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16 November 2018

EP ref: 18-406

Ben Pycroft
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By e-mail only to: John Macholc (John.Macholc@ribblevalley.gov.uk)

Dear Mr Macholc

Re: LPA ref: 3/2018/0943 – Application for Permission in Principle for Residential Development at Land to the south of Old Road, Chatburn

We write in relation to the above application, which you will recall is the resubmission of application ref: 3/2018/0582, following the Council's decision to refuse to grant permission in principle earlier this year. As you are aware, we are instructed by the applicant to submit an appeal against the refusal of application 3/2018/0582. However, we were invited by yourself and Mr Birkett to consider resubmitting the application, which we have done on behalf of our client in the hope of avoiding an appeal.

We understand that the consultation on application ref: 3/2018/0943 has now closed and that in Mr Birkett's absence you are finalising the case officer's report by the end of this week with the intention of taking the application to committee on Thursday 27th November 2018. We wish to take the opportunity to comment on the following matters.

Responses to the application

We note that there is no objection to the application from LCC Highways or Minerals and Waste.

On 14th November 2018, Mr Birkett confirmed via e-mail that 14 letters of objection had been received by the Council to the application from local residents. Whilst these have not been uploaded to the Council's website, Mr Birkett kindly provided us with a summary of the comments received. We have reviewed this summary and comment as follows:

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Firstly, as you will be aware many of the comments do not relate to valid planning issues.

Secondly, the application is for permission in principle. Paragraph 58-012 of the PPG: "What matters are within the scope of a decision on whether to grant permission in principle" explains that the scope of the application is limited to its location, land use and amount of development. It states:

"The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission."

Therefore, with respect, many of the comments made by local residents are not relevant at this "in principle" stage. However, in the event the application is approved, an application for technical details consent will then be prepared and submitted. This will provide detail in relation to the site specific issues raised and will be subject to additional consultation and consideration by the Council.

In terms of the scope of the current application, the location, proposed use and amount of development are all in accordance with the development plan for the reasons set out in our planning statement as summarised below:

- The proposed development is for 9 dwellings in Chatburn, which as a Tier 1 Village is a focus for development as set out in Key Statement DS1 of the Core Strategy;
- Policy DMG2 of the Core Strategy allows for the expansion and consolidation of Tier 1 Villages;
- The proposed development would assist in meeting Chatburn's housing requirements as set out in the table below 4.12 of the Core Strategy; and
- The proposed development would also assist in meeting the Borough's housing need of 5,600 dwellings between 2008 and 2028.

In light of this, the application should be approved without delay as set out in paragraph 11(c) of the NPPF.

In the event that the Council disagrees and finds that the proposed development would be contrary to the development plan, there are other material considerations, which mean that permission should be granted. Firstly, that the proposed development would assist in meeting the unmet housing requirements for Chatburn and the Borough as a whole; secondly, by virtue of the absence of a five year supply of housing land, the tilted balance set out in paragraph 11(d) of the NPPF applies and there are no site specific or other adverse impacts which significantly or demonstrably outweigh the benefits the proposed development would deliver. We discuss the Council's five year housing land supply below.

Five Year Housing Land Supply

As you are aware, the latest Housing Land Availability Schedule (HLAS, September 2018) considers that the housing land supply at 30th June 2018 equates to 5.3 years. However, no weight can be given to the conclusions of the latest published HLAS because at the re-opening of the Hammond Ground appeal on 9th October, the Council conceded that it could only demonstrate a 4.9 year supply and therefore the tilted balance set out in paragraph 11(d) applied. Critically, the Council's position which shows a 4.9 year supply has not been published. It is therefore unclear which sites the Council has removed from its supply to move from a 5.3 year supply to a 4.9 year supply and on

what basis these have been removed and on what basis other sites with only outline planning permission have been left in the supply.

The appellant's case at the Hammond Ground appeal was that the Council's supply equated to 3.86 years. This is the figure the Inspector used in determining the appeal (please see paragraph 49 of the appeal decision). We therefore invite the Council to consider the current application within the same context.

In the event that the Council is considering publishing a revised HLAS, before it is published, a draft HLAS will need to be consulted on with the development industry to accord with paragraph 74 of the NPPF and paragraphs 3-030, 3-047 and 3-051 of the PPG. Therefore, it is unlikely that a new HLAS which accords with these paragraphs will be prepared before the current application is determined.

Local housebuilder

Through the Housing White Paper, the Government is committed to supporting smaller housebuilders.

As you are aware, our client is a local, small housebuilder who uses local contractors from Clitheroe, Great Harwood, Nelson and Grindleton. They will use local materials from Chatburn, Clitheroe, Padiham and Accrington along with the national suppliers who are based locally (e.g. Travis Perkins).

Timescale for the submission of an application for technical details consent

Mr Birkett has asked for a short Statement of Common Ground with my client to confirm that if the application for permission in principle is approved, an application for the technical details consent will be made within 6 months of the permission. My client is happy to provide this. Please find attached.

Next steps

We understand that a meeting has been arranged with you at 10AM on Wednesday 21st November 2018. We look forward to meeting you then to discuss the application following the publication of your report to committee. In the meantime, should you have any questions please do not hesitate to contact me.

Yours sincerely
Emery Planning

Ben Pycroft

Ben Pycroft BA (Hons), DIP TP, MRTPI
Associate Director

**APPLICATION FOR PERMISSION IN PRINCIPLE FOR THE RESIDENTIAL DEVELOPMENT OF
UP TO 9 DWELLINGS BY MR TOWNSEND**

LPA REFERENCE: 3/2018/0943

LAND AT OLD ROAD, CHATBURN

STATEMENT OF COMMON GROUND

15 NOVEMBER 2018

This brief Statement of Common Ground is between Mr Townsend (the Applicant) and Ribble Valley Borough Council in relation to an application for permission in principle for the residential development of up to 9 no. dwellings at land at Old Road, Chatburn (LPA ref: 3/2018/0943).

The Applicant confirms that if planning in principle is approved, an application for technical detailed consent will be submitted within 6 months of the permission.

This document is jointly agreed by:

Signature

Name

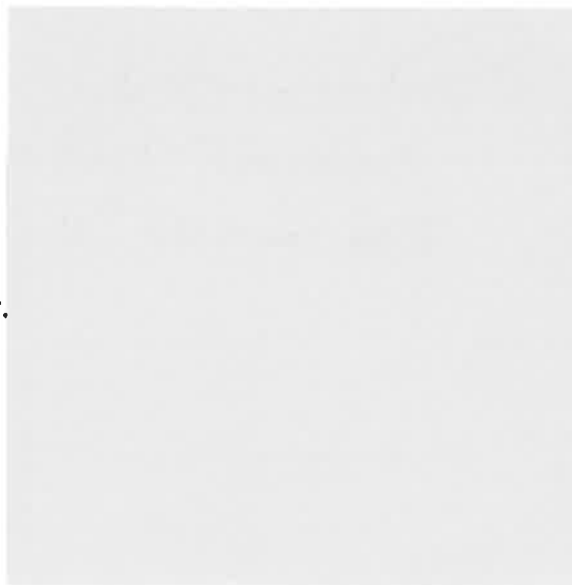
Date

The Applicant.

Signature

Name

Date



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On behalf of Ribble Valley Borough Council.