



Mr S Kilmartin
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

By email and post
stephen.kilmartin@ribblevalley.gov.uk
let.018.SW.SK.01920160

29 May 2013

Dear Stephen

**LAND EAST OF CLITHEROE ROAD, WHALLEY
PLANNING APPLICATION REF: 3/2013/0137**

We write further to our recent discussions and meeting yesterday with regards progress of the Lawsonsteads application which was submitted on behalf of Commercial Estates Group (CEG) on 11 February 2013.

We are now in receipt of a number of formal consultation responses and thought it would be of assistance to set out the key points arising and how these have been addressed.

Our objective is to ensure that the proposed development can now be strongly supported by officers.

Review of Consultation Responses

Highways

Lancashire County Council (LCC) has been involved in discussions with CEG with regards proposals for the Lawsonsteads site since 2010. Specifically with regards this latest proposal, CEG's highways advisor (Bryan G Hall Consulting) (BGH) met with LCC in March to discuss the details of the Traffic Assessment (TA) and Travel Plan (TP) and discussions and work has been on-going in addressing additional requests for information from LCC. This is confirmed in LCC's email to the Council (dated 17 April 2013).

Since then, you will note that BGH has provided a formal response to LCC (dated 26 April 2013) and further to receipt of LCC's formal response (dated 16 May 2013), additional information has now been provided.

We note that LCC has not objected but say they cannot yet support the proposed development as they are of the view that insufficient information has been provided to support the proposal. We disagree for the reasons set out in BGH's latest response (dated 23 May 2013) and are frustrated that they continue to raise completely new issues late in the process.

All these issues have been robustly addressed but the key fact is that, early last year, LCC had no objection to larger scheme of 300 dwellings (including a

Indigo Planning Limited

Lowry House
17 Marble Street
Manchester
M2 3AW

T 0161 836 6910
F 0161 836 6911
info@indigoPlanning.com
indigoPlanning.com

Registered office
Swain Court
Worple Road
London SW19 4JS
Registered number: 2070660

Directors
Simon Nisbet
BA (Hons) MRTPI
Philip Villars
BA (Hons) MRTPI
Ian Laverick
BSc (Arch) BA (Hons) F
RIBA FRAIA
Bill Davidson
BA (Hons) DipTP DipUD MRTPI
Matthew Maltewing
BA (Hons) MRTPI
Sean McGrath
BA (Hons) MSc MRTPI
Tim Waring
BA (Hons) MRTPI
Helen Greenhalgh
BA (Hons) DipTP MRTPI
Doug Lamm
BA (Hons) MRTPI, MSc MRTPI
Mike Kembley
PCA FCI MBEIM MFAM FISA

Consultant
John Spain
BSc MRUP MRICS MRTPI MFI

Also in London, Leeds
and Dublin

school and nursing home). That scheme was supported by highway officers and there has been no material change in circumstances since then, to justify LCC's departure from that position.

In any event, paragraph 32 of the National Planning Policy Framework (NPPF) is clear where it states:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development [i.e. after mitigation] are severe'.

LCC is not suggesting that the traffic impacts of the development proposal are severe. There is, therefore, no credible highways reason for refusal of permission and, in accordance with paragraph 14, the nature of the impacts that have been identified are not adverse and do not outweigh the benefits of the proposal when taken as a whole.

Notwithstanding the above, further discussions between BGH and LCC have taken place today following LCC's receipt of the aforementioned BGH letter (dated 23 May). As such, it is fully expected that all outstanding issues will be resolved to the satisfaction of LCC imminently.

Education

LCC's response (dated 14 March 2013) deals with two principal areas; the number of pupils likely to be generated by the development at a primary and secondary level, and the suitability of the proposed location for a new primary school within the application site (as proposed).

Our letter (dated 17 May 2013) addressed specifically the issue of deliverability of a school on the site.

With regards the requested financial contributions, we have updated the submitted Draft Heads of Terms (HoT) to include reference to their provision, details of which were enclosed with our education letter.

However, since then, we note that at the David Wilson Homes Inquiry relating to the appeal proposals for the Mitton Road site (Appeal Ref: APP/T2350/A/12/2188887), LCC accepted that there is potential capacity within existing provision to mitigate the impact of that development on secondary places and it did not, therefore, pursue a contribution towards secondary places. In light of this, we request an updated position on the secondary provisions associated with the CEG application. We reserve the right to revisit the draft HoT's in light of what LCC responds with.

There should be no other outstanding matters that need to be addressed relating to education.

Archaeology

We note that LCC (Archaeology) has no objection to the proposal subject to the

imposition of a condition to secure a further scheme of investigative works. We have no objection to the proposed condition subject to the wording of it being updated to allow for phasing of the development, as follows:

'Prior to the commencement on each phase of development, a written scheme of investigation relating to the respective phase needs to be submitted to and approved in writing by the Local Planning Authority. Each scheme will outline a programme of archaeological work which is to thereafter be implemented in accordance with the approved scheme'.

Environment Agency

The responses provided by the EA (dated 11 and 26 March 2013) confirm there is no objection to the proposed development, subject to the imposition of a number of conditions relating to the management of flood risk; the need to re-survey for the presence of water vole and provide details of the provision of buffer zones adjacent to the existing watercourses, in advance of development taking place.

We have no objection to the imposition of these conditions in principle; however, request that the wording of the conditions be revisited in order to allow for the phased development of the site reflective of the fact that the proposal seeks consent for two different land uses which could be implemented at different times.

To assist, we enclose some suggested revised wording which we have agreed with the EA (see email dated 22 April 2013, also enclosed). This does not affect the overall purpose of the conditions in anyway.

Public Rights of Way

The Council's footpath officer raises no objection to the proposed development (response dated 18 March 2013) but has confirmed that Footpath No. 30 crosses the site and that this will need to be re-routed in the future.

CEG acknowledges that this will need to be temporarily diverted upon the grant of planning permission, in order to enable development works to proceed. However, in the longer term, the proposal does not seek to close this footpath but allows for its retention as a connecting route through the site as part of the development.

Lancashire Constabulary

The architectural liaison officer's response (dated 25 February 2013) raises no objection to the scheme, rather, the points raised primarily relate to the detailed design of the scheme and can be picked up at the reserved matters stage.

United Utilities

The UU response (dated 9 May 2013) confirms that UU has no objection to the

proposed development, subject to the imposition of a number of conditions to manage flood risk and control foul and surface water drainage from the site.

Again, we are in the process of revisiting the wording of these with UU and will provide further details under separate cover.

Affordable Housing

Initial draft heads of terms detailing the provision of affordable housing on site were provided to the Council at the time of submission of the application.

Following receipt of comments from the Council's affordable housing officer (dated 24 April 2013), we have updated the draft HoT as requested (enclosed).

However, since then, we note that the Council has accepted an offer of 30% provision based on a 50/50 split (affordable rent/shared equity) and we have therefore revised our offer to reflect this updated tenure mix.

There should be no other outstanding issues with regards affordable housing provision.

Outstanding Issues

Conservation / Heritage

From our verbal discussion, we understand that the Council is satisfied with the findings of the assessment of the potential impacts of the development on heritage assets. Furthermore, the Council is satisfied that the scheme overcomes past heritage concerns and addresses the previous reason for refusal.

We do need the Council's confirmation of this position in writing.

Landscape / Visual Impacts

We have recently obtained the Council's comments on the submitted Landscape and Visual Impact Assessment (LVIA) (dated 20 May 2013).

Having reviewed the comments, the Council's concerns with the scheme do not reflect the comprehensive manner in which the proposal has sought to address the previous reason for refusal and, indeed, when considered in light of NPPF paragraph 14, the suggested impacts do not amount to 'adverse harm' which significantly and demonstrably outweighs the benefits of the proposal.

There is, therefore, no credible reason for refusing permission on the basis of landscape or visual impacts.

Policy

We have yet to receive a formal policy response on the proposed development. We have spoken to the Council's policy officer (Colin Hirst) and understand that

written comments will be provided.

In our recent discussions, it was tentatively suggested that the Council might consider the proposed development to be premature. We strongly disagree with any such suggestion and note that the Council's evidence to the David Wilson Homes Inquiry did not advance a prematurity case.

We understand that a decision in the context of our scheme is still to be made but, for the avoidance of doubt, application scheme can only be deemed premature if it fundamentally predetermines the direction of policy travel. In this instance, Whalley is identified as a Key Service Centre in both the existing and emerging Local Plan and one of three main settlements to which growth is being directed.

Whilst there is still a debate to be had at the Core Strategy Examination with regards the overall level of housing being planned across the Borough and its apportionment between settlements, this site is well placed to deliver new housing and is not of such a scale as to 'predetermine' the spatial strategy for development in the Borough.

Planning permission has already been granted on the western portion of the site for up to 55 dwellings and a residential nursing home with access off Clitheroe Road. This permission has established the principle of development outside the defined settlement boundary in this location. The application was not considered premature ahead of the emerging spatial vision for the area.

It is clearly not premature and no credible reason for refusal can be made on this basis.

This development is for an additional 205 dwellings to those already approved. The parameters of development have been designed so as to address the previous concerns in respect of views into and out of the conservation area and wider visual impacts.

This is a deliverable and sustainable proposal that will help the Council meet its housing needs in a way that delivers a great many benefits including investment into new road infrastructure, affordable housing and education.

There is a recognised need for new housing in the Ribble Valley and this site is recognised as a sustainable solution to help deliver new homes in the short to medium term. The NPPF has a clear presumption in favour of granting sustainable development.

There is no evidence to suggest that the potential impacts of the development will lead to adverse harm. Of those limited impacts that have been identified, these certainly do not *significantly and demonstrably* outweigh the benefits of the development, in accordance with paragraph 14 of the NPPF. This is a high level test in the overall planning balance and one that the Council would need to make if they were to justify refusing planning permission for this proposal.

In the planning balance, the potential impacts of the development are not

significant and there are overwhelming benefits that will arise. This proposed development fully accords with the presumption in favour of sustainable development and should be fully supported by the Council.

Progress and Next Steps

Yesterday, the Council informed us that it no longer intends to report the application to committee on 13 June 2013. We are currently awaiting confirmation of the Council's up to date position.

As is evident from this letter, with the exception of highways (which we believe will be resolved imminently) there are no technical issues outstanding.

Unless the Council advises otherwise, we will assume that no further information is required.

We are still awaiting feedback from the Council with regards its planning policy consultation response. As the Council will be aware, we have sought to engage and meet with officers since the application was submitted (over three months ago) but have been met with resistance pending a response on the policy and landscape issues.

Having now received the landscape comments, we trust that the policy response will be forthcoming and CEG given an opportunity to comment, as necessary. if necessary.

Finally, the NPPF clearly sets out that the planning process should be a positive one; it is about finding solutions to enable sustainable development and drive growth. Paragraph 19 says *'planning should operate to encourage and not act as an impediment to sustainable growth.'*

With this in mind, we ask officers to take a step back, look at the proposed development and the benefits it will have in the round; including affordable homes; a site for a new school; a link road to ease congestion; jobs; consumer spend and New Homes Bonus in the local economy. These are all positive factors that weigh heavily in favour of granting approval.

On the negative, it is a development that is on a greenfield site, but one that is in easy walking distance of the shops and businesses in Whalley – it is a sustainable development.

There are always local objectors who cannot see the benefits and don't want change. This is true of residential schemes throughout the Ribble Valley and elsewhere throughout the Country.

There is, however, no credible planning reason to not support the proposed development as there are no significant or demonstrable adverse impacts that could, in planning terms, outweigh the very significant benefits of granting approval for this scheme.

We trust that this is in order and look forward to hearing from you by return.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sarah Wozencroft', with a stylized flourish at the end.

Sarah Wozencroft

Enc: Revised Draft Heads of Terms on Affordable Housing
Agreed revised wording of EA Conditions
Copy of email from EA (dated 22 April 2013)

cc: Mr J Macholc, RVBC
Mr C Hirst, RVBC