

SUPPORTING PLANNING STATEMENT

**A HYBRID APPLICATION FOR A LEISURE LED MIXED-USE DEVELOPMENT
LAND AT KIRK MILL, CHIPPING
ON BEHALF OF SCPi Bowland**

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1. INTRODUCTION

- 1.1 This Supporting Planning Statement (SPS) has been prepared by HOW Planning LLP in support of a hybrid planning application on behalf of SCPI Bowland Limited. The proposed development relates to Kirk Mill, Chipping, Lancashire. Details of the applicant, the vision and the application site are included in Sections 2, 3 and 4 respectively.
- 1.2 Section 5 details the proposed development, which in summary comprises a leisure led mixed-use development proposing the redevelopment of the Grade II listed Kirk Mill to create a hotel and bar/restaurant, construction of a hotel and spa, a wedding venue, a kid's club, change of use of a residential property to hotel use, a trailhead centre and the relocation of the existing village cricket pitch and construction of a pavilion. The leisure development proposals will be supported by up to 60 residential dwellings. Comprehensive details of the proposals are illustrated on the application drawings enclosed separately, as well as in the Design and Access Statement.
- 1.3 All relevant national and local planning policies to the determination of the application are detailed in Sections 7 and 8 respectively; and an assessment against the Development Plan is outlined in Section 9, which includes an Affordable Housing Statement.
- 1.4 Section 10 subsequently assesses the development proposals against the provisions of the National Planning Policy Framework ("the Framework") to demonstrate the sustainability credentials of the site in line with Government aspirations. The benefits of the scheme and the overall planning balance are then addressed in Section 11 which concludes that the balance is weighted strongly in favour of granting planning permission.
- 1.5 Section 12 details the draft Section 106 Heads of Terms and of any financial contributions associated with the application and Section 13 offers conclusions as to the planning case.

- 1.6 The application proposals have evolved following a process of community engagement and pre-application discussions with Officers at Ribble Valley Borough Council.
- 1.7 The application is accompanied by a comprehensive suite of supporting documents, the scope of which has been agreed with Officers at Ribble Valley Borough Council during a pre-application advice meeting in January 2013. A list of which is contained at **Appendix 1**.
- 1.8 An EIA Screening Request was submitted to the Local Authority in November 2013. The Council subsequently confirmed in December that an EIA would not be required.

2. SCPI BOWLAND LIMITED

- 2.1 The applicant, SCPI Bowland Ltd (formerly known as 53N Bowland), has delivered a number of successful planning schemes across the North West, recent examples including:
- 76 King Street, Manchester (Grade II Listed)
 - The Albany, Liverpool (Grade II* Listed)
 - Crossley Park, Stockport
 - Victoria Buildings, Bury (within a Conservation Area)
- 2.2 As detailed above several of these properties are of heritage value, and the applicant is well versed therefore on what is required to deliver development which pays full regard to the listed status of the property.
- 2.3 In November 2010, following an extensive marketing period, SCPI was selected as preferred bidder for the majority of HJ Berry's landholding and after an extensive exercise bringing together many unregistered land titles, they completed its purchase in March 2011. Following this, SCPI and the professional team engaged with a representative village group to ascertain a clear understanding of local priorities and aspirations for the site, and instructed a professional team to appraise the site and consider development options.
- 2.4 This engagement has continued apace since this period, with regular meetings held with key stakeholders.
- 2.5 The lead-in time for the application has been quite considerable, which fully reflects the extent of engagement with the community and Council.
- 2.6 The applicant is absolutely committed to delivering a development which is fantastic for Chipping, as this is a once in a lifetime opportunity to bring forward a holistic proposal which is of real benefit, in both the short and long term.
- 2.7 In summary, SCPI has a proven track record in delivering complex projects to create successful and sustainable developments that bring real and significant benefits.

3. VISION, OBJECTIVES AND CONSULTATION

- 3.1 The application proposals have evolved as a result of pre-application advice from Ribble Valley Borough Council (RVBC) and through significant community engagement. These engagements have resulted in a significant opportunity to evolve the scheme, ensuring that the development proposals are a real benefit to Chipping and the wider Ribble Valley area.

Vision

- 3.2 The Vision for the proposal is:

'to deliver a development of very high quality which will enhance Chipping through both direct and indirect employment opportunities, improvement of the built environment and importantly, the long-lasting protection and enhancement of Kirk Mill. The development will be an asset to the village and sustain it for years to come'

Key Objectives

- 3.3 With this vision in mind, the principal aim of the Kirk Mill development is to promote a sustainable leisure led mixed use development at Kirk Mill, Chipping.
- 3.4 In line with this principal aim, there is the opportunity to deliver a number of key objectives:
- To restore the derelict Kirk Mill Grade II Listed Building into active and sustainable use;
 - To re-use the redundant main mills site through the removal of unsightly buildings, the retention of those with merit and the addition of new complimentary buildings to enhance the setting of the listed mill and conservation area;
 - To create an additional areas of public open space which will offer multi-purpose roles for both formal and informal events;
 - To provide a high quality leisure development;
 - To create significant employment opportunities;

- To retain and increase visitors by enhancing both tourism and leisure facilities in Chipping;
- To provide much improved cricket facilities;
- To provide additional housing choice; and
- To meet the aspirations of the Chipping Village Plan.

Consultation

- 3.5 A Statement of Community Engagement forms part of the submission; however the following paragraphs provide a concise high level summary of the comprehensive engagement which has taken place.
- 3.6 The process of community engagement commenced immediately following the purchase of the site from the administrators. Key community stakeholders were contacted within a day of the completion of the sale and within one week a presentation was made to the Parish Council to open dialogue and listen to the village's ideas.
- 3.7 A website¹ was launched in March 2011 to communicate with the local community and interested parties outside the village. The website was originally used to communicate updates on the remedial works being conducted in the barn to protect it from further rain damage.
- 3.8 Details of the emerging plans were published on the website and it was updated with a feedback page to allow visitors to leave comments. Going forward, the website will continue to be updated with news, including the updated plans, build programme and job opportunities and will act as a portal for local people to access information and apply for job opportunities.
- 3.9 A key element of the consultation process was the engagement in January 2012 with Lancaster University Masters students to explore potential use of the site for rural and tourism related businesses. This involved various workshops and site visits with work continuing for much of the early part of 2012 culminating in a mock consultation in June 2012. This event was very well attended with attendees

¹ www.kirkmill.co.uk

from Chipping Local History Society, Oxford Archaeological North, the landowner of the adjoining plot of land and representatives from RVBC.

- 3.10 This exercise helped to shape the draft scheme which was discussed with officers at a meeting in August 2012, as part of the ongoing liaison with officers in the regeneration and housing department of the council.
- 3.11 A further stage of consultation was a public exhibition held at the site on 25th and 27th April 2013. The two public consultation events ensured maximum inclusivity being held on both a weekday and on a Saturday and covering different time periods. The exhibition was left on display in the barn building for further use and to give those who were unable to attend the events another chance to view the plans.
- 3.12 Following this further meetings and discussions with officers have been held, and indeed the planning committee Members have undertaken a site visit to familiarise themselves with the location and property.
- 3.13 Since the acquisition of the site a considerable amount of dialogue has been undertaken with the local cricket club. A key part of the proposal, as set out later in this Statement, is the relocation of the club to a much improved site with a new club house to at the southern gateway to the village. These talks have been extremely constructive and positive, and as a result the applicant has made allowances in the draft Section 106 Agreement to facilitate the relocation of the club, based on these discussions.
- 3.14 All of the pre-application consultation described above has been used to fully inform the design evolution of the scheme. In line with paragraphs 188 to 195 of the NPPF this pre-application engagement and 'front loading' has ensured that the key matters have been addressed early in the process and ensured that the key benefits of the scheme can be maximised and delivered efficiently. The consultation undertaken has been extremely comprehensive and has resulted in significant engagement with 26% of 218 attendees providing feedback and 54% of the responses in favour of the proposals, with only 30% against and the rest (16%) undecided.
- 3.15 It is extremely pleasing that the outcome of all this work is a community response which has been notably more positive than negative, which is of course not the

case on many developments. The objections from the 30% of those who completed consultation forms have been fully considered and have contributed to several amendments to the scheme, which are set out below.

Summary of Key Changes

- 3.16 During the consultation a number of people expressed concerns about the retention and maintenance of the historic mill building and the timber clad entrance area and general visibility of historical features.
- 3.17 In response to these consultation outcomes, the following changes have been made to the development proposals at Kirk Mill (development parcel I as detailed in D&A):
- Addition of traditional features including orangery lantern roof.
 - Timber clad entrance replaced with glazing to allow the rhythm of the existing façade to be expressed.
 - Demolition and reconstruction of existing extension to the mill. New façade to be in-keeping with the existing mill façade.
 - Third floor hotel rooms omitted from the scheme, therefore roof profile will remain as existing.
- 3.18 To reflect the desire to retain original features and maintain the look and feel of the village the following changes were made to the Main Mills complex (development parcel ii):
- Addition of traditional features including windows with muntins.
 - Metal clad first floor detail to be replaced with traditional stone façade and slate roof in keeping with the village and proposed development.
 - Addition of traditional features including windows with muntins.
- 3.19 In addition to the above building specific amendments, the following site wide changes have been made to the development proposals:
- Relocation of the trailhead centre to the main car park site, due to issues of proximity to the river. This also results in there being no development or impact to the site south of the main car park site.
 - Number of self-build residential units reduced from 5 to 4.
 - Additional Kid's Club and Wedding Venue.

3.20 All of the pre-application consultation described above has been used to fully inform the design evolution of the scheme. In line with paragraphs 188 to 195 of the Framework this pre-application engagement and 'front loading' has ensured that the key matters have been addressed early in the process and ensured that the key benefits of the scheme can be maximised and delivered efficiently.

4. THE KIRK MILL SITE

4.1 This section provides a summary of the physical site including its location, characteristics, surroundings and accessibility. It demonstrates the locational sustainability of the site and thus its sustainability for the development proposals in locational terms.

Location

4.2 The site is located within the administrative region of RVBC, within the ward of Chipping. The Parish of Chipping is situated approximately 8 kilometres north east of Longridge and 14 kilometres west of Clitheroe, on the edge of the Trough of Bowland Area of Outstanding Natural Beauty (AONB). The site is shown in its wider context on the Site Location Plan attached at **Appendix 2**.

4.3 The application proposals are divided into five distinctive development parcels, as set out in the Design and Access Statement, comprising approximately 5.67 hectares in total:

- i. Kirk Mill
- ii. Main Mills Complex
- iii. The Hive (Land off Church Raikes/Malt Kiln Brow)
- iv. Malt Kiln House and Surrounding Land
- v. New Cricket Pitch Site

Kirk Mill (i)

4.4 Kirk Mill, located within the Kirk Mill Conservation Area, is an early example of an Arkwright type cotton mill and forms the centre piece of the area. Kirk Mill is a traditional three storey stone mill with timber framed single glazed windows and a pitched timber roof. It contains a former waterwheel (or remnants of), associated wheel pit and associated water management system. Kirk Mill is both culturally and physically associated with the adjacent watercourse.

4.5 As discussed in more detail in Section 6, Kirk Mill has been subject to a number of exterior alterations. There is a small yard area to the front which overlooks the River (Chipping Brook) and includes a large derelict crane which was previously used to get materials to the Mill. To the rear is the mill pond which contains the

water that previously powered the Mill. The mill pond is bounded by Malt Kiln Brow and Mill Pond House to the east. Extensive woodland borders it to the north and west. This woodland extends further north on both sides of Malt Kiln Brow and provides a number of public footpath links into the countryside beyond.

4.6 The Mill fronts onto a small number of cottages known as 'Grove House' and 'Grove Cottages'. Adjacent to the east is 'Grove Square'. Whilst all of these properties sit outside of SCPi's ownership, they form part of the more recently designated Kirk Mill Conservation Area. Kirk House which sits immediately to the west also forms part of the Kirk Mill Conservation Area but again, sits outside of SCPi's ownership.

4.7 Access to Kirk Mill is taken directly from Malt Kiln Brow which runs north to south, adjacent to the mill to the east.

Main Mills Complex (ii)

4.8 The largest area of development, the Main Mills complex, occupies the site of the former HJ Berry Chair making factory site. It is a low lying, visually introspective brownfield site comprising a range of buildings from an historic stone barn associated with the Kirk Mill complex to large scale modern industrial buildings that pay little respect to the scale and sensitivity of their landscape setting. The northern aspect lies within the Kirk Mill conservation area.

4.9 The Main Mills complex starts opposite the Grove Cottages and extends south towards the village. It comprises four principle buildings: the Windsor building; traditional stone barn; main factory; and storage warehouse. Also comprises extensive areas of hard standing including an open sided timber store, which have been formed around Chipping Brook which runs through the main complex.

4.10 The Windsor building comprises two floors and is of brick and block work construction with a pitched asbestos roof. It sits opposite a traditional stone barn which is largely single storey. Both the Windsor building and stone barn overlook a small courtyard area which can be accessed either from the vehicular gate at the northern extremity of the site (opposite Grove House) or from the main vehicular access to the site from Malt Kiln Brow. These buildings sit within the Kirk Mill Conservation Area.

- 4.11 The main factory sits to the south and is mainly single storey. It has a two storey office building on its front elevation. There are also a number of ancillary buildings of brick construction to the rear. There is also a large tower section at the northern elevation, previously used to house machinery.
- 4.12 Adjacent to the factory on the southern side of the River (Chipping Brook) sits the former storage warehouse and open sided timber store.
- 4.13 Further south there is a large area of woodland which was planted for furniture production and straddles Chipping Brook on both sides. The applicant's ownership extends to the rear of the Talbot Hotel in the village.

The Hive (Land off Church Raikie/Malt Kiln Brow) (iii)

- 4.14 This area is situated to the south west of Malt Kiln Cottage and the wider Kirk Mills complex. It extends to approximately 1.82ha and comprises a largely open area of land which is currently used as a cricket ground with a small pavilion towards the southern boundary. To the east, but within this area, the land was planted with a number of small trees for future furniture production.
- 4.15 An area of land, immediately adjacent to the Kirk field and Kirkland housing areas comprises a semi improved field which recently supporting the village cricket pitch and an area of recently planted deciduous woodland. The unmanaged grassland is bound by traditional native hedges and isolated mature standard ash trees to the north and east. An over grown hedge/mature trees occurs along the boundary to the upper section of the Kirkland estate and the private residential unit called The Field. The access track to The Field, to the north west and outwith the development area is partially bound by an avenue of locally distinctive mature poplar trees.
- 4.16 There are no official rights of way across the land although informal use of the area of recently planted trees is apparent.

Malt Kiln House and Surrounding Land (iv)

- 4.17 To the south of The Grove and Grove Cottages (1-4) is Malt Kiln House which sits on a corner plot accessed from Malt Kiln Brow. This is a detached stone cottage which has a small garden area to the front. Malt Kiln House overlooks the Main

Mills Complex to the east. It is proposed that the use of this property will change to hotel use. To the west, the land rises up to meet land to the rear of The Grove and extends to approximately 0.81ha. This is greenfield and fronts onto and can be accessed from Church Raike.

4.18 There are no public rights of way across the land.

New Cricket Pitch Site (v)

4.19 The site for the new cricket pitch lies to the east of the southern gateway to the village. The site is greenfield and is approximately 1.39ha in size. To the west of the site runs Chipping Brook with a stone bridge which currently offers access to the site from Longridge Road. Further west lies a small residential community off Brooklands. To the north, east and south of the site are greenfields and agricultural land.

4.20 A field has been secured to accommodate a new and improved cricket ground for the village. It currently comprises semi-improved, low lying agricultural grassland. Chipping Brook and residential property boundaries bound the western edge of the field. Elsewhere boundaries are formed of remnant broken lengths of hedgerow and post and wire fencing. A small number of mature trees occur along the boundaries to the field and within the Chipping Brook corridor.

4.21 Access to the field is gained via a stone bridge off Longridge Road to the south of Town End Barn. This bridge also forms the start point for a number of local footpaths that traverse the low lying landscape.

5. THE APPLICATION PROPOSALS

5.1 This section of the statement outlines the application proposals for Kirk Mill, Chipping.

5.2 The planning application is a 'hybrid' application including both full and outline elements as follows:

1) Full planning permission for:

- **Works (including partial demolition) and a change of use to the Grade II listed Kirk Mill to create a hotel (18 bed) and bar restaurant;**
- **Demolition of redundant factory buildings;**
- **Works to the Barn building to create 7 Cottages;**
- **Construction of a Hotel and Spa (20 bed), Wedding Venue, Kid's Club and Trailhead Centre;**
- **Change of use of Malt Kiln House to hotel use;**
- **Extensive provision of Public Open Space;**
- **Provision of a new cricket pitch and construction of a new pavilion;**
and

2) Outline planning permission for:

- **Up to 60 residential dwellings, split over two sites with a maximum of 56 and 4 units on each**

5.3 The application proposals are described comprehensively in the supporting Design and Access Statement. However a brief summary is set out below:

1) Full planning permission

Works and a change of use to the Grade II Listed Kirk Mill to create a hotel (18 bed) and bar restaurant:

Use: The proposed development seeks approval for the refurbishment of the existing Kirk Mill to create an 18 bedroom hotel (Use Class C1) and restaurant bar (Use Class A3).

Layout: The internal layout of the building proposes the bar/restaurant at Ground Floor level alongside the hotel reception, with rooms on upper floors.

Appearance: The proposal will remove those elements of the building which are not sympathetic to the original element, in part replacing them with more modern, complimentary development. Slate to match existing will be used, as well as other high quality materials such as lead clad roof edging and sandstone.

Landscaping: Detailed landscaping proposals are set out in the Design and Access Statement, however minimal planting is proposed within the area immediately adjacent to Kirk Mill to maintain the integrity of the historic setting.

Scale: The heights of the buildings have been set at a maximum of 12m from ground level to roof ridge level. The different height zone pots have been designed according to location and topography of the site.

Access: It is intended that there will be a 'pick up and drop off' area at the front of the hotel, with parking provided at the main mills complex.

The Barn

Use: The proposed development seeks approval for the refurbishment of the existing barn and the erection of a 2 storey new build element to create 7 holiday cottages (Use Class C1)

Layout: The layout will provide cottages which offer lounge, bathrooms and bedrooms, but no kitchens. A total of 18 bedrooms will be provided, through a mix of 2 and 3 bedroom cottages.

Appearance: High quality materials will be used, such as sandstone with dressed quoins, timber framed windows and slate to match existing.

Landscaping: Ornamental tree planting will provide the cottages with an area of semi-private garden which is strongly influenced by the adjacent building alignments.

Scale: The buildings will be 2 storeys in height. The existing barn building to roof ridge is approximately 8.6m; the height of the proposed extension will be 7.4m.

Access: Vehicular access will be taken into the main body of the site, with pedestrian access only to the cottages.

Hotel/Spa

Use: The proposed development seeks approval for the erection of a Hotel & Spa (Use Class C1).

Layout: The building will provide a reception area for the leisure facilities and a pool which is part indoor, part external. A gym will be provided at first floor level above the pool, with the rest of the building providing hotel rooms.

Appearance: Materials will be in-keeping with the aforementioned buildings, using slate and sandstone, with timber framed windows.

Landscaping: Landscaping for this part of the site will be designed to provide therapeutic gardens using informal planting.

Scale: The height of the spa block to ridge will be 9.3m, the hotel block 12m and the entrance block 3.3m

Access: Vehicular access will be gained to the car park to the south of the building, with limited access close to the reception area.

Wedding Venue

Use: The proposed development seeks approval for the erection of a Wedding Venue (Use Class D1).

Layout: The building will provide seating for c.150 guests as well as toilets and a kitchen/preparation area.

Appearance: Materials will include sandstone with dressed quoins, timber framed windows and slate roof.

Landscaping: An ornamental woodland garden is proposed which will provide seasonal interest throughout the year through the careful choice of vegetation.

Scale: The height to roof ridge will be 9m.

Access: Limited vehicular access will be available.

Kid's Club

Use: The proposed development seeks approval for the erection of a Kid's Club/Crèche (Use Class D1 Non-residential institutions).

Layout: The Club will provide a two room layout, with a room dedicated to infants and another to juniors, with toilet facilities.

Appearance: The building will make use of sandstone with dressed quoins, timber framed windows and a slate roof.

Landscaping: Ornamental planting is proposed which will provide natural shading, whilst a wooden fence will be provided to ensure the areas are secure for children's play.

Scale: The height to ridge will be 5.3m

Access: Safe walkways will provide access to the building.

Trailhead Centre

Use: The proposed development seeks approval of part of the former factory site to provide car parking facilities together with a new Trail Head centre with café (Use Class A3).

Layout: The trailhead centre will provide a boot cleaning area, toilets, exhibition/store space, a shower and a refreshment kiosk.

Appearance: Sandstone and timber will be used with a slate roof.

Landscaping: New tree and shrub planting is proposed in the vicinity

Scale: The height to roof ridge will be 4.9m

Access: Access is gained via a new embanked route off Church Raike which will be planted with a woodland mix to blend with the tree planting that occurs on the existing steep banks that bound the area to the south west. The extensive concrete plinth, a legacy of previous uses, will be retained and utilised for a new parking area accommodating circa 100 car parking spaces for the proposed facilities. Concrete beams, recycled from the demolition of the large factory sheds will be used as an informal edge of car park restraint that can also be used as an informal seating element. Access to the stream corridor to the south of the area is encouraged by the positioning of the Trail Head Centre and the potential future pedestrian access link to Talbot Street in the centre of the village.

Plant Building

Use: The building is required to house plant which will service the site.

Layout: The building has been designed specifically to accommodate the required plant; which requires the building to be divided into several rooms.

Appearance: The building will make use of sandstone, render, slate, timber and aluminium flashing to be in keeping with the other buildings proposed.

Landscaping: A variety of planting is proposed close to the site, including the car park area which is adjacent.

Scale: The height to roof ridge will be 5m.

Access: Access will be achieved from a new point off Church Raike.

Cricket Facilities

Use: The building will serve as a cricket pavilion (Use Class: Sui Generis)

Layout: The pavilion will provide 2 changing rooms, a kitchenette and a toilet. In addition there will be an outdoor seating area.

Appearance: The building will consist of timber cladding with a shingles roof.

Landscaping: Existing vegetation will be retained and enhanced through the reinstatement of boundary hedges, with intermittent standard trees together with a small block of woodland planting encompassing the carp ark and pavilion area.

Scale: The height to roof ridge will be 3.45m.

Access: Access is possible using the existing bridge, but is best suited for pedestrian use. A second bridge, immediately adjacent to the existing will be provided to accommodate vehicles. This will match the existing in appearance.

Public Open Space

Significant areas of land not previously open to the public will be created by the development. A significant part of this will be created in the heart of the development, creating an area which could be used for a variety of purposes, such as a farmers market.

2) Outline Application Parameters

- 5.4 Outline planning permission is sought for up to 60 residential dwellings. Fifty six (56) dwellings are proposed on the former cricket pitch and juvenile woodland to the immediate north of the Kirkland and Kirkfield residential areas (the "Church Raiké Housing – The Hive"). Four (4) self-build dwellings are proposed in the field accessed from Malt Kiln Brow, (the "Malt Kiln Brow Housing"). (Development Parcel 3)
- 5.5 In accordance with Circular 01/2006 '*Guidance on Changes to the Development Control System*', is it necessary that the parameters of the proposed development for which outline permission is sought be defined. The parameters of the proposed development are set out below.
- **Use and Amount:**
 - Church Raiké Housing – The Hive: The use and amount of development proposed is for up to 56 dwellings (Use Class C3).
 - Malt Kiln Brow Housing: The use and amount of development proposed is for up to 4 self-build plots dwellings (Use Class C3).

- **Layout**

- Details of layout are not being submitted as part of the outline application. However, an Illustrative Masterplan (attached at Appendix 3) has been submitted which is a useful tool to agree key design principles for the site for subsequent reserved matters application(s).
- A development area has been identified on the Malt Kiln Brow Housing site within which development must take place. This will ensure that the units will be located so as to minimise any potential for negative impact on the conservation area and listed building.

- **Scale**

- Church Raike Housing – The Hive: Residential dwelling will be a maximum of 2 storeys which is reflective of the neighbouring residential areas.
- Malt Kiln Brow Housing: The Design and Access Statement sets out important considerations in relation to scale in order to establish how development can be achieved which is sympathetic to the character and setting of the surrounding area.

- **Access**

- Church Raike Housing – The Hive: The proposed access road will be located 125m to the west of the Church Raike / Malt kiln Brow junction.
- Malt Kiln Brow Housing: A new access road will be delivered on Malt Kiln Brow approximately 50m to the north of the junction with Church Raike.

5.6 The submitted Design and Access Statement illustrates how the site could be comprehensively developed to deliver a high calibre development. The proposals have a positive impact on Chipping and the wider area, particularly with regard to conservation of the historic environment, economic development and housing provision.

6. KIRK MILL LISTED BUILDING CONSENT

- 6.1 This section of the statement provides detail on Kirk Mill in support of the Listed Building Consent required for the conversion of the Grade II Listed Kirk Mill to create a hotel and bar/restaurant. A Heritage report has been prepared which provides full details on the mill and conservation area.

Site History

- 6.2 Kirk Mill is a former cotton spinning mill of 1785 with its associated mill pond's retaining walls, outflow and stone-built leat.
- 6.3 Kirk Mill represents a very rare and well-preserved example of an eighteenth-century, Arkwright-type water-powered cotton mill. Other examples of eighteenth-century water-powered cotton mills do survive in Lancashire, including Salmesbury Bottoms Mill, Hoghton Bottoms Mill, Roach Bridge Mill, and Cleveley Mill near Scorton, although all of these have been subject to considerable remodelling and alterations with a resultant loss of original fabric. Kirk Mill is thus the most complete surviving example of an eighteenth-century cotton mill in Lancashire.

Phase 1 (c1785)

- 6.4 The original cotton-spinning mill was constructed in 1785. Particulars of a sale from 1788 (*Manchester Mercury*, 15 Apr 1788), suggest that the original waterwheel was external to the mill, and is therefore likely that the subsequent enclosure of the original wheel may have occurred during the construction of a second waterwheel on its eastern site. This appears to pre-date the repositioning of the north wall in the early nineteenth century (Phase 3), as it had a quoined return beyond the original north wall of the mill.

Phase 2 (c1790-1801)

- 6.5 The mill changed ownership in the last years of the eighteenth century, and the documentary sources reveal plans for the west extension and a new waterwheel at this time, placed within a wheel house of full three-storey height in a bay to the east of the original waterwheel. This is consistent with the stratigraphic relationships between the structures, and demonstrates a relatively large-scale expansion of the mill.

Phase 3 (c Early Nineteenth Century)

- 6.6 This phase represents significant internal remodelling of the structure, which included external remodelling on the northern side of the building.

Phase 4 (c Mid-Nineteenth Century)

- 6.7 It appears probable that the construction of the stair tower was not contemporary with that of the north elevation, although it may have followed rapidly. Both were certainly complete by the time of the first edition Ordnance Survey map, surveyed in 1844.

- 6.8 It is unclear whether the repositioning of the north wall of the east range was undertaken during this phase, or concurrently with the construction of either the stair tower or the southern extension to the east wing during the previous phase. Rather than replace the northern pitch of the roof, or add an additional roof, as with the expansion of the main mill, sprockets were added to the rafters of the north pitch, lessening the angle of its base, and extending it beyond the repositioned wall. This large-scale undertaking, for a minimal gain in floor space, is likely to have been prompted by an apparent change of use of the eastern extension to form the main office for the complex. Moving the wall allowed for extra windows to be inserted, and a large fireplace was also built into the new wall.

Phase 5 (c Late Nineteenth Century – Early Twentieth Century)

- 6.9 Cotton spinning ceased at Kirk Mill in 1866, and was sold for use as a woodworking, and subsequently chair-making factory in 1874. One of the advantages of the design and construction of textile mills was they could be converted for alternative use with relative ease, making their erection a much lesser risk for speculators. The change of use of Kirk Mill from a cotton-spinning mill to a chair-making factory appears to have left little physical record within the fabric of the building.

Phase 6 (c Mid-Late Twentieth Century)

- 6.10 Whilst little changed in the manufacturing process during the twentieth century, several additions were made to the structure, most notably the addition of an upper floor to the southern extension, sometime after 1933.

6.11 Further detached structures were added on the southern side of the mill, including workshops and a privy, with a small store butting the original structure adjacent to the stone-built privy tower. A large brick tower was also installed for a full height dust extraction tower, placed approximately centrally on the southern wall, with associated galvanised ducting installed throughout the interior of the mill. Structural steelwork was also inserted, particularly at ground-floor level, to maintain the structure to late twentieth century safety standards. The building was finally abandoned in 2010, having been owned by the Berry family, for the manufacture of furniture, predominantly chairs, since 1903.

Listing Details

6.12 Kirk Mill and its associated mill ponds retaining walls, outflow and stone-built leat are listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, for its special architectural or historic interest. The listing reference is summarised below:

Building Name:	Kirk Mill and its associated mill ponds retaining walls, outflow and stone-built leat.
List Entry No:	1401593
Grade:	II
Date Listed:	13 May 2011

6.13 Kirk Mill, a former cotton spinning mill of 1785 and its associated mill pond's retaining walls, outflow and stone-built leat are designated at Grade II for the following principal reasons:

- *Rarity:* it is a rare surviving example in the north-west of an Arkwright-type cotton spinning mill that exhibits two phases of C18 development.
- *Intactness:* it retains its contemporary water management system comprising the mill pond's retaining walls, outflow and leat.
- *Survival of original and early features:* it retains many windows and doors, the wheel pit and the waterwheel and its driving gears, together with evidence of how associated drive shafts and belts powered the early machinery.
- *Historical:* Kirk Mill was built in 1785. It is one of the oldest surviving cotton spinning mills in the north-west and thus represents one of the earliest

examples of a textile factory that soon became a crucial component of the Industrial Revolution.

- *Layout:* the mill's development over its two hundred year history remains clearly legible.

National Planning Policy

- 6.14 Paragraph 128 of the Framework states that when determining planning applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets (i.e. Listed Buildings and Conservation Areas) affected by a development proposal, including any contribution made to their setting. The level of detail should be proportionate to the asset's importance.
- 6.15 When determining applications paragraph 131 of the Framework confirms that Local Planning Authorities should take account of:
- *"the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness."*
- 6.16 Paragraph 132 of the Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset. Significance can be harmed or lost through alteration or destruction of the heritage asset or by changes within its setting. The Framework advises that substantial harm or loss of a Grade II Listed Building should be exceptional.
- 6.17 As such, paragraph 133 of the Framework confirms that where proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 6.18 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that any harm

should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.19 Paragraph 140 of the Framework is clear that local authorities should assess whether benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Current Local Planning

- 6.20 The Ribble Valley Districtwide Local Plan was adopted in June 1998 and Policy ENV19 provides Ribble Valley's policy position on the development of Listed Buildings.

- 6.21 Policy EV19 states "*development proposals on sites within the setting of buildings listed as being of special architectural or historic interest which cause visual harm to the setting of the building will be resisted.*" A number of factors will be taken into considered when assessing the harm caused by any proposal, including: the desirability of preserving the setting of the building; the effect of the proposed development on the character of the listed building; any effect on the economic viability of the listed building; and the contribution which the listed building makes to the townscape or countryside. Additionally, the extent to which the proposed works would bring substantial benefits to the community, including economic benefits and enhancement to the environment, is to be considered.

Emerging Core Strategy

- 6.22 Policy EN5 'Heritage Assets' highlights that heritage assets will be conserved and enhanced in a manner appropriate to their heritage value. It confirms this will be achieved through:
- Recognising that the best way of ensuring the long term protection of heritage assets is to find an optimum viable use that strikes the correct balance between economic viability and impact on the significant asset
 - Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.

- Carefully considering any development proposals that will adversely affect a designated heritage asset or its setting in line with the Development Management policies.
- Requiring all development proposals to make a positive contribution to local distinctiveness / sense of place.

6.23 Policy DME 4 'Protecting Heritage Assets' is relevant in the context of both conservation areas and listed buildings. It states:

Conservation Areas

Proposals within or closely related to conservation areas should not harm the area. This should include considerations as to whether it respects and safeguards the architectural and historic character of the area as set out in the relevant conservation area appraisal. Development in these areas will be strictly controlled to ensure that it respects the character of an area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces.

In conservation areas there will be a presumption in favour of the preservation of elements that make a positive contribution to the character and appearance of the conservation area.

Listed buildings and Other Buildings of Significant Heritage Interest

Development proposals on sites within the setting of listed buildings or buildings of significant heritage interest, which cause visual harm to the setting of the building, will be resisted. Any proposals involving the demolition or loss of important historic fabric from buildings will be refused unless it can be demonstrated that this is unavoidable.

Analysis

6.24 The detailed design proposals for the repair and adaptation of Kirk Mill inevitably necessitate some change that will affect the building. These changes should, however, be balanced against the significant enhancements, which will remove

some of the late additions to the site that currently detract from its historic character, and reverse the on-going decay of the surviving historic fabric. Proposals for the redevelopment of the mill, and the construction of new buildings on the site of the modern factory, have been carefully considered to minimise potential conflict with the conservation of the listed building and its contribution to the Kirk Mill Conservation Area, as well as the Conservation Area itself.

- 6.25 The group of derelict twentieth-century factory buildings situated adjacent to Kirk Mill, but beyond the boundary of the Kirk Mill Conservation Area, were erected to enable an expansion of the chair works. Notwithstanding their historical association with what was once an important local industry, the buildings are of little archaeological significance, and their replacement with modern buildings of an appropriate design and use of materials will enhance the historic character of the adjacent Conservation Area and the setting of the listed building.
- 6.26 At a recent appeal inquiry within the Borough, land at Mitton Road, Whalley (APP/T2350/A/12/2188887) (“the Whalley appeal”), it was agreed that policy ENV19 is out of date and therefore carries very little weight. Notwithstanding this the proposals accord with the policy.
- 6.27 National planning policy can however be afforded full weight, with less weight to the yet to be adopted emerging policy. The prepared Heritage Report takes full account of the relevant policies of NPPF, assessing the location and the impact of the development on important assets. The report is clear that there is a compelling case for the proposal, which will secure the Mill as a heritage asset, and as a core part of the Conservation Area. The proposals are also compliant with emerging policy, which correlates with NPPF advice.

Enabling Development to Secure the Future of a Heritage Asset

- 6.28 A confidential viability report has been submitted with the application, which clearly sets out the costs associated with the development proposals, relative to the profit the scheme would deliver.
- 6.29 The viability report identifies the costs associated with the delivery of the scheme. These costs are broken down for the different elements of the proposals, with the costs associated with the Mill identified on a standalone basis.

- 6.30 As detailed above, the NPPF is clear at paragraph 140 that benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which secure the conservation of the heritage asset, must be weighed against the disbenefits of departing from those policies.
- 6.31 For reasons set out later in this statement the residential component of the scheme need not be considered contrary to policy, and enabling development in the truest sense of the definition cannot strictly apply on this basis, in the context of delivering a heritage asset. What is absolutely clear however is that without the residential element of the proposal none of the development will be possible – the monies are needed to fund the work to the mill, and therefore the viability report which considers the mill costs, and that of the wider site is of significance regardless. This is a holistic application, which although containing different elements, are all intrinsically linked.
- 6.32 In the event that the local authority was to take a different view from the applicant, and considers the residential development to be contrary to policy, it is worth identifying the strong merits of the application in the context of the enabling development policy.
- 6.33 Costs are provided with the application which set out the work which is required in order to secure the future of the listed mill. This has been informed by a Structural Survey and other professional advice. As detailed above this will be achieved through the development of the residential part of the site.
- 6.34 In this context, it is for the Council to consider whether the benefits which would arise would outweigh disbenefits.
- 6.35 Very detailed technical assessments have been undertaken to assess the ability of the proposed residential sites to accommodate development, and these assessments conclude that the development of the land is appropriate. The housing scheme will deliver a greater choice of housing in Chipping, including a significant number of affordable homes; furthermore the proposal is in a sustainable location.
- 6.36 It is clear therefore that in the event the Council considers the residential element contrary to policy, that there are strong grounds for the Council to support the

proposal in the context of it being enabling development, as the alleged harm caused by the residential development is very limited. The benefits of the proposal are set out elsewhere in this Statement and it is clear that securing the future of the mill will be beneficial. The proposal is certainly compliant therefore with the objectives of the NPPF.

- 6.37 The Council's pre-application letter, dated March 2012, set out the following English Heritage (EH) tests, in the context that enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

It will not materially harm the heritage values of the place or its setting

- 6.38 The Heritage report and LVIA submitted with the application clearly demonstrates that the proposal will not materially harm heritage values of the place or its setting; rather the proposal will bring significant improvements to the mill itself and indeed the Conservation Area generally, through the removal on unsightly late additions to the mill and unattractive buildings.

It avoids detrimental fragmentation of the place

- 6.39 No fragmentation will occur as a result of the proposals.

It will secure the long term future of the place and, where applicable, it's continued use for a sympathetic purpose

- 6.40 The applicant is absolutely committed to the delivery of the leisure use and has reached a very advanced stage with an experienced operator, for whom the design of the hotel / leisure complex has been prepared.
- 6.41 The use of the building for the restaurant/bar and hotel allows for many of the important features to be retained and will restore the premises to a use which will ensure it is maintained in very good order, which in relation to its previous use will be much more appropriate and viable. A considerable amount of market research has been done which provides complete confidence in the long-term business model for the premises.

It is necessary to resolve the problems arising from the inherent needs of the place

- 6.42 Since acquiring the premises considerable efforts, at notable expense, have been made to secure the listed mill and make it watertight. These are however only short term solutions and it is imperative and absolutely necessary that a long term, viable solution is found. The delivery of the residential element is essential to provide the funding required to make this possible.

Sufficient subsidy is not available from any other source

- 6.43 Investigations have taken place to explore potential funding options from alternative sources however no alternative funding has been achieved. To date all work undertaken has been at the considerable personal expense of the applicant, and this is not sustainable.

It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests

- 6.44 The viability report and the accompanying costs schedule sets out the costs of facilitating and building works for the mill. The residential part of the proposal will deliver a total land value, with the amount of affordable reduced to 20%, which almost meets these costs.
- 6.45 The form of the housing development has been informed by numerous technical studies to ensure any harm is minimised. It is essential however that the self-build plots are applied for in outline only to realise value; by working within parameters this approach is acceptable in that any perceived harm can be minimised.

The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits

- 6.46 The significance of the mill and the conservation area is detailed fully in the Heritage report which forms part of the submission. As detailed in the Heritage report the mill is one of finest and earliest surviving examples of its type in the

North West and it is therefore of significant relevance. Disbenefits in contrast are not significant, rather they are limited and it is clear that the benefits materially outweigh them.

Additional EH Criteria

- 6.47 EH normally wish to see a detailed planning proposal to clearly define impact. In this instance it is clear that the residential element still falls short of directly covering the costs of the works needed to be undertaken on the mill, and does not cover ongoing costs, which will be covered separately by the ongoing operation of the leisure use.
- 6.48 EH can be confident therefore that the amount of residential development proposed is clearly the minimum amount possible required to ensure the restoration and preparation of the mill for its new use. Given that residential development is proposed, which is well related to existing housing, means that parameters can be set to control the scale of the development to ensure at the reserved matters stage the proposal is appropriate.
- 6.49 The applicant is happy to enter into a legal agreement to ensure the necessary measures are put in place to ensure the most practicable early delivery of the mill. The parameters necessary to control the scale and massing of the residential development can be dealt with by means of conditions if considered necessary to define the proposal clearly.

Summary

- 6.50 The submitted Landscape and Visual Impact Assessment, prepared by Camlin Lonsdale Landscape Architects, determines the overall significance of the development proposals for Kirk Mill to be 'major beneficial'. The sensitivity and value of Kirk Mill is considered to be high however its condition is currently poor, compounded by its poor external environment. The proposed sympathetic architectural interventions and new public realm using materials compatible with the conservation area in which it is placed will ensure the continued presence of the building and amenity value to residents of and visitors to the village.

- 6.51 The submitted Heritage Assessment, prepared by Oxford Archaeology North, concludes that the development proposals are essential to facilitate the continued use of the building, therefore securing the buildings future use as a heritage asset.
- 6.52 The viability report submitted with the application identifies the costs of the development as a whole, but also provides a specific breakdown of the costs associated specifically with the mill. If the Council considers the housing to be contrary to policy, then there is a clear enabling argument to be considered.
- 6.53 In the event however that the housing is considered acceptable in the context of the lack of a 5 year deliverable supply of housing and because of compliance with emerging policy, then the viability report retains its relevance, as the report details very clearly how the residential development is fundamental to facilitating the delivery of the holistic proposal, and why a reduction in the affordable offer is necessary and acceptable.

7. RELEVANT NATIONAL PLANNING POLICY

Planning for Growth

- 7.1 In March 2011, a Ministerial Statement called 'Planning for Growth' was delivered by the Rt Hon Greg Clark MP (Minister for Decentralisation and Planning).
- 7.2 The Statement outlines how the planning system has a key role to play in helping to rebuild Britain's economy by ensuring that sustainable development needed to support economic growth is able to proceed as early as possible. It provides the foundations for the Framework's presumption in favour of sustainable development. Greg Clark stated:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."

- 7.3 The Statement confirms that local planning authorities should take into consideration developments that promote sustainable development and economic growth when determining planning applications.

National Planning Policy Framework

- 7.4 The National Planning Policy Framework ("the Framework") was published on 27 March 2012. This consolidates national policy guidance (including all previous Planning Policy Statements and Planning Policy Guidance) and is a material consideration in the determination of planning applications.
- 7.5 Paragraph 12 of the Framework states that it does not change the statutory status of the Development Plan as the starting point for decision making. Paragraph 12 also advises that development proposals which accord with an up-to-date Local Plan should be approved, and proposed development that conflicts with those policies should be refused, unless material considerations indicate otherwise. This is reiterated within paragraph 196 of the Framework.

7.6 The overall emphasis of the Framework is to reiterate the Government's key objectives of facilitating economic growth and securing sustainable development. These overarching policies seek to integrate the needs of planning and transport whilst focusing development in the most appropriate locations, thereby protecting and enhancing the environment.

Achieving Sustainable Development

7.7 Paragraph 7 of the Framework defines "sustainable development" and highlights that it has three interrelated dimensions; economic, social and environmental as follows. These dimensions give rise to the need for the planning system to perform a number of roles.

- **"An economic role** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- **A social role** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being; and*
- **An environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

7.8 Importantly, these roles should not be undertaken in isolation but should be seen as mutually dependent. The Framework states that "...to achieve sustainable

development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system...¹²

The Presumption in Favour of Sustainable Development

7.9 Central to the Framework is a presumption in favour of sustainable development and the need for the planning system to support economic growth. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development and the application of the policy for decision-making:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-making:

For decision-taking this means:

- *Approving development proposals that accord with the Development Plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in Framework as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted."*

7.10 Paragraph 196 of the Framework confirms that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Furthermore, paragraph 49 of the Framework confirms that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for

² Paragraph 3, Page 3, NPPF (March 2012): Department for Communities and Local Government (DCLG)

the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of delivering housing sites. "

Core Planning Principles

7.11 The Framework also sets out 12 core planning principles which underpin decision-taking. These core principles expand upon the economic, social and environmental roles of planning and form the foundations for delivering sustainable development.

Delivering Sustainable Development

7.12 To deliver sustainable development, the Framework sets out guidance under 13 policy areas. Those of relevance to this application include:

- **Building a Strong, Competitive Economy** – by securing sustainable development and *supporting economic growth through the planning system*³.
- **Supporting a Prosperous Rural Economy** – by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Supporting sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Promoting the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- **Promoting Sustainable Transport** – by promoting sustainable transport choices and seeking to support sustainable patterns of development. In relation to development generating vehicular movements, the NPPF states that a Transport Statement or Transport Assessment should be prepared. Paragraph 32 of the Framework confirms that:

³ Paragraph 19, Page 6, NPPF (March 2012) : Department for Communities and Local Government (DCLG)

"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

- **Delivering a Wide Choice of High Quality Homes** – by boosting significantly the supply of housing and providing a five-year supply of specific "deliverable" sites including a 5% or 20% buffer depending upon past performance. Paragraph 47 states that in order to do this, local planning authorities should:

"Identify and update annually a supply of specific deliverable site sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land."

- **Requiring Good Design** – by ensuring that developments add to the overall quality of the area, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to the local character, create safe and accessible environments and are visually attractive. The use of design codes and independent design review panels is looked upon favourably; as is the incorporation of local opinion and consultation into designs.
- **Promoting Healthy Communities** – by encouraging developments to facilitate social interaction and the creation of healthy and inclusive communities. Well integrated and safely accessible community facilities and public spaces can positively enhance the sustainability of communities and residential environments. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities.

- **Meeting the Challenge of Climate Change, Flooding and Coast Change** – by reducing greenhouse gas emissions, minimising vulnerability to flooding, providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
- **Conserving and Enhancing the Natural Environment** – by protecting and enhancing valued landscapes and minimising the impact of development on biodiversity including providing appropriate mitigation where necessary.
- **Conserving and Enhancing the Historic Environment** – by considering the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the desirability of new development making a positive contribution to local character and distinctiveness.

Taking Planning Decisions

- 7.13 Paragraph 186 of the Framework states that local planning authorities should approach taking planning decisions in a positive way to foster the delivery of sustainable development. Paragraph 187 states that:

"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

Annex 1: Implementation

- 7.14 Paragraph 214 of the Framework stipulates that for 12 months from the day of its publication, decision-takers may give full weight to relevant Development Plan policies adopted since 2004 in accordance with the Planning and Compulsory Purchase Act (2004) even if there is a limited degree of conflict with the Framework. However, paragraph 215 states that in other cases (i.e. with Development Plan policies not adopted in accordance with the Planning and Compulsory Purchase Act (2004)), and following this 12-month period, due weight

should be given to relevant policies according to their degree of consistency with the Framework.

7.15 Therefore, and in this case, the most up-to-date policy context for the determination of this application is the Framework. Adopted (and time expired) Local Plan policies should be given weight only to the extent of their consistency with the Framework.

7.16 The following section of this Statement summarises the relevant adopted and emerging local planning policy. Sections 9 and 10 appraise the proposals against the relevant local and national planning guidance respectively.

8. THE ADOPTED AND EMERGING DEVELOPMENT PLAN

8.1 This section provides a summary of the adopted and emerging Development Plan policies relevant to the application proposals.

The Adopted Development Plan

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 On 24 April 2013, the Secretary of State laid in Parliament a Statutory Instrument to revoke the North West of England Regional Spatial Strategy (RSS) to 2021, which came into force on 20 May 2013. For the purposes of this application therefore The Development Plan comprises the Ribble Valley District Wide Local Plan (adopted June 1998).

Ribble Valley District Wide Local Plan (1998)

8.4 The Ribble Valley District Wide Local Plan (herein referred to as the Local Plan) was adopted in June 1998. A number of 'saved' policies within the Local Plan will be superseded by the forthcoming Core Strategy but until this point the extant Local Plan should be considered when determining planning applications.

8.5 Notwithstanding the above, and whilst technically the Local Plan remains the Statutory Development Plan at a local level, in many respects its policies have been overtaken by more up to date policy guidance.

8.6 As noted within Section 7 of this Statement, paragraph 214 of the NPPF states that from 12 months from the day of its publication (27 March 2012), decision takers may continue to give full weight to relevant policies adopted since 2004; even if there is a limited degree of conflict with the NPPF. The Local Plan was adopted in 1998, therefore the ability to ascribe full weight to such policies is subject to an important provision within the Framework.

- 8.7 Footnote 39 of the Framework confirms that this provision is only applicable to Development Plan Documents adopted since 2004 in accordance with the Planning and Compulsory Purchase Act 2004. In this instance, the Local Plan is an 'old style' Local Plan, not a new Local Development Framework pursuant to the provisions of the 2004 Act. As Ribble Valley have not yet adopted a Local Development Framework document, great care must be taken when applying the policies of the Local Plan to current proposals, and considering the weight to be attached to them.
- 8.8 Paragraph 215 of the Framework is therefore of relevance as it states that in other cases (i.e. where Development Plan Document were not adopted in accordance with the 2004 Act) and after 12 months from the day of the publication of the Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, the greater the weight that may be given after 27 March 2013. This is the case in the determination of this application.

Policy Allocations

- 8.9 The application site has the following Local Plan 'saved' policy allocations:
- Policy G5: Outside the Main Settlements; and
 - Policy ENV1: Area of Outstanding Natural Beauty (AONB)
- 8.10 Local Plan Policy G5 states the following:

"Outside the main settlement boundaries and the village boundaries planning consent will only be granted for small-scale developments which are:

- i) Essential to the local economy or the social well-being of the area; or*
- ii) Needed for the purposes of agriculture or forestry; or*
- iii) Sites developed for local needs housing (subject to Policy H20 of this plan); or*
- iv) Small scale tourism developments and small scale recreational developments appropriate to a rural area subject to Policy RT1; or*
- v) Other small scale uses appropriate to a rural area which conform to the policies of this plan."*

8.11 Local Plan Policy ENV1 states the following:

"The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. In addition development will also need to contribute to the conservation of the natural beauty of the area. The environmental effects of proposals will be a major consideration and the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications (see Policy G1). The protection, conservation and enhancement of the natural environment will be the most important considerations in the assessment of any development proposal. Regard will also be had to the economic and social well-being of the area."

8.12 In addition it is considered that policies RT1, RT3 and EMP 11 are relevant. These and other Development Plan policies of relevance to the determination of the application are summarised in the Policy Schedule contained at **Appendix 4**.

The Emerging Local Plan

8.13 The Ribble Valley Core Strategy was submitted to the Secretary of State for Examination in September 2012. Following the document's submission, the Planning Inspector suspended the Examination pending clarification of part of its evidence base, including the Council's evidence for housing, employment land, retail land and traveller accommodation. Consultation on the proposed main changes to the Core Strategy and Local Development Framework Evidence Base was undertaken during August and September 2013. Although the Ribble Valley Core Strategy has not been adopted it is a material consideration when considering planning applications and development proposals must conform to the relevant policies of this document.

8.14 Evidence base documents of relevance to this application include the Council's latest published Strategic Housing Land Availability Assessment (SHLAA) Update August 2013 and the Housing Requirement Review August 2013.

Core Strategy 2008-2028: A Local Plan for Ribble Valley – Regulation 22 Submission Draft

8.15 The Submission Draft Core Strategy sets out the Council's vision, underlying objectives and key principles that will guide the development of the area. Although it will be used to aid the assessment of planning applications, its primary function is to set a more strategic level of planning policy for the area.

Development Strategy

8.16 As referred to in paragraph 7.15 of this Statement, the Council have proposed a number of main changes to the Ribble Valley Core Strategy as a result of an update and review of the supporting evidence base.

8.17 Proposed Change reference 02 proposes amendments to Key Statement DS1: Development Strategy. It is proposed that a list of defined settlements, including Chipping, is included within Key Statement DS1 to clarify the focus of the development.

Housing Provision

8.18 Proposed Change reference 08 proposes to increase the housing provision target from 4,000 dwellings over the period 2008-2028 to 5,000 dwellings, therefore providing for an average annual completion target of 250 dwellings per year.

Strategic Considerations

8.19 Policy DMG2 provides a number of considerations which at least one is to be met to justify development outside of the settlement areas. The considerations include:

- The development being essential to the local economy or social well-being of the area;
- The development meets an identified local housing need;
- The development is for small scale tourism or recreational development appropriate to a rural area;
- The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.

8.20 The policy also stipulates that in protecting the designated area of outstanding natural beauty, the Council will have regard to the economic and social well-being of the area. The most important consideration in the assessment of a development proposal within the AONB is the protection, conservation and

enhancement of the landscape and character of the area avoiding, where possible, habitat fragmentation.

- 8.21 Policy DMG2 advises that where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build.

Protecting Heritage Assets

- 8.22 Policy DME4 stipulates that *"in considering development proposals the council will make a presumption in favour of the protection and enhancement of heritage assets and their settings."*

Supporting Business Growth and the Local Economy

- 8.23 Policy DMB1 states *"proposals that are intended to support business growth and the local economy will be supported in principle. Development proposals will be determined in accord with the Core Strategy and detailed policies of the LDF as appropriate. Proposals for the development, redevelopment or conversion of site with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:*
- *The provisions of Policy DMG1, and*
 - *The compatibility of the proposal with other policies of the LDF, and*
 - *The environmental benefits to be gained by the community, and*
 - *The economic and social impact caused by loss of employment opportunities to the Borough, and*
 - *Any attempts that have been made to secure an alternative employment generating use for the site."*

Recreation and Tourism Development

- 8.24 Policy DMB3 advises that planning permission will be granted for development proposals that extend the range of tourism and visitor facilities in the Borough subject to the proposals meeting a number of criteria.

Business and Employment Development

- 8.25 Policy EC1 identifies that proposals which result in the loss of existing employment sites to other forms of development will need to illustrate there will be no adverse impact on the local economy.

Evidence Base

- 8.26 There are a number of important evidence base documents relating to housing and housing land supply in Ribble Valley.

Housing Land Supply

- 8.27 Paragraph 47 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements; with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planning supply and to ensure choice and competition in the market for land.⁴
- 8.28 As previously highlighted the North West of England Regional Spatial Strategy (RSS) to 2021 is now revoked. As a result, RSS no longer forms part of the Development Plan. However, the housing targets enforced by RSS remain relevant until further evidence-based information is prepared and the Council adopt new housing requirements. This is the stance taken for a recent Appeal decision within the Borough, land at Mitton Road, Whalley (APP/T2350/A/12/2188887) ("the Whalley appeal").
- 8.29 The Inspector at the Whalley appeal concluded, at paragraph 36 of the Appeal Decision, that Ribble Valley Borough Council cannot demonstrate a 5-year supply of housing and, at best, the Council have a 4.5 year supply. Furthermore, the Inspector recognised that Ribble Valley Borough Council has demonstrated a persistent undersupply of housing and, as such, require a 20% buffer to be brought forward from later in the plan period in accordance with paragraph 47 of the Framework. Additionally, the Inspector considered that the historic under-supply should be given the same priority. A greater housing supply would increase

⁴ Paragraph 47, Page 12, NPPF (March 2012): Department for Communities and Local Government (DCLG)

the prospect of deliver and ensure choice and competition in the market for land, which is critical if the supply of housing is to be significantly boosted.

- 8.30 Ribble Valley Borough Council produced an updated Housing Land Availability Schedule in October 2013, indicating that the Council can only demonstrate a 4.34 year housing supply. This is calculated as follows:

Identified Supply at 30th September 2013	
Sites subject to Section 106 Agreement	365
Sites with planning permission (not started)	1355
Affordable units not started	335
<i>Sub Total</i>	<i>2055</i>
Less sites not deliverable (107 market and 36 affordable)	143
<i>Sub Total</i>	<i>1912</i>
Less 10% slippage (until full assessment of deliverability complete)	191
<i>Sub Total</i>	<i>1721</i>
Plus sites under construction (less 28)	209
Total	1930
Years Supply (1930 ÷ 445)	4.34

Source: RVBC, Housing Land Availability Schedule (October 2013)

Ribble Valley's Housing Requirement

- 8.31 RVBC produced a document entitled '*Defining a Local Housing Requirement Update 2013*' in May 2013 as part of the update to the Local Development Framework Evidence Base.
- 8.32 '*Defining a Local Housing Requirement Update 2013*' tested the ongoing validity of the housing requirements identified in the original Ribble Valley Housing Needs Study in light of recently released demographic data and population projections.
- 8.33 Taking into consideration the CLG household projections, the 2013 Employment Land Review and released statistics on vacancy rates, unemployment and commuting, the report identified a requirement range of between 220 and 250 dwellings per annum for Ribble Valley.

- 8.34 RVBC has submitted the revised evidence base to the Core Strategy Inspector along with proposed main changes to the submitted Core Strategy. Proposed change reference 08 confirms Ribble Valley Borough Council now propose a revised housing requirement figure of 250 dwellings per annum, a total additional housing requirement of 1000 dwellings over the plan period to the figure originally proposed in the Submitted Core Strategy.
- 8.35 At Planning Committee on 10 October 2013 it was agreed that for the purposes of determining planning applications, pending the outcome of the Examination in Public into the Core Strategy which will evaluate the evidence base having due regard to the Council's duty to co-operate with neighbouring authorities, the figure of 250 dwellings per annum be used for decision making purposes. Although this figure has not yet been through the examination process, and therefore is not adopted, it is a material consideration in demonstrating the need for the delivery of new homes in Ribble Valley.
- 8.36 Ribble Valley Borough Council's annualised housing requirement, based on a requirement of 250 dwellings per annum using the Sedgfield method, is illustrated in the October 2013 Housing Land Availability Schedule:

Proposed Changes to Submitted Core Strategy Housing Requirement		
A	Planned provision 2008 - 2028	5000
B	Annual equivalent	250
C	Five year requirement (B x 5)	1250
D	Plus 20% buffer – NPPF Para. 47 (B + C)	1500
E	Completions 1 st April 2008 – 30 th September 2013 (5½ years)	650
F	Shortfall [(5½ x B) – E]	725
G	Total five year requirement (D + F)	2225
H	Annual requirement (G ÷ 5)	445

Source: RVBC, Housing Land Availability Schedule (October 2013)

- 8.37 The following sections sets out the applicant's case for planning permission having regard to the relevant national and local planning policy summarised in Sections 7 and 8 of this Statement. The application proposals have also been assessed against other relevant local planning policies at **Appendix 4** which are not addressed within this Section.

9. ASSESSMENT AGAINST LOCAL PLANNING POLICY

- 9.1 This Section appraises the application proposals against the planning policy framework outlined in Section 8 above. It includes the applicant's Affordable Housing Statement.

Assessment against Ribble Valley Districtwide Local Plan Allocations

- 9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. As stated in Section 8 above, the policy allocations covering the site include Area of Outstanding Natural Beauty (Policy ENV1) and Outside the Main Settlements (Policy G5).
- 9.3 As stipulated under paragraph 214 of the Framework, weight should only be accorded to these policies based upon their degree of consistency with the relevant provisions of the Framework; and (under the presumption that Ribble Valley cannot demonstrate a five year supply of housing land) the relevant policies for the supply of housing should not be considered up-to-date and the presumption in favour of sustainable development is therefore fully engaged as per paragraph 49 of the Framework. Consideration of this is given in the following assessment.

Outside the Main Settlements (Policy G5)

- 9.4 Policy G5 aims to protect the countryside from inappropriate development, however accepts that the countryside is a working area and a source of many Ribble Valley residents' livelihoods. Policy G5 states that outside the main settlement and village boundaries planning consent will only be granted for small scale developments which are essential to the local economy, developed for local needs housing or are for other small scale uses appropriate to a rural area which conform to the policies of the plan.
- 9.5 This policy is considered out of date given the inability of the Council to demonstrate a 5 year supply of housing. The presumption in favour of sustainable development is fully engaged, and the Council has confirmed in its

pre-application letter that this is a sustainable site. Several recent appeal decisions have concluded that development in sustainable locations outside settlement boundaries is acceptable in the Ribble Valley.

- 9.6 Policy G5 can therefore be afforded no weight in the determination of this application.

Area of Outstanding Natural Beauty (Policy ENV1)

- 9.7 Policy ENV1 aims to protect, conserve and enhance the landscape and character of the Forest of Bowland AONB. In addition, the policy stipulates that development will need to contribute to the conservation of the natural beauty of the area. The environmental effects of proposals are a major consideration and the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications.

- 9.8 A significant element of the proposed development site at Kirk Mill is previously developed land which has fallen into a state of disrepair. The development proposals will, therefore, enhance and ensure enduring conservation of the AONB.

- 9.9 The Design and Access statement demonstrates that the development proposals have been designed to fully complement and respect the surrounding Conservation Area and Listed Building setting.

- 9.10 The submitted Heritage Assessment and Landscape and Visual Impact Assessments both assess any impacts of which the development proposals could have on the AONB, and both conclude that the development proposals will not harm the landscape and character of the Forest of Bowland AONB.

Loss of Land for Employment (Policy EMP11)

- 9.11 Policy EMP11 details a set of criteria against which proposals for the conversion or redevelopment of industrial or employment generating sites will be assessed. In addition to the development proposals having to accord with other policies within the Local Plan and not causing economic and social damage by the loss of jobs in the community, the policy also requires any attempts that have been made to secure alternative employment generating use at the site to be detailed.

- 9.12 A Supporting Employment Statement has been submitted in support of the application, which considers the potential for the commercial re-use, refurbishment or redevelopment of the former H.J Berry & Sons Limited site.
- 9.13 The Supporting Employment Statement concluded that the existing premises are functionally obsolete and derelict. Refurbishment and sub-division is not financially viable as the majority of the accommodation is of an age and design that does not lend itself readily to either sub-division or modern requirements. A total redevelopment of the site for employment purposes is not viable due to the exceptional costs and the massive reduction in market activity and the complete lack of finance available for speculative development.
- 9.14 Redevelopment or refurbishment for an owner occupier is also not likely as the capital costs of both is prohibitively high. There are no owner occupiers seeking this type of scale of accommodation in Ribble Valley and certainly not within this area.
- 9.15 The site is constrained for development and, as detailed in the Supporting Employment Statement, would be vacant for some considerable number of years if no action is taken. As such, some form of mixed-use scheme based on residential would be required in order to cross-subsidise the refurbishment and redevelopment of the historic Kirk Mill building. This is a critical point in the determination of the application.
- 9.16 In summary, it is apparent that the bespoke nature of many of the buildings makes them unsuitable for replacement employment use in the traditional B1, B2 and B8 sense. Additionally, the redevelopment of the Grade II listed Kirk Mill would not be viable through employment development only, therefore a mixed-use redevelopment of the site is the only viable option to ensure that Kirk Mill is refurbished and the building and its settings enhanced.

Addressing Housing Need in Ribble Valley (January 2012)

- 9.17 This document outlines the approach to securing affordable housing and the policy identifies that developments of 5 or more dwellings should provide 30% affordable housing, and reductions will only be considered, to a minimum of 20% only where supporting evidence, including a viability appraisal, fully justifies a lower level of provision.

- 9.18 The residential development is fundamental to the success of this holistic approach to the redevelopment of the mill, the wider HJ Berry site and other land included in the application; without the residential proposal none of the development will take place.
- 9.19 The viability appraisal clearly demonstrates that the reduction in the affordable housing to the minimum amount possible allowed by the Council's policy is essential in order to maximise the receipt the land will provide.
- 9.20 Even with this reduction the appraisal is clear that the costs of delivering the restoration of the mill are in excess of the land receipt generated by the housing. The cost of delivering the wider scheme are even greater again, however the applicant is willing to carry a certain element of risk and costs in order to deliver the development on the understanding that a return on the investment will be received in the longer term.
- 9.21 The outline residential scheme will still offer the ability to achieve a balanced and mixed community, through the provision of a mix of dwelling types and sizes.
- 9.22 There is a clear affordability issue in Chipping as detailed in the Council's 2012 Housing Needs Assessment, with house prices considerably higher than both the Ribble Valley and Lancashire average. This development will help offer greater affordability through the provision of 20% affordable housing.

Assessment against the Emerging Local Plan

- 9.23 Whilst the Framework is clear that the weight to be given to un-Examined emerging plans is very limited, it does stipulate that decision-takers can afford some weight to emerging policies depending upon their degree of consistency with the Framework⁵. Even if only limited weight can be given, the emerging Local Plan is still a useful means by which to understand the Council's future aspirations in relation to the types and locations of development to be permitted.
- 9.24 The Council submitted its Core Strategy for Examination in September 2012, however the Inspector raised concerns with the evidence underpinning the plan and questioned whether it was up-to-date. As a consequence, the Inspector

⁵ Paragraph 216, Page 48, NPPF (March 2012): Department for Communities and Local Government (DCLG)

- agreed to suspend the Examination for a period of six months to allow the evidence to be updated to inform the Examination.
- 9.25 Consultation on the proposed main changes to the Core Strategy and Local Development Framework Evidence Base, including an updated Housing Requirement Review, was undertaken during August and September 2013.
- 9.26 An Examination is taking place in January 2014.
- 9.27 The Council's draft Core Strategy requires for 250 residential units to be delivered per year, which is an increase from 200 as originally proposed. The Core Strategy confirms that outside of the three main settlements (Clitheroe, Whalley, Longridge and the new settlement proposed at Standen) a significant amount of housing will need to be delivered at 'other settlements'. Chipping falls into this category.
- 9.28 It is clear therefore that Chipping, as a village settlement, will be required to deliver additional housing over the Plan period. The pre-application letter from the Council suggested that in the region of 35 units would need to be delivered in Chipping, however this was before the overall housing requirements in the draft Core Strategy were increased by 25%, and specific numbers allocated to particular settlements were removed, with the new policy clearly identifying that the average number of dwellings will vary from settlement to settlement. It is clear therefore that there is no conflict with emerging policy with regards housing numbers and locations for development. There are no technical reasons why Chipping could not accommodate the development.
- 9.29 Policy DMG2 is of significance, which identifies important considerations, one of which must be met to justify development outside development areas. These are considered below:
- i) Development is essential to the local economy or social well-being of the area
- 9.30 HJ Berry previously traded from the application site, with other operators before them, all of which provided a significant number of employment opportunities. Since closure of the business in recent years, the site has no longer offered this, and as a result there have been fewer employment opportunities in the village.

This is confirmed in the Council's Housing Needs Survey report for the village which identifies that⁶,

'The village of Chipping no longer has any large employers, following the closure of a chair-making factory. Employment is now mainly in the farming and hospitality industries resulting in the need to travel to find work.'

- 9.31 The delivery of this proposal will generate a significant number of employment opportunities, both full and part-time, which offers flexibility to potential employees. Furthermore the type of jobs available will be varied, offering opportunities requiring various levels of experience and skills. These are long-term jobs which will sustain the village for years to come.
- 9.32 In the short term however jobs will also be supported through construction work associated with the site. This includes construction of both residential and leisure elements, providing work for different types of tradespeople. In addition, the works to the Grade II Listed building will likely require specialist input, which offers a further type of employment opportunity.
- 9.33 The proposal will also offer significant enhancements to the social well-being of existing and future residents, through the provision of better leisure facilities in the village (gym, pool and trailhead centre facilities) and social improvement delivered through the pub/restaurant. The kids crèche and wedding venue will also offer additional services. The gym and pool will be particularly appreciated given that locals now have to travel to another town for such services following the closure of the local facility.
- 9.34 The housing proposed will be capable of delivering a variety of house types and sizes, and will range from affordable units to self-build plots, thus providing a wide spectrum of choice.
- ii) The Development Meets an Identified Local Housing Need
- 9.35 Discussions have been held with the Council's Housing Strategy officer Rachel Stott to determine the nature of housing that should be delivered on site. The

⁶ Chipping, Bowland with Leagram and Thornley with Wheatley Parish Housing Needs Survey 2012, para 1.1

residential part of the application is submitted in outline only, and as such there is scope at the reserved matters stage to deliver a variety of house types and sizes to best meet local need.

9.36 The Housing Needs Survey for Chipping, Bowland with Leagram and Thornley (2012) is clear that house prices in the area are on average 47% higher than Ribble Valley and 64% higher than the whole of Lancashire. It also confirms there is a lack of affordable housing stock.

iii) The Development is for Small Scale Tourism or Recreational Development
Appropriate to a Rural Area

9.37 The proposal will provide high quality hotel accommodation as well as a restaurant and bar. Furthermore a trailhead centre will be provided to enhance the recreational offer and the cricket pitch and facilities will be much enhanced at no cost to the current users. It is considered that this is in accordance with the policy.

iv) The Development is for Small Scale Uses Appropriate to a Rural Area
Where a Local Need or Benefit can be Demonstrated

9.38 The size of the leisure element of the development tallies strongly with the last use of the site in terms of the scale of development proposed. Given that the chair making factory was suitable for the rural area, it can be taken that this other form of employment-generating use, of a similar scale, is also appropriate.

9.39 As cross referenced above, the Housing Needs Study is clear that the closure of HJ Berry resulted in the loss of any larger scale employment in Chipping, meaning residents having to commute to jobs. This proposal will go a significant way to filling that gap.

9.40 The local need for housing is also clear with very high house prices in the area and a severe lack of affordable housing. As such the proposal is fully capable of complying with the emerging policy.

- 9.41 Emerging Policy EC1 confirms that where employment sites are lost to other forms of development it will be necessary to demonstrate that there is no adverse impact on the local economy.
- 9.42 In this instance the chair making company closed more than 3 years ago, and before that period had experienced a gradual decline in the number of persons employed.
- 9.43 The new proposals will see in the region of 100 full and part time jobs created, which will obviously be a boost to the local economy. In addition to this the nature of the use proposed will bring additional visitors to Chipping to stay at the hotel, or to visit the restaurant / pub. Furthermore the trailhead centre facility and the increased car parking offer will make the village more attractive to visitors.
- 9.44 It is clear therefore that the proposal will be of benefit to the local economy. The proposal therefore accords with EC1.

Other Policy Considerations

- 9.45 The Chipping Village Local plan sets out a list of desirable outcomes that should be delivered by development in Chipping.
- 9.46 Particular attention has been afforded to this document, and the following aspirations will be met by the proposal:
- Provision of social and sheltered housing
 - Creation of a minimum of 30 jobs
 - Additional car parking
 - New footpaths and walkways, including paths by the riverside

Summary

- 9.47 The lack of a 5 year housing supply renders policy G5 obsolete and the proposal is capable of satisfying each of the other relevant Local Plan and key emerging Core Strategy policies.

10. A SUSTAINABLE DEVELOPMENT

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan "*unless material considerations indicate otherwise*". Whilst it is recognised in Section 9 above that there is a partial conflict with some of the Local Plan policy allocations for the site, it is considered that there are significant material considerations which override this (most notably the achievement and delivery of sustainable development in line with the relevant provisions of the Framework) and that these should be afforded greater weight in the determination of the planning application.

10.2 RVBC, in their written pre-application advice response, state:

"In terms of your proposal, whilst located out of the settlement boundary, I do not consider that the site is overly isolated and is not remote from other built form. I also acknowledge that the site is close to a bus route and other services and I therefore consider this to be a sustainable location in principle for development."

Presumption in Favour of Sustainable Development

10.3 At the heart of the Framework is a presumption in favour of sustainable development.

10.4 As highlighted within Section 8 of this Statement, the Council cannot demonstrate a deliverable five year supply of housing land and therefore, the housing policies in the Local Plan are considered to be out of date. In accordance with paragraph 14 and paragraph 49 of the Framework therefore, there is a presumption in favour of the development proposals residential development and planning permission should be granted because:

- The housing policies contained in the Local Plan are out of date;
- The development will not result in any adverse impact which would significantly and demonstrably outweigh the benefits of the development; and
- The proposals accord with the specific policies of the Framework (as detailed at Section 7 of this Statement). Furthermore, the specific policies of the

Framework do not indicate that the development should be either restricted or refused.

10.5 Even if RVBC were to demonstrate a robust five-year supply of housing land, this is not a reason to refuse planning permission. There are numerous appeal decisions which reiterate this point, notably:

- a. Elmwood Avenue, Essington (ref. 2189442) April 2013 *"The presumption in favour of sustainable development in the Framework is not reliant on the lack of a 5 year supply of housing land and I note that the Inspector of a recent appeal at the former Baggeridge Brickworks accepted that there were sustainable development arguments supporting the proposed scheme despite the robust housing land supply figures."* (paragraph 17)
- b. Baggeridge Brickworks, Sedgley (ref. 2177370) November 2012 Despite a robust five-year supply, the Inspector found that *"In the planning balance the disbenefits are outweighed by the positive aspects of the proposal."* (paragraph 26)

The Delivery of a Sustainable Development

10.6 Taken as a whole, paragraphs 18 to 219 of the Framework constitute the Government's view of what *"delivering sustainable development"* in England means in practice. An assessment of the proposals against the relevant Framework policy headings is provided below to demonstrate the applicant's compliance with the provisions of the Framework and this it's overarching sustainability credentials.

Building a Strong, Competitive Economy

10.7 The Framework states that the Government is committed to securing sustainable development and that the planning system should do everything it can to support this goal. In particular, *"planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."* (NPPF Para 19).

10.8 Specifically with regard to existing employment sites, the Framework at paragraph 22 states:

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

10.9 The economic role of planning includes "ensuring that sufficient land of the right type is available in the right places and at the right time to support growth" (7, bullet 1).

10.10 The submitted Employment Supporting Statement, prepared by Nolan Redshaw, considers the potential for the commercial re-use, refurbishment or redevelopment at the Kirk Mill site. The Employment Supporting Statement identifies that an alternative non-commercial development could proceed without prejudicing the supply of employment land in the area.

Supporting a Prosperous Rural Economy

10.11 The Framework states to promote a strong rural economy support is to be given to sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Additionally, the provision and expansion of tourist and visitor facilities are to be supported.

10.12 In this instance the development will bring significant investment to Chipping, creating in the region of 100 full or part time employment opportunities. There will of course be a much wider benefit which stems from additional visitors that the scheme will generate, visiting the village and spending money in the local facilities.

10.13 It is clear therefore that the proposals are in full accordance with this objective of the Framework.

Delivering a Wide Choice of High Quality Homes

10.14 To boost significantly the supply of housing, the Framework confirms that local planning authorities should identify and update annually a supply of deliverable housing sites. Footnote 11 on page 12 of the NPPF provides a definition for what contributes a “deliverable” housing site. This states that:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect for housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

10.15 The application site is deliverable due to the following factors:

Is the site available?

10.16 The site is wholly owned by SCPI and is available for development now.

Is the site suitable?

10.17 As identified in paragraph 10.2 of this Statement, the site is considered to be a sustainable location in principle for development.

Is the site achievable?

10.18 The site could deliver housing within the next 5 years, which would positively contribute to the Council’s current shortfall of housing. The site is therefore achievable for development.

Is the site viable?

10.19 The applicant is confident that the application as proposed is the correct and best way of ensuring the viability, and in turn deliverability of the site. A very significant amount of money will need to be invested in the proposal in order to deliver it, and the housing part of the proposal goes some way towards providing that.

10.20 Fundamental however to the whole project is the very clear commitment and investment by the applicant to make the scheme work. This has already been demonstrated through the investment of considerable sums to make the mill as watertight and secure as possible in advance of the commencement of work. SCPI is committed long-term to the project, and there is confidence that the hotel and leisure uses will eventually bring a return on investment.

Requiring Good Design

10.21 The Design and Access Statement submitted in support of the application demonstrates that the development meets the design objectives set out in paragraph 58 of the Framework. The proposed design responds to the site's constraints and opportunities and proposes a strong sense of place which responds to the character of the area and the surrounding setting whilst paying careful attention to the relationship between the proposed built form and Kirk Mill Conservation Area and surroundings.

10.22 As demonstrated by the scheme's evolution in Section 3 of this Statement, SCPI have ensured that high quality design will be delivered on the site. As set out in the accompanying plans and D&A Statement, extremely high quality designs and materials have been used in order to ensure the development is absolutely suitable for the setting, in terms of both landscape and heritage.

10.23 The best elements of the listed mill will be retained and enhanced, with unsympathetic later additions removed. In addition unattractive buildings which formed part of the chair making factory will be demolished and replaced with much improved new buildings which are in-keeping with those of quality nearby.

10.24 The outcome of this is that the setting of, and the conservation area itself will be improved, as will the listed mill. The benefits are clearly set out in the Heritage report and LVIA which accompany the application.

Promoting Healthy Communities

10.25 The scheme aims to facilitate and enhance the existing recreational benefits of the Forest of Bowland AONB, through the provision of the Trailhead Centre. The development proposals therefore incorporate improved connections between the site and the surrounding areas. Additionally, a new cricket pitch and pavilion are

proposed, ensuring that key community recreational facilities are not lost but rather enhanced. Leisure facilities will also offer gym and swimming pool facilities.

- 10.26 Taken as a whole, the Kirk Mill proposals aim to secure and positively enhance the promotion of healthy communities.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 10.27 As demonstrated in Section 9, the application is supported by a detailed Flood Risk Assessment, produced by Weetwood, which has considered all potential sources of flooding to the site including the impact of climate change over the lifetime of the development.
- 10.28 The Flood Risk Assessment that a number of the development areas/parcels are located within Flood Zone 3. (Malt Kiln House and Surrounding Land – primarily within Flood Zone 1, with a small portion at the eastern end of the development parcel located in Flood Zone 3. Main Mills Complex – approximately 50% located within Flood Zone 1 and 50% located within Flood Zone 3. Riverside Walk – Primarily within Flood Zone 1 with the exception of the central area where land adjacent to both banks of Chipping Brook is in Flood Zone 3. Proposed Cricket Pitch Site – Flood Zones 2 and 3).
- 10.29 The Flood Risk Assessment has demonstrated that the proposed development may be completed without conflicting with the requirements of the NPPF and supporting Technical Guidance subject to implementation of a number of mitigation measures. The risk of flooding from Chipping Brook and any other sources will be mitigated by the implementation of a pack of measures as detailed in the Flood Risk Assessment. The measures include the raising of finished floor levels, removal of obsolete bridges along Chipping Brook, reinstatement of a small section of wall along Chipping Brook adjacent to Kirk Mill and ground floor raising on the Main Mills complex.
- 10.30 The hydraulic model of the brook confirms that there will be no increase in flood risk to surrounding properties as a result of the proposed mitigation measures.
- 10.31 The development proposals will incorporate a surface water drainage scheme based on sustainable drainage principles as encouraged by the NPPF. Following

development the overall impermeable areas of the site will increase in some areas and decrease in others. A surface water drainage system has been developed to demonstrate that surface water runoff can be sustainably managed in accordance with national and local policy without increasing flood risk elsewhere. The scheme will enable phased development conditions to be applied in line with this strategy.

- 10.32 In addition, significant work has been undertaken to explore the potential to utilise renewable energy making use of the river. Studies are well advanced and it would appear that the river should theoretically be suitable to accommodate a Micro Hydro Generation facility. At this stage the proposals have not been included in the application because of the need for some further studies to be carried out but there is certainly potential which the applicant intends to pursue.

Conserving and Enhancing the Natural Environment

- 10.33 An Ecological Assessment has been submitted with the application which confirms that no statutory or non-statutory sites of nature conservation interest will be adversely affected by the development proposals. In addition, the Ecological Assessment summarises the results of various surveys for bats, badgers, otters, water voles and reptiles. The Ecological Assessment finds no issues with respect to protected or notable species that cannot be mitigated.
- 10.34 There are no statutory designated sites of nature conservation value within or immediately adjacent to the site. The nearest Site of Special Scientific Interest (SSSI) is Bowland Fells SSSI, which is located approximately 1.7km northwest of the site. This SSSI is designated for supporting the largest expanse of blanket bog and heather moorland in Lancashire, the latter habitat of which is becoming increasingly rare in upland Britain. As well as supporting a diverse range of flora, the site provides suitable habitat for many upland breeding birds, three species of which (Hen Harrier, Merlin and Peregrine) are afforded special protection under the Wildlife and Countryside Act 1981 and Annex 1 of the EC Wild Birds Directive. The presence of these species within the site results in the additional designation of Bowland Fells as a Special Protection Area (SPA). The SSSI/SPA is separated from the site by minor roads, existing residential development, agricultural land and open countryside.

- 10.35 Given the distance between this designated site and the proposed development site, combined with fact that the application site contains neither of the desirable habitats for which the Bowland Fells site has been designated (and which make it a suitable breeding location for specially protected bird species) and the presence of attractive footpath walks on the doorstep of the development it is not considered there will be any adverse effects (direct or indirect) on this statutory designated site as a result of the proposals.
- 10.36 There are no non-statutory designations of conservation value within the site itself. The nearest non-statutory designated site is Clark House Farm Pasture Biological Heritage Site (BHS). This site is designated for its diverse grassland communities which represent a species rich pasture, as well as areas of scattered copse. This designated site borders land parcel 5 along most of its southern boundary and additionally borders the northwest tip of land parcel 3. The proposals for the area of the site comprising land parcel 5 are for creation of wild foraging areas compatible with existing woodland habitat. Areas of existing woodland could be selectively managed in line with best practice procedure. It is not considered that the proposals in this woodland habitat will have any significant negative impact on the adjacent designated site due to the nature of the potential works. Where the designated site borders parcel 3 of the site, the directly adjacent land uses would retain existing habitats in the form of semi-improved grassland and hedgerow. As such it is not considered that any works in the immediate area will impact on this non-statutory designated site.
- 10.37 Nonetheless it is recommended that works during the construction and operational phases of any development in areas adjacent to the site follow standard engineering protocols (e.g. erect fencing to safeguard sensitive habitats from erosion).
- 10.38 In conclusion, through the implementation of the safeguards and recommendations set out within the Ecological Assessment it is considered that the proposals conserve and enhance the natural environment in accordance with paragraph 118 of the Framework.
- 10.39 In addition, the Landscape and Visual Impact Assessment (LVIA) demonstrates that the Kirk Mill and modern factory site is well contained by the strongly defined

local landform supported by existing vegetation cover. These factors limit the view of the site from its immediate locality and the wider area.

- 10.40 During the construction phase, there will be a period of short term and locally adverse effects but these will be confined to short distance views and will be largely screened by construction hoardings and further filtered by intervening vegetation.
- 10.41 The core of the proposed built development in this area will comprise sensitively designed structures in materials with muted colours that will harmonise with and integrate into the landscape in the longer term. Furthermore, the development provides the opportunity to introduce significant areas of new woodland and tree planting. This new woodland infrastructure will soften and screen visual impacts of the new buildings and contribute to and enhance both character of the site and the quality of the landscape setting of the Kirk Mill Conservation Area.
- 10.42 Areas of residential development on higher ground to the north of the village are more visually exposed at the outset of the development. Site hoardings will help to screen views of construction activity from views in the immediate vicinity. The proposed built form is to be controlled by a set of design parameters ensuring the areas are sensitively integrated both physically and visually within its village edge setting. The development provides the opportunity to introduce significant tree and shrub planting within the development area. This vegetation will soften and screen visual impacts of the new buildings and contribute to the local landscape character of the area.
- 10.43 The proposed cricket pitch will introduce a traditional village feature to the southern threshold of the village. The existing low lying flat agricultural field is currently visually exposed due to the degraded field boundaries. During the construction phase, there will be a period of short term and locally adverse effects but these will be confined to short distance views and will be largely screened by construction hoardings. The limited built form proposed within this area will become increasingly screened by its associated tree planting, aiding its integration within the wider rural landscape.
- 10.44 At Year 15, once the new planting has established, the overall significance of visual effects is considered to be generally of Minor Beneficial significance rising to

major beneficial with the development associated with Kirk Mill and the Modern factory site redevelopment.

- 10.45 Overall, the proposals are in full accordance with the provisions of the NPPF with regards to conserving and enhancing the natural environment.

Conserving and Enhancing the Historic Environment

- 10.46 As acknowledged in Section 6, Kirk Mill is a Grade II Listed Building and located within a Conservation Area. The submitted Heritage Assessment and LVIA conclude the holistic leisure-led mixed use planning application allows for the repair and adaptation of this significant heritage asset for long-term use as a hotel and bar/restaurant. The design proposals have been tailored very carefully to retain the historic integrity of the building, whilst removing modern additions that obscure the historic fabric.
- 10.47 The areas proposed for housing have been carefully assessed in order to ensure that they can be delivered in such a way where there will not be any harm of such significance which would outweigh the benefits of the scheme.

Summary

- 10.48 In summary, the proposals accord with all of the relevant provisions of the Framework for delivering sustainable development. The application is therefore consistent with the Government's aspirations for sustainable development and this is a significant material consideration in the determination of the application. It is considered that this overrides any recognised partial conflict with the Development Plan as stipulated in Section 9 above. Technical reports clearly demonstrate that any perceived adverse impacts of the development are extremely minor. Therefore, and in accordance with the presumption in favour of sustainable development, Ribble Valley Borough Council should seek to approve the application without delay as clearly adverse impacts do not significantly and demonstrably outweigh the benefits. The following Section sets out the overall planning balance that gives rise to this conclusion.

11. BENEFITS & OVERALL PLANNING BALANCE

11.1 This Section details the associated economic, social and environmental benefits that when taken together constitute the achievement of sustainable development in line with the NPPF. The overall planning balance of the scheme is also summarised.

Achieving Sustainable Development

11.2 The development proposals will achieve sustainable development by providing the following economic, social and environmental net gains:

Economic Benefits

- Supporting Economic Growth and the Rural Economy through employment generation and increasing the likelihood of people visiting Chipping. This is strongly preferable relative to the existing redundant condition of the former factory and the very strong likelihood that it would not be suitable for traditional forms of employment (B1/B2/B8) now or in the future
- Significant parking will be provided which should encourage people to stay in Chipping for longer periods of time
- Supporting jobs in the construction industry for the variety of uses proposed
- New Homes Bonus
- Sustaining existing businesses

Social Benefits

- Delivery of a good mix of housing choice through different sizes and types, including 20% affordable, in a settlement identified in emerging policy as being suitable to accommodate growth
- Creating Healthy Communities through enhanced walkways and the trailhead centre to encourage outdoor pursuits
- Delivery of a new cricket pitch and new pavilion
- Provision of high quality, multi-purpose Public Open Space
- Delivery of new leisure facilities

Environmental Benefits

- Reducing flood risk through improvements made to the river which will benefit not only the site but the wider village area
- Enhancement and redevelopment of a Listed Building and improvements to the conservation area
- Delivery of a development which is technically robust, and which has the potential to make use of suitable renewable energy systems
- General retention of trees and significant additional, enhanced planting

11.3 The development proposals therefore generate significant and mutually reinforcing economic, social and environmental gains and thus constitute the achievement of sustainable development in line with the Government's aspirations as outlined in the NPPF.

Overall Planning Balance

11.4 The holistic application is in accordance with all material Development Plan Policies. In addition, there are a host of other material considerations and associated benefits that weigh strongly in favour of the application proposals. Most noticeably, the achievement of sustainable development in line with the relevant provisions of the Framework and the significant community and wider economic benefits associated with the development.

11.5 The Kirk Mill development proposals have demonstrated, in Section 3 and the submitted Statement of Community Involvement, their strong positive public support.

11.6 As recognised within this Statement, the residential aspect of the development proposals is required to facilitate the wider development. The Kirk Mill development proposals, as detailed within this Statement, are to be considered in a holistic manner and, as such, the residential element of the development allows for the enhancement and redevelopment of a Listed Building in a sensitive setting. The inclusion of a residential element at Kirk Mill does not significantly or demonstrably outweigh the benefits of the holistic Kirk Mill development.

- 11.7 At the heart of the Framework is a presumption in favour of sustainable development and it is clear this is fully engaged with regards to this application. The local authority should therefore approve the development without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
- 11.8 The application is technically robust and it has been demonstrated that there are few, if any, negative impacts that would result. The overall planning balance is weighted strongly in favour of granting planning permission as per Section 38(6) of the Planning and Compulsory Purchase Act 2004.

12. DRAFT S106 HEADS OF TERMS

12.1 A draft legal agreement is attached at Appendix 5.

12.2 It is agreed that further discussions during the determination stage will be held with the local authority in order to finalise the agreement, however the draft makes arrangements at this stage for:

- Affordable Housing (as per the viability report the offer is 20%)
- Transport Contribution (potentially required for secondary education but amount yet to be confirmed)
- Arrangements for the provision of the replacement cricket pitch

12.3 In addition to the above it is understood that there may well be additional guarantees required regarding the timing and delivery of the works to the listed mill. The applicant would welcome further discussions on this point during the determination process, so that suitable provisions could be added to the legal agreement.

13. CONCLUSION

- 13.1 This Supporting Planning Statement has been prepared by HOW Planning on behalf of SCPi Bowland Limited in support of a leisure led mixed-use development at Kirk Mill, Chipping.
- 13.2 A quality hotel with a pub/restaurant will be delivered, with associated facilities such as a gym, kids crèche and wedding chapel. Extensive areas of public open space will be provided, with new walkways and paths. In addition a new trailhead centre will offer a focal point for walkers and cyclists, with associated parking facilities.
- 13.3 The development will see the restoration and re-use of the Grade II listed Kirk Mill, which has been vacant, along with the rest of the developed site, since HJ Berry closed in 2010. The mill is in a poor state of repair, despite the efforts of the applicant to maintain it in a secure and watertight condition. It is in need of significant works.
- 13.4 The mill sits within the recently extended Chipping Conservation Area, which alongside the listed building, has been fully assessed by the technical reports which accompany the application.
- 13.5 Very real and significant benefits will result from the proposal, which will secure the long term future of the mill, and improve the Conservation Area as a consequence of this. The removal of several unsightly buildings, to be replaced by development of the highest quality, befitting of the setting, will deliver an asset for the village.
- 13.6 In order to facilitate the delivery of these considerable benefits, funding is required to make the scheme viable. Significant funding will be provided through the receipt obtained from outline planning proposals for a total of 60 residential units. These will deliver 56 homes on Church Raikie – The Hive, with 4 self-build plots at Malt Kiln Brow.
- 13.7 The receipt will be used to fund the restoration of the mill to be used for an 18 room hotel with pub / restaurant. A viability report has been prepared which demonstrates the direct correlation between the receipt from the housing site,

and the cost of the works required to bring the mill into an appropriate long-term use.

- 13.8 The applicant is firmly committed to the proposal and will be investing significant sums in order to deliver the rest of the site, on the basis that the scheme will, in time, deliver a return on the investment.
- 13.9 The residential development, as specified in the viability report, is fundamental to ensuring the proposal is deliverable. Absent the residential proposal the scheme will not be developed and the status quo will continue with the factory remaining derelict and none of the significant benefits being realised.
- 13.10 The holistic proposal has been tested in this SPS against the National Planning Policy Framework, as well as current and emerging local planning policy. It finds strong support.
- 13.11 The Council cannot demonstrate a deliverable 5 year supply of housing and as such its housing supply policies are to be considered out of date. They can be afforded no weight. The presumption in favour of sustainable development is therefore fully engaged, and in accordance with the NPPF unless adverse impacts would significantly and demonstrably outweigh the benefits, the application should be approved.
- 13.12 The Council should approve the proposal, as it is in full accordance with the objectives of the NPPF. The English Heritage definition of enabling development for delivery of the Mill will be applicable in the event that the Council disagrees and considers the housing as being contrary to policy.
- 13.13 In any event the benefits clearly are significant and harm very limited. The housing is essential to facilitate delivery of the scheme and the viability report is clear that 20% affordable can be provided, which accords with the relevant policy.
- 13.14 The proposal presents a once in a lifetime opportunity for Chipping to provide very significant benefits, the majority of which could not be realised elsewhere in the village, or by other parties. Some of these key benefits are set out below:
- Restoration of the listed mill and protection in the long term as a viable use;

- Removal of unsightly derelict buildings and replacement with very high quality buildings;
- New quality facilities for existing and future residents to enjoy;
- Economic benefits through increased footfall in the village bolstering businesses, and in the region of 100 jobs generated by the proposal;
- Provision of greater housing choice including affordable;
- New, much improved cricket facilities delivered through a s106 legal agreement;
- Improvements to reduce the risk of flooding on-site and in the village; and
- Strong synergies with the Chipping Village Plan.

13.15 Encouraging feedback confirms that the majority of local people are in favour of the proposals, which is a strong endorsement and a good example of localism in action. Outright objections have been limited, and primarily relate to traffic concerns and pressure on existing services.

13.16 Numerous, comprehensive assessments have been carried out, which have informed the proposal and which demonstrate that it is technically robust. Particular attention has been paid to traffic, landscape and visual impact, and heritage considerations.

13.17 The Council is encouraged to support the proposal which will see this very beneficial, quality proposal delivered promptly.

HOW Planning LLP
December 2013



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APPENDIX 1:
LIST OF SUPPORTING DOCUMENTS

Appendix 1: List of Supporting Documents

December 2013

Plan/Report	Consultant	Date/Reference
Application Forms (Hybrid Application and Listed Building Consent)	HOW Planning	23 December 2013
Reports		
Supporting Planning Statement	HOW Planning	December 2013
Design and Access Statement	5Plus Architects	December 2013
Heritage Assessment	Oxford Archaeology	September 2013
Archaeological Building Investigation	Oxford Archaeology	August 2013
Sustainability and Renewable Energy Statement	Clancy Consulting	28 th October 2013
Utility Statement	Clancy Consulting	28 th October 2013
Flood Risk Assessment	Weetwood	October 2013
Statement of Community Involvement	ConsultationWorks	October 2013
Transport Assessment	Curtins	October 2013
Framework Travel Plan	Curtins	October 2013
Ecological Assessment	Ecology Solutions Ltd	August 2013
Landscape and Visual Impact Assessment	Camlin Lonsdale Landscape Architects	December 2013
Arboricultural Method Statement	JCA Ltd	October 2013
Employment Land Report	Nolan Redshaw	April 2013 and August 2011
Geo-Environmental Assessment Report	Brownfield Solutions Ltd	March 2013
Desk Study Assessment Report	Brownfield Solutions Ltd	January 2013
Gas Assessment	Brownfield Solutions Ltd	October 2013
Preliminary Risk Assessment (Phase 1 Desk Study)	LK Consult Ltd	July 2013
Viability Appraisal	Till Asset Management	December 2013
Structural Appraisal	Gravitate Consulting	October 2013
Plans		
(MP) Site Plans		
Site Edged Red, Location Plan	5Plus Architects	05024_MP_00_000
Existing Survey of Site	5Plus Architects	05024_MP_00_101
Parameters Plan	5Plus Architects	05024_MP_00_102
Indicative Masterplan	5Plus Architects	05024_MP_00_103
Block Plan and Proposed Landscaping	5Plus Architects	05024_MP_00_104
(B1) The Mill Plans		
Location Plan	5Plus Architects	05024_B1_00_100
Demolition Plan – Ground Floor	5Plus Architects	05024_B1_01_000
Demolition Plan – First Floor	5Plus Architects	05024_B1_01_001
Demolition Plan – Second Floor	5Plus Architects	05024_B1_01_002
Demolition Plan – Third Floor	5Plus Architects	05024_B1_01_003
Demolition – Existing Elevations 1, 2 & 3	5Plus Architects	05024_B1_01_100
Demolition – Existing Elevations 4, 5 & 6	5Plus Architects	05024_B1_01_101
Existing Ground Floor Plan	5Plus Architects	05024_B1_02_000
Existing First Floor Plan	5Plus Architects	05024_B1_02_001
Existing Second Floor Plan	5Plus Architects	05024_B1_02_002
Existing Third Floor Plan	5Plus Architects	05024_B1_02_003
Proposed Ground Floor Plan	5Plus Architects	05024_B1_02_004
Proposed First Floor Plan	5Plus Architects	05024_B1_02_005
Proposed Second Floor Plan	5Plus Architects	05024_B1_02_006
Proposed Roof Plan	5Plus Architects	05024_B1_02_008
Existing Elevations 1, 2 & 3	5Plus Architects	05024_B1_04_000
Existing Elevations 4, 5 & 6	5Plus Architects	05024_B1_04_001
Proposed Elevations 1, 2 & 3	5Plus Architects	05024_B1_04_002
Proposed Elevations 4, 5 & 6	5Plus Architects	05024_B1_04_003

Proposed Elevations 8 - 10	5Plus Architects	05024_B1_04_004
Existing Sections AA & BB	5Plus Architects	05024_B1_05_000
Proposed Sections AA & BB	5Plus Architects	05024_B1_05_001
Section BB	5Plus Architects	05024_B1_05_002
(B2) The Barn		
Location Plan	5Plus Architects	05024_B2_00_100
Ground Floor Demolition Plan	5Plus Architects	05024_B2_01_000
First Floor Demolition Plan	5Plus Architects	05024_B2_01_001
Barn Cottages Demolition Elevations 1-4	5Plus Architects	05024_B2_01_010
Barn Demolition Elevations 5-9	5Plus Architects	05024_B2_01_011
Existing Ground Floor Plan	5Plus Architects	05024_B2_02_000
Existing First Floor Plan	5Plus Architects	05024_B2_02_001
Proposed Barn Conversion Ground Floor Plan	5Plus Architects	05024_B2_02_002
Proposed Barn Conversion First Floor	5Plus Architects	05024_B2_02_003
Proposed Barn Conversion Roof Plan	5Plus Architects	05024_B2_02_004
Barn Cottages Existing Elevations 1-4	5Plus Architects	05024_B2_04_000
Barn Existing Elevations 5-9	5Plus Architects	05024_B2_04_001
Barn Proposed Elevations 1-4	5Plus Architects	05024_B2_04_002
Barn Proposed Elevations 5-9	5Plus Architects	05024_B2_04_003
Existing Sections AA, BB & CC	5Plus Architects	05024_B2_05_000
Proposed Sections AA, BB & CC	5Plus Architects	05024_B2_05_001
(B3) Hotel/Spa Plans		
Location Plan	5Plus Architects	05024_B3_00_100
Proposed Ground Floor Plan	5Plus Architects	05024_B3_02_000
Proposed First Floor Plan	5Plus Architects	05024_B3_02_001
Proposed Second Floor Plan	5Plus Architects	05024_B3_02_002
Proposed Roof Plan	5Plus Architects	05024_B3_02_003
Proposed Elevations 1, 2 & 3	5Plus Architects	05024_B3_04_000
Proposed Elevations 4 & 5	5Plus Architects	05024_B3_04_001
Proposed Sections AA & BB	5Plus Architects	05024_B3_05_001
(B4) Trailhead Plans		
Location Plan	5Plus Architects	05024_B4_00_100
Proposed Ground Floor Plan	5Plus Architects	05024_B4_02_000
Proposed Roof Plan	5Plus Architects	05024_B4_02_001
Proposed Elevations 1-7	5Plus Architects	05024_B4_04_000
Proposed Sections AA	5Plus Architects	05024_B4_05_001
(B5) Wedding Venue Plans		
Location Plan	5Plus Architects	05024_B5_00_100
Proposed Ground Floor Plan	5Plus Architects	05024_B5_02_000
Proposed First Floor Plan	5Plus Architects	05024_B5_02_001
Proposed Roof Floor Plan	5Plus Architects	05024_B5_02_002
Proposed Elevations 1 & 2	5Plus Architects	05024_B5_04_000
Proposed Elevations 3 & 4	5Plus Architects	05024_B5_04_001
Proposed Sections AA & BB	5Plus Architects	05024_B5_05_000
(B6) Cricket Pavilion		
Location Plan	5Plus Architects	05024_B6_00_100
Proposed Ground Floor Plan	5Plus Architects	05024_B6_02_000
Proposed Roof Floor Plan	5Plus Architects	05024_B6_02_001
Proposed Elevations 1 - 4	5Plus Architects	05024_B6_04_000
(B7) Kids' Club		
Location Plan	5Plus Architects	05024_B7_00_100
Proposed Ground Floor Plan	5Plus Architects	05024_B7_02_000
Proposed Roof Plan	5Plus Architects	05024_B7_02_001
Proposed Elevations 1 - 2	5Plus Architects	05024_B7_04_000
Proposed Elevations 3 - 4	5Plus Architects	05024_B7_04_001
Proposed Sections AA & BB	5Plus Architects	05024_B7_05_000
(B8) Mechanical Plant Building		
Location Plan	5Plus Architects	05024_B8_00_100
Ground Floor and Roof Plans	5Plus Architects	05024_B8_02_000
Elevations 1- 4	5Plus Architects	05024_B8_04_000

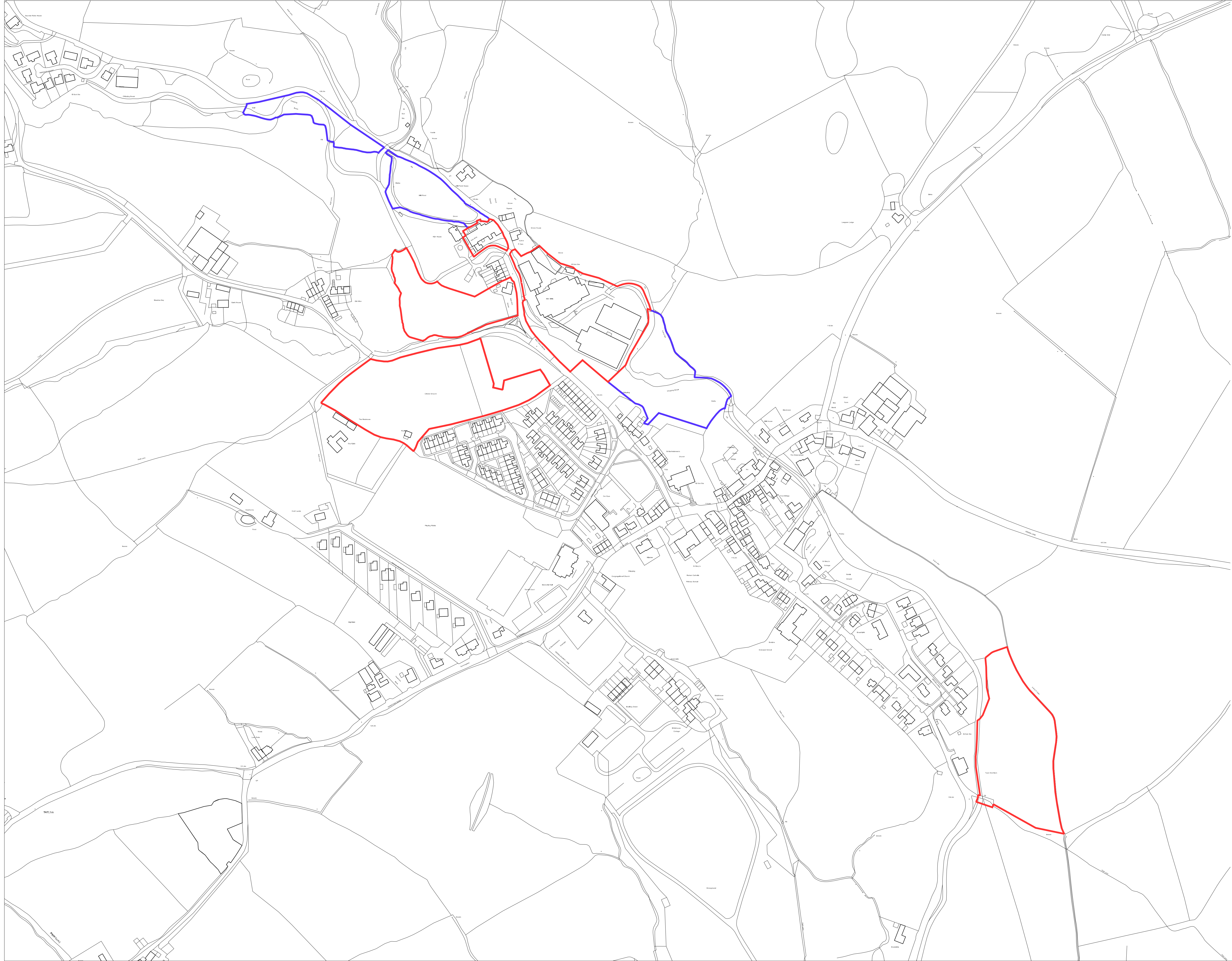
APPENDIX 2:

SITE LOCATION PLAN

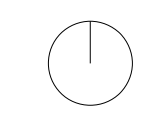
(DRAWING NO: 05024_MP_00_000)

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All contractors must visit the site and be responsible for taking and checking all dimensions relative to their work. 5plus Architects are to be advised of any variation between drawings and site conditions.
Electronic data (drawings) based on 'best only' and should not be interpreted for measurement. All dimensions and levels should be read only from those values shown to text on the drawings.
KEY PLAN:

Application Site Boundary
Additional Land in Ownership of Applicant



REV: | DATE: | DETAILS:



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PROJECT:
Chipping
Masterplan
TITLE:
Site Edged Red
Location Plan
SCALE: 1:2000 A1 DATE: 01.05.13 DRAWN: JDH CHECKED: JM
STATUS:
Planning
DRAWING NO: 05024_MP_00_000 REV: B
Architecture | Masterplanning | Interiors | Graphics | Branding

APPENDIX 3:
ILLUSTRATIVE MASTERPLAN
(DRAWING NO: 05024_MP_00_103)



— Application Site Boundary
— Additional Land in Ownership of Applicant

A 05/03/14 Proposed bridge removed, cycle path shown indicated.
[Title] [Date] [Scale]



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PROJECT:
Chipping
Masterplan
TITLE:
Indicative Masterplan

SCALE	ORDER DATE	DRAWN	CHECKED
1:2000 A1	20.08.13	JDH	JM

REV	DATE	DESCRIPTION
1		Planning

PROJECT	DRAWING NO.	REV
05024	_MP_00_103	A

Architecture | Masterplanning | Interiors | Graphics | Branding

APPENDIX 4:
POLICY SCHEDULE

Appendix 4: SCHEME ACCORDANCE WITH DEVELOPMENT PLAN POLICIES

Policy Reference	Policy Description	Accord with Policy?	Scheme Accordance with Policy
<u>RIBBLE VALLEY DISTRICTWIDE LOCAL PLAN</u>			
GENERAL POLICIES			
Policy G1	Policy G1 states that all proposals will be expected to provide a high standard of building design and landscape quality. Development which does so will be permitted, unless it adversely affects the amenities of the surrounding area.	Yes	<p>The submitted Design and Access Statement prepared by 5plus Architects and the Landscape and Visual Impact Assessment (LVIA) prepared by Camlin Lonsdale demonstrate that the proposals provide a high standard of building design and landscape quality, respecting the character of the Kirk Mill Conservation Area and the settings of the Listed Building.</p> <p>The core of the proposed built development will comprise sensitively designed structures in materials with muted colours that will harmonise and integrate into the landscape in the longer term. Furthermore, the development provides the opportunity to introduce significant areas of new woodland and tree planting, therefore softening and screening visual impacts of the new buildings and enhancing both the character and quality of the landscape setting of the Kirk Mill Conservation Area.</p> <p>Areas of residential development on higher ground to the north of the village are more visually exposed at the outset of the development. Site hoardings will help to screen views of construction activity from views in the immediate vicinity. The proposed built form is to be controlled by a set of design parameter ensuring the areas are sensitively integrated both physically and visually within its village edge setting. The development provides the opportunity to introduce significant tree and shrub planting within the development area.</p> <p>The proposed cricket pitch will introduce a traditional village feature to the southern threshold of the village. During the construction phase, there will be a period of short term and locally adverse effects but these will be confined to short distance views and will be largely screened by construction hoardings. The limited built form proposed within this area will become increasingly screened by its associated tree planting, aiding its integration within the wider rural landscape.</p> <p>At year 15, once the new planting has established, the overall</p>

			significance of visual effects is considered to be generally of Minor Beneficial significance rising to major beneficial with the development associated with Kirk Mill and the Modern factory site redevelopment.
Policy G5	<p>Policy G5 states that outside the main settlement boundaries and the village boundaries planning consent will be granted for small-scale developments which are:</p> <ul style="list-style-type: none"> • Essential to the local economy or the social well being of the area; or • Needed for the purposes of agriculture or forestry; or • Sites developed for local needs housing; or • Small scale tourism development and small scale recreational developments appropriate to a rural area; or • Other small scale uses appropriate to a rural area which conform to the policies of this plan. 	Partial	The development proposals support the provision and expansion of tourist and visitor facilities within Chipping and the wider Ribble Valley area. The submitted Viability Appraisal articulates that in order for the Mill refurbishment and hotel development to be viable, a land receipt of £3m is required.
Policy G11	<p>Policy G11 states in its consideration of development proposals the Council will take full account of the need to design, layout and landscape development in a manner which makes crime more difficult to commit, increases the risk of detection and provides people with a more secure environment.</p>	Yes	The submitted Design and Access Statement demonstrates that the proposals fully accord with the Secured by Design principles. During the pre-application stage, 5plus have consulted with an Architectural Liaison Officer from Lancashire Constabulary so that guidance relating to the security of the scheme could be taken on board at the earliest opportunity. The Design and Access Statement highlights any specific concerns relating to the site and how these may be dealt with should planning permission be granted.
ENVIRONMENT			
Policy ENV1	<p>Policy ENV1 states the landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. In addition development will also need to contribute to the conservation of the natural beauty of the area. The environmental effects of proposals will be a major consideration and the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications. The protection, conservation and enhancement of the natural environment will be the most important considerations in the assessment of any development proposal. Regard will also be had to the economic and social well-being of the area.</p>	Yes	<p>A significant element of the proposed development site at Kirk Mill is previously developed land which has fallen into a state of disrepair. The development proposals will, therefore, enhance and ensure enduring conservation of the AONB.</p> <p>The submitted Design and Access Statement demonstrates that the development proposals have designed to fully complement and respect the surrounding Conservation Area and Listed Building setting.</p> <p>The submitted Heritage Assessment and Landscape and Visual Impact Assessments both assess any impacts of which the development proposals could have on the AONB, and both conclude that the development proposals will not harm the</p>

			landscape and character of the Forest of Bowland AONB.
Policy ENV16	Policy ENV16 states within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees, important open spaces and natural features will also be protected as appropriate. The desirability of preserving or enhancing the character or appearance of a conservation area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area.	Yes	The submitted Arboricultural Method Statement, prepared by JCA Limited, has been prepared to ensure good practice in the protection of trees during the proposed development at Kirk Mill.
Policy ENV17	Applications for planning permission within or affecting conservation areas will be required to be accompanied by sufficient additional information in the form of sketch elevations of the proposed buildings, means of access and (where appropriate) landscaping of the site.	Yes	The hybrid planning application is supported by suite of Application Drawings, prepared by 5plus Architects, which include sketch elevations of the proposed buildings, means of access and landscaping, where appropriate.
Policy ENV18	Policy ENV18 states there will be a presumption in favour of retention of buildings which make a positive contribution to the character or appearance of a conservation area. Consent to demolish any building in a conservation area will not be granted unless a suitable detailed planning application for the re-use of the site has been approved and a contract let for the carrying out of the works of redevelopment.	Yes	<p>The submitted Heritage Assessment prepared by Oxford Archaeology North, assesses the archaeological significance and provides a heritage assessment of the five development parcels.</p> <p>The submitted Landscape and Visual Impact Assessment (LVIA) prepared by Camlin Lonsdale Landscape Architects, determines the overall significance of the development proposals for the each development parcel and the wider village area.</p> <p>The overall significance of the development proposals for Kirk Mill are determined to be 'major beneficial'. The sensitivity and value of Kirk Mill is considered to be high. Its condition is however currently poor, compounded by its poor external environment. The proposed sympathetic architectural interventions and new public realm using materials compatible with the conservation area in which it is placed will ensure the continued presence of the building an amenity value to residents of and visitors to the village.</p>
Policy ENV19	Policy ENV19 states development proposals on site within the setting of buildings listed as being of special architectural or historic interest which cause visual harm to the setting of the building will be resisted. In assessing the harm caused by any proposal the following factors will be taken into account. <ul style="list-style-type: none"> The desirability of preserving the setting of the 	Yes	<p>The submitted Heritage Assessment prepared by Oxford Archaeology North, assesses the archaeological significance and provides a heritage assessment of the five development parcels.</p> <p>The submitted Landscape and Visual Impact Assessment (LVIA) prepared by Camlin Lonsdale Landscape Architects, determines the overall significance of the development proposals for Kirk Mill</p>

	<p>building</p> <ul style="list-style-type: none"> • The effect of the proposed development on the character of the listed building • Any effect on the economic viability of the listed building • The contribution which the listed building makes to the townscape or countryside • The extent to which the proposed works would bring substantial benefits to the community include economic benefits and enhancement of the environment. 		<p>to be 'major beneficial'. The sensitivity and value of Kirk Mill is considered to be high. Its condition is however currently poor, compounded by its poor external environment. The proposed sympathetic architectural interventions and new public realm using materials compatible with the conservation area in which it is placed will ensure the continued presence of the building and amenity value to residents of and visitors to the village.</p> <p>The Heritage Assessment considers there to be a compelling case for the development proposals for Kirk Mill. The development proposals are essential to facilitate the continued use for the buildings, which will secure the buildings' future as a heritage asset.</p> <p>With the clear exception of Kirk Mill, a review of the available historical sources has concluded that there is a low potential for an remains of archaeological interest to survive within the boundaries of the proposed development areas.</p>
Policy ENV22	<p>Policy ENV22 states development proposals which result in the beneficial re-use of derelict, disused and obsolete land, buildings and waterbodies will be approved subject to other policies of the Local Plan. Derelict and degraded land in the open countryside including that in the green belt will be reclaimed or re-used primarily for agriculture, nature conservation or appropriate recreational uses.</p>	Yes	<p>The HJ Berry & Sons site ceased operations in February 2010. The development proposals re-use and redevelop a number of derelict buildings as detailed in the submitted Design and Access Statement.</p>
HOUSING			
Policy H2	<p>Policy H2 states outside the settlement boundaries, as defined on the proposals map, residential development will be limited to:</p> <ul style="list-style-type: none"> • Development essential for the purposes of agriculture or forestry or other uses wholly appropriate to the rural area. • The appropriate conversion of buildings to dwellings, provided they are suitably located and their form, bulk and general design are in keeping with their surroundings. Buildings must also be structurally sound and capable of conversion without then need for complete or substantial reconstruction. • Residential development specifically intended to 	-	<p>This policy is considered to be out-of-date as per paragraph 49 of the Framework by virtue of the fact that the Council cannot demonstrate a five-year supply of housing land.</p> <p>As the Council cannot demonstrate a five-year supply of housing land, the presumption in favour of sustainable development is fully engaged. The Council, in their pre-application advice response letter, acknowledge that the Kirk Mill site is a sustainable location in principle for development.</p>

	<p>meet a proven local need.</p> <p>The impact of proposals on the countryside will be an important consideration in determining all applications. Development should be appropriately sited and landscaped. In addition, scale, design and materials used must reflect the character of the area, and the nature of the enterprise.</p>		
Policy H17	This sets out design guidance for conversion schemes	Yes	The quality design approach adopted is set out fully in the D&A Statement.
Policy H20	<p>Policy H20 states on sites other than infill sites within the village boundaries and on land identified as open countryside planning permission will only be granted for 100% affordable needs housing developments which are intended to meet a proven local need.</p> <p>Affordable needs housing granted under this policy will be expressly for the following groups of people:</p> <ul style="list-style-type: none"> • First time buyers currently resident in the parish or an adjoining parish; • Elderly people currently resident in the parish or an adjoining parish; • Those employed in the parish or an immediately adjoining parish but currently living more than 5 miles from their place of employment; • Those who have lived in the parish for any 5 of the last 10 years having left to find suitable accommodation and also with close family remaining in the village; • Those about to take up employment in the parish; • People needing to move to the area to help support and care for a sick, elderly or infirm relative. <p>In addition to those groups of people others may have special circumstances which can be applied. These will be assessed on their individual merits.</p> <p>Although this policy relaxes the normally restrictive elements of policies G4, this is a reflection of the special needs only. The proposed development must still show a</p>	No	<p>As detailed in the submitted Viability Appraisal, prepared by Till Asset Management, in order for the Mill refurbishment and hotel development to be viable a land receipt of £3m is required. In fact the appraisals indicate that in order to secure an appropriate level of return commensurate with the risks and level of investment a higher capital receipt would be required.</p> <p>The applicant has indicated their commitment to the project by agreeing to proceed with a reduced level of developer profit and to forward the development with a residential land receipt of £3m. The developer has indicated their long-term commitment to Chipping and look to achieve their return via the long term hold of an interest in the hotel.</p> <p>In order for the residential land to secure a purchaser that can deliver a £3m land receipt, the maximum affordable housing threshold is 20% of the space.</p>

	<p>high quality of design and use materials appropriate to the area. In particular the principles of Polity GI will be strictly applied. Proposals should ideally be an extension to the village, or take on unprotected land within the settlement boundary.</p> <p>The affordable needs element of any application will be subject to Policy H21 of this plan.</p>		
EMPLOYMENT			
Policy EMP11	<p>Policy EMP11 states proposals for the conversion or redevelopment of industrial or employment generating sites in the Plan area will be assessed with regard to the following criteria:</p> <ul style="list-style-type: none"> • The provisions of Policy G1. • The compatibility of the proposal with other policies of this plan. • The environmental benefits to be gained by the community. • The potential economic and social damage caused by loss of jobs in the community. • Any attempts that have been made to secure an alternative employment generating use for the site. 	Yes	<p>The submitted Employment Land Report prepared by Nolan Redshaw considers the potential for the commercial re-use, refurbishment or redevelopment at the former H.J. Berry & Sons Limited Kirk Mills site.</p> <p>It would not be possible to refurbish or redevelop the premises for purely employment purposes without incurring a substantial financial loss. Whilst this loss has been exacerbated by current market conditions, this location is unlikely to have ever been viable for redevelopment for employment purposes.</p> <p>The Employment Supporting Statement identifies that an alternative non-commercial development could proceed without prejudicing the supply of employment land in the area.</p>
RECREATION AND TOURISM			
Policy RT1	<p>Policy RT1 states the Council will approve development proposals which extend the range of tourism and visitor facilities in the Borough.</p> <p>This is subject to the following criteria being met:</p> <ul style="list-style-type: none"> • the proposal must not conflict with other policies of this plan; • the proposal must be physically well related to an existing main settlement or village or to an existing group of buildings; • the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design; • the proposal should be well related to the existing highway network. It should not generate additional traffic movements of a scale 	Yes	<p>The development proposals extend the tourism and visitor facilities in the Borough, providing hotel accommodation, a spa, a wedding venue, a kids club, a trailhead centre and a cricket pitch and pavilion.</p> <p>The development proposals are physically well related to the existing main settlement as the proposals mainly reuse and redevelop existing buildings.</p> <p>The Design and Access Statement has carefully considered the appearance of the development proposals in terms of the materials and design.</p> <p>As detailed in the submitted Transport Assessment, the proposals will have no severe impact on the operation of the highway network and sufficient car parking has been provided across the site.</p>

	<p>and type likely to cause undue problems or disturbance. Where possible the proposals should be well related to the public transport network;</p> <ul style="list-style-type: none"> the site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas. <p>In the Forest of Bowland Area of Outstanding Natural Beauty the following provisos will also apply:</p> <ul style="list-style-type: none"> the proposal should display a high standard of design appropriate to the area; the site should not introduce built development into an area largely devoid of structures (other than those directly related to agriculture or forestry uses). 		
Policy RT3	<p>Policy RT3 states planning permission will be granted for tourism related uses in rural buildings providing all of the following criteria are met:</p> <ul style="list-style-type: none"> the proposed use will not cause unacceptable disturbance to neighbours in any way; the impact of the proposal or additional elements likely to be required for the proper operation of the building will not harm the appearance or function of the area in which it is situated; the access to the site is of a safe standard or is capable of being improved to a safe standard without harming the appearance of the area; the design of the conversion should be of a high standard and be in keeping with local tradition, particularly in terms of materials, geometric form and window and door openings; if the building is isolated from others then it should: <ul style="list-style-type: none"> have a genuine history of use for agriculture or another rural enterprise; be structurally sound and capable of conversion for the proposed use without the need for major alterations which would adversely affect the character of 		<p>The Design and Access Statement demonstrates that the development proposals would not result in negative amenity issues to any neighbouring uses. Chipping village has a wealth of buildings that have been an invaluable resource into forming the aesthetic of the new build elements of the scheme such as the hotel/spa. It is considered that the development proposals will not harm the appearance or function of Chipping.</p> <p>The submitted Transport Assessment, prepared by Curtins, demonstrates that the proposals will no have serve impact on the operation of the highway network. The Transport Assessment also demonstrates that each development parcel will benefit from an individual point of access off the local highway network.</p> <p>Sufficient car parking will be provided across the site in accordance with Lancashire County Council’s adopted car parking standards.</p> <p>The Design and Access statement and accompanying plans demonstrate that the development proposals are of a high standard, respect local character and tradition.</p>

	the building.		
TRANSPORT AND MOBILITY			
Policy T1	<p>Policy T1 states in making decisions on development proposals the local planning authority will attach considerable weight to:</p> <ul style="list-style-type: none"> • the availability and adequacy of public transport to serve those moving to and from the development; • the relationship of the site to the primary route network; • the provision made for access to the development by pedestrian, cyclists and those with reduced mobility. • proposals which promote development within existing developed areas at locations which are highly accessible by means other than the private car; • proposals which locate major generators of travel demand in existing centres which are highly accessible by means other than the private car; • proposals which strengthen existing town and village centres which offer a range of everyday community shopping and employment opportunities by protecting and enhancing their viability and vitality; • proposals which locate developments in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities which they need to visit regularly; • proposals which limit parking provision for developments and other on or off street parking provision to discourage reliance on the car for work and other journeys where there are effective alternatives. 		<p>The submitted Transport Assessment prepared by Curtins demonstrates that the proposals will have no severe impact on the operation of the highway network.</p> <p>The Transport Assessment also demonstrates that each development parcel will benefit from an individual point of access off the local highway network. It has been demonstrated that each access can be delivered in accordance with current design standards and recommendations.</p> <p>The Transport Assessment considers that the site is relatively well connected by sustainable modes of transport for its rural location. There are existing pedestrian linkages providing access between the proposed sites and key facilities within the centre of Chipping Village, and complementary land uses and facilities local to the development. There are existing bus services close to the proposed development.</p>
Policy T7	Policy T7 states all development proposals will be required to provide adequate car parking and servicing space.		The Transport Assessment concludes that sufficient car parking will be provided across the site in accordance with Lancashire County Council's adopted maximum car parking standards.

APPENDIX 5:
DRAFT LEGAL AGREEMENT

NOW THIS DEED WITNESSES as follows:

1 Definitions and interpretation

1.1 Definitions

For the purposes of this deed the following expressions shall have the following meanings:

- 1.1.1 'the 1990 Act' means the Town and Country Planning Act 1990,
- 1.1.2 'Affordable Housing' means subsidised housing that will be available to an Approved Person,
- 1.1.3 'the Affordable Housing Land' means those parts of the Site designated by the Owner [and approved by the Council (such approval not to be unreasonably withheld or delayed)] for the construction of the Affordable Housing Units,
- 1.1.4 'the Affordable Housing Units' means the Affordable Housing Land comprising residential units to total [20]% of all Dwellings to be constructed on the Site, of which []% are to be Rented Units, []% are Shared Ownership Units, and 'an Affordable Housing Unit' shall be construed accordingly,
- 1.1.5 'the Applicant' shall mean a person applying to the Owner for a Rental Agreement of a Unit and in assessing an Applicant's application and eligibility for a Rental Agreement of a Unit all due regard shall be given to the Applicant's intended household,
- 1.1.6 'the Application' means the application for outline planning permission for the Development dated the [] submitted to the Council and allocated reference number [],
- 1.1.7 'Approved Person' means a person who meets the Qualifying Criteria,

- 1.1.8 'Borough' means the Borough of Ribble Valley.
- 1.1.9 'the Commencement of Development' means the commencement of any material operation (as defined in the 1990 Act section 56(4)) forming part of the Development other than (for the purposes of this deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and 'Commence the Development' shall be construed accordingly,
- 1.1.10 'Current Cricket Field' means that part of the Site which has formerly been used as a cricket pitch with accompanying outbuilding and which forms part of the land registered under title number LAN110557,
- 1.1.11 'the Date of Practical Completion' means the date of issue of a certificate of practical completion by the Owner's architect or, if the Development is constructed by a party other than the Owner, by that other party's architect,
- 1.1.12 'the Development' means the development of the Site with [] Dwellings pursuant to the Planning Permission,
- 1.1.13 'Discounted Sale Unit' means the sale of an Affordable Housing Unit at a discount of 40% of the Open Market Value in perpetuity,
- 1.1.14 'Dispose' means each and every means by which the right of occupation of the Affordable Housing is given or transferred to another person body or company and 'Disposal' shall be construed accordingly,
- 1.1.15 'a Dwelling' means a dwelling (including a house, flat or maisonette) to be constructed pursuant to the Planning Permission and 'Dwellings' shall be construed accordingly,

- 1.1.16 'Financial Need' means an Applicant whose means are not reasonably sufficient to enable him/her to buy or rent a suitable property in the Locality or the Neighbouring Parish which is reasonably convenient and suitable for the Applicant,
- 1.1.17 'Financial Need Criteria' means:
- (a) that the Applicant cannot afford to rent suitable accommodation on the open market in the Locality or the Neighbouring Parish; or
 - (b) no suitable alternative affordable accommodation is available in the Locality of the Neighbouring Parish on the open market,
- 1.1.18 'Homes and Communities Agency' means the Homes and Communities Agency or its statutory successors,
- 1.1.19 'the Housing Corporation' means the Housing Corporation as defined in Section 56 of the Housing Act 1996 or its statutory successors,
- 1.1.20 'Independent Valuer' means an independent chartered surveyor with not less than 10 years post-qualification experience in the valuation of land and developments for use as permitted by the Planning Permission who shall be appointed by the Owner and the Council or in default of agreement within 7 working days of either party seeking the agreement of the other, to an appointment at the request of the Owner or the Council by or on behalf of the President for the time being of the Royal Institution of Chartered Surveyors,
- 1.1.21 'the Locality' means the parish of Chipping,
- 1.1.22 'the Local Housing Allowance' means the Local Housing Allowance rates for the Borough of Ribble Valley from time to time or any statutory replacement thereof,
- 1.1.23 'Living' means those currently living in the Locality, Neighbouring Parish or Borough (as applicable),
- 1.1.24 'the Market Housing Units' means that part of the Development which is general market housing for sale on the open market and which is not Affordable Housing,

- 1.1.25 'Neighbouring Parish' means the parishes which have a neighbouring common boundary with the Locality,
- 1.1.26 'Next of Kin' means mother, father, brother, sister or adult dependant children,
- 1.1.27 'Nominated Officer' means the Council's Housing Strategy Officer or such other officer of the Council as may from time to time be nominated by the Council to act in his place,
- 1.1.28 'Nomination Process' means the process of nominating an Approved Person as set out in Schedule 3,
- 1.1.29 'Notice' means a written notice from the Owner to the Council confirming that the Owner intends to market for sale Shared Ownership Units and in which the Owner invites the Council to agree the Open Market Value of the Shared Ownership Units,
- 1.1.30 'Occupation' means the use of a Market Housing Unit for residential purposes,
- 1.1.31 'Open Market Value' means the best price at which the sale of the freehold interest in the Shared Ownership Unit (together with any rights easements provisions covenants and other matters benefiting it but subject to any incumbrances restrictions stipulations or covenants which may affect it and which will still subsist and are capable of taking effect) would have been completed unconditionally for cash consideration by private treaty at the date of the Notice with vacant possession on completion of the sale assuming:
- 1.1.31.1 a willing seller; and
- 1.1.31.2 that prior to the date of the Notice there had been a reasonable period (having regard to the nature of the Shared Ownership Unit and the state of the market) for the proper marketing of the interest the agreement of price and terms and the completion of the sale; and

1.1.31.3 that the state of the market levels of values and other circumstances were on any earlier assumed date of exchange of contracts the same as on the date of the Notice; and

1.1.31.4 that no account is taken of any additional bid by a buyer with a special interest; and

1.1.31.5 that both parties to the transaction had acted knowledgeably prudently and without compulsion

1.1.32 'Plan 1' means the plan attached to this deed and marked Plan 1,

1.1.33 'Plan 2' means the plan attached to this deed and marked Plan 2,

1.1.34 'Plan 3' means the plan attached to this deed and marked Plan 3.

1.1.35 'the Planning Permission' means the planning permission issued by the Council,

1.1.36 'Qualifying Criteria' means priority in which an Applicant will be allocated a Rental Agreement of a Rented Unit being first in priority order:

- (a) those currently Living in the Locality for more than 10 years;
- (b) those currently Living in the Locality and have done so continually for between 5 to 10 years;
- (c) those currently Living in the Locality and have done so continually for a minimum of 12 months or
- (d) those currently Working in the Locality to which they have applied for accommodation;
- (e) those Returning to the Locality;
- (f) those currently Living in a Neighbouring Parish for more than 10 years;
- (g) those currently Living in a Neighbouring Parish and have done so for between 5 to 10 years;

- (h) those currently living in a Neighbouring Parish and have done so continually for a minimum of 12 months;
- (i) those currently Working in a Neighbouring Parish to which they have applied for accommodation;
- (j) those Returning to the Neighbouring Parish;
- (k) those currently Living in the Borough for more than 10 years;
- (l) those currently Living in the Borough and have done so continually for between 5 to 10 years;
- (m) those currently living in the Borough and have done so continually for a minimum of 12 months;
- (n) those Working in the Borough;
- (o) those Returning to the Borough; and finally
- (p) those who are able to justify a requirement for accommodation in the Borough,

1.1.37 'the RP' means a registered provider as defined in section 80 of the Housing and Regeneration Act 2008, and who is approved by the Council (such approval not to be unreasonably withheld or delayed),

1.1.38 'Rental Agreement' means a letting agreement for a Rented Unit granted by the RP on its standard terms and conditions to an Approved Person in accordance with the Nomination Process as shall be appropriate for the site and subject to a rent which is accepted as affordable for the Borough by the Homes and Communities Agency provided that it does not exceed the Local Housing Allowance but which shall exclude any right which the lessee may otherwise have to acquire the freehold interest in the Rented Unit to which that rental agreement relates (as far as it is legally possible to do so),

1.1.39 'Rented Units' are Units which are available for rent only,

1.1.40 'Replacement Cricket Field' means the part of title number LAN131796 which is shown [edged red/coloured pink] on Plan 3 and which is known as part of land on the east side of Longridge Road, Chipping.

- 1.1.41 'Returning' means persons who at least one of the adult Applicants have Next of Kin who currently live in the Locality, Neighbouring Parish or Borough (as applicable),
- 1.1.42 'Right of Pre-Emption' is a right contained in the Shared Ownership Lease for the RP to buy back the Shared Ownership Units,
- 1.1.43 'Shared Ownership Lease' means a lease of a Shared Ownership Unit that contains with it a Right of Pre-Emption and Shared Ownership Leases shall be construed accordingly,
- 1.1.44 'a Shared Ownership Unit' means a unit of Affordable Housing in respect of which a Shared Ownership Lease is granted by the RP to an Approved Person and Shared Ownership Unit shall be construed accordingly,
- 1.1.45 'the Site' means the land against which this deed may be enforced shown edged red on Plans 1 and 2 and described in Schedule 1,
- 1.1.46 'a Social Rented Unit' means an Affordable Housing Unit which is let subject to an assured tenancy agreement with the RP to persons identified in accordance with the nominations requirements of any funding agreement as approved by the Council in writing, at a rent not exceeding the target rent of the Housing Corporation,
- 1.1.47 'Staircase' means the exercise by the occupier pursuant to the Shared Ownership Lease of the right to acquire a greater interest in the Shared Ownership Unit by paying a percentage of the market value to the RP after which the rent payable on the part retained by the RP shall be reduced proportionately,
- 1.1.48 'Transport Contribution' means the sum of £[] to contribute towards the cost of providing additional public transport facilities for children living within a [3 mile] radius of the Site to local secondary schools,
- 1.1.49 'Units' means the Affordable Housing Units and 'a Unit' shall be construed accordingly,

1.1.50 'Working' means a person who is permanently employed or self employed for a minimum of 18 hours per week paid or unpaid in the Locality, Neighbouring Parish or Borough (as applicable),

1.1.51 'Working Days' means any day of the week excluding Saturdays, Sundays and Bank Holidays.

1.2 Interpretation

1.2.1 Reference in this deed to any recital, clause, paragraph or schedule is, unless the context otherwise requires, a reference to the recital, clause, paragraph or schedule in this deed so numbered.

1.2.2 Words importing the singular meaning include the plural meaning and vice versa where the context so admits.

1.2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.

1.2.4 Wherever an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually unless there is an express provision otherwise.

1.2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.

1.2.6 References to any Party shall include the successors in title to that Party and any person deriving title through or under that Party and in the case of the Council and the County Council the successors to their respective statutory functions.

1.2.7 Headings where they are included are for convenience only and are not intended to influence the interpretation of the agreement.

2 Legal basis

- 2.1 This planning obligation is made pursuant to the 1990 Act Section 106.
- 2.2 The terms of this deed create planning obligations binding on the Owner pursuant to Section 106 of the 1990 Act and are enforceable as such by the Council as local planning authority.

3 Conditions, duration and enforcement

3.1 Conditions precedent

This deed is conditional upon:

- 3.1.1 the grant of the Planning Permission, and
- 3.1.2 the Commencement of Development
- save for the provisions of clause 5, Provisions of Immediate Effect, which shall come into effect immediately upon completion of this deed.

3.2 Duration

- 3.2.1 This deed shall cease to have effect, in so far only as it has not already been complied with, if the Planning Permission is quashed, revoked or otherwise withdrawn or, without the consent of the Owner, it is modified by any statutory procedure or expires before the Commencement of Development.
- 3.2.2 No person shall be liable for any breach of any of the planning obligations or other provisions of this deed after parting with his interest in that part of the Site on which the breach occurs, but without prejudice to liability for any subsisting breach arising before parting with that interest.

3.2.3 Nothing in this deed shall prevent compliance with any obligation pursuant to it before that obligation comes into effect under this clause 3, and no such early compliance shall amount to a waiver of the effect of this clause 3.

3.3 Other development

Nothing in this deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this deed.

3.4 Non-enforcement

The obligations contained in this deed shall not be binding upon or enforceable against:

3.4.1 any statutory undertaker or other person who acquires any part of the Site or any interest in it for the purposes of the supply of electricity, gas, water, drainage telecommunication services or public transport services,

3.4.2 the Owner after he has disposed of his interest in the Site, or in the event of a disposal of part, in the part disposed of, other than disposal of an interest in the nature of an easement or the benefit of a restriction or similar, but not so as to release the Owner from any antecedent breach, non-performance or non-observance of his obligations,

3.4.3 any mortgagee of the RP or any receiver appointed by such a mortgagee, or any person deriving title through such a mortgagee or receiver,

3.4.4 any person to whom the RP grants a lease of a Unit to, or any successor in title to any such person,

3.4.5 any person to whom the RP grants a Shared Ownership Lease,

3.4.6 any mortgagee of a tenant under a lease of a Shared Ownership Unit or any receiver appointed by such mortgagee or any person deriving title through any such mortgagee or receiver,

- 3.4.7 any person who by virtue of the terms of the lease of a Shared Ownership Unit is granted a new lease of that Shared Ownership Unit or any mortgagee of a Shared Ownership Unit or any successor in title of such person or mortgagee,
- 3.4.8 the owners or occupiers of any Market Housing Unit or any mortgagee of a Market Housing Unit,
- 3.4.9 any mortgagee of a Shared Ownership Unit or any receiver appointed by such a mortgagee or any person deriving title through such a mortgagee or receiver;
- provided that any mortgagee shall be a full member of the Council of Mortgage Lenders, unless otherwise approved in writing by the Council on a case-by-case basis (such approval not to be unreasonably withheld or delayed).

4 Owner's covenants

- 4.1 The Owner covenants with the Council as set out in Schedule 3.

5 Provisions of immediate effect

- 5.1 On completion of this deed the Owner shall pay to the Council the reasonable legal costs incurred in the negotiation, preparation and execution of this deed of no more than £[].
- 5.2 Nothing in this deed shall create any rights in favour of any person pursuant to the Contracts (Rights of Third Parties) Act 1999.
- 5.3 The Owner agrees with the Council to give the Council prompt written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this deed have been discharged, the notice to contain details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

6 Notices

6.1 Any notice or other written communication to be served upon a Party or given by one Party to any other under the terms of this deed shall be deemed to have been validly served or given if delivered by hand or sent by recorded delivery post to the Party upon whom it is to be served or to whom it is to be given or as otherwise notified for the purpose by notice in writing.

6.2 The address for any notice or other written communication shall be within the United Kingdom.

6.3 A notice or communication shall be served or given:

6.3.1 on the Council at Church Walk, Clitheroe, Lancashire BB7 2RA or such other address as shall be notified in writing to the Owner from time to time, marked for the attention the Housing Strategy Officer, and

6.3.2 on the Owner at its registered office or such other address as shall be notified in writing to the Council from time to time, marked for the attention of a Director.

7 Local land charge

7.1 This deed shall be registered as a local land charge by the Council, and the Council shall immediately after the date of this deed register it as such.

8 Jurisdiction and legal effect

8.1 This deed shall be governed by and interpreted in accordance with the law of England and Wales.

8.2 The Courts of England and Wales are to have jurisdiction in relation to any disputes between the parties arising or related to this Agreement.

- 8.3 In so far as any clause or clauses of this deed are found (for whatever reason) to be invalid, illegal or unenforceable, that invalidity, illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this deed.
- 8.4 No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.
- 8.5 Subject to clause 8.8, if any dispute arises relating to or arising out of the terms of this agreement, any party (which for the purposes of this clause 8.5 shall include the Council) may serve written notice upon the other parties requiring the dispute to be determined under this clause 8.5. The notice is to propose an appropriate Specialist and specify the nature and substance of the dispute and the relief sought in relation to the dispute.
- 8.5.1 For the purposes of this clause 8.5 a “Specialist” is a person qualified to act as an expert in relation to the dispute having not less than ten years’ professional experience in relation to developments in the nature of the Development and property in the same locality as the Site.
- 8.5.2 Any dispute over the type of specialist appropriate to resolve the dispute may be referred to at the request of either party to the President or next most senior available officer of the Law Society who will have the power, with the right to take such further advice as he may require, to determine the appropriate type of Specialist and to arrange his nomination under clause 8.5.3.
- 8.5.3 Any dispute over the identity of the Specialist is to be referred to at the request of either party to the President or other most senior available officer of the organisation generally recognised as being responsible for the relevant type of Specialist who will have the power, with the right to take such further advice as he may require, to determine and nominate the appropriate Specialist or to arrange this nomination. If no such organisation exists, or the parties cannot agree the identity of the organisation, then the Specialist is to be nominated by the President or next most senior available officer of the Law Society.

- 8.6 The Specialist is to act as an independent expert and:
- 8.6.1 each party may make written representations within ten Working Days of his appointment and will copy the written representations to the other party;
 - 8.6.2 each party is to have a further ten Working Days to make written comments on the other's representations and will copy the written comments to the other party;
 - 8.6.3 the Specialist is to be at liberty to call for such written evidence from the parties and to seek such legal or other expert assistance as he or she may reasonably require;
 - 8.6.4 the Specialist is not to take oral representations from the parties without giving both parties the opportunity to be present and to give evidence and to cross-examine each other;
 - 8.6.5 the Specialist is to have regard to all representations and evidence before him when making his decision, which is to be in writing, and is to give reasons for his decision; and
 - 8.6.6 the Specialist is to use all reasonable endeavours to publish his decision within 30 Working Days of his appointment.
- 8.7 Responsibility for the costs of referring a dispute to a Specialist under this clause 8, including costs connected with the appointment of the Specialist and the Specialist's own costs, and the legal and other professional costs of any party in relation to a dispute, will be decided by the Specialist.
- 8.8 This clause 8 does not apply to disputes in relation to matters of law or the construction or interpretation of this Agreement which will be subject to the jurisdiction of the courts.

IN WITNESS whereof the parties hereto have set their hands and/or seals the day and year first before written

SCHEDULE 1

The Owner's Title and Site Description

All that freehold land registered at HM Land Registry under title number LAN110557 and known as land lying to the south of Malt Kiln Brow, Chipping, Preston and shown edged red on Plan 1 and all that leasehold land being part of the land registered at HM Land Registry

under title number LAN104997 and known as land behind Malt Kiln House, Chipping Preston and shown edged red on Plan 2.

SCHEDULE 2

Draft Planning Permission

(where available insert details or attach a copy of the draft planning permission and any conservation area or listed building consent)

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SCHEDULE 3

The Owner's Covenants with the Council

The Owner hereby covenants and undertakes to the Council and the County Council that in the event of the Planning Permission being granted and upon commencement of Development it will comply with the following obligations:

1 Progress of development

To give written notice to the Council (via the Nominated Officer) within 15 Working Days of:

- 1.1 the Commencement of Development; and
- 1.2 the first Occupation of a Dwelling

2 Affordable Housing

- 2.1 To build the Units in accordance with the Planning Permission
- 2.2 To use its best endeavours to Dispose of the Units to a RP
- 2.3 Not to Dispose of:
 - 2.3.1 more than 50% of the Market Housing Units until 100% of the Units have reached the Date of Practical Completion and have been transferred to a RP
- 2.4 To give notice in writing to the Council within 15 Working Days after the completion of the disposal of the Units to a RP

3 Obligations of an RP upon taking an interest in the Affordable Housing

- 3.1 Upon the Disposal of the Units the RP shall:-
- 3.1.1 Not Dispose of any interest in the Units or any part thereof prior to the grant of a Rental Agreement or a Shared Ownership Lease save to another RP who has been approved in writing by the Council (such consent not to be unreasonably withheld or delayed)
 - 3.1.2 Ensure that []% of Units are available to rent by an Approved Person unless otherwise agreed in writing by the Council
 - 3.1.3 Not permit any occupier of a Rented Unit to acquire the freehold interest of that unit and to ensure that every Rental Agreement granted contains suitable provisions to secure compliance with this covenant
 - 3.1.4 Ensure that the rental levels to be charged in relation to each Rented Unit shall be approved by the Council and shall not exceed those accepted by the Homes and Communities Agency as being affordable for the Borough by the Homes and Communities Agency provided that the rental levels shall not exceed the Local Housing Allowance
 - 3.1.5 Ensure that []% of the Units which are available to occupy are Shared Ownership Units made available to an Approved Person where each Shared Ownership Unit is occupied by someone who is part renting and part purchasing the property and where the share initially purchased by each occupier shall not be less than 30% of the interest in the Shared Ownership Unit unless otherwise agreed in writing by the Council
 - 3.1.6 Permit any occupier of a Shared Ownership Unit to Staircase to 80% by increments of no less than 10% and to ensure that every Shared Ownership Lease granted contains suitable provisions to secure compliance with this covenant
 - 3.1.7 Ensure that the annual rent on the non-purchased share of each Shared Ownership Unit shall be in line with the prevailing normal rental levels for an RP or such other figure as shall be approved in writing by the Council
 - 3.1.8 Ensure that the Disposal by the RP (and any subsequent owners) of the Units shall be subject to the nomination rights and qualifications set out in this Schedule
 - 3.1.9 Within 1 month of the transfer to a RP of the Units the RP shall invite in writing and permit the Council to nominate potential occupiers of the Rented Units as they become available. If the Council shall fail to nominate an Approved Person within

28 Working Days of the invitation from the RP then the RP shall be free to grant a Rental Agreement to an Approved Person provided always that the Council and the RP shall in any event cooperate in the nomination process and the RP shall consider sympathetically the Council's suggested nominations even if put forward after the aforesaid date

- 3.1.10 That the RP shall only transfer a Shared Ownership Unit to an Approved Person
- 3.1.11 That the RP shall serve notice in writing on the Council within 21 Working Days of the Disposal of a Rental Unit or a Shared Ownership Unit so that the Council is kept fully informed of tenancies and ownerships on the Site
- 3.1.12 If the RP is minded to Dispose of the whole or any part of the Units to any other RP then it shall serve written notice of its intention on the Council and shall obtain the prior written consent of the Council to any Disposal, such consent not to be unreasonably withheld or delayed

4 Obligations of the Owner if the Affordable Housing Units are not transferred to an RP

- 4.1 In relation to the Market Housing Units the obligation in paragraphs 2.3 and 2.4 of this Schedule to convey the Units to a RP shall at the Owner's discretion cease to have effect upon the expiry of a period of one year from the Date of Practical Completion of the relevant Market Housing Units PROVIDED THAT:
 - 4.1.1 it is demonstrated to the reasonable satisfaction of the Council that the Owner has used reasonable endeavours to conclude such an agreement with a RP; and
 - 4.1.2 The Owner shall undertake with the Council that it will comply with the obligations in clause 3.1 of this Schedule as if they were their own so far as the same relates to the Rented Units; and
 - 4.1.3 in relation to the Shared Ownership Units, the following shall apply:-
 - (a) they shall be offered for sale for to an Approved Person for a maximum of 60% of the Open Market Value as a Discounted Sale Unit;
 - (b) immediately upon service of the Notice the Owner and the Council shall consult together and attempt in good faith to agree the Open Market Value of the Shared Ownership Unit(s); and
 - (c) if the Owner and the Council have not agreed the Open Market Value within 5 working days of the service of the Notice each party shall be entitled to refer the matter for determination by the Independent Valuer who shall act as an expert (and not as an arbitrator).

5 Additional Affordable Provision

- 5.1 The transfer or letting of the Units to any RP shall be subject to the following provisions:
- 5.1.1 a covenant providing that the Units shall only be occupied by an Approved Person meeting the Qualifying Criteria and nominated in accordance with the Nomination Process
- 5.1.2 a Restriction on the title of the Affordable Housing Unit in favour of the Council that no disposition of the registered estate of the property (other than a charge) is to be registered at the Land Registry without a certificate signed by the solicitor or Conveyancer of the Council that the requirements of this Agreement made the day of 201[] between the Council (1) the Owners (2) and the Mortgagee (3) pursuant to Section 106 of the Act have been fully complied with
- 5.2 Any Chargee or Mortgagee shall prior to seeking to dispose of the Affordable Housing Units pursuant to any default under the terms of its mortgage or charge shall give not less than [2] months' prior notice to the Council of its intention to dispose and:
- (a) in the event that the Council responds within [1] months from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing Units can be made in such a way as to safeguard them as Affordable Housing then the Chargee or Mortgagee shall co-operate with such arrangements and use its best endeavours¹ to secure such transfer
- (b) if the Council does not serve its response to the notice served under paragraph 5.2.(a) within the [1] months then the Chargee or Mortgagee shall be entitled to dispose free of the restrictions set out in this Part of Schedule 3
- (c) if the Council or any other person cannot within [2] months of the date of service of its response under paragraph 5.2 (a) secure such transfer then provided that the Chargee shall have complied with its obligations under paragraph 5.2 (a) the Chargee shall be entitled to dispose free of the restrictions set out in this Part of Schedule 3

PROVIDED THAT at all times the rights and obligations in this Clause 5 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interest of the Chargee in respect of moneys outstanding under the charge or mortgage

6. Contributions

6.1 Transport Contribution

6.1.1 Not to occupy nor permit the occupation of more than [50]% of the Market Housing Units until 50% of the Transport Contribution has been paid to the County Council.

6.1.2 Not to occupy nor permit the occupation of the last Market Housing Unit until 100% of the Transport Contribution has been paid to the County Council.

6.2 Provided that

6.2.1 The County Council shall not use the Transport Contribution other than for the purpose of subsidising the cost of providing additional public transport facilities for children living within a [3 mile] radius of the Site to local secondary schools.

6.2.2 The County Council shall hold the Transport Contribution in an interest bearing account pending use for the purpose set out in paragraph 6.2.1 above.

6.2.3 If on the day 5 years after the day on which the last payment from the Owner under this deed was received the sum or any part of the sum paid or of the interest earned on it has not been used by the County Council in accordance with paragraph 2.1 of this Schedule, the County Council shall return the unspent portion to the party who made such payment together with any interest earned on it.

6.2.4 Upon request, the County Council shall provide to the Owner reasonable evidence as to the expenditure of the sums paid by the Owner under this Deed.

7. Replacement Cricket Field

The Owner agrees with the Council:-

7.1 to provide layout and equip the Replacement Cricket Field in accordance with a specification [attached to this Agreement/to be approved by the Council (such approval not to be unreasonably withheld or delayed)] to ensure that the facility on the Replacement Cricket Field is of an equivalent or better standard than the facility formerly provided on the Current Cricket Field.

7.2 to complete the works of provision and laying out in accordance with paragraph 7.1 within [6 months] of the Commencement of Development on the Site (or such longer period as may be approved by the Council to take account of optimum timing for seeding the new cricket pitch such approval not to be unreasonably withheld or delayed).

7.3 to use reasonable endeavours to grant to the trustees of Chipping Cricket Club (or if the trustees so require any community interest company set up by them for the purpose of running Chipping Cricket Club) a right to use free of payment of any sum to the Owner the Replacement Cricket Club within 2 months of completion of the

works referred to in paragraph 1. [In the event of the trustees of Chipping Cricket Club refusing to accept the right offered by the Owner within 2 months of completion of the works to offer use of the Replacement Cricket Field free of payment of any sum to the Owner to other local teams, clubs and schools.]

- 7.4 [not to allow the Replacement Cricket Facility to be used as anything other than a community sports facility without the prior approval of the Council.]

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**THE COMMON SEAL of
RIBBLE VALLEY BOROUGH COUNCIL**

was hereunto affixed to this Deed

in the presence of:

Mayor

Chief Executive

SIGNED as a DEED by

NAME OF OWNER

in the presence of:

.....
Witness Signature

.....
Witness Name

.....
Witness Address

.....
Witness Occupation

SIGNED as a **DEED** by

in the presence of:

.....

Witness Signature

.....

Witness Name

.....

.....

Witness Address

.....

Witness Occupation

SIGNED as a **DEED** by

in the presence of:

.....

Witness Signature

.....

Witness Name

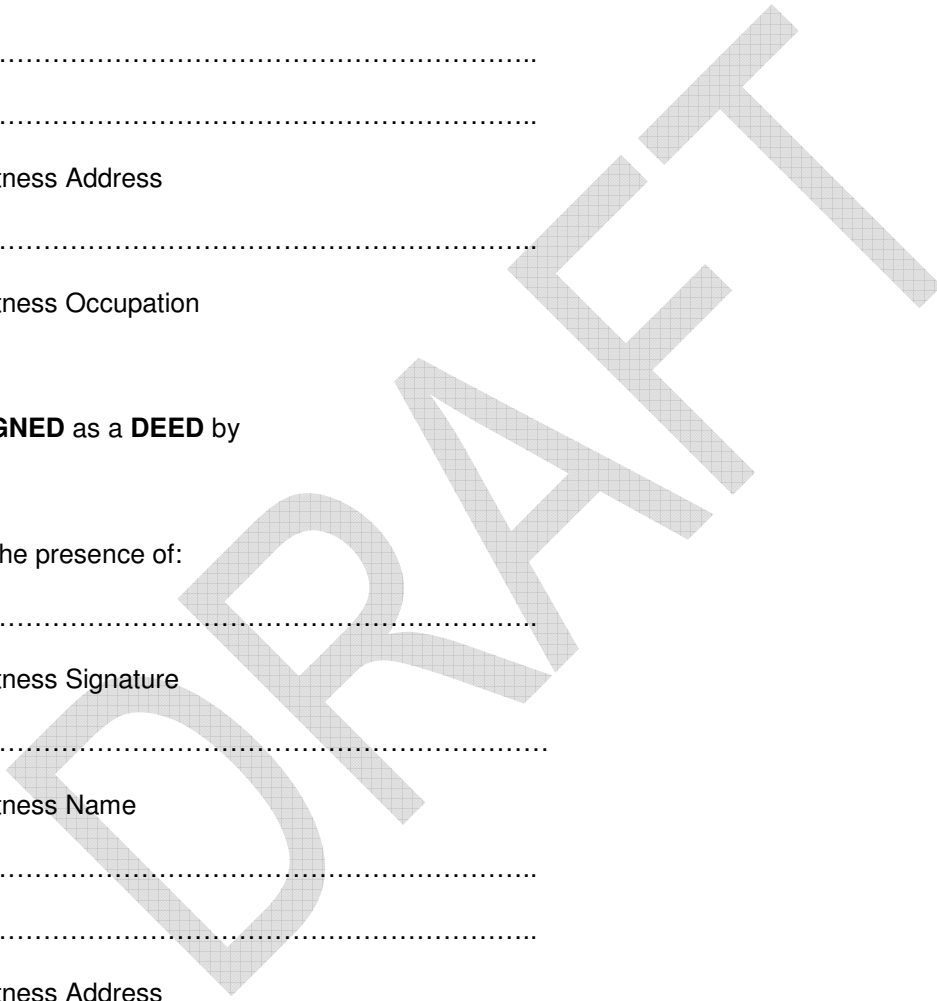
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.....

Witness Address

.....

Witness Occupation



EXECUTED AS A DEED by

..... **BANK PLC**

Authorised Signatory

DRAFT