



HOW

Planning and Environmental Advisers

**SUMMARY STATEMENT OF CASE
ON BEHALF OF SCPI BOWLAND LTD
LAND AT MALT KILN BROW, CHIPPING
LOCAL AUTHORITY REFERENCE:
3/2014/0183 & 3/2014/0226
JUNE 2015**

HOW Planning LLP, 40 Peter Street, Manchester, M2 5GP
Contact Partner: Richard Barton Telephone: 0161 835 1333

**SUMMARY STATEMENT OF CASE
ON BEHALF OF SCPI BOWLAND LTD
LAND AT MALT KILN BROW, CHIPPING
LOCAL AUTHORITY REFERENCE: 3/2014/0183 & 3/2014/0226
JUNE 2015**

HOW Planning LLP, 40 Peter Street, Manchester, M2 5GP
Contact Partner: Richard Barton Telephone: 0161 835 1333



CONTENTS

	Page
1. INTRODUCTION	1
2. SUMMARY OF EVIDENCE	5



1. INTRODUCTION

Qualifications and Experience

- 1.1 This evidence is presented by Richard Barton BSc (Hons) MA MRTPI. I am a Partner at HOW Planning, a specialist planning and environmental Practice. The Practice advises on a wide range of planning and environmental matters throughout the UK.
- 1.2 I have practised in the field of planning for more than 11 years. I started my career at the Scottish Borders Council in 2003 before moving into the private sector with HOW Planning in 2006.
- 1.3 I advise a wide range of clients including house builders, retails, landowners, developers and financial institutions on major proposals and complex planning matters. I provide strategic planning advice on a wide variety of proposals including residential, mixed use, retail, employment, heritage and regeneration schemes.
- 1.4 I have provided planning advice in respect to major residential and commercial developments, including a number in the Ribble Valley.
- 1.5 I was first involved in relation to the scheme in 2012. I was responsible for the preparation, submission and management of the planning applications. I therefore have an excellent understanding of the relevant policies for Ribble Valley (and how they have changed over time) and the key planning considerations, allowing me to reach an informed decision on the overall planning balance.

Instruction

- 1.6 HOW Planning LLP ("HOW Planning") has been instructed by SCPI Bowland Ltd ("the Appellant") to submit a planning appeal, to be determined by way of a hearing, against the decision of Ribble Valley Borough Council ("the Council") on 23 December 2014 to refuse planning permission (LPA Ref: 3/2014/0183) on land at Malt Kiln Brow, Chipping for the hybrid planning application seeking both full and outline planning permission as follows:
- 1.7 "Full planning permission for works and a change of use to the Grade II listed Kirk Mill to create a hotel (18 bed, Use Class C1) and bar restaurant (Use Class A3),

- works to the barn building to create seven holiday cottages (Use Class C1), construction of a hotel and spa (20 bed, Use Class C1), wedding venue (Use Class D1), kids club (Use Class D1) and trailhead centre (Use Class D1 and A3), change of use of Malt Kiln House from residential to Use Class C1, construction of a new cricket pavilion (Sui Generis), demolition of the group of derelict factory buildings.
- 1.8 Outline planning permission for 60 residential dwellings, split over two sites, with a maximum of 56 and 4 units on each with all matters reserved except for means of access."
- 1.9 The Council refused Listed Building Consent, on 4 March 2015, for the following particulars of work:
- 1.10 "Works and a change of use to the Grade II Listed Kirk Mill to create a hotel (18 Bed) and bar/restaurant. Works comprising partial demolition and extension of Kirk Mill including demolition of the later addition to the east of the Mill and erection of a new extension built on the same footprint in traditional stone to match the existing mill; and removal of further modern alterations to the façade to restore the historic character of the building."
- 1.11 The appeal site boundary is identified at Core Drawing Site Edged Red, Location Plan (Drawing No. 05024_MP_00_000) (CD5.1).
- 1.12 This document constitutes the Appellant's Statement of Case and has been prepared in accordance with guidance set out in 'Procedural Guide Planning Appeals – England (April 2015)' published by the Planning Inspectorate ("PINS"). The Statement of Case ("the Statement") seeks to demonstrate that the proposals would not be harmful to the significance and setting of designated heritage assets (in fact they would be significantly beneficial); would not be harmful to the character and appearance, significance, setting and views into and out of Kirk Mill Conservation Area and Chipping Conservation Area (in fact they would be beneficial); would not lead to a significant development in an unsustainable location; and would not be an incongruous feature that would result in the loss of landscape fabric. Furthermore, the Statement will show that the application proposals comply with all relevant statutory test and the policies of the Ribble Valley Core Strategy Adopted Version (CD1.1) and the National Planning Policy Framework ("the Framework").

- 1.13 This Statement addresses the main planning matters. Separate evidence by other specialist witnesses deals with matters including heritage, landscape and visual impact. This Statement should be read alongside the technical Statements of Case. Mr Miller's Statement of Case in respect of Heritage is included at Appendix 1 and Ms Quayle's Statement of Case in respect of Landscape and Visual matters is included at Appendix 2. In addition, further evidence has been prepared in relation to design matters. This is summarised in my evidence and attached in full at Appendix 3.
- 1.14 This Statement not only deals with the reasons for refusal but also provides an assessment of the overall planning balance and reaches a conclusion as to the acceptability of the proposals. My evidence is supported by appendices to assist the Inspector's appreciation of the case advanced by the Appellant and which will be discussed at the hearing. This Statement of Case should also be read together with the evidence submitted with the planning application (see Essential Supporting Document categories 5 and 6 submitted as part of the appeal). A list of Core Documents has been produced, Core Documents are referenced throughout this Statement with the prefix 'CD'.
- 1.15 The evidence prepared for and provided within this Statement is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

The Appellant

- 1.16 The Appellant, SCPi Bowland Ltd (formerly known as 53N Bowland), has delivered a number of successful planning schemes across the North West, recent examples include:
- 76 King Street, Manchester (Grade II Listed)
 - The Albany, Liverpool (Grade II* Listed)
 - Crossley Park, Stockport
 - Victoria Buildings, Bury (within a Conservation Area)

- 1.17 As detailed above, several of these properties are heritage assets (as defined in the Framework) and the Appellant is well versed therefore with the requirements to deliver a development that pays full regard to the listed status of a property.
- 1.18 In November 2010, following an extensive marketing period, the Appellant was selected as preferred bidder for the majority of H.J Berry's landholding and after an extensive exercise bringing together many unregistered land titles, the Appellant completed the purchase in March 2011. Following this, the Appellant and the appointed professional team engaged with a representative village group to establish a clear understanding of local priorities and aspirations for the site, and instructed a professional team to appraise the site and consider development options. The engagement continued apace with regular meeting between the Appellant and key stakeholders.
- 1.19 The lead-in time for the preparation of the application was quite considerable, fully reflecting the extent of engagement with the local community, key stakeholders and the Council.
- 1.20 The Appellant has a proven track record in delivering complex projects to create successful and sustainable developments that bring real and significant benefits. This is a project which has evolved through an iterative process of high quality design with multi-disciplinary input (from heritage, landscape, highways, market and planning experts) in the light of community consultation. This process fully complied with best practice and resulted in the applications for planning permission being approved by Planning Officers because they recognised the real benefits of this regeneration scheme.

2. SUMMARY OF EVIDENCE

- 2.1 The Framework at paragraph 14 advises at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. 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 planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.
- 2.2 As set out within Section 8 of this Statement, Mr Justice Sullivan has held that a proposal does not have to accord with each and every policy to be considered in accordance with the Development Plan when read as a whole. As demonstrated throughout my assessment of the appeal scheme at Section 9, the proposals comply with the Core Strategy as a whole. The appeal should therefore be considered in line with the first bullet point of paragraph 14 such that, in my view, permission should have been granted promptly by the local planning authority.
- 2.3 There are a number of elements to the to the appeal scheme and should the principle of development for each element of the scheme be considered individually against the development plan, then the residential element of the scheme could be considered not to conflict with development plan policies. Core Strategy Key Statement DS1 confirms that development in Tier 2 villages will need to meet proven local needs or deliver regeneration benefits, the appeal scheme complies with the latter aspect of this policy.
- 2.4 It is my professional opinion that this is the correct way to assess the appeal proposals considering the scheme holistically, as submitted. Should the Inspector take the view that residential element of the scheme is contrary to the development plan, this element of the proposal must be justified as enabling development.
- 2.5 The Framework deals with the issue of enabling development in paragraph 140, which occurs in Chapter 12, "Conserving and Enhancing the Historic Environment". This provides that local planning authorities should assess whether the 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, outweighs the disbenefits of departing from those policies.

2.6 An assessment of the appeal scheme against the core principles of the Framework has been undertaken within Section 9 of this Statement. In the assessment of the appeal scheme, I have considered the main issues that could be regarded as being pertinent to the scheme. In this assessment of the overall planning balance, I considered that it is beneficial to summarise how these main issues have been assessed.

i. The need for the development/redevelopment

2.7 The appeal scheme has been developed by focusing on how the listed building could be effectively and feasibly brought back into a beneficial use. The costs associated with the repair, restoration and redevelopment of Kirk Mill are such that the development is not possible in isolation. The Appellant considered that in order to safeguard the future of the Mill, it was necessary to create a mixed-use scheme that would enable the redevelopment of the Mill and in turn regeneration of Chipping, in accordance Core Strategy Key Statement DS1. The developed is therefore needed to preserve and enhance a heritage asset at risk. As such, the development can only take place in this location.

ii. The impact of the appeal scheme on the setting and significance of the Listed Buildings

2.8 Mr Miller considers this matter comprehensively in his evidence. It is clear that significant weight must be placed on preserving and enhancing the listed building, and Mr Miller concludes that overall the scheme will result in a significantly beneficial outcome. I am satisfied therefore the proposal is entirely acceptable in this regard and that this benefit should weigh heavily in favour of the appellant.

iii. The impact of the appeal scheme on the setting and significance of the conservation area

2.9 Ms Quayle has assessed this matter in relation to both the Kirk Mill Conservation Area and Chipping Conservation Area. The impact of the development on the latter will be minor beneficial both at Year 1 and 15; the impact on the former will be minor beneficial in Year 1 and moderate beneficial in Year 15. It is clear therefore that the proposals should be viewed favourably in this regard.

iv. The need for housing

2.10 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 scheme, which although containing different elements, are all intrinsically linked.

2.11 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. The Appellant is committed long-term to the project, and there is confidence that the hotel and leisure uses will eventually bring a return on investment.

2.12 The housing element of the scheme does in its own right deliver a number of key benefits, in accordance with the Framework. This element of the proposal provides both market and affordable housing, and included an element of self-build dwellings.

v. Scheme viability

2.13 A private and confidential viability report was submitted with the application. The report, which was scrutinised and found to be robust by the District Valuer, clearly demonstrates that the development of the precise quantum of residential element

proposed is specifically required to enable the preservation and enhancement of the Mill.

2.14 The Council and the District Valuer have confirmed that the residential uses proposed are necessary to bring forward the preservation and enhance of Kirk Mill.

vi. The economic benefits of the development

2.15 The Council's Head of Regeneration and Tourism support of the appeal scheme, recognising the benefits of the proposal in terms of creating employment opportunities and business growth, supporting regeneration activities in smaller settlements across the borough and key growth sectors of sport and leisure and food and drink.

2.16 As set out within the Economic Impact Statement, the construction of the appeal scheme is expected to require around £28m of construction expenditure and create an average of 240 FTE jobs over an assumed 2 year build period. This covers both on-site and off-site employment. The leisure-led and residential developments is expected to create a total of 100 jobs, equating to 80 FTEs. Using national benchmark data for average wages in the tourism and hospitality sector, the 100 jobs created by the development would be expected to generate over £2m per year in wage income. A proportion of which would be spent in the local area. When considering corporate supply chain impacts and expenditure of works, these elements we would expect the creation of a further 20 multiplier jobs.

vii. The community benefits of the development

2.17 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.

2.18 A key part of the social role of sustainable is to ensure that housing is provided to meet the needs of the present generations as well as those in the future. The

development of the appeal scheme would assist in the provision of affordable, market and self-build housing to meet the needs of both present and future generations.

viii. The impact of the appeal scheme on the landscape character of the Area of Outstanding Natural Beauty

2.19 Ms Quayle's assessment determines that potential importance of landscape and visual effects on the AONB and its constituent LCAs are negligible adverse in Year 1 and no noticeable effect in Year 15. It is clear therefore that the effect of the scheme on the AONB should not have a bearing in the outcome of the appeal.

ix. Highways safety and accessibility

2.20 In accordance with paragraph 29 of the Framework, as the site is in a rural area the required and expected levels of accessibility should be adjusted accordingly. The accessibility of the development site is assessed in detail as part of the submitted Transport Assessment. It is considered that the majority of trips for the residential development would be for commuting or school, and the majority of people using the hotel and leisure side of the development would be sight-seeing.

2.21 There are a number of residential properties within a 500m walk of the site, principally off Kirklands to the south of the proposed development. In addition, there are facilities in the centre of Chipping available to future residents and guests of the proposed development. Within the 500m pedestrian catchment, this includes St. Mary's Roman Catholic Primary School and the Parish Church of St. Bartholomew on Garstang Road. The Cobbled Corner Cafe and The Sun Inn are also within the 500m catchment, located on Garstang Road and Talbot Road respectively.

2.22 Slightly further afield and within a 1000m pedestrian, existing residences can be accessed primarily off Broad Meadow and Longridge Road. There is also an additional primary school and place of worship, with Brabin's Endowed Primary School and St Mary's Roman Catholic Church both lying on Longridge Road. Heading south-west along Garstang Road, Chipping Village Hall is situated on the northern side of the carriageway. On Talbot Street there is an additional Public House and a

- convenience store; The Tillotsons Arms and Brabin's Shop and Gallery respectively. Brabin's Shop and Gallery also provides Post Office services.
- 2.23 The closest bus stop lies on Church Raike, approximately 300m from either the centre of proposed hotel and leisure development or the centre of the proposed residential development, providing services to Clitheroe and Blackburn.
- 2.24 In summary it is considered that the site is reasonably well connected 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.
- 2.25 It must be recognised that the location of the proposed development is a rural one, yet not an isolated one. Under the provisions of the Framework, the site should be considered as an opportunity in a rural location, and levels of accessibility should be adjusted accordingly. The appeal scheme has therefore been assessed as having a good level of accessibility considering its rural location.
- 2.26 Whether the proposal constitutes sustainable development within the context of guidance in the National Planning Policy Framework.
- 2.27 In accordance with the Framework, the achievement of sustainable development involves the seeking of economic, social and environmental gains jointly and simultaneously through the planning system. The assessment of the appeal proposals against the relevant provisions of the Framework within paragraphs 18 to 219 demonstrate that the scheme would make a positive contribution to the economic aspects of sustainable development through its contribution to economic development and job creation. Furthermore, the appeal scheme will positively contribute to the supply of housing in the Borough as well as other aspects of social sustainability. Whilst there are some identifiable minor adverse impacts upon the local environment, these impacts can be minimised through the implementation of appropriate mitigation measures, as recommended in Ecological Assessment.
- 2.28 Overall, the significant social and economic benefits of the appeal scheme are considered to outweigh any minor environmental harm, with regards to landscape,

so that the appeal proposals would deliver sustainable development within the meaning of the Framework.

2.29 Thus the proposal would represent a sustainable form of development.

2.30 In summary, as the benefits of the appeal scheme are considerable and there is no identified harm to the heritage assets, I find that the proposals are acceptable in planning terms and respectfully request the appeal is allowed.

Richard Barton
Partner
HOW Planning LLP
June 2015

HOW Planning LLP is a Limited Liability Partnership. Any reference to a Partner means a member of HOW Planning LLP.

Registered Office: 40 Peter Street, Manchester, M2 5GP. Registered in England and Wales. Registered Number: OC318465

HOW Planning LLP

40 Peter Street
Manchester M2 5GP
T: 0161 835 1333
howplanning.com

