground quarry by bats. The surveys show that it is likely that Natterer's bats and Daubenton's bats are using the quarry for hibernating. In addition, swarming activity has been observed at the airshaft in the late summer and autumn. The surveys indicated a maximum of 10 bats swarming at any one time. The ecological function of swarming is closely related to breeding which normally takes place underground. Studies have shown that individual bats travel from a wide area to reach swarming sites. Such sites are comparatively rare and the Council is aware of only 3 in Wiltshire.
68. Mitigation proposals are shown on the ecological parameters plan. A buffer zone would be formed around the airshaft with a minimum of 15m between the shaft and the office development to the south west and a minimum of 25m between the shaft and the residential development to the north east. The buffer zone would have trees towards the edge and an open area for swarming around the shaft. Wildlife corridors, similar to the landscape corridors described above, would link this area to the western and southern boundaries.
69. The Council's concern was that the introduction of urban development in proximity to the airshaft would result in the deterioration of a breeding site of a European protected species, potentially in breach of Article 12 of the Habitats Directive. The Council considers that there is an unacceptable degree of uncertainty with regard to both the significance of the swarming site and the nature and significance of the impacts of development on the swarming arena. Moreover, it was argued that the effectiveness of the proposed mitigation cannot be sufficiently understood because there is no precedent for developing close to a swarming site. For all these reasons the Council considered that it was unlikely that NE would be able to provide the necessary licence for the scheme and planning permission should therefore be refused.
70. The appellant agreed that that a licence from NE would be sought. However, it was argued that the existing habitat is sub-optimal for bats because it is open and exposed arable land. Natterer's and Daubenton's are woodland bats adapted to cluttered woodland environments. The mitigation would provide optimal habitat around the airshaft and connectivity with the wider area.
71. The EC Guidance on the application of Article 12 states that:

*'Breeding sites and resting places are to be strictly protected because they are crucial to the life cycle of animals and are vital parts of a species' entire habitat. Article 12(1)(d) should therefore be understood as aiming to safeguard the continued ecological functionality of such sites and places, ensuring that they continue to provide all the elements needed by a specific animal to rest or to breed successfully. The protection applies all year round if these sites are used on a regular basis.'*²⁴

72. The emphasis in the EC Guidance is on the continued ecological functionality of the breeding or resting site. The evidence before me indicates that the key aspects of functionality here are the underground quarry, where breeding is thought to take place, the swarming arena and the connectivity to the wider area.
73. I accept the evidence of the appellant's bat expert that there has been sufficient survey work. The species using the airshaft have been identified, the maximum numbers using it for swarming at any one time have been established and there have been direct observations of swarming activity on a number of occasions. The Council argued that the total numbers of bats using the site over a season is not known. Whilst that may be so, I am satisfied that there is sufficient information to properly understand the significance of the swarming site and to inform the design of the mitigation measures.
74. It is important to bear in mind that the swarming site is not in a remote rural location. It is around 50m from the busy A4 which has tall lighting columns. It is also close to urban development to the south of the A4. No survey information has been provided regarding current light levels at the airshaft. However, the appellant's bat expert suggested that these are likely to be above the 1.0 lux level which is the threshold for affecting the behaviour of bats²⁵. Having viewed the site at night I share that view. I agree with the appellant that the current conditions are sub-optimal for bats.
75. The appellant submitted information about other swarming sites in the Corsham area and also in Derbyshire and Yorkshire. This evidence shows that sheltered and relatively cluttered woodland environments provide suitable habitat for Natterer's and Daubenton's bats. Consequently there is no reason to think that planting trees around the perimeter of the buffer zone, leaving the area around the shaft clear, would create conditions unsuited to these species.
76. The numbers of bats observed swarming were relatively low, with a maximum of 10 on one occasion and generally fewer than 5. The majority of the swarming activity observed was above the airshaft. Whilst there was an instance of swarming behaviour to the south of the airshaft this was just 2 individuals on a single occasion. The lighting conditions which could be achieved in the buffer zone, and the corridors connecting it to the southern and western boundaries, have been modelled in some detail. The modelling showed that light levels could be maintained below the 1.0 lux threshold. For much of the buffer zone levels would be below 0.1 lux. This would certainly be no worse than existing conditions and may well be a material improvement.

²⁴ Page 45 of the Guidance Document on the Strict Protection of Animal Species of Community Interest under the Habitats Directive 92/43/EEC, included at Appendix I to GLD/23.

²⁵ Mr Goodman, in answer to my questions

77. Taking the survey data together with the information about other swarming sites and the modelled lighting conditions, I consider that there can be a high degree of confidence that the ecological functionality of the airshaft breeding site would be adequately protected by the proposed mitigation.
78. It is also necessary to consider potential physical impacts on underground breeding sites by construction works and potential disturbance to hibernating bats from noise and vibration. The extent of the underground quarry linked to the airshaft has been surveyed. The appellant's engineering consultants have submitted a technical note which states that the likelihood of piled foundations being needed on this site is negligible. There remains a possibility of unmapped shallow workings which might potentially be used by bats. This potential risk could be addressed by way of a condition requiring a land stability risk assessment to be submitted for approval alongside the submission of reserved matters. The possible need for any seasonal restrictions on building works in parts of the site, to avoid disturbance during hibernation, could be addressed within a Construction Method Statement. Such statements are commonly secured by planning conditions to mitigate impacts during construction.
79. In conclusion, I consider that the impact of the proposal on bats is not a matter which weighs against the grant of planning permission. In these circumstances case law indicates that:
- If a proposed development is found acceptable when judged on its planning merits, planning permission for it should normally be granted unless in the planning authority's view the proposed development would be likely to offend article 12(1) and unlikely to be licensed under the derogation powers²⁶.*
80. My conclusion is that, with the proposed mitigation, the proposed development would be unlikely to result in the deterioration of a breeding site of a European protected species. On that basis a licence may not be required. However, it is not for me to determine whether or not a licence would be required as that would be the duty of NE. Moreover, in this case it is common ground that a licence would be applied for²⁷. Questioned on this point, the appellant's bat expert stated that a licence would be applied for to ensure that the developer would be protected against any potential offence²⁸.
81. If such an application were made NE would have regard to the 3 licensing tests set out in Regulation 53 of the Habitats Regulations. The need for housing is capable of amounting to an imperative reason of overriding public importance, particularly in circumstances such as these where the supply of housing sites falls short of that required by the Framework. The shortfall in housing supply also indicates a lack of satisfactory alternative sites.
82. The Council suggested that there could be an alternative layout, perhaps omitting the proposed roundabout junction in the vicinity of the airshaft. There was little specific evidence before me on potential alternative layouts. However, I saw that opportunities for forming satisfactory vehicular accesses to the A4 Bath Road are constrained by existing buildings and the need to take account of the existing junction with the B3109 Bradford Road. From what I saw on site

²⁶ Paragraph 96, R (on the application of Christopher Prideaux) and Buckinghamshire County Council and FCC Environment UK Ltd [2013] EWHC 1054 (Admin)

²⁷ Paragraph 3.7, Statement of Common Ground on Bats – GLD/LPA/11

²⁸ Mr Goodman, during cross-examination by Mr Richards

it seems unlikely that there would be a satisfactory alternative to forming a roundabout junction at this point.

83. For the reasons given above, I do not consider that the proposal would be detrimental to the maintenance of the population of the species in question at a favourable conservation status. Consequently, the evidence before me does not indicate that this is a case where NE would be unlikely to grant a licence.

Other protected species

84. There is no aquatic habitat for great crested newt or common toad on the site although there is some terrestrial habitat for both species. Any impacts on terrestrial habitat would be outweighed by habitat created within the scheme. The Council and appellant agreed that impacts on great crested newt, common toad, badger and birds would be low and could be mitigated by standard approaches secured through conditions²⁹.

Loss of parkland habitat

85. The Council and the appellant did not agree on the value that should be attached to the existing habitat. The Council argued that, as parkland, the appeal site represents a priority habitat whereas the appellant characterised it as being dominated by arable land with low ecological value overall. These differences narrowed somewhat during the Inquiry with the parties agreeing that the site does not meet the criteria for a parkland County Wildlife Site because it has only 2 veteran trees rather than the required 3. On the other hand it was agreed that the site does meet the UKBAP criteria for parkland habitat³⁰. It is therefore a site 'of value' in the terms of the CS.
86. Whilst the site meets the criteria for parkland habitat there are a number of factors which bear on my assessment of its ecological value. First, the Council accepted that arable farming over an extended period will have reduced the value of the habitat normally associated with parkland. There are only 2 veteran trees and one of these had collapsed at the time of my site visit. As it stands, the remaining veteran tree is not part of a mosaic of parkland habitats. The surveys of invertebrates, bryophytes and lichen which have been carried out identified the presence of common and widespread species. Consequently, whilst the site is a priority habitat in a technical sense, the evidence before me indicates that its actual ecological value is relatively low.
87. The Council suggested that there is potential for some restoration of the ecological value of the site. Whilst that may be so, there was little evidence before the Inquiry that this is a likely prospect.
88. The illustrative layouts and the ecological parameters plan show how the remaining veteran tree, and other free-standing mature trees, would be retained within the proposed development. Dry stone walls contribute to the range of habitats within the site. Although around half of the total length of such walls would be removed, this would be replaced by an equivalent length of new dry stone wall. The illustrative landscape proposals include features designed to enhance biodiversity, including new grassland, extensive tree and hedge planting, swales and ponds. There would be 2.8ha of terrestrial habitat suitable for great crested newt and common toad. Full details of all these

²⁹ Ecology Statement of Common Ground – Parkland and veteran trees – GLD/LPA/03

³⁰ Ecology Statement of Common Ground – Parkland and veteran trees – GLD/LPA/03

measures could be secured at reserved matters stage and by the imposition of conditions.

Conclusions on ecology

89. Core Policy 50 of the CS states that development proposals must demonstrate how they protect features of nature conservation value. Where such features cannot be retained, removal shall only be acceptable where the ecological impacts have been mitigated as far as possible and compensatory measures have been secured to ensure that there is no net loss of the local biodiversity resource. All proposals should avoid and reduce disturbance of sensitive wildlife species and seek opportunities to enhance biodiversity.
90. The most important features of the appeal site are the airshaft, which is a breeding site for bats, and the commuting routes used by several bat species including those associated with the SAC. These features would be retained and protected by the proposed mitigation measures. Other features, including mature trees and dry stone walls, would be retained as far as practicable and compensatory features would be provided. I have concluded that the project would not be likely to affect the integrity of the SAC and that it would not result in the deterioration of the breeding site.
91. There would be a loss of parkland habitat which is regarded as being 'of value' in the CS. However, the actual ecological value of the site is relatively low. Specific features associated with parkland would be retained and in my view any loss of value would be outweighed by the extensive biodiversity enhancement measures incorporated in the scheme. I consider that, overall, there would be no net loss of the local biodiversity resource and that the scheme as a whole would accord with Core Policy 50.

Effect on the character and appearance of the area

92. The relationship between the appeal site, the adjoining countryside and the urban area of Corsham has been described at the beginning of the preceding section. The Wiltshire Landscape Character Assessment identifies the site as being within the Malmesbury – Corsham Limestone Lowland character area. The characteristics of this area are said to include gently undulating lowland farmland, a pattern of large geometric fields and dry stone walls marking field boundaries. I consider that the appeal site shares these characteristics.
93. The site is crossed by a public footpath leading from Bath Road. The path passes through the grounds of Guyers House and then leads north towards the Cotswolds Area of Outstanding Natural Beauty (AONB). The edge of the AONB is around 650m from the appeal site.

Landscape and visual effects

94. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA). The LVIA assessed the landscape of the appeal site as having low/medium susceptibility to change. The effect on the landscape of the site and immediate context was assessed as minor adverse. The main visual impacts identified were moderate adverse effects on a relatively small number of residential receptors and on users of the public footpath and minor adverse effects on users of Bath Road and Guyers Lane.

95. The Council and the Pickwick Association argued that the LVIA had generally understated both the susceptibility of the site to change and the degree of the landscape impacts. It was suggested that the proposals would be harmful to the landscape setting of Corsham, in that the site forms a green gateway into the town, and that Bath Road has formed a distinct boundary to the northern extent of the town.
96. With regard to the susceptibility of the site to change, it is relevant to note that its existing character is subject to urban influences. The busy Bath Road bounds the southern side of the site and houses are visible to the east and south. Whilst the site is identified as parkland for the purposes of the ecological assessment, its visual character is essentially that of an agricultural field. It does have dry stone walls, which are a feature of parkland, and there are some free-standing trees. However, there is no sense of a coherent or consciously designed landscape structure.
97. The site is adjacent to part of the Pickwick Conservation Area. I will return to its contribution to the setting of the conservation area in the following section. The key point to note here is that there is limited inter-visibility between the appeal site and the conservation area. I do not consider that the proximity of the conservation area materially increases the landscape sensitivity of the appeal site. In summary, I agree with the findings of the LVIA that this is a site with low/medium susceptibility to change.
98. There would be an adverse change in the character of the site itself in that an open arable landscape, characteristic of the locality, would be replaced by urban development. I consider that this would be a harmful impact of the proposed development, although the degree of harm would be tempered by the low/medium susceptibility of the landscape. Layout and design is a reserved matter. However, the illustrative masterplan shows how mitigation could be embedded in the design and layout of the scheme. This could be achieved by creating a central public open space, related to the line of the footpath, and by setting new development within a strong landscape structure. These features of the illustrative layout could be secured at the reserved matters stage.
99. The Council and the Pickwick Association agreed with the appellant in relation to the general extent of visual effects. These would not be widespread due to the effects of landform and vegetation. They would be confined, in the main, to views from Bath Road, Guyers Lane, nearby houses and the public footpath.
100. Turning to the landscape setting of Corsham, I note that the open nature of the site is readily apparent from the approach to the town along Bath Road. However, I do not consider that the site has a gateway function. The approach to Corsham from the west is characterised by a mix of urban development and open countryside. The southern side of the road is fairly consistently developed. The northern side is less so but there is extensive development at the Copenacre site³¹ and there are houses at Traveller's Rest, Guyers Cottages and Academy Drive. As seen on a map or aerial photograph Bath Road does indeed define the northern edge of part of the urban area of Corsham. However, as seen on the ground there is no strong visual edge at this point.
101. The greatest visual effects would be on nearby residential occupiers and on users of the footpath. In both cases the illustrative layout offers a degree of

³¹ A vacant MoD site which is to be redeveloped for housing

mitigation. Substantial landscape buffers are proposed around the site boundaries. At present the footpath passes through an open field, albeit with views of housing nearby. It would become part of an urban extension. However, the illustrative masterplan shows that it need not be closely confined by housing, passing instead through a broad public open space for about half its length and then along a green corridor. In conclusion, I accept the assessment of the LVIA that these would be moderate adverse visual effects.

Effects on designated landscapes

102. The Council and the Pickwick Association accepted that there is no inter-visibility between the site and the AONB. No party identified viewpoints within the AONB from which the proposed development would be seen. On my site visits I saw that the character of the footpath changes to the north of Guyers House. Urban influences are much reduced and there are views northwards to higher ground within the AONB. The nearest boundary of the AONB is on the other side of a low ridge and from this point there are no views southwards towards Corsham and the appeal site.
103. Nevertheless, it was argued by the Council that the experience of approaching the AONB via the footpath would be adversely affected by the appeal scheme. Whilst that may be so, as noted above any impact on users of the path would be no more than moderate adverse. Moreover, any such effect would be confined to that section of the path which is within the appeal site. In any event, this would not be an impact on the landscape of the AONB itself.
104. I conclude that the evidence before me does not identify any material impact on the landscape of the AONB. In relation to national policy³², the landscape and scenic beauty of the AONB would be conserved.
105. The Council's reasons for refusal include reference to the Corsham Special Landscape Area. This was a local landscape designation found in previous local plans. It was not carried forward into the CS. At the Inquiry, the Council did not seek to argue that it should be regarded as a significant factor in this appeal.

Conclusions on character and appearance

106. The loss of a greenfield site would result in some harm to the character and appearance of the area. There would be adverse visual effects, particularly for nearby residents and users of the public footpath. To this extent the appeal scheme would not accord with Core Policy 51 which seeks to protect and conserve landscape character. On the other hand the negative impacts would be mitigated as far as possible, as required by the policy, through the inclusion of structural landscape features which could be secured at the reserved matters stage. The extent of visual impacts would not be widespread and there would be only limited harm to the landscape setting of Corsham. There would be no harm to the landscape and scenic beauty of the AONB.

Effect on heritage assets

107. There are no designated heritage assets within the appeal site. This section of my decision discusses effects on the settings of designated heritage assets, the adequacy of survey information in relation to archaeology and whether

³² Paragraph 115 of the Framework

there are any non-designated heritage assets which merit consideration in the context of this appeal. The Built Heritage Assessment submitted with the application identified a number of listed buildings in the locality. However, at the Inquiry the designated heritage assets of concern to the Council and the Pickwick Association were the Pickwick Conservation Area and Guyers House, a Grade II listed building. I agree that the other listed buildings identified in the assessment are either too far from the appeal site, or have an insufficiently direct relationship with it, for there to be any material impact on their settings or their significance.

Effect on the setting of the Pickwick Conservation Area

108. Pickwick developed as a separate village which became linked to Corsham by 20th century development. There was no conservation area appraisal or character statement before the Inquiry. There was however a brief description of the conservation area which notes that Pickwick was a staging post on the London coach route, referred to by Charles Dickens in *Pickwick Papers*. The village has developed in a linear fashion along Bath Road. The fabric is substantially stone, which results in a high degree of unity in the street scene. At the western end of the conservation area there are two large houses set in grounds, enclosed with high stone walls, at Pickwick Manor and Beechfield House. In my view all of these features contribute to the character and appearance of the conservation area and to its significance as a designated heritage asset.
109. The Framework defines setting as the surroundings in which a heritage asset is experienced. The Pickwick Conservation Area is primarily experienced from viewpoints within the designated area. No external viewpoints which are of importance to understanding or experiencing the conservation area have been identified in the evidence. There is limited inter-visibility between the conservation area and the appeal site although there is some, for example views to and from houses in Academy Drive.
110. The properties at Academy Drive, which are within the conservation area, back on to the appeal site. These houses are within the grounds of Beechfield House. They are part of a modern residential development which replaced previous development within the grounds. The Academy Drive development has been attractively designed and is sympathetic to its sensitive location within the landscaped grounds of Beechfield House. However, the relationship of these modern houses to the conservation area would not be materially affected by development behind them, at the appeal site. No doubt there would be views of new housing, partially screened by the proposed landscape buffer, from the back of the Academy Drive houses. That would not however have any material impact on the significance of the conservation area as a designated heritage asset.
111. There are views eastwards along Bath Road which encompass the appeal site together with elements of the conservation area. These views are dominated by highway infrastructure and predominantly modern development. There are also glimpses of buildings, such as No 51 Bath Road, which make a positive contribution to the conservation area. However, to my mind any such views cannot be characterised as important in the sense of contributing to an experience or understanding of the conservation area.

112. The appeal site forms part of the setting of the conservation area. However, setting is not a heritage designation in its own right. Whilst the proposed development would change the character of the appeal site it does not follow that this would harm the significance of the conservation area. Although there would be changes to views into and out of the conservation area, these changes would not affect important views. There would be no harm to the character and appearance of the conservation area. Nor would there be harm to its significance as a designated heritage asset.

Effect on the setting of Guyers House

113. Guyers House is a Grade II listed building set in landscaped grounds adjoining the northern boundary of the appeal site. The house is approached by a tree-lined drive from Guyers Lane which passes alongside the appeal site boundary. The list description notes that the house dates from the 17th century with 19th century additions. It has both historic and architectural interest due to its age and the quality of its architecture. The principal elevation faces south east onto a lawn, pond and landscaped grounds. There are substantial planting belts to the south and east of the grounds. From first floor windows it is possible to gain some filtered views, through the boundary planting, over parts of the appeal site to Bath Road.
114. Guyers House was formerly a farmhouse and is now a hotel. From 1921 the appeal site was farmed, together with other land, by the occupiers of Guyers House. The family planted two beech trees within the appeal site as a memorial to a son who was killed in World War II. The appeal site was sold away from the house in the 1950s. The present owners acquired the property in 1989. They restored the house and grounds and began planting trees and hedges on the boundary to screen the effects of street lighting along Bath Road³³.
115. In assessing the importance of the appeal site to the significance of Guyers House as a designated heritage asset I take account of visual, functional and historic connections. The visual links are now very limited due to the planting along the drive and the southern and eastern edges of the grounds. The house is barely visible in winter views from the appeal site and Bath Road. Views out are restricted, as described above. Moreover there is no evidence that this is a recent or transient change – the ordnance survey map of 1886 shows planting belts to the south and east of the house. It appears that the planting that has taken place since 1989 has reinforced a landscape structure established in the 19th century.
116. Guyers House was a farmhouse and, whilst there is only direct evidence relating to the period from 1921, it seems likely that the appeal site was farmland associated with the house long before that time. Consequently there was a functional link which came to an end in the 1950s.
117. The issue of parkland has been discussed above in relation to ecology and landscape. In terms of the historic environment, the tithe map of 1838 shows Guyers House surrounded by fields. There is no evidence of parkland at this stage. The ordnance survey map of 1886 shows the drive to the house on an alignment to the north of the present drive. There are free-standing trees and clumps within the appeal site, suggestive of a parkland character. However,

³³ Mr Hungerford, one of the owners of Guyers House, gave this information in his written statement and in answer to my questions

there is no evidence of any designed landscape linking the house to the appeal site. On the contrary, as noted above, planting belts to the south and east of the site were already in place.

118. Having regard to all the above factors, I consider that the appeal site should be regarded as part of the setting of Guyers House notwithstanding the limited visual connectivity between the two. The functional link has gone and there is no link resulting from a designed landscape. The continued presence of farmland does however contribute something to the understanding of Guyers House as a former farmhouse. In my view the contribution that the appeal site makes to the overall significance of Guyers House is a small one.
119. The effect of the appeal scheme would be to bring urban development much closer to the southern edge of the grounds of Guyers House. There would be little impact on views to and from the house because the existing planting at Guyers House would be supplemented by extensive new planting along the landscape corridors within the appeal site. Given the predominantly residential nature of the appeal scheme there is no reason to think that there would be significant harm from noise and disturbance. On the other hand there would be an erosion of the rural setting of the farmhouse which would result in some harm to the significance of the designated heritage asset.
120. In the terms of the Framework³⁴, I consider that the degree of harm would be less than substantial. Moreover, for the reasons given above I would characterise it as minor. In these circumstances the Framework requires any harm to be balanced against the public benefits of the proposal. I return to that balance in the conclusions to my decision. Having regard to the relevant statutory duty,³⁵ I conclude that the setting of Guyers House would not be preserved.

Archaeology

121. The application was supported by an Archaeological Desk-Based Assessment. This concluded that there are no known archaeological heritage assets within the site and that there is a low potential for the presence of unknown buried heritage assets. The Pickwick Association argued that a field evaluation ought to be carried out before any planning permission is granted. However, the County Archaeologist was satisfied that appropriate site investigations, including trial trenching, could be secured by a condition. I share that view.

Non-designated heritage assets

122. The Pickwick Association suggested that Guyers Cottages, which front Bath Road and back onto the appeal site, should be regarded as non-designated heritage assets. However there is no evidence that these cottages have been identified by the local planning authority as heritage assets, whether in a local list or in any other document. In my view they do not fall within the definition of a heritage asset as set out in the Framework. The cottages should of course be taken into consideration as part of the existing townscape. That is something that the Council would no doubt take into account at the reserved matters stage.

³⁴ Paragraph 134

³⁵ Section 66 – Planning (Listed Buildings and Conservation Areas) Act 1990

Conclusions on heritage assets

123. In conclusion, I have not identified any harm in relation to the setting of the Pickwick Conservation Area, archaeology or non-designated heritage assets. In these respects the appeal proposals would accord with Core Policy 58. I have concluded that there would be minor harm to the significance of Guyers House, a matter I comment on further below.

Whether there would be prejudice to a plan-led planning process

124. The central role of development plans in the planning system is made clear in primary legislation and the Framework. The Framework states that local plans should as far as possible reflect a collective vision and a set of agreed priorities for the sustainable development of the area. However, both the legislation and the Framework require other material considerations to be taken into account. In relation to housing, the Framework states that relevant policies for the supply of housing should not be considered up-to-date in cases, such as this, where there is not a 5 year HLS with the required buffer. Even so, it is appropriate to consider the implications of allowing the appeal scheme for the planning process in Wiltshire as part of the overall balance of planning considerations.
125. The Core Strategy was adopted in January 2015. Whilst it includes some strategic allocations it is not intended to include all of the allocations that will be needed to deliver the housing requirement for Wiltshire. The CS is to be followed by site allocation Development Plan Documents (DPD) and Neighbourhood Plans (NP). Allocations in Corsham are expected to be made through the Corsham NP but could also be made through a site allocation DPD.
126. Work is in progress on the issues and options stage of the NP. The position at the close of the Inquiry was that the consultation period on the application to designate the area for the NP was due to end on 18 March 2015. The NP steering group anticipates that consultation on a draft plan would take place in January/March 2016. The Council's Local Development Scheme indicates that the examination of the Wiltshire Housing Site Allocations DPD will begin in late 2015 with adoption in 2016. Both plans are at an early stage of preparation and have yet to emerge even as draft documents.
127. It is important to recall that Core Policy 1 identifies Corsham as a Market Town with the potential for significant development. At the Inquiry the Council accepted³⁶ that the scale of development proposed in the appeal scheme would not be inconsistent with the settlement strategy set out in Core Policy 1. I therefore conclude that allowing the appeal would not prejudice the overall spatial strategy of the adopted CS. I turn next to the effect on the planning process at the level of the Corsham community area.
128. Core Policy 11 states that approximately 1,220 houses will be provided at the town of Corsham during the plan period. The CS Inspector agreed with the Council that it was not necessary to make a strategic allocation at Corsham. There have been significant numbers of completions and permitted sites, such that the CS states that sites for only another 330 houses are needed. Community representatives drew attention to further recent permissions and current applications which would do much to meet this total. The appellants did

³⁶ Ms Gibson, in cross examination by Mr Tucker

not disagree that it seems likely that 330 will be exceeded, perhaps well before the end of the plan period.

129. If the appeal were dismissed the merits of the appeal site could then be considered alongside other candidate sites through either the NP or the DPD process. The Council argued that, having participated in the CS process, the expectation of the community is that is what should happen. Evidence was produced to show that there are a number of potential development sites, generally to the south west of Corsham. On the other hand, the figures set out in Core Policy 11 are not maxima so allowing the appeal would not prevent the merits of other sites being considered through those processes.
130. Turning to the employment element of the scheme, Core Policy 34 sets out 4 criteria for employment development outside the development limits of market towns. Criterion (i) is that the site is adjacent to the settlement and seeks to retain businesses currently within it and criterion (iv) is that the development is essential to the wider strategic interests of the economic development of Wiltshire³⁷. Whilst the proposed B1 office units would be available to existing businesses in Corsham there is no evidence of any need or demand for the units from such businesses. Nor is there any evidence that the development is essential for wider strategic interests. Consequently, it has not been shown that the criteria have been met and the proposed B1 units would conflict with Core Policy 34.
131. In conclusion, allowing the appeal would not prejudice the broad spatial strategy of the adopted CS. Nevertheless, there would be some prejudice to a plan-led planning process within the Corsham community area. There would also be a conflict with the CS in relation to the employment element.

Whether the proposal would amount to a sustainable form of development

132. The settlement strategy of the CS, together with the delivery strategy, seeks to define where development will be most sustainable across Wiltshire's settlements. As noted above, Corsham is identified as a market town and the scale of development proposed is consistent with the settlement strategy.
133. Corsham contains community facilities including schools, primary healthcare, pharmacies, supermarkets and a range of shops and leisure facilities. The transport assessment submitted with the application states that these facilities are generally within both walking and cycling distance of the appeal site. There are bus services within Corsham and there are also services to Bath and Chippenham. The assessment concluded that the site is well located to allow for travel by sustainable modes. That conclusion was not disputed by the Council and I see no reason to take a different view. The s106 Agreement would secure the provision of bus stops and a pedestrian crossing island on Bath Road. I consider that the proposal would therefore accord with Core Policy 61 which states that new development should be located and designed to reduce the need to travel, particularly by private car, and to encourage the use of sustainable transport alternatives.
134. As noted above, the employment element of the scheme would not accord with Core Policy 34. However, the CS states that new growth in Corsham will be balanced with housing delivery alongside employment. This does not mean

³⁷ Criteria (ii) and (iii) are not relevant to this case

that it will be appropriate for every housing site to include employment uses. However, to my mind the scale of the appeal scheme is such that the inclusion of an employment element in a housing-led development would be consistent with the aim of achieving balanced growth.

135. The Framework sets out three dimensions to sustainable development – the economic role, the social role and the environmental role. The definition of sustainable development includes all of the policies in paragraphs 18 to 219 of the Framework³⁸. In this part of my appeal decision I describe the main factors that inform my judgement as to whether the proposal would be a sustainable form of development. In reaching that view I take account of all the matters referred to in this decision, including the ‘other matters’ referred to below.

The economic role

136. The appeal proposal would bring a number of economic benefits. The B1 element of the scheme could accommodate additional jobs. In addition, the scheme would generate employment during construction and spending by the new households would support jobs and services in the local economy.
137. The Framework states that the economic and other benefits of the best and most versatile (BMV) agricultural land are to be taken into account. In this case around 80% of the site is categorised as BMV land. However, the officer’s report noted that there was no probable economic disadvantage to any agricultural operation. The Council did not argue that loss of BMV land ought to be regarded as a key issue in this appeal. Even so it is a disadvantage of the scheme to which some weight should be attached.
138. A matter raised by the owner of Guyers House was a concern that the appeal scheme would undermine the economic viability of the hotel business, thereby threatening employment. In fact there was very little evidence in support of this suggestion. The hotel is, and would remain, an attractive historic building set in landscaped grounds close to the AONB. I attach little weight to this factor.

The social role

139. The Council and the appellant agreed that the appeal site would make a positive contribution to the supply and delivery of housing and that the scheme would be substantially completed within the current 5 year period. This is an important matter, having regard to the objective of the Framework to boost the supply of housing. Moreover, it is of particular importance given the HLS position referred to above.
140. In addition, 30% of the units would be delivered as affordable housing. Delivery would be secured through the s106 Agreement. This would help to meet housing needs in the locality and contribute to reducing the shortfall in affordable housing.

The environmental role

141. The site is well located to allow for travel by sustainable modes. The needs of walking, cycling and public transport have been taken into account through

³⁸ Paragraph 6 of the Framework

the layout and the terms of the s106 Agreement. This contributes to the environmental role.

142. Whilst there would be some landscape harm, the extent of visual impacts would not be widespread and there would be only limited harm to the landscape setting of Corsham. There would be no harm to the AONB. Significant mitigation for landscape impacts would be embedded in the design of the scheme.
143. There would be no harm to any designated nature conservation site or to the conservation status of any protected species. Whilst there would be some loss of parkland, the ecological value of the appeal site is low. Significant biodiversity enhancement is proposed and there would be no net loss of the local biodiversity resource.
144. In relation to the historic environment, I have identified minor harm to the significance of Guyers House, as a result of development within its setting.

Conclusion on sustainable development

145. Taking all the above factors into account, I conclude that on balance the appeal scheme would be a sustainable form of development.

Other matters

146. The s106 Agreement would secure the highway works needed to provide vehicular access to the site and to take account of other transport modes. It would provide for approval by the Council of details of open spaces and play areas and for the subsequent management of these areas. These provisions would be needed to meet the requirements for open space generated by the scheme. In addition, there would be financial contributions to sport and recreation, cemeteries and secondary education. The Council provided evidence about how these sums had been calculated and how they would be used in ways which would be properly related to the appeal scheme. I consider that the obligations contained within the s106 Agreement would mitigate impacts resulting from the proposal. They are therefore neutral factors in the overall balance of planning considerations.
147. The Council's 4th reason for refusal related to potential harm to the living conditions of future occupiers from noise and vibration resulting from underground mineral workings beneath the site³⁹. Additional technical information was produced during the Inquiry and it was ultimately agreed by the Council and the appellant that this matter could be addressed by conditions⁴⁰. The conditions would require a foundation investigation plan to be submitted for the approval of the Council, having regard to the results of vibration tests. A further condition would establish criteria for noise and vibration. The Pickwick Association expressed doubts that these measures would be effective. However, the suggested conditions reflect technical advice about foundation isolation systems which has been accepted by the respective noise experts for the Council and the appellant. In my view the conditions would be effective in protecting the living conditions of future occupiers. In addition they would address a concern, expressed by some parties, that the scheme could have the effect of sterilising minerals under the site.

³⁹ There are currently no active workings but there is an extant permission

⁴⁰ Statement of common ground on noise and vibration – GLD/LPA/09

148. Some local residents are concerned about traffic conditions in the locality, particularly in relation to Bath Road. The application was accompanied by a transport assessment which included modelling of the relevant junctions. The Council agreed that the proposed junctions would be acceptable in terms of layout and visibility and that there would be no detriment to the local road network or to highway safety. I agree.

149. I conclude that these other matters do not add significantly either to the case in favour of the appeal or to the case against it.

Conclusions

150. The Council cannot demonstrate that it has the supply of housing sites needed to accord with the Framework. Consequently, the Framework states that relevant policies for the supply of housing should not be considered up-to-date. However, this is a case where it is common ground between the Council and the appellant that appropriate assessment under the Habitats Regulations is required. I agree and have carried out such an assessment. Paragraph 119 of the Framework states that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Habitats Regulations is being determined. Accordingly, I have considered the balance of issues without any such presumption.

151. With regard to effects on ecology, I have concluded that the proposal would not be likely to affect the integrity of the SAC and that it would not result in the deterioration of the breeding site for bats. Although there would be a loss of parkland habitat the actual ecological value of the site is relatively low. Any loss of value would be outweighed by the extensive biodiversity enhancement measures incorporated in the scheme. Overall, I consider that there would be no net loss of the local biodiversity resource. Consequently ecology is not a matter which weighs significantly in the planning balance.

152. I have concluded that there would be some harm to the significance of Guyers House, a designated heritage asset. The harm would be '*less than substantial*', in the terms of the Framework, and I consider that it would be minor. Paragraph 134 requires this harm to be balanced against the public benefits of the proposal. In this case I have identified economic and social benefits which are described above. I consider that these benefits are sufficient to outweigh the harm to the significance of the heritage asset. I therefore find that the appeal scheme would not conflict with policies of the Framework relating to the historic environment.

153. Notwithstanding my conclusion that the harm to significance would be minor, I have found that the setting of Guyers House (a Grade II listed building) would not be preserved. Mindful of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that is a matter to which I must have special regard.

154. I turn to the factors weighing in favour of the appeal. It would make a significant contribution to the delivery of housing. This is an important factor given the general imperative to boost the supply of housing set out in the Framework. It is of particular importance here due to the HLS position in the NWWHMA. Moreover, the scheme would deliver a significant number of affordable houses. It would also bring economic benefits. All of these social and

economic benefits would be realised in the context of a sustainable form of development in a location which is consistent with the broad spatial strategy of the CS. I note that the amount of the shortfall in HLS is not great. Nevertheless, having regard to the overall objectives of the CS and the Framework to deliver housing in sustainable locations I attach substantial weight to these factors.

155. The factors weighing against are conflicts with the CS in relation to defined limits of development, effects on landscape and the historic environment, loss of BMV agricultural land and potential prejudice to a plan-led planning process. Core Policy 2, insofar as it restricts housing development outside settlement boundaries, is deemed to be not up-to-date due to the HLS position. I therefore attach limited weight to this conflict. The employment element of the scheme would not accord with Core Policy 34. That said, I have concluded that the scale of the proposal is such that the inclusion of an employment element in a housing-led development would be consistent with the CS aim of achieving balanced growth at Corsham. Given that the housing element is needed, I consider that the inclusion of some employment supports the general intentions of the CS as a whole.
156. There would be some harm to the character and appearance of the area. However, the impacts would be mitigated as far as possible through the inclusion of structural landscape features which could be secured at the reserved matters stage. The extent of visual impacts would not be widespread and there would be no harm to the landscape of the AONB.
157. I have not identified any harm in relation to the setting of the Pickwick Conservation Area, archaeology or non-designated heritage assets. I have concluded that there would be minor harm to the significance of Guyers House, the setting of which would not be preserved. Although the harm would be minor, this is nevertheless a matter to which I attach considerable importance and weight.
158. As discussed above, loss of BMV agricultural land is a disadvantage of the scheme to which some weight should be attached but is not a key issue in this case.
159. Allowing the appeal would result in some prejudice to a plan-led planning process within the Corsham community area because the merits of the site could not be considered alongside other candidates in the context of the NP or site allocation DPD. On the other hand, the housing figures for Corsham set out in Core Policy 11 are not maxima so allowing the appeal would not prevent the merits of other sites being considered through those processes. Moreover, it is important to note that both the NP and DPD processes are at a very early stage of preparation. This limits the amount of weight to be attached to this factor.
160. My overall assessment is that the factors weighing against the appeal are not sufficient to outweigh the factors weighing in favour. The appeal should therefore be allowed.

Conditions

161. The Council and the appellant suggested conditions which were discussed at the Inquiry. There was no significant dispute between the Council and the appellant in relation to the substance of the conditions. I have considered the

suggested conditions in the light of advice set out in the Guidance. In some cases I have combined conditions and/or adjusted detailed wording for clarity and to avoid duplication.

162. Conditions 1-3 are standard conditions for outline planning permissions setting timescales for the submission of reserved matters and commencement. However, I have reduced the standard time limits because the ability of the site to deliver housing within the 5 year period is an important consideration in this case.
163. Condition 4 requires the reserved matters to accord with the Ecological Parameters Plan and condition 5 requires the submission of a Landscape and Ecology Management Plan. Condition 7 requires a Land Stability Risk Assessment to be carried out to mitigate the risk of damage to underground workings which may be used by bats. These conditions are needed to secure the ecological mitigation relied on in the appropriate assessment and, more generally, to protect wildlife and secure enhancements to biodiversity.
164. Condition 6 deals with phasing and is needed to ensure that affordable housing and public open space are brought forward at appropriate stages of the development. Conditions 8, 10, 11 and 12 deal with implementation of the site access works, highway and footway works in the vicinity of the site and the stopping up of an existing access. These conditions are needed to ensure that there would be satisfactory pedestrian and vehicular access to the site, in the interests of highway safety and to avoid any detriment to the local highway network.
165. Condition 9 provides for a Travel Plan to encourage the use of sustainable modes of transport. Conditions 13 and 14 require details of foul and surface water drainage in the interests of managing risks of flooding and pollution.
166. Condition 15 is needed to protect the archaeological potential of the site. Condition 16 requires details of hard and soft landscaping and condition 17 deals with replanting of any trees which fail. These conditions are needed to protect the character and appearance of the area. I have not included details of play equipment in condition 16 because this matter is covered in the s106 Agreement.
167. Condition 18 provides for a Construction Method Statement in the interests of highway safety and the living conditions of nearby residents during the construction phase. Any restrictions on construction work to avoid disturbance to hibernating bats would also be covered by this condition.
168. Condition 19 requires investigation and, if necessary, remediation works in respect of potential contamination of land in the interests of managing risks of pollution. Condition 20 required a scheme of external lighting. This forms one element of the ecological mitigation measures and is also needed in the interests of the character and appearance of the area. Condition 21, which deals with public art, supports the design quality of the scheme.
169. Condition 22 requires the submission of a Foundation Investigation Plan and condition 23 sets the noise and vibration criteria that the design of foundations would have to achieve. These conditions are needed to protect the living conditions of future residents of the appeal site in the event that an extant

consent for underground mineral working were to be implemented in the future.

David Prentis

Inspector

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Kate Hollins	Director, FPCR Environment and Design Ltd
BA MSc CMIEEM CEnv	
Kurt Goodman	Associate Director, FPCR Environment and Design Ltd
MSc BSc(Hons) MCIEEM	

FOR THE PICKWICK ASSOCIATION:

Jane McDermott	Chairman of the Pickwick Association and member of Corsham Town Council's Neighbourhood Plan Steering Group
BArch PGDipUD	
Angela Bence-Wilkins	Landscape Architect
CMLI	
Peter Cox	Director, AC Archaeology Ltd
Cert Archaeology MCIA	

David Taylor

On behalf of the Pickwick Association

INTERESTED PERSONS:

Cllr Philip Whalley

Member of Wiltshire Council and Corsham Town Council

Cllr Peter Pearson

Vice Chairman of Corsham Town Council and Chairman of the Neighbourhood Plan Steering Group

Guy Hungerford

Guyers House Hotel

Tony Clark

Trustee of the Beechfield Trust

Derek Burt

Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

	<i>Submitted by the appellant</i>
GLD/07	List of appearances
GLD/08	Extract from the Town and Country Planning (Environmental Impact Assessment) Regulations
GLD/09	Proof of evidence of Mr Goodman
GLD/10	Judgement in the <i>Gregory</i> case [2013] EWHC 63 (Admin)
GLD/11	Extract from Planning Policy Guidance ID ref 4-031-20140306
GLD/12	Opening submissions
GLD/13	Wiltshire Local Development Scheme January 2015
GLD/14	Appendices to proof of evidence of Mr Beardmore
GLD/15	Table submitted by Mr Jackson
GLD/16	Table submitted by Ms Mulliner
GLD/17	Exchange of emails between Natural England and the Planning Inspectorate
GLD/18	Document list
GLD/19	Draft s106 Agreement
GLD/20	Bundle relating to EIA screening on behalf of the Secretary of State
GLD/21	Tree Lower Plant Survey - FPCR
GLD/22	Ecological parameters plan and illustrative landscape cross sections
GLD/23	Additional inquiry documents from FPCR – February 2015
GLD/24	Letter from Stirling Maynard dated 17 February 2015 with associated highways plans
GLD/25	Corsham Community Plan
GLD/26	Contested HLS trajectory positions
GLD/27	Judgement in <i>Stroud District Council</i> case [2015] EWHC 488 (Admin)
GLD/28	Additional inquiry documents from FPCR – March 2015
GLD/29	Updated list of suggested conditions
GLD/30	Counsel's opinion on appeal decision at Ashflats Lane, Stafford
GLD/31	Closing submissions
GLD/32	Annex to closing submissions – housing land supply
GLD/33	Response to costs application
GLD/34	Closing submissions – clean copy ⁴¹
GLD/35	Annex to closing submissions – housing land supply – clean copy

⁴¹ The versions of GLD/31 and GLD/32 handed in at the Inquiry had some missing text due to printing problems. Clean copies were provided shortly after the Inquiry – there was no change to the content.

Submitted by the Council

LPA/01	Plan of Special Area for Conservation
LPA/02	Opening submissions
LPA/03	Revised Plan of Special Area for Conservation
LPA/04	Invertebrates and ecological assessment – Colin Plant Associates
LPA/05	Surveying terrestrial and freshwater invertebrates for conservation evaluation – Natural England research report
LPA/06	Consultation responses to ecological parameters plan and illustrative landscape cross sections
LPA/07	Judgement in <i>Crane</i> case [2015] EWHC 425 (Admin)
LPA/08	Judgement in <i>Prideaux</i> case [2013] EWHC 1054 (Admin)
LPA/09	Note identifying superseded sections of Mr Taylor's proof of evidence
LPA/10	Additional conditions suggested by Mr Marsh
LPA/11	Closing submissions
LPA/12	Costs application

Agreed between the appellant and the Council

GLD/LPA/01	Statement of Common Ground (SoCG) – Housing supply matters
GLD/LPA/02	Ecology – joint position statement
GLD/LPA/03	SoCG – Parkland and veteran trees
GLD/LPA/04	Suggested phasing condition
GLD/LPA/05	SoCG – Noise (unsigned)
GLD/LPA/06	Draft Appropriate Assessment regarding Bath and Bradford Bats SAC
GLD/LPA/07	Letter from Natural England to the Council dated 2 March 2015
GLD/LPA/08	Updated SoCG – Housing supply matters
GLD/LPA/09	SoCG – Amenity (noise and vibration)
GLD/LPA/10	Letter from TVS dated 4 February 2015
GLD/LPA/11	SoCG – Bats
GLD/LPA/12	S106 Agreement dated 12 March 2015

Submitted by the Pickwick Association

PA/01	Summary by Ms McDermott
PA/02	Summary by Mr Cox
PA/03	Summary by Ms Bence-Wilkins
PA/04	Closing submissions by Mr Taylor
PA/05	Judgement in <i>Gerber</i> case [2015] EWHC 524 (Admin)

Statements submitted by other parties

Cllr Whalley
Cllr Pearson
Tony Clark
Guy Hungerford
Derek Burt

Inspector's documents

IN/01	Draft conditions relating to ecological mitigation
IN/02	Letter from Natural England of 27 January 2015

Schedule of conditions

- 1) Details of the 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 begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of this permission or one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The reserved matters submitted pursuant to Condition 1 shall accord with the principles for the development of the site as shown on the Ecological Parameters Plan 5468-E-08 revision H. In particular the reserved matters shall include the provision of:
 - i) a landscape/ecological corridor at least 15m in width to the west, north and east boundaries of the site plus a further offset of at least 10m to the closest elevation of any buildings, in accordance with the principles shown on the Ecological Parameters Plan
 - ii) a buffer zone around the airshaft in the south west corner of the site in accordance with the principles shown on the Ecological Parameters Plan
 - iii) measures to provide dark areas within the landscape/ecological corridors to the west, north and east boundaries of the site which shall have an illuminance of no more than 1.0 lux measured at 2.5m above ground level within an area to be agreed in writing by the local planning authority
 - iv) measures to provide dark areas within the buffer zone around the airshaft in the south west corner of the site which shall have an illuminance of no more than 0.1 lux measured at 2.5m above ground level within an area to be agreed in writing by the local planning authority
- 5) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include long term design objectives, management arrangements and maintenance schedules for all landscape and open space areas. The LEMP shall include measures to provide and maintain a suitable habitat for bats and other wildlife species and shall be generally in accordance with the recommendations set out in section 4 of the Ecological Appraisal by FPCR dated 14 October 2013. Development shall be carried out in accordance with the approved LEMP and shall thereafter be permanently retained as such.
- 6) No development shall take place until details of the phasing of the development have been submitted to and approved in writing by the local planning authority. The details shall include the phasing of market and affordable housing units, public open spaces and equipped play areas. Development shall be carried out in accordance with the approved phasing details.

- 7) The reserved matters submitted pursuant to Condition 1 shall be accompanied by a Land Stability Risk Assessment which shall be submitted to and approved in writing by the local planning authority. The Land Stability Risk Assessment shall include details of intrusive site investigations, an assessment of land stability risks and mitigation measures to protect any underground workings from damage during the construction and operational phases of the development hereby approved.
- 8) No building hereby approved shall be occupied before the access arrangements shown on drawing No 4746/01/01 hereby approved have been implemented in accordance with that drawing and in accordance with further details of surface treatment, lighting and drainage which shall first have been submitted to and approved in writing by the local planning authority.
- 9) No building hereby approved shall be occupied before a travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall be generally in accordance with the framework travel plan (Stirling Maynard July 2013). The travel plan shall be implemented as approved and permanently maintained in operation thereafter.
- 10) No building hereby approved shall be occupied before a minor improvement scheme for the Hare and Hounds roundabout has been implemented in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The scheme shall include adjustments to road markings and traffic islands.
- 11) No building hereby approved shall be occupied before a scheme for the widening to 2m of the southern footway of the A4 Bath Road between No 5 Bath Road and the Bath Road/Academy Drive roundabout has been implemented in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The scheme shall make provision for the relocation of any lighting columns and electricity or telephone poles within the footway.
- 12) No building hereby approved shall be occupied before the field gate access to the site from Guyers Lane has been permanently stopped up in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 13) No building hereby approved shall be occupied before works for the disposal of sewage from the development have been carried out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 14) No building hereby approved shall be occupied before surface water drainage works have been implemented in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment shall be provided to the local planning authority. Where a sustainable drainage system is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving groundwater and/or surface waters;
 - ii) include a timetable for implementation; and
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 15) No development shall take place until a written programme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The programme shall include on-site work and off-site work such as the analysis, publishing and archiving of the results. The programme shall be implemented as approved before the commencement of the development.
- 16) No development shall take place until full details of both hard and soft landscape works, including a programme for implementation, have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures such as street furniture, refuse or other storage units. The details shall also include the location, size and condition of existing trees and hedgerows, shall identify those to be retained together with measures for their protection during construction and shall show details of new planting areas, tree and plant species, numbers and planting sizes. The works shall be carried out as approved in accordance with the approved programme.
- 17) If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, dies, or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season unless the local planning authority gives its written approval to any variation.
- 18) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities

- vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) measures to avoid the risk of noise and vibration impacting upon bats roosting within underground workings
- 19) No development shall take place until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with:
- i) A written report has been submitted to and approved in writing by the local planning authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.
 - ii) If the above report indicates that contamination may be present on, under or potentially affecting the site from adjacent land a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11'. A report detailing the site investigation shall be submitted to and approved in writing by the local planning authority.
 - iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to and approved in writing by the local planning authority. The remedial works shall be carried out as approved prior to the commencement of development or in accordance with a timetable that has been agreed in writing by the local planning authority. On completion of the remedial works the applicant shall provide written confirmation to the local planning authority that the works have been completed in accordance with the approved details.
- 20) No development shall take place until an external lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include lighting columns, light fittings, measures to reduce light spill and illuminance plots. Development shall be carried out in accordance with the approved details and thereafter permanently retained as such.
- 21) No development shall take place until details of public art to be incorporated within the scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 22) No development shall take place until a Foundation Investigation Plan has been submitted to and approved in writing by the local planning authority. The Foundation Investigation Plan shall include:

- i) A foundation zoning plan which will identify the type and depth of foundations across the site.
- ii) Vibration testing which shall take place during a trial mining test at appropriate locations to replicate both a typical case and a worst case of future mining both within the mine and at foundation level and bedrock level. The results of the test are then to be used by the foundation design engineer to ensure that noise and vibration levels of the foundations are at or below the criteria specified in condition 23. The vibration testing shall be carried out in accordance with a method statement which shall first have been submitted to and approved in writing by the local planning authority.
- iii) The results of the vibration testing shall be provided to the local planning authority and shall be used to design vibration and sound isolation measures (where required) at each dwelling and noise sensitive building. The foundation design for each dwelling and noise sensitive building shall be submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved Foundation Investigation Plan.

- 23) The foundations shall be designed to ensure that noise and vibration from underground mining activity shall not give rise to a noise level within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 25 and vibration levels shall not exceed 0.1 to $0.2 \text{ ms}^{-1.75}$ in accordance with the methodology in BS 6472-1-2008.

EP10

Appeal Decision

Inquiry held on 24 – 27 May & 2 June 2016

Site visit made on 27 May 2016

by Katie Peerless Dip Arch RIBA

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

Decision date: 02 August 2016

Appeal Ref: APP/G5180/W/16/3144248

Land to the rear of former Dylan International Premises, Station Approach, Lower Sydenham, London SE26 5HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Iain Hutchinson against the Council of the London Borough of Bromley.
 - The application Ref: DC/15/04759/FUL1 is dated 30 October 2015.
 - The development proposed is demolition of existing buildings and redevelopment of the site by the erection of a part eight, part nine storey development comprising 253 residential units (128 one bedroom, 115 two bedroom and 10 three bedroom) together with the construction of an estate road and ancillary car and cycle parking and the landscaping of the east part of the site to form open space accessible to the public.
-

Decision

1. The appeal is dismissed.

Main Issues

2. Since the appeal was lodged, the Council has indicated that, had jurisdiction not passed to the Secretary of State, it would have refused the appeal on a number of grounds. Taking these into account, I consider that the main issues in this case are as follows:

The effect of the proposed development on

- (i) the area of Metropolitan Open Land (MOL) in which it would be located, in particular whether it constitutes inappropriate development and, if so, whether there are any material considerations that outweigh the harm caused by inappropriate development in the MOL, and any other harm, sufficient to justify the proposal on the grounds of very special circumstances.
 - (ii) the character and appearance of the surroundings, with particular reference to the quality of its design, especially in relation to its scale, form, density and the measures taken to mitigate the risk of flooding;
- and
- (iii) the amenities of the future occupiers of the dwellings with particular reference to natural ventilation and solar gain and noise.
-

3. Although the Council was initially concerned that the proposed development would not meet its requirements in terms of numbers of apartments with wheelchair accessibility, further information submitted at the Inquiry resolved this question and the Council withdrew its objection on this ground.

Site and surroundings

4. The appeal site is part of former industrial premises and was previously a sports ground for the employees. It is roughly triangular in shape and is bounded to the west by a railway line and to the north east/south west by the river Pool. It contains the remains of a number of disused buildings associated with the sports ground use and areas of hardstanding. A part of the site is presently being used as a temporary compound associated with the development of the remainder of the former works on the land to the north and there is also an enclosed compound in a commercial use to the south but the remainder is mostly now rough grass with a track running close to the river from north to south.
5. The site lies within the New Beckenham area of Metropolitan Open Land, most of which comprises other sports grounds and playing fields. All of these areas are also part of the Green Chain. Beyond the railway, to the west, lies an industrial estate with residential development in Copers Cope Road and Worsley Bridge Road to the east. Lower Sydenham Station is close by, to the north.

The appeal proposals

6. The proposed development consists of 253 apartments in a single, articulated block on a north/south axis adjacent to the railway line. An access road with on-street parking would run parallel to the railway line and further parking space would be located in a basement beneath the building. This would allow the first level of residential accommodation to be raised and so prevent flooding should the river level rise. Water would be allowed to flow in and out of the car park via a series of grilles set into a landscaped area to the east of the block.
7. The remainder of the site would also be landscaped into an area of recreational parkland accessible to the public, containing an outdoor gym and a children's playground, with parking spaces to the north.
8. The scheme has been designed by the architect of the adjacent residential development on the site of the former works and would have a similar palette of materials, including yellow London stock brickwork, ribbed translucent glazed panels to the circulation cores and recessed balconies. The block would have 10 storeys, including the basement, and be set out in a 'zig-zag' shape along a central spine, with 7 facets on each long elevation, set at an angle of 120°. The apartments are a mixture of studio, two and three bedroom units, each with at least one balcony or private terrace.

Reasons

9. There is no dispute between the parties that the site lies within MOL or that policy 7.17 of the London Plan (LP) gives the same protection to such areas as is given to Green Belt in national policy as set out in the National Planning Policy Framework (the Framework). It is therefore also agreed that the

proposed development would be inappropriate development which would be inherently harmful and consequently only acceptable if shown to be justified through the existence of very special circumstances.

10. One of the main differences between the parties centres on the weight to be accorded to the MOL policies and the other Development Plan (DP) policies relating to housing land supply (HLS), with the Council considering that it can demonstrate a 5 year supply of housing land to meet its objectively assessed need (OAN). The appellants, however, submit that the claimed supply, at 5.1 years, is an over estimation and that there is a shortfall in the 5 year supply. This would mean that the policies relating to the supply of housing would be considered out of date and paragraphs 49 and 14 of the Framework would consequently be engaged.

Housing Land Supply

11. I consider that the starting point for this case is therefore whether the Council can demonstrate a 5 year HLS. The parties have produced a Statement of Common Ground (SoCGH) on the topic which sets out the areas of agreement, and disagreement, between them. It is agreed that the base date for calculating the supply is 1 April 2015 and that the annual housing target for the Borough as set in the Further Alterations to the London Plan (FALP) is 641 dwellings per annum (dpa) to which a 5% buffer should be applied to ensure variety and availability of choice. This gives a figure of 673 dpa for the period 2015 – 2020; a total of 3365 units.
12. The Council, in the SoCGH, considers that it can demonstrate a supply of 3443 units or, if it is considered that a 5% lapse rate (as discussed below) is applied to known sites with planning permission, 3403 units. This equates to 5.1 or 5.05 years' supply respectively. Taking all the reductions suggested by the appellants' results, in the worst case scenario, to a supply of 2480 units or 3.68 years HLS.
13. The matters in dispute between the parties are limited to the following points: firstly the position on 3 sites where the numbers of units that will be delivered are not agreed, secondly, the number of windfall sites that should be included per annum and thirdly, whether lapse rates should be applied to the categories of 'known sites with planning permission not commenced' and 'other sites', which are included in the 5 year supply figures.
14. Of the 3 sites in dispute, the first, Sundridge Park Manor, is considered by the Council to be capable of delivering at least 14 dwellings. The site has planning permission for this but the developers have stated that this level is unviable and will not be built out. The appellants suggest that, for this reason, the site should be removed from the list. The developers also applied to build 22 dwellings on the site but the revised scheme was refused permission at a planning committee meeting on the evening of the day the Inquiry closed, despite an officer's recommendation for approval.
15. It seems to me that, in these circumstances, the future of the site is very uncertain and it would be imprudent to assume that any units might come forward within the 5 year time frame. This means that 14 units should be deducted from the Council's total.

16. A site at Tweedy Road is being released by the Council for development with design guidance indicating that 24 units are likely to be acceptable. The appellants consider that it is a sensitive site that is not suitable for the scale of development originally envisaged, i.e. 40 units, and should be removed in its entirety. The site is now being actively marketed by the Council and, given the design studies carried out, I see no reason why the number of units included in the SoCGH calculations should not be deliverable within the 5 year time scale.
17. The final site is the former Town Hall and car park that was granted planning permission for 53 units in November 2015, after the base date of 1 April 2016. The appellants submit that the appropriate estimate is the 20 units envisaged at the base date, whereas the Council considers that the latest position should be the one on which the figures are based.
18. Whilst there is more up-to-date information now available, it seems to me that if additional units granted planning permission after the base date are to be taken into account, so should any units that have been completed after the base date and consequently removed from the future supply availability, in order to present the most accurate overall picture. This exercise had not been completed for the Inquiry and I therefore conclude that for the purposes of this appeal, the position as agreed in the SoCGH should be adhered to.
19. In conclusion therefore, on this topic, I consider that 47 units¹ should be taken out of the total of allocated sites and other known sites that the Council consider to be deliverable in the table attached to the SoCGH.
20. Turning to the number of windfall sites that should be included, the Council rely on the figures which were informed by the Strategic Housing Land Availability Assessment (SHLAA) carried out in 2013 and based on the years 2004 - 2012. However, the appellants point out that this was a measure of capacity and does not necessarily reflect the actual rate of delivery of sites.
21. At the Examination in Public (EiP) into the FALP the Inspector found that it was likely that it would not deliver sufficient homes to meet London's OAN but non-adoption would result in the retention of the existing housing targets, which were even lower than those in the FALP. In those circumstances, he concluded that the FALP should be adopted but subject to an immediate review, with the clear intention of increasing the supply across all forms of delivery.
22. The Council considers that any review of the likely level of windfall sites should wait until the next SHLAA is carried out, but, given the situation set out in the EiP Report into the FALP, I disagree. There is now more recent data available which demonstrates that the availability of such sites has reduced in the 3 years since the SHLAA was published and given the FALP Inspector's conclusions on the need to increase delivery, even though capacity might be sufficient, I consider that the windfall allowance suggested by the Council is unrealistic and should be reduced.
23. At present, the Council has included a total of 1100 units (220 dpa) in its small sites allowance for windfalls for the relevant 5 year period which equates to about 1/3 of its housing requirement. The total from all small sites is set at 352 dpa in the Council's calculations, but this figure has not been achieved in the Borough since 2007/8, with the overall trend for such completions moving steadily downwards.

¹ 14 from the Sundridge Park Manor site and 33 from the former Town Hall site

24. The level of reliance on 'unknown' sites has been criticised in the past by Inspectors and the appellants suggest that the 5 year trend figure of 1330 units from small sites over 5 years, resulting in 742 windfall dwellings over the period would be a better estimate. This figure is based on actual completions and it has been previously agreed by the Borough, in its evidence to the FALP EiP, that about 1800 small sites over the period 2015 - 2025 would be a more realistic figure.
25. Given the downward trend, and even taking a conservative figure midway between the 1100 now supported by the Council and its previous prediction of 900 (over 5 years) suggested as achievable at the EiP, would mean that the Council would narrowly miss the 5 year HLS target.
26. Even if this were not the case, the Council has made no allowance for any lapse rates on sites where planning permission has already been granted but not yet commenced. It has agreed, through the Inquiry process, that a 5% rate could possibly be applied to such sites, if found necessary, and this on the Council's own calculations would bring the HLS down to 5.05 years, as noted above.
27. The appellants submit that a lapse rate of between 30 – 50% should be applied to these sites and also to 'other known sites' where planning permission has not yet been granted. This view is based on the findings of previous Inspectors who were concerned that a 100% delivery rate was unrealistic and a variety of other evidence, including the 2013 SHLAA and comparison of delivery rates against Annual Monitoring Reports (AMR).
28. The figures show that there has been an overall failure to achieve the projected completions and while there are some years where targets have been met, the overall trend is a shortfall of up to 50%. It therefore seems to me that a lapse rate should be applied, to give a more accurate picture of what is likely to be achieved in terms of actual completions and that figure should be higher than the Council's assumed 5% and applied to both categories.
29. Even if a lapse rate of only 6%, rather than the 30 – 50% suggested by the appellants, were to be applied to the sites with planning permission that have not commenced and to other known sites as adjusted as set out above, the 5 year HLS would not be met. This would be the case even if the Council's figure on windfalls were to be accepted. I have however, for the reasons set out above, concluded that this would be an unreliable estimate.
30. I therefore conclude that, on the figures used to inform the agreed position on the SoCGH, the Council cannot demonstrate a 5 year supply of deliverable housing sites and, for the purposes of this appeal, the policies that are relevant to the supply of housing are not up-to-date.

Metropolitan Open Land

31. The designation of MOL is linked to that of Green Belt in national policy and both parties agree that the policies in respect of it are relevant to the supply of housing. My findings on the HLS situation therefore mean that they are now out-of-date and that, while they are still part of the DP for the Borough, the weight that can be accorded to them is consequently reduced.

32. The appellants also submit that, in this situation, the MOL designation is a local one, related only to the LP, and does not therefore fall within footnote 9 of the Framework which relates back to paragraph 14. This paragraph notes that where relevant DP policies are out-of-date permission should be granted unless any adverse impacts would '*significantly and demonstrably outweigh the benefits*' when assessed against '*the policies in this Framework as a whole*' and '*specific policies in this Framework*' indicate that development should be restricted.
33. Footnote 9 cites Green Belt as one of these specific policies. The appellants maintain that every word in the Framework is important, carefully considered and should be read as written and that therefore, because MOL is not mentioned in the Framework, there are no policies relating to it therein and paragraph 14 is not engaged in respect of the designation.
34. The Council disagrees, submitting that the Framework refers to national policy only, with MOL being a local designation that relies on the LP for its association with Green Belt policy and this is why it is not mentioned in the examples given in footnote 9. It submits that this does not mean that MOL policy is not covered by, or is inconsistent with the Framework; rather the Green Belt policies of the NPPF nevertheless apply by analogy to MOL by virtue of the references to it in the adopted DP which includes the LP.
35. However, I consider these arguments to be somewhat academic in this case. Whether or not MOL is a 'specific policy' in terms of footnote 9, it remains part of the adopted DP, through the up-to-date LP, and triggers the need to identify very special circumstances if planning permission is to be granted. In any event, the appellants do not dispute that 'very special circumstances' will need to be found here. To this end, they submit that the Framework clearly infers that significantly less weight should be accorded to policies that are found to be out-of-date and have made their submissions on this basis and that very special circumstances apply that are sufficient to justify the scheme.
36. To this end, the appellants also question the extent to which the appeal site is contributing to the purposes of its MOL designation. To be designated as MOL, LP policy 7.17 requires it to meet one of the following criteria. It should contribute to the physical structure of London by being clearly distinguishable from the built up area, it should include open air facilities for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London, or it should it contain features or landscapes of either national or metropolitan value.
37. The last 2 criteria are not met as there is no public access to the land and no features that meet the description. It is the case that the land is not clearly visually linked with the playing fields to the east of the Pool river from any of the viewpoints visited during the site inspection and, at the time of that visit when the vegetation was at its thickest, the extent of the wider MOL was not readily apparent from the site itself. Nevertheless, I accept that this may be somewhat different when the leaves are off the trees, as seen in photographs of the site. In any event, the site nonetheless makes a contribution to the larger open area through the fact of its designation and, as with land in Green Belt, the extent of visibility of the site does not necessarily reduce the importance of the contribution that it makes. It is 'openness' that is the critical factor, with visual impact being judged under different criteria.

38. However, I would disagree with the finding of the Greater London Authority (GLA) in its advice on the proposal that the site is '*clearly distinguishable from the built up area to the north*' or that it '*connects with a wider network of open space*'. There is no link across the river and the site is surrounded by dense development on all other sides. It is only really in the aerial photographs that the site can be clearly linked to the open land around it. For these reasons, I find that the contribution that the site is making to the MOL designation criteria is not as significant as the adjacent sports fields beyond the river and the harm caused by the proposed development to the MOL will be considered in the light of this finding.
39. There is already some development in the form of single storey buildings and hardstanding used for commercial storage on part of the land. The footprint of the new block and its related development would cover about 44- 48% of the site, compared to the area of 'brownfield' land which is about 37% of the total at present. Although the GLA appeared to believe that some of the development on the site was unauthorised, there was no suggestion made at the Inquiry that this was the case or any challenge to the planning status of the previously developed land.
40. The appellants were at pains to point out that loss of openness is to be distinguished from visual impact and that, in their view, openness is lost once land ceases to be free from development and the height or bulk of the development is not relevant to an assessment of the extent of this loss. The impact of the scale of the development should therefore be judged through a separate visual assessment and they maintain that land that is previously developed already has lost its open status for the purposes of MOL policy and any additional development on such land should not be 'double counted' when the extent of any harm is being assessed .
41. I agree that the concepts of openness and visual impact are distinguishable and that the difference between the existing and proposed percentages of developed footprint on the site, at 11% at most, is relatively small when set against the wider expanse of MOL of which the appeal site is part. Nevertheless, there is no dispute that the proposed development would result in a loss of openness and this loss would be clearly discernable from wherever the new block could be viewed.
42. However, the weight to be given to this harm is reduced because, at local level, it is a relevant policy for the supply of housing and I have found there to be no 5 year HLS. Nevertheless, there is still a considerable amount of undeveloped land that would be lost from the MOL and if considered on the same terms as Green Belt policy, the Framework makes clear that substantial weight should be accorded to any harm to the MOL. In this case therefore, I consider that, while the harm caused by inappropriate development and loss of openness may be tempered by the relevant policies being out of date, it is still a considerable factor weighing against the proposal.

Design

43. The architect for the proposal is well known and respected and has explained his design rationale for the proposal in detail at the Inquiry and in his proof of evidence. The scheme has also been considered by independent architectural experts on behalf of both main parties.

44. They come to differing conclusions with the Council criticising the design of the development on several grounds, including its scale, bulk and detailing, its relationship to the public realm and surrounding development and the amenities that it would provide for the occupants.
45. The Council believe that the building would have a poor relationship with the public open space to the east through being set at a higher level on this elevation to allow for the flood defences. It also considers that it would be overly large in its context and that it would appear featureless, lacking the interest created by the varied roofline of the other part of the former Dylon land, referred to hereafter as 'Dylon 1' scheme.
46. Criticism is also made of the internal layout, based on the submissions that there would be minimal natural light available to the internal corridors, that there would be too many single aspect dwellings and that reliance on artificial ventilation to ensure that noise levels in the west facing units indicates poor design.
47. The appellants' expert disagrees, submitting that the building would provide a graduated link between the public and private areas and that would appear as a well-considered and appropriate response to, and continuation of, the Dylon 1 scheme. The constant roof line is said to be 'calm' and the geometry of the scheme is said to ensure entrances are clearly visible. It is also claimed that the quality of the internal amenities could be controlled by conditions to ensure that noise and ventilation levels were satisfactory.
48. Having carefully considered these contrasting views, I consider that the design of the building, taken in isolation, is indeed a meticulous and finely detailed concept that would reflect that of the Dylon 1 scheme. I find no problem with the integration of the flood protection measures into the layout, considering that they would be discreet and well integrated into the landscape proposals. Similarly, the 'podium' layout objected to by the Council would, I consider, be an appropriate method of providing private open space that is clearly separate, but not isolated from the park or access way, providing a link of at an appropriate human scale between the public and private realm at ground floor level.
49. Nevertheless, I am not persuaded that the relationship with the Dylon 1 site is the most important in this situation. That site is not within MOL and whilst its character is a factor that must now be taken into consideration in the design of any development on the appeal site, the proposed new block would, I consider, be of an overly dominant height when seen against the relatively small scale development on, and open nature of, other surrounding land.
50. The appeal scheme would maintain a uniform roof level and would be one storey higher than the top floor level of the Dylon 1 buildings, the bulk of which are then reduced as they step down towards the north. However, the remainder of the surrounding development is a mixture that includes industrial and commercial uses, generally at no more than 2 storeys high, the sports grounds that comprise the remainder of the MOL and suburban residential streets where development does not generally exceed 4 storeys at most, with much of it being limited to 2 storeys.

51. In this context, a building of 10 storeys and of the length proposed would, I consider, create a hard dominant edge that would be better suited to a more central urban area where the surrounding densities are more comparable. The constant height of the block would convey the impression of it being considerably larger than Dylon 1, which, as has been noted, is outside the MOL.
52. While the argument has been made that if development is to take place, it should deliver the highest density possible, it seems to me that if development is to take place that would effectively remove some of the designated MOL, it should be more closely aligned with the generally open nature of the remainder of the land within this designation and the suburban and less densely built-up character of the majority of the land adjoining it.
53. I noted at the site visit that the accurate visual representations presented by the appellants, while being a faithful reproduction of how the proposals would sit in the landscape nevertheless do not appear exactly as they do to the human eye when standing in the position from which the photographs were taken. In reality the site appears closer and the proposed buildings would look consequently larger when seen from surrounding roads. The impact of the scale of the development would therefore be greater than depicted in the illustrations.
54. The provision of the park in what is, at present, underused and neglected land is very welcome and would serve not only the residents of both Dylon schemes but would be open to other visitors. I am not persuaded that it would appear as private space for the blocks; local people would, I am sure, soon realise that it was open to all to use and would appreciate having a landscaped area adjacent to the river in which they could walk, exercise and take their children to play.
55. However, I am also of the opinion that the proposed building would be excessively high when seen from, and in relation to, the park and would have the effect of enclosing it, so that the open land would appear dominated and overlooked by the block. The sense of space would be diminished and the appreciation of the remaining areas of MOL within the site, and beyond where available, would also be reduced. The building would appear as a solid wall of development, despite the angled façades, with little variation along its length to relieve its somewhat monumental character.
56. It would be visible from a considerable distance and be prominent on the skyline, from where it would clearly be seen as one block despite the articulation of the elevations. There is no objection *per se* to seeing an attractive building in a location where previously there was little development, but in an area where specific protection has been accorded to the openness of the surroundings, I consider that particular care should be taken to ensure that any change does not appear overly bulky or higher than absolutely necessary.
57. The Planning Design and Access statement that accompanied the application comments as follows on the scale of the development: *'In determining an appropriate scale for the development regard has been had to the topography of the site; the relationship with and scale of the approved adjacent Phase 1 development; and the need to use scarce land resource effectively and efficiently.'*

58. It goes on to say: *'The proposed massing aims to optimise the potential of the site in terms of light, views and accessibility while being sensitive to the form and scale of its context. The massing is urban; however, the architectural articulation of the elevations with the rhythm and proportion of the windows gives the buildings a domestic scale.'*
59. Whilst the aims set out above are appropriate and the massing of the block is indeed urban, for the reasons set out above I am not persuaded that this is necessarily an acceptable solution for this predominantly open site set in a largely sub-urban townscape or that the building would in any way have a *'domestic scale'*. It would be impressive and massive but these are not the qualities that I feel are suitable for a site such as this and the scheme would consequently fail to relate sympathetically to the open space within and beyond the site boundaries across which most views of it would be achieved. Whilst it would continue the theme of the Dylon 1 development, I question whether this would be the correct template to follow, given the difference in designations between the 2 sites.
60. Turning to the question of residential amenity, whilst the majority of the units would span the full width of the block and consequently have a double aspect that would include the proposed park from at least some of the windows, I am nevertheless somewhat concerned about the number of single or limited aspect flats on the western elevation.
61. Each floor above ground level would have 6 units that faced only the railway, with another 2 having additional windows looking north or south, but not across the park. It is also the case that it is the units closest to the railway, at the points where the angled façades meet, which would have this limited outlook, as well as being closest to the source of most noise. Whilst mechanical ventilation and noise reduction measures could help to maintain minimum standards I am still concerned that this is a design flaw that results from an attempt to increase densities to more than could be comfortably accommodated on the site.
62. If permitted, the appeal scheme is likely to be used as a precedent for the character of the surroundings against which any future development of nearby sites would be judged. I am concerned that this could lead to a concentration of high rise development that would fail to make an appropriate transition between the open playing fields and sub-urban characteristics of the residential development to the east and the more commercial and urbanised areas to the north and west.
63. In conclusion on this topic, I consider that the extent of the proposed development on the site would be excessive, given the designation of the site and the impact on the character of the surroundings. I find that the scheme would not respect the character and appearance of its surroundings because of its overly dominant height and scale. It would thereby conflict with the policies set out in Chapter 7 of the Framework which seek to promote and secure good design that would help to raise the standards in the area.
64. I consider that the proposal would also fail to meet criterion H7 (iii) of the London Borough of Bromley Unitary Development Plan 2008 (UDP) which requires, amongst other things, that the site layout, buildings and space about buildings are designed to a high quality and recognise, as well as complement, the qualities of the surrounding areas.

65. Similarly UDP policy BE1 calls for all development proposals to be of a high standard of design and layout and they are expected to meet a number of criteria that include complementing the scale, form, layout and materials of adjacent buildings and areas. For the reasons set out above, I conclude that the scheme would be in conflict with this policy as, although it would be seen as clearly related to the Dylon 1 development, it would still fail to complement the wider context in which it would be set.

Very special circumstances/the balancing exercise

66. I have found that the Council does not have a 5 year HLS and the provision of 253 new units, including 90 affordable units, is a significant benefit of the proposal. In addition to this, the economic benefits that would result from the building of a project of this scale are considerable.

67. The public park is another factor that weighs in favour of the scheme and the biodiversity improvements and provision of a possible link to the Waterlink Way would also add to the benefits. The housing delivery grant would, of course, be an advantage but the infrastructure contributions cited by the appellants as benefits are required to make the development acceptable in any event and do not add to the balance in favour of the scheme.

68. I do not accord any additional weight to the fact that the appearance of the site would be improved. This is because, as with Green Belt policy, the condition of the land is not a contributory factor in the designation; it is the openness of the MOL that is important in this context.

69. While the building might, in other location, be considered a valuable addition to the townscape, for the reasons set out above I do not find its relationship with its surroundings would be of sufficient architectural quality to be a consideration in its favour. Indeed, my concerns about the scale and massing of the block, together with the quality of the accommodation for some of the future occupants, are major factors weighing against the proposal.

70. I have found that there is harm to the openness of the MOL as well as the harm by reason of inappropriateness, albeit at a level that is reduced due to the factors outlined above and by the policies of the UDP being outdated in terms of their relevance to the supply of housing. Nevertheless, I also note that the Government's Planning Practice Guidance (PPG) states that '*unmet housing need ... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt.*'

71. Even if it is considered that the MOL policies are not carried through to the Framework, they are nevertheless still treated in the same way as those relating to the Green Belt in the LP and I consider that the PPG applies to them in the same way as to the Green Belt policies.

72. I have taken account of the other housing sites that have been granted planning permission in MOL in the Borough and elsewhere but the circumstances in each of these were very different to those in this case and preceded the latest edition of the PPG. I have therefore considered this case on its own particular circumstances and merits.

Conclusions

73. I consider that the extent of harm that would be caused through inappropriate development, loss of openness and to the character and appearance of the surroundings are factors that cause the proposed development to conflict with the DP to a substantial degree. I find that the scheme would not represent sustainable development as defined in paragraph 7 of the Framework because of its failure to meet the environmental criteria set out in that paragraph, through the harm to the character of the surroundings.
74. Even though the policies for the supply of housing may be out of date, I conclude that the identified harm significantly and demonstrably outweighs the benefits in favour of the proposal identified above, when assessed against the policies of the Framework as a whole. Very special circumstances to justify the grant of planning permission do not, therefore, exist in this case.
75. Consequently, for the reasons given above I conclude that the appeal should be dismissed.

Katie Peerless

Inspector

APPEARANCES

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FOR THE APPELLANT:

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He called	
Ian Ritchie	Architect
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Steven Butterworth	Senior Director, Nathaniel Litchfield and Partners.
Christopher Francis	West and Partners, Town Planning Consultants

INTERESTED PERSONS:

Cllr. Russell Mellor

DOCUMENTS

- 1 Notes of Mr Harris' opening statement
- 2 Notes of Mr Lewis' opening statement
- 3 Tibbald's report on 1st application on appeal site
- 4 Extract from PAS website
- 5 Screenshots from Hambridge website
- 6 Advertisement for Tweedy Road development site
- 7 Mr Ritchie's notes on acoustic and ventilation matters
- 8 Note on developed area including car park
- 9 Email from Environmental Health Officer in response to noise notes
- 10 Suggested Conditions
- 11 RPS note
- 12 UU Version A – Starter Homes version
- 13 UU Version B
- 14 Route Map to UU versions
- 15 Notes of Mr Lewis' closing submissions
- 16 Notes of Mr Harris' closing submissions