

Planning, Design and Access Statement

For Treville Properties Ltd and Great Places | 20-159

Erection of affordable homes - Land to the west of Bridgemont, Whaley Bridge, High Peak, Derbyshire, SK23 7PB

Project: 20-159
Site Address: Land to the west of Bridgemont, Whaley Bridge, High Peak,
Derbyshire, SK23 7PB
Client: Treville Properties Ltd
Date: 10 February 2023
Author: Lynn Jones
Approved by: Rawdon Gascoigne

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Appendices

- EP1.** Appeal decision reference APP/C4235/W/20/3257002
- EP2.** Appeal decision reference APP/T2350/W/19/3221189



1. Introduction

1.1 This planning, design and access statement is submitted in support of an outline planning application made by Treville Properties Ltd and Great Places (formerly Equity) in relation to a proposal for the erection of affordable homes at land to the west of Bridgemont, Whaley Bridge. The proposed access point from the highway is to be considered as part of this application. All other matters are reserved and internal arrangements shown on the proposed site plan are indicative only. The application is a resubmission of Application ref: HPK/2020/0180 which was refused by the Council on the 14th February 2022. The application and this statement address the previous reasons for refusal.

1.2 The application comprises this statement and the following documents:

- Application forms and certificates;
- Existing site and location plan (TADW drawing no. 311106 01 P2);
- Proposed site access plan (TADW drawing no. 46934004 P06);
- Proposed visibility splays and access dimensions – (SCP_200341_F03);
- Transport Assessment (SCP January 2023);
- Travel Plan (SCP January 2023);
- Indicative site layout (TADW drawing no. 311106 03 P2);
- 311106 06 P1 Indicative Typical Block Plans and Elevations;
- Phase 1 Site Investigation (Peak Environmental Solutions, April 2020);
- Preliminary Ecological Survey (NLG Ecology, January 2023);
- BNG Technical Note (Baker Consultants, January 2023);
- Housing need study (Emery Planning, February 2023);
- Flood risk and drainage report (HBL Associates, updated January 2023); and
- Landscape and visual appraisal (Barnes Walker, February 2023)



2. The application

2.1 The proposal is for a residential development comprising 100% affordable homes. The indicative drawings submitted with the application show how this could be achieved with a layout accommodating up to 42 no. dwellings. However, the precise amount and size of the properties will be determined at the Reserved Matters stage. The indicative layout plan (TADW drawing no. 311106 03 P2) shows the following mix of house types:

- 2 no. 1-bed cottage flats
- 24 no. 2-bed houses
- 16 no. 3-bed houses

2.2 The precise number and mix of units would be determined at the Reserved Matters stage.

Use

2.3 The proposed use would be residential (C3). There would also be areas of open space. The Affordable Housing would be provided through a varying mix of tenures to address locally identified needs.

Layout

2.4 The layout would be determined at the detailed stage. However, the indicative layout plan (TADW drawing ref. 311106 03 P2) shows how the dwellings could be arranged as short rows of terraced housing fronting an internal access road leading both North and South from a central access point adjacent to 32 Buxton Road. It is envisaged that a pair of semi-detached cottage flats could be situated to the South of the access point from the main road, fronting the highway. The indicative layout provides for a mixture of recessed parking bays, driveway parking and courtyard parking, together with landscaping that would provide variation in the streetscene.

2.5 Tapering land at the North and South ends of the site is proposed for ecological enhancement.

Scale

2.6 The scale of the proposed dwellings would be finalised at the detailed stage. However, the indicative layout plan (ref. 311106 03 P2) shows that the houses would be 2-storey, in keeping with surrounding properties and with the potential for future conversion of roof spaces to provide flexibility to meet the needs of growing families.



Landscaping

- 2.7 The proposed landscaping would also be provided at the detailed stage. However, landscape architects Barnes Walker have advised on key principles/indicative proposals for contextually appropriate landscaping that would help the development assimilate with its surroundings, strengthen local character and provide a high quality living environment, as well as addressing the concerns raised in landscape terms on the previous application.

Appearance

- 2.8 Details in relation to the external appearance would be provided at the detailed stage. However, the houses would be set back from the access road behind areas of hard and soft landscaping, with garden areas to the rear and mixture of different types of off-street parking. The materials proposed would be sympathetic to the character and appearance of the immediate surroundings and it is envisaged that ridge heights would be staggered in response to site levels, to break up the massing of the development and to add interest.

Access and parking

- 2.9 As set out in the introduction to this statement, the proposed access from the highway is to be determined as part of the current application. The proposed visibility splays and access dimensions plan and TADW drawing no. 311106 04 P2 shows how the existing access to the former Dog and Partridge pub car park would be used to serve the proposed residential development. Off street parking in accordance with the Council's standards would be provided. The Transport Assessment submitted with the application shows that the proposed residential development of the site is acceptable in highways terms and explains that the submitted access details provide a safe and suitable arrangement that has been reviewed and agreed with DCC Highways following the refusal of an earlier application at the site (planning application reference HPK/2020/0180).



3. Context

Site location and description

- 3.1 The site is 1 ha in area. It is located within the village of Bridgemont, which is approximately 1.25 km south of Furness Vale and 700 m north of Whaley Bridge.
- 3.2 Part of the site was previously used as a car park for the former Dog and Partridge Public House. The pub has since closed and has been redeveloped for housing. Part of the site has also been used for housing poultry and related equipment and for keeping horses domestically and the parking of vehicles related to these uses. The remainder of the site is open countryside. The site has been used intermittently as a compound when local infrastructure works have been undertaken.
- 3.3 The site is well located in relation to a range of modes of transport. It is approximately 1km walking distance from Whaley Bridge railway station and 1.2km walking distance to Furness Vale railway station. Both stations provide hourly services to Manchester Piccadilly, Stockport and Buxton. Two trains an hour are provided at peak hours.
- 3.4 The nearest bus stops to the site are located just 100 m to the south. These stops are served by regular buses to destinations including Disley, New Mills, Macclesfield, Glossop, Buxton, Chapel-en-le-Frith, Marple, Stockport and Manchester Airport.
- 3.5 In terms of cycling, the A5004 is recognised as being an on-road cycle route. The site is also located close to the Peak Forest Canal, which is a recognised off-road cycle route which connects the site to Whaley Bridge, New Mills and Chinley.
- 3.6 Finally, the site is within 1Km walking distance of Whaley Bridge centre and the services and facilities this provides. The Tesco supermarket and B&M store are considerably closer. The site is evidently sustainable given the nearby approval of affordable housing at Bridgemont under application reference HPK/2017/0536 which is detailed further below.

Relevant planning history

Application site

- 3.7 Several applications have been made on the application site as summarised below:
 - HPK/000/6625 – Erection of 3 dwellings – refused;
 - HPK/0002/7703 – Residential development – refused 18/04/1989;



- HPK/2015/0324 – Erection of 2 dwellings – refused 22/04/2015 – appeal dismissed 22/07/2016;
- HPK/2015/0324 – Change of use to car sales – refused 11/08/2015 – appeal dismissed 22/07/2016; and
- HPK/2015/0486 – Detached dwelling (land adjacent to 52 Bridgemont) – refused 22/10/2015 – appeal dismissed 19/05/16.
- HPK/2020/0180 - Outline planning application for erection of 46 no. affordable dwellings with access considered and all other matters reserved – refused 14/02/2022

3.8 Prior to the 2020 application, the various residential planning applications were for market housing and the reasons for refusal related to the Green Belt. Application reference HPK/2020/0180 sought permission for affordable housing, which is allowed in the Green Belt under policies in the Framework and policy H5 of the High Peak Local Plan. However, the LPA were not satisfied that the proposals would meet an identified need for affordable housing (for local community needs) under policies in the development plan. The application was also refused on the basis of insufficient information relating to access, drainage, noise, and site levels (with regard to the appearance of the development and the potential for impacts on character and amenity). Arguably, the majority of these latter points are more relevant to the Reserved Matters stage rather than what was being applied for in Outline and where the principle of development is being established.

3.9 The current application is a resubmission of HPK/2020/0180, with an alternative indicative layout. It seeks to address the reasons for refusal of the 2020 application and/or explain why these are unfounded, particularly in the context of this being an outline application, with all matters reserved save for access. Fundamentally, the overriding and pressing need to provide affordable housing has not gone away and this application updates and expands on that point.

Land adjacent and to the rear of 54 to 64 Buxton Road

3.10 On 26th March 2018, the Council granted full planning permission for 5 no. 2-bed houses and 8 no. 1-bed apartments at a site to the north of the application site to the rear of 54 to 64 Buxton Road (LPA ref: HPK/2017/0536). As with the application site, the land is in the Green Belt. However, the Council granted permission under the rural exception policy H5 of the High Peak Local Plan.

3.11 A Housing Needs Survey prepared by Peaks and Plains dated September 2017 was submitted alongside application HPK/2017/0536. It explained that in July 2017 3,167 copies of a rural housing need survey was sent out to all residential households within Whaley Bridge Parish and that 136 responses were received (129 online and 7 by post). The response rate was 4.3%. The purpose of the survey was to assess the housing needs of Whaley Bridge in respect of affordable housing.



3.12 The Peaks and Plains Housing Need Survey recorded the following comments from some of the respondents:

- “There is a lack of affordable housing in the area”;
- “There is an urgent need for affordable housing”;
- New affordable housing would “enable young local people to remain in the parish”; and
- “Young people cannot afford to buy in the area”

3.13 The Peaks and Plains Housing Need Survey concluded that from 136 responses received, 54 potential new households were required within the parish of Whaley Bridge:

- 11 existing households in need of alternative accommodation;
- 30 or more new households from those respondents residing within existing householders were needed; and
- 13 new households wishing to form from ex-Whaley Bridge residents.

3.14 As the response rate was only 4.3%, the 54 households in need identified in the Peaks and Plains Housing Need Survey in 2017 should be regarded as a minimum figure.

3.15 The response from the Housing Officer to application HPK/2017/0536 is recorded in the case officer’s report to committee dated March 2018, the Housing Officer also referred to ‘Home Options’ data (i.e. the Council’s waiting list for socially rented accommodation) as a basis for assessing demand. The Council’s data supported the conclusions of the Housing Needs Survey. The committee report stated the following:

“Given the small amount of affordable housing available in Whaley Bridge the turn-over of General Needs stock is very low. The last 2 bed house that became available was in November 2016 and 20 bids were received for that house. In the last 4 years bids for 2 and 3 bed houses that have occasionally become available have ranged from 14 bids to 38 bids. In the last 4 years only 7 family homes have become void and available for re-let.”

3.16 The Housing Officer also stated that the existing socially rented housing stock in Whaley Bridge was limited:

- 27 X 1-bed bungalows;
- 13 X 2-bed houses;
- 75 x 3-bed houses;
- 6 x 4-bed houses;
- 50 X 1-bed older persons flats; and



- 10 X 1-bed general needs flats.

- 3.17 Details of the updated position with regard to affordable housing need (i.e. since the consideration of HPK/2017/0536) are set out in the Housing Need Statement which accompanies this application. The statement shows that the delivery of affordable housing in the first 11 years of the local plan period has been significantly below the need identified in the SHMA and even the target of 30% of the annual housing requirement. The HELNA (2022) demonstrates that there is a net annual need for between 228 and 270 affordable homes per annum. However, only 153 affordable homes were completed in 2021/22 meaning there is already a significant shortfall against this. It goes on to show that, the number of households on the Council's waiting list has increased since the previous application at the site was considered. The number of households living in Whaley Bridge and those who identified Whaley Bridge as their 1st preference on Home Options has also increased. This is despite the completion of 13 affordable homes in Bridgemont.
- 3.18 With regard to current commitments and allocations, it is shown that just 193 affordable homes can be expected to be delivered in the Central Area and there are only 2 remaining sites in Whaley Bridge parish that will deliver 69 affordable homes (37 at Furness Vale and 32 at Linglongs). Within this context, the Housing Need Statement concludes that the proposed development of up to 42 affordable homes at Bridgemont is of a size and type which is justified by the evidence of need.



4. Policy considerations

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions.

National planning policy and guidance

National Planning Policy Framework (2019)

- 4.2 The Framework was originally published in 2012. It was updated in July 2018 and again in February 2019 and July 2021. The relevant sections of the Framework are discussed in the planning considerations section of this statement below.

Planning Practice Guidance (PPG)

- 4.3 The PPG was originally published in March 2014 and has been updated since then. The relevant sections of the PPG are discussed in the following sections of this statement.

Development plan context

- 4.4 The development plan for the site comprises the High Peak Local Plan (HPLP adopted 2016) and the policies of the previous version of the High Peak Local Plan (adopted 2005), which were saved beyond 2008 but have not been superseded by the new Local Plan.
- 4.5 On the proposals map, the site is located within the open countryside and Green Belt. The site is outside of but near to the built up boundary of Whaley Bridge.
- 4.6 The following policies of the High Peak Local Plan (adopted 2016) are relevant and addressed in section 5 of this statement:
- Policy S 1: Sustainable Development Principles;
 - Policy S 1a: Presumption in Favour of Sustainable Development;
 - Policy S 2: Settlement Hierarchy;
 - Policy S 3: Strategic Housing Development;
 - Policy S 6: Central Sub-area;



- Policy EQ 1: Climate Change;
- Policy EQ 2: Landscape Character;
- Policy EQ 3: Rural Development;
- Policy EQ 4: Green Belt Development;
- Policy EQ 5: Biodiversity;
- Policy EQ 6: Design and Place Making;
- Policy EQ 8: Green Infrastructure;
- Policy EQ 9: Trees, Woodland and Hedgerows;
- Policy EQ 10: Pollution Control and Unstable Land;
- Policy EQ 11: Flood Risk Management;
- Policy H 1: Location of Housing Development;
- Policy H 2: Housing Allocations;
- Policy H 3: New Housing Development;
- Policy H 4: Affordable Housing;
- Policy H 5: Rural Exceptions Sites;
- Policy CF 3: Local Infrastructure Provision;
- Policy CF 4: Open Space, Sports and Recreation Facilities;
- Policy CF 6: Accessibility and Transport; and
- Policy CF 7: Planning Obligations and Community Infrastructure Levy

4.7 None of the saved policies of the 2005 version of the plan are relevant to this application.

Housing Needs in High Peak Supplementary Planning Document (SPD, adopted November 2007)

4.8 The SPD was originally drafted to support the policies in the High Peak Local Plan but it remains relevant and is discussed in the following section.



5. Planning considerations

- 5.1 As set out above, section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions.

The principle of development

- 5.2 The site is in the Green Belt. Policy EQ 4 of the High Peak Local Plan (HPLP): *“Green Belt Development”* explains that the Council will seek to protect the Green Belt and maintain its openness and permanence. It states that within the Green Belt planning permission will not be granted for development unless it is in accordance with national planning policy.

- 5.3 Consistent with this approach, policy S 2 of the High Peak Local Plan (HPLP): *“Settlement Hierarchy”* states:

“The Green Belt as defined on the Policies Maps, will be protected from inappropriate development and proposals will be considered in accordance with the provisions of national planning policy and in the light of other policies in this Local Plan.”

- 5.4 The proposed development would therefore need to accord with national planning policy. Chapter 13 of the Framework: *“Protecting Green Belt land”* is relevant. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 5.5 Paragraph 148 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

- 5.6 Paragraph 149 of the Framework then states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are exceptions to this, including (amongst other things):

“f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:



- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

- 5.7 The glossary to the Framework on page 70 confirms that previously developed land is “land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
- 5.8 Criterion f) of paragraph 149 refers to limited affordable housing for local community needs under policies set out in the development plan, “including policies for rural exception sites”. It should be noted that unlike criterion g), criterion f) does not include any requirement for an assessment of the effects of a development on the openness of the Green Belt.
- 5.9 Policy EQ 3 of the HPLP: “*Rural Development*” states that outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including land within the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. This policy then lists the forms of residential development, which would be allowed in these areas, including “*affordable housing in accordance with Local Plan Policy H5*”.
- 5.10 Policy H 5 of the HPLP: “*Rural Exception Sites*” states:

“In exceptional circumstances, proposals for affordable housing on rural sites that would not normally be released for housing development will be supported provided that:

The development is of a size and type which can be justified by evidence of need from a local housing needs survey

The affordable housing would meet a genuine local need as defined in the Affordable Housing Supplementary Planning Document

Appropriate safeguards are put in place that ensure that the housing will remain affordable for successive occupiers in perpetuity

The site is located within or adjoining the settlement boundary of a village and is adequately served by existing services and facilities

The development takes full account of environmental considerations, including European sites



The development provides all affordable housing unless it can be demonstrated that an element of market housing is required to deliver a significant amount of affordable housing”

5.11 Paragraph 5.154 of the HPLP then states:

“Affordable Housing provided on rural exception sites deliver much needed housing to those in local need. The local planning authorities will continue to support the provision of affordable housing on rural exception sites”

5.12 Once again, there are no restrictions or criteria related to the effects of the development on the openness of the Green Belt.

5.13 The proposed development is located on a rural exception site where planning permission would not normally be granted other than in certain circumstances. However, because the proposal is for affordable housing, which is one of those circumstances, it should be supported because it meets the following criteria set out within policy H5 as follows:

- As the Housing Needs Statement submitted alongside the application demonstrates, the proposed development is of a size and type justified by evidence of need. Whilst the layout is indicative, it shows how 1, 2 and 3 bedroom dwellings could be provided.
- The affordable housing would meet a genuine local need as defined in the Affordable Housing Supplementary Planning Document;
- The site is located within a village and is well served by existing services and facilities;
- As we explain later in this statement, the development takes full account of environmental considerations, including European sites;
- The proposed development is for 100% affordable housing. The applicant has been liaising with local providers of affordable housing since the refusal of application reference of HPK/2020/0180 and interest to partner with the site remains strong. The affordable housing would be secured by a legal agreement.

5.14 The principle of development is therefore in accordance with policy H5 of the HPLP. As set out in section 3 of this statement, this was found to be the case with the nearby site to the rear of 54 to 64 Buxton Road (LPA ref: HPK/2017/0536).

Presumption in favour of sustainable development

5.15 Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. For decision-taking, this means:



“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

5.16 Policy S 1a of the HPLP: “*Presumption in Favour of Sustainable Development*” largely reflects paragraph 11 of the Framework.

5.17 Paragraph 8 of the Framework explains that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) These are addressed below in the context of the planning application.

a) an economic objective

5.18 Paragraph 8 of the Framework explains that the economic objective is:

“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”

5.19 The proposed development would meet this objective as discussed below.

5.20 During the build programme of the whole site, construction related jobs and indirect jobs would be created. This would benefit local contractors and suppliers.

5.21 The proposed development would help contribute to ensuring the Borough has a stable workforce in terms of ability and age. Once occupied, the residents of the scheme would spend money in Whaley Bridge and other towns in the High Peak. The proposed development would therefore generate spending in the Borough, which would help create full time jobs in the local retail and leisure sectors. In addition to the above, the proposed development would deliver a New Homes Bonus and Council Tax income for the Council.



b) a social objective

5.22 Paragraph 8 of the Framework explains that the social objective is:

“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”

5.23 The proposed development would meet this objective as discussed below.

New housing

- 5.24 While the Council claims it can demonstrate a deliverable five year housing land supply in accordance with paragraph 74 of the Framework, the housing land supply position is not a determinative issue in this case because policy H 5 of the HPLP: “Rural Exception Sites” allows housing development on unallocated sites which would not normally be released for housing development. Notwithstanding this, being able to demonstrate a deliverable five year supply is a minimum requirement, it is not a ceiling.
- 5.25 Regardless of the position regarding the Council’s five year supply, the site would contribute to meeting the housing needs of Whaley Bridge, the Central Area and the Borough as a whole. Whaley Bridge is identified as one of five market towns. Policy S 2 of the HPLP: “*Settlement Hierarchy*” states that the market towns will be the main focus for new housing.
- 5.26 Policy S 3 of the HPLP: “*Strategic Housing Development*” explains that the housing requirement between 2011 and 2031 is 7,000 dwellings. It identifies a residual housing requirement of 3,549 dwellings (as at December 2014). This residual requirement is set out in table 2 of the HPLP (page 38), which also explains that 2,976 dwellings were on committed sites at December 2014. Table 4 of policy S 3 then explains that 100 dwellings will be delivered on small sites in Whaley Bridge and 100 dwellings will be delivered on villages in the Central Area excluding the sites which already had planning permission at December 2014 and the allocations in the HPLP.
- 5.27 Consequently, the delivery of housing at the site is a significant benefit. Treville is an active house builder in the High Peak, with experience partnering with affordable housing providers and with sites across the Borough but specifically in the Central Area.
- 5.28 In addition, policy H 3 of the HPLP: “*New Housing Development*” states that the Council will require all new residential development to address the housing needs of local people. The proposed development would be in accordance with this policy for the following reasons:



- It would assist in meeting the requirements for affordable housing within the overall provision of new residential development as set out in policy H 4, which is discussed below;
- provide a range of affordable housing types that would meet the requirements and future needs of a wide range of household types, based on evidence from the Strategic Housing Market Assessment;
- It would assist in providing a mix of housing that contributes positively to the promotion of a sustainable and inclusive community taking into account the characteristics of the existing housing stock in the surrounding locality;
- It would include a proportion of housing suitable for newly forming households; and
- It would provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space Standards.

Affordable housing

5.29 Paragraph 5.149 of the HPLP states that affordable housing is a key issue in the Local Plan area due in part to the high cost of houses and the relative low incomes of resident based employment. The Housing Needs Assessment and the Strategic Housing Market Assessment (SHMA) conclude that there is a significant need to increase the overall level of affordable housing provision. The Housing Needs Survey concluded that there was a need of between 443 and 591 new affordable homes to meet the backlog and emerging needs. The 2014 SHMA found a net need of 526 affordable homes per annum. The Affordable Housing Viability Assessment and a 2014 Plan and Site Viability Study concluded that provision of up to 30% affordable housing is viable but not on all sites. More recently, the High Peak Housing and Economic Land Needs Assessment (HELNA, September 2022), concluded that there is a net annual need of between 228 and 270 affordable homes per annum in High Peak and a net annual need of between 85 and 99 affordable homes per annum in the Central Area over the period 2021 to 2041. The Housing Need Statement submitted with this application shows that these homes are not being delivered at the levels required to meet the identified need and that within Whaley Bridge, the supply has decreased but the affordable housing need has increased since the previous application was determined.

5.30 Policy H4 of the HPLP: “*Affordable Housing*” states that:

“The Council will seek to maximise the delivery of affordable housing across the plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities.”

5.31 The policy then states that the Council will seek to achieve 20% affordable housing on sites of 5-24 dwellings. However, this policy pre-dates paragraph 64 of the current Framework, which states that provision of affordable housing should not be sought for residential developments that are not major



developments. It also states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. Consequently, less affordable housing will be provided on smaller sites than was anticipated when the HPLP was adopted.

- 5.32 Within this context, the delivery of 42 affordable homes at the site would assist the Council in addressing significant housing need. This is addressed further in the Housing Needs Statement, which accompanies the application.
- 5.33 It is proposed that the type/tenure of affordable housing would be agreed following the grant of planning permission and dealt with by way of a planning condition requiring the submission and approval of a scheme of affordable housing, which would include discount market value properties as part of the overall mix of affordable housing.

Design considerations

- 5.34 Section 12 of the Framework is entitled: “Achieving well-designed places”. Paragraph 126 of the Framework states:

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 5.35 Paragraph 130 of the Framework states that planning decisions should ensure that developments:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”



- 5.36 Policy EQ 6 of the HPLP: “Design and Place Making” states that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area and not detract from the environmental quality and to have regard to the principles of sustainable development.
- 5.37 The appearance, scale and layout of the proposed development are reserved at this stage. However, the proposed development would be designed so that it accords with this policy and those paragraphs of the Framework listed above because it would be sympathetic to the character, appearance and form of the site and the surrounding area in terms of:
- The height, scale, form and grouping of the buildings would reflect the surrounding area;
 - The choice of materials – the proposed materials for the proposed dwellings would reflect those materials used in the locality, particularly the nearest properties; and
 - The visual, physical and functional relationship of the proposal to the neighbouring properties, the street scene and to the locality generally.

Location of the site

- 5.38 Paragraph 110 of the Framework explains that applications for development should (amongst other things) give priority first to pedestrian and cycle movements and second facilitate access to high quality public transport with layouts that maximise the catchment area for bus or other public transport services.
- 5.39 Policy EQ 1 of the HPLP: “*Climate Change*” states (amongst other things) that in addressing the move to a low carbon future for High Peak, the Council will plan for new development in locations that reduce greenhouse gas emissions.
- 5.40 In accessibility terms, the site is in a highly sustainable location and can be accessed by a range of transport modes (i.e. public transport, walking and cycling). It is approximately 1Km walking distance from Whaley Bridge railway station and 1.2 km walking distance to Furness Vale railway station. Both stations provide hourly services to Manchester Piccadilly, Stockport and Buxton. Two trains an hour are provided at peak hours.
- 5.41 The nearest bus stops to the site are located just 100 m to the south. These stops are served by regular buses to destinations including Disley, New Mills, Macclesfield, Glossop, Buxton, Chapel-en-le-Frith, Stockport and Manchester Airport.
- 5.42 In terms of cycling, the A5004 is recognised as being an on-road cycle route. The site is also located close to the Peak Forest Canal, which is a recognised off-road cycle route which connects the site to Whaley Bridge, New Mills and Chinley.



- 5.43 The location has been accepted as sustainable through the approval at the nearby site for 13 no. affordable homes for Peaks and Plains (LPA ref: HPK/2017/0536).
- 5.44 A travel plan has been prepared by SCP and is submitted with the application, which sets out Treville Properties' commitment to reducing the number of vehicular trips generated by the development and which identifies key principles for doing so.

Highways considerations

- 5.45 The Transport assessment is also submitted with the application, which addresses the concerns raised by DCC Highways in the previously refused application and demonstrates that the proposed development of this site can be accommodated without detriment to the operational capacity or safety of the local highway network. The TA is broadly consistent with the TA dated July 2020 and submitted in connection with application reference HPK/2020/0180 and has been updated based on discussions with DCC Highways since the original submission.
- 5.46 The assessment confirms that the layout will be developed in line with the principles set out in Manual for Streets and that details such as crossing points, dropped kerbs and tactile paving will be provided in the detailed application. In this regard it should be stressed that the application seeks approval of the access details relating only to the access into the site from the highway and that the applicant is not seeking to fix the internal road layout shown on the indicative site plan.
- 5.47 Appeal decisions (e.g. appeal reference APP/C4235/W/20/3257002) have confirmed that where access is applied for as a detailed matter at the outline stage, and where the layout and amount of development are to be reserved matters, there must be flexibility for changes to be made to internal circulation routes. In this sense, the indicative internal access road should only be considered in very general terms, as the appeal decision makes it clear that there should be flexibility to make adjustments at the reserved matters stage. On that basis, we consider that sufficient information has been submitted to demonstrate that an acceptable access can be accommodated into and within the site to serve a residential development for the scale proposed. Key principles for the internal site access can be dealt with by way of condition in terms of gradients and other requirements of the LPA's highways consultee. However, the precise arrangements could only be fixed at the reserved matters stage when more detailed information on the number and position of dwellings is available. A copy of the decision for appeal reference APP/C4235/W/20/3257002 is attached at Appendix EP1.
- 5.48 We would also draw the council's attention to a legal opinion submitted to Staffordshire Moorlands District Council in connection with application reference SMD/2021/0610 which is consistent with this position.



5.49 This confirms that although the means of access to a site and the internal access arrangements within the site fall within the definition of “access” in Art. 2 of the DMPO, it is entirely possible to approve details in respect of one but not the other, as the definition of “reserved matters” within the meaning of S92 TCPA and the DMPO depends upon whether details in respect of those matters have been given in the application. The opinion notes that this is because Article 2 is subject to the proviso that the definition of “reserved matters” relates to any of the specified matters, “in respect of which details have not been given in the application”. It states that where details are submitted with an outline application (which are not indicative), they fall to be determined with the outline application. The opinion also lists a number of appeal decisions which confirm this. For example, appeal decision reference APP/T2350/W/19/3221189 states:

“ 1.The appeal is allowed and outline planning permission with all detailed matters reserved except access is granted for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road at Henthorn Road, Clitheroe BB7 2QF in accordance with the terms of application Ref 3/2018/0688, dated 7 August 2018, subject to the attached schedule of conditions...

... 3. The application was submitted in outline with all matters reserved for future consideration with the exception of access. Only details of one vehicular access to the site are submitted so any other access to, and access within, the site remain a reserved matter. The site access details are shown on the plan ‘Proposed Access Arrangements 1616/13/rev B’ which along with the ‘Site Location Plan 8439-L-04 rev A’ are the plans that describe the proposal. An ‘Illustrative Framework Plan 8439-L-02 rev C’ was submitted for illustrative purposes only to demonstrate one way in which the site could be developed. I have had regard to this plan in the determination of this appeal.”

5.50 In light of the above it is clear that it is entirely acceptable for the applicant to apply for approval of access details in relation to the access for the highway and to reserve internal access arrangements for subsequent approval as reserved matters. A copy of the above appeal decision is attached at Appendix EP2.

5.51 Further relevant appeal decisions can be supplied on request.

c) an environmental objective

5.52 Paragraph 8 of the Framework explains that the environmental objective is:

“to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”



5.53 The proposed development would meet this objective as discussed below.

Landscape character

5.54 Policy EQ 2 of the HPLP: “*Landscape Character*” explains that the Council will seek to protect, enhance and restore the landscape character of the plan area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being. This will be achieved by:

- Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, such as trees and woodlands, hedgerows, walls, streams, ponds, rivers, ecological networks or other topographical features
- Requiring that development proposals are informed by, and are sympathetic to the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document and also take into account other evidence of historic landscape characterisation, landscape sensitivity, landscape impact and the setting of the Peak District National Park and where appropriate incorporate landscape mitigation measures.
- Requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park
- Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment.

5.55 In terms of the first bullet point, as shown on the indicative layout, natural features such as the trees and woodland located beyond the site boundary to the south would be maintained.

5.56 In relation to the second bullet, the Landscape Character Supplementary Planning Document (adopted March 2006) is relevant at the detailed stage. Nevertheless, the site is located within the “Settled Valley Pastures” as shown on the map on page 12 of the SPD. Whilst the proposed layout is indicative at this stage, it shows how a linear form of development could be accommodated, which would reflect the local landscape character – particularly those existing residential buildings with within Bridgemont. In terms of appearance, the proposed dwellings would have regard to the form and details of the Landscape Character Area as set in the SPD and those of the local area in terms of materials and style.

5.57 In terms of the third bullet point, the existing character of the area would be maintained. The landscape and visual appraisal submitted with the application finds that there would be no significant effects on the National Park.

5.58 Finally, in relation to the fourth bullet point, the site was considered in the Additional Landscape Impact Assessment (August 2014) which informed preparation of the Local Plan. The comments are as follows:



“Ruderal grassland and scrub on a strip of land semi-enclosed by the railway line to the west, existing built development on Bridgemont to the north-east and woodland to the south-east. The site is elevated, sloping down from the railway towards, but above, the existing properties in Bridgemont. Public footpath WHA15 is located within the north of the site and adjacent to the western site boundary beyond the railway line. The existing settlement boundary is well defined and vegetated. The site is well screened from the north and east by properties in Bridgemont and the woodland to the south-east. As a consequence development would not lead to the visual coalescence of Bridgemont with the part of Whaley Bridge located to the east of the railway line. However, the site is visible from west of the railway line, particularly from footpath WHA15 and properties on the northern edge of Whaley Bridge. Development of the site could thus cause visual coalescence between Bridgemont and Whaley Bridge to the west of the railway line. Currently from this direction the edge of Bridgemont is well screened by a combination of existing vegetation and localised changes in topography. The site is located above the level of existing properties at Bridgemont and is not effectively screened by vegetation. The site appears as a continuation of open countryside to the west of the railway line. Site is not suitable for development in landscape terms.”

5.59 Barnes Walker have reviewed and advised on the indicative site layout and their Landscape and Visual Appraisal is submitted as one of the documents to support this application. The appraisal finds that:

- The proposed development is consistent with the existing settlement pattern
- The development would not have a significant effect on the Settled Valley Pastures character type
- While visible due to the elevated location, the visual effects of the development will be localised and will not be significant
- The proposed development is acceptable in landscape terms.

Biodiversity

5.60 Policy EQ 5 of the HPLP states that the biological and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced.

5.61 A preliminary ecological appraisal been prepared by NLG Ecology. Key points are summarized below:

- The site falls within the Impact Risk Zone (IRZ) for several designated sites. However, the proposal for affordable housing does not fall under any of the categories listed on the IRZ detail. Therefore, it is not required for the LPA to consult Natural England on that basis.
- The site's habitats offer nesting opportunities to a range of common bird species. If removal of any suitable vegetation is required, de - vegetation works should only take place outside of the main nesting season.



- The site includes habitats that are suitable for badger, rabbit and fox. Suitable working methods are set out to avoid harm to these species.
- The site was deemed to have a negligible potential for bats.
- It is recommended that the three ponds are assessed via Habitat Suitability Index Assessment and eDNA assessment. If identified to be positive for great crested newt, a Great Crested Newt low-impact licence would be required for any works which require significant breaking of ground on site. The pond to the west of the railway line. Was previously surveyed by NLG in connection with application HPK/2017/0536 and no newts were found to live in the pond.
- A precautionary working method statement has been provided for GCN
- Refuge opportunities for amphibians exist. Further survey work for the methodology of removing these features can be determined at the detailed stage.
- The scrub habitats present on site offer refuge opportunities to small mammals, such as hedgehog. The reports sets out working methods to avoid harm.

Trees, woodland and hedges

- 5.62 Policy EQ 9 of the HPLP states that the Council will protect existing trees, woodlands and hedgerows.
- 5.63 No trees, woodland or hedgerows exist within the application site. The woodland to the south east of the site would be retained. Detailed landscaping would be agreed at the reserved matters stage. However it is the applicant's intention that there would be an increase in vegetation on the site compared to the existing situation.

Pollution control and unstable Land

- 5.64 Policy EQ 10 of the HPLP states that the Council will protect people and the environment from unsafe, unhealthy and polluted environments.
- 5.65 A Phase 1 Site Investigation report has been prepared by Peak Environmental Solutions and has been submitted in support of the application. The report concludes by identifying a moderate to very low risk from the limited sources of potential contamination at the site. It recommends a phase 2 report.

Flood risk management

- 5.66 Policy EQ 11 of the HPLP states that the Council will support proposals that avoid areas of future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development.
- 5.67 The site is in flood zone 1. A drainage plan would be designed at the reserved matters stage. However, a drainage strategy has been submitted with the application, which shows that there would be no significant



off-site impacts as a result of this development and that the proposal would satisfy paragraph 103 of the Framework. Although additional information was requested by United Utilities in relation to application reference HPK/2020/0180, the application is being submitted in outline only and a detailed design will be provided at the reserved matters stage.

- 5.68 The update report to Committee for application reference HPK/2020/0180 indicated that United Utilities' concern was that evidence should be provided to show that the indicative culverted watercourse is accessible and could be used to discharge surface water for the majority of the site. However, both the applicant's drainage consultant and the Lead Local Flood Authority are satisfied that matters can be adequately addressed through the imposition of a suitably worded condition requiring the submission and approval of drainage details prior to the commencement of development, including evidence that surface water would be managed in accordance with the SuDS hierarchy. This approach was taken by the council for the development approved under permission reference HPK/2017/0536, which sought to discharge surface water to the same culvert as is proposed under this application and where it is understood the LPA agreed that the existing culvert would only need to be surveyed for position and depth and connection confirmed prior to commencement of the drainage installation (i.e. after planning permission had been granted). That application was a full application for planning permission where a greater level of detail would be justified than for an outline application. The development approved under application reference HPK/2017/0536 has now been completed and we are advised that there were no issues either connecting to the culvert, or with the subsequent drainage of the site. It is therefore wholly unclear why the LPA considered this was a reason to refuse outline planning permission for application reference HPK/2020/0180 on the basis of drainage, as both the details of the case and the principle of consistency in decision making indicate that planning permission should not be refused on these grounds. The proposals accord with Local Plan policy EQ11 and the NPPF.

Noise

- 5.69 We do not consider that there is an adverse noise impact from the proximity to the railway line. Once again, we would refer the LPA to their assessment of the Peaks and Plains development a short distance to the North of the site, which is closer to the railway line than the application site and where the Noise Impact Assessment, concluded that noise affecting that site was mainly from traffic on the A6. Given the geographical proximity and similarities between the two sites in terms of their context, it would be irrational to suggest that the Peaks and Plains development is acceptable in noise terms and the development proposed under this application is not.



6. Summary and conclusions

- 6.1 This planning, design and access statement is submitted in support of an outline planning application made by Treville Properties Ltd and Great Places (formerly Equity Housing) in relation to a proposal for the erection of affordable homes at land to the west of Bridgemont, Whaley Bridge. The proposed access is to be considered as part of this application. All other matters are reserved.
- 6.2 The site is in the Green Belt where inappropriate development should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, there are exceptions to this, including limited affordable housing for local community needs under policies set out in the development plan, including policies for rural exception sites.
- 6.3 Policy H 5 of the HPLP: “Rural Exception Sites” explains that in exceptional circumstances, proposals for affordable housing on rural sites that would not normally be released for housing development will be supported provided that the criteria set out in the policy is met. The proposed development meets the criteria set out within policy H5 as follows:
- As the Housing Needs Statement submitted alongside the application demonstrates, the proposed development is of a size and type justified by evidence of need. Whilst the layout is indicative, it shows how 1, 2 and 3 bedroom dwellings could be provided.
 - The affordable housing would meet a genuine local need as defined in the Affordable Housing Supplementary Planning Document;
 - The site is located within a village and is well served by existing services and facilities;
 - The development takes full account of environmental considerations, including European sites;
 - The proposed development is for 100% affordable housing. The affordable housing would be secured by a legal agreement.
- 6.4 The principle of development is therefore in accordance with policy H5 of the HPLP. As set out in section 3 of this statement, this was found to be the case with the nearby site to the rear of 54 to 64 Buxton Road (LPA ref: HPK/2017/0536).
- 6.5 Both the Framework and the HPLP set out a presumption in favour of sustainable development, which means that planning permission should be granted for development proposals that accord with the development plan without delay.



- 6.6 The proposed development would comprise sustainable development by providing much needed affordable housing in accordance with the HPLP. There would be no significant or demonstrable adverse impacts which mean that planning permission should be withheld.
- 6.7 Consequently, in line with section 38(6) of the Planning and Compulsory Purchase Act and the presumption in favour of sustainable development as set out in paragraph 11 of the Framework and policy S 1a of the HPLP, an application for planning permission should be granted without delay. However, we welcome the Council's comments on this through the pre-application process in addition to advice in relation to the required supporting documents.

7. Appendices

- EP1.** Appeal decision reference APP/C4235/W/20/3257002
- EP2.** Appeal decision reference APP/T2350/W/19/3221189



EP1



Appeal Decision

Site visit made on 24 November 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/C4235/W/20/3257002

41 Werneth Road, Woodley, Stockport, SK6 1HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on details required by a condition of an outline planning permission.
 - The appeal is made by Mr Simon Broster (on behalf of Cube Homes Ltd) against Stockport Metropolitan Borough Council.
 - The application Ref DC/075064, is dated 21 October 2019, and sought approval of details pursuant to condition No 2 of an outline planning permission Ref DC/066661, granted on 6 August 2018.
 - The development proposed is reserved matters pursuant to outline permission for the demolition of existing buildings and erection of up to 7 dwellings with associated works.
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
-

Decision

1. The appeal is allowed and the reserved matters are approved, namely details of appearance, landscaping, layout and scale submitted in pursuance of condition No.2 of outline planning permission Ref DC/066661 granted on 6 August 2018, subject to the conditions set out in the Annex attached to this decision.

Application for costs

2. An application for costs was made by Cube Homes Ltd against Stockport Metropolitan Borough Council. This application is the subject of a separate Decision.

Background and Main Issue

3. The appeal site is broadly rectangular in shape and occupies approximately 0.5 hectares. At the time of my site visit, the land was significantly overgrown and accommodated a large disused predominantly two-storey building in which was located a former care home. The existing access to the site is taken from Werneth Road to the south, with residential properties bounding the site to the east and west, and on Westfield Drive to the north. A significant number of mature trees are located on the appeal site, including some which are covered by Tree Preservation Orders (TPOs).
4. Outline planning permission (*LPA Ref: DC/066661*) for up to 7 dwellings was granted on 6 August 2018. The permission explicitly considered matters related to access with all other matters, namely appearance, landscaping, layout and scale, reserved for later consideration.

5. It is indicated that an application for the approval of reserved matters was submitted by the appellant on 21 October 2019, with a letter invalidating the application issued by the Council on 27 November 2019. Further to a disagreement between the appellant and the Council over the definition of "access" and "layout" in relation to reserved matters according to the regulations, the appellant has exercised their right to appeal due to the failure of the Council to determine the application within the prescribed period.
6. In light of the cited area of disagreement, the main issue is whether the submission of details for the proposed development conflicts with the details of the approved access submitted in connection with the outline planning permission.

Reasons

7. The Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended, sets out in Article 2(1) definitions of "access" and "layout" in relation to reserved matters.
8. "Access" is described in the Order as meaning *the accessibility to and within the site, for vehicles, cycles, and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network*. Where reference is made to "site", it means *the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made*. Meanwhile, "layout" is described as being *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development*.
9. Article 5(3) of the Order provides further clarity in that *where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated*.
10. In refusing to validate the application for reserved matters, the Council contended that there were significant material differences between the details of "access" as approved at the outline stage and those that have been provided in connection with "layout" as part of the reserved matters submission.
11. Whilst there is no suggestion that the access point to the development from Werneth Road is not in accordance with the outline permission, in citing caselaw in *Heron Corp Ltd v Manchester City Council*, [1978] 1 W.L.R. 937 (1978), we are reminded that when approving a reserved matter, it must be within the ambit of the outline permission and not modified, or depart from it in any significant respect. Further reference is made to *R. v Hammersmith and Fulham London Borough Council and Another* (1986) 51 P. & C.R. 120 and *R. v Bolsover District Council* (1995) 70 P, where it was held that this is a matter of fact and degree for the planning authority to determine based on its own judgement.
12. In this regard, the Council has highlighted and listed 7 specific changes between the approved and submitted drawings encompassing changes to the siting and alignment of the carriageway within the site, variation of the shape of the cul-de-sac turning head, amendments to the siting of the eastern

footpath, and a series of alterations to access points to various plots. Albeit that no substantive assessment of the significance of the changes and alterations has been provided, the Council has concluded that as a matter of fact and degree, that the submitted reserved matters have gone beyond the scope of the original outline approval.

13. I agree on the basis of the approved and submitted plans that there are certain variations in the aspects of the proposed development as described. However, I find that having regard to the Article 2(1) definitions of "access" and "layout", there must inevitably be a certain degree of overlap between the consideration of the two reserved matters, particularly with regards the assessment of *circulation routes* as required by "access", and *routes* as required by "layout".
14. The Council has ventured that circulation routes must also include internal access to and from relevant plots in addition to that established to the highway network, and on the basis of the definition I would not disagree with that. However, if such an approach was taken and "access" within the site was set as rigidly as indicated, then this would for all intents and purposes remove the ability to fully consider "layout" in accordance with the definition set out in Article 2(1), and also any flexibility that may be required in the approval of the other reserved matters.
15. Furthermore, I note that in this particular instance that a rigid approach would also have inadvertently had the effect of restricting the operative part of the outline planning permission, as granted. With a quantum of up to 7 dwellings allowed rather than a fixed quantum, amendments to the approved access would inevitably have had to have occurred if less than 7 dwellings had ultimately been pursued at reserved matters, thus emphasising the need for flexibility in considering the reserved matters.
16. Nevertheless, and irrespective of the interpretation of the definitions above, the Council drew my attention to caselaw as holding it to be a matter of fact and degree, and one of judgement, to determine whether the reserved matters fall within the ambit of the outline planning permission.
17. In this regard, I am satisfied that the general arrangement of the access, even allowing for the 2 metre change in the alignment and siting of the access in relation to the adjoining property at No. 39 Werneth Road and the evolved design of the turning head, would not be materially different in the overall context of the proposed development.
18. The other elements of the scheme which have been amended from the indicative arrangement shown on the approved Site Plan, have been required due to the confirmation of the other reserved matters, with the siting and positioning of development within the site in connection with "layout" clearly impacting on the positioning of the proposed access points to plots. However, along with the realignment of the footpath on the western side of the access road which would be in accordance with consideration of "Layout" as a reserved matter, the principle of footpaths and access points remains in accordance with what has already been approved and within the ambit of the outline planning permission.
19. In reaching my conclusions, I have also been mindful of the caselaw reference made by the parties in respect of *R (on the application of Pearl) v Maldon District Council [2018] EWHC 212 (Admin)*, which also considered the case of

Chalgray v Secretary of State for the Environment (1976) 33 P. & C.R. 10). However, whilst I recognise that the question of assessing whether there has been a material departure as a legal position was reaffirmed in *Pearl*, the circumstances of *Chalgray* do not appear consistent with those of this appeal, and do not therefore take the deliberations any further forward.

20. For these reasons, I conclude that the submitted reserved matters do not conflict with the ambit of the outline planning permission which has been granted, having considered matters of access.

Other Matters

21. Further to the main issue identified above, the Council has indicated within their Statement of Case that there are no objections raised on other substantive issues. It is indicated that issues related to the reserved matters of "Layout", "Appearance", and "Scale" have all been addressed to the satisfaction of the Council, and despite the need for further detail to be submitted to address "Landscaping", which can be adequately secured by condition, the Council has concluded there to be no conflict with the policies of the Development Plan. However, in reaching my decision, I have had regard to the submissions of interested parties.
22. Further to the Council undertaking a notification of the appeal with interested parties, the additional submissions have been limited to two representations from neighbouring occupiers. Particular concerns have been raised regarding the drainage of the appeal site and also the impact of the loss of protected trees and impact on biodiversity, as well as impacts on living conditions having regard to light, noise and outlook.
23. The issue of drainage of the site was addressed at the outline planning stage, and I note that Condition 19 of the Outline Planning Permission addresses the need for the submission of a surface water drainage scheme, which will help to alleviate any existing and future issues related to the drainage of the site. The approval of such a scheme should also assist in mitigating any actual impact from the loss of trees from the site, albeit that I note that replacement tree planting is a requirement of the reserved matters approval, and would form part of any finalised and agreed landscaping scheme as secured by Conditions 3 & 4 of this decision.
24. I have also carefully considered the impact of the proposed development on the living conditions of neighbouring occupiers, and in particular the relationship with properties on Westfield Drive.
25. It is evident that the existing outlook and amenity relationship to the rear of some of the properties on Westfield Drive will change, and undoubtedly the introduction of a flank wall from the new dwellings as proposed along with new boundary treatment would alter the existing backdrop and outlook from trees and mature planting on the appeal site. However, whilst there would undoubtedly be a reduction in the existing level of residential amenity available by virtue of the impact on outlook from the rear of adjoining properties on Westfield Drive, I am not persuaded that the impact would be so significant as to result in unacceptable living conditions for neighbouring occupiers. This would be at least in part because of the separation distance of the proposed development away from the boundary, which adheres to the guidance within

the Council's Design of Residential Development Supplementary Planning Document.

26. In noting the objections which have been raised regarding an impact on biodiversity due to the felling of proposed trees and removal of other planting, I am mindful that the Council's own Nature Development and Arboricultural Officers have not expressed any objections to the principle of the layout or scale of development and consequent impacts on ecology or protected trees. I am also satisfied that from reviewing the evidence, that these are matters which can be satisfactorily addressed and mitigation secured through the use of the conditions as incorporated within the decision.
27. Representations have been made to the effect that Mr & Mrs D Greenhalghs' (the occupiers of No. 23 Westfield Drive) human rights would be violated were the appeal to be allowed, given a lack of consultation on the reserved matters development. Whilst not specified in the representation, it is likely that reference would have been intended to human rights under Article 8 of the Human Rights Act 1998 related to respect for private and family life, their home and their correspondence.
28. I have considered the representation, but I do not consider it to be well-founded. Due to the specific circumstances of this case, the reserved matters application was not registered by the Council due to their contention regarding its invalidity, and as a consequence no notification of neighbouring occupiers could be carried out at this stage. The appellant subsequently opted to exercise their right to appeal against the failure of the Council to determine the application for reserved matters within the prescribed time period for determination of the application. Upon receipt of the appeal, the Council notified neighbouring occupiers on 3 September 2020, including Mr & Mrs D Greenhalgh.
29. I find that procedurally the notification of neighbouring occupiers was undertaken at the first opportunity during the process of assessing the reserved matters scheme, and that this presented the opportunity for Mr & Mrs D Greenhalgh to have the opportunity to make their representations, as indeed they have. As a result, I am therefore satisfied that there has been no violation of Mr & Mrs D Greenhalghs' human rights.
30. I have noted that the appellant sort to produce amended plans in order to try and address the minor issues which had been raised by the Council following receipt of a formal pre-application response, received after the appeal had been submitted. However, because of my conclusions on the main issue and noting the conditions which have been suggested in the appellant's Grounds of Appeal including a plans condition referring to the originally submitted plans, I have not needed to formally consider these amended plans which have not therefore had any bearing on my decision-making.

Conditions

31. The Council has suggested a suite of conditions in the event that the approval of reserved matters was to be granted, and the appellant has indicated their acceptance of the majority of these conditions.
32. A condition identifying the various approved plans provides certainty for all parties. Conditions requiring the approval of a schedule of external materials, a

scheme of landscaping, and elevational details of proposed car ports at Plots 1 & 2 would be necessary in the interests of the appearance of the development, whilst a further condition addressing the timing of the landscaping provision would be reasonable and necessary to secure its provision. A condition ensuring the development is undertaken in accordance with details of all boundary treatments and means of enclosure would be both necessary and reasonable in the interests of the character and appearance of the development and the living conditions of future and neighbouring occupiers.

33. The provision of charging points for electric vehicles would be necessary to address climate change as well as according with policies on highways and parking, with a condition securing details and the provision of refuse storage facilities reasonable and necessary in the interest of amenity for occupiers. The provision of bat and bird boxes would be reasonable and necessary in the ecological interests of the site.
34. I have carefully considered whether a replacement condition for Condition 9 of the Outline Planning Permission Ref: DC/066661 would be required, as suggested by the Council. However, and having regard to my overall conclusions within the Main Issue, it is evident that the wording of Condition 9 of the Outline Planning Permission clearly envisages that further detailed drawings addressing the access, access road and paths, along with a general arrangement and layout, would be required to be submitted for approval, prior to the construction of these elements taking place. I therefore find the suggested revised condition to be unnecessary and I have omitted it from the decision.

Conclusion

35. For the reasons set out above, and subject to the conditions listed in the Annex, the appeal should be allowed.

M Seaton

INSPECTOR

Annex

Conditions

- 1) The development hereby approved shall be carried out in accordance with the approved drawings numbered, unless otherwise specified in connection with the conditions attached to this planning permission:
Proposed Site Plan (Ref 19025 (PL) 050)
Proposed House Type A (Ref 19025 (PL) 100)
Proposed House Type B (Ref 19025 (PL) 101)
Proposed House Type C (Ref 19025 (PL) 102)
Proposed House Type D (Ref 19025 (PL) 103)
Proposed Roof Plans (Ref 19025 (PL) 104)
Proposed Site Section / Streetscene (Ref 19025 (PL) 300)
Landscape Layout Plan (Ref 3474-101)
Planting Plan (Ref 3474-201)
Planting Plan (Ref 3474-202)
- 2) The development shall not be carried out other than in accordance with a schedule of all the materials of external construction which has first been submitted to and approved in writing by the local planning authority. The development shall not be occupied until it has been completed in accordance with the approved schedule and materials.
- 3) Notwithstanding the submitted plans the development shall not be carried out other than in accordance with a scheme of landscaping which has first been submitted to and approved in writing by the local planning authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed and the materials to be used on the hard surfaced areas.
- 4) The approved landscaping scheme shall be carried out within 6 months of the date of occupation of the building or substantial completion of the development whichever is the sooner. Any trees, plants or grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, species and quality unless the local planning authority gives written approval to any variation.
- 5) The development shall not be carried out other than in accordance with details of all screen and boundary walls, fences or other means of enclosure which have first been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the enclosures have been erected in accordance with the approved details.
- 6) The development shall not be carried out other than in accordance with elevational details of the proposed car ports to plots 1 and 2, have first been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the car ports to each plot have been erected in accordance with the approved details.

- 7) Charging points for the charging of electric vehicles shall be provided for each of the approved dwellings. Prior to their provision, details of the charging points shall be submitted to and approved in writing by the Local Planning Authority. Each dwelling within the development shall not be occupied until the charging point for that dwelling has been provided in accordance with the approved details and is available for use. The charging points shall thereafter be retained (unless they are replaced with an upgraded charging point in which case that should be retained)..
- 8) No dwelling shall be occupied until refuse storage facilities have been provided in accordance with a scheme to be first submitted to and approved in writing by the local planning authority.
- 9) A scheme detailing the provision of bat and bird boxes to each dwelling hereby approved shall be submitted to and approved in writing by the local planning authority. Such details shall include the position and design of the bat and bird boxes within the development and the approved scheme shall be implemented in full before first occupation of the development.

EP2

Appeal Decision

Inquiry Held on 8 - 10 May 2019

Site visit made on 10 May 2019

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 19th June 2019

Appeal Ref: APP/T2350/W/19/3221189
Henthorn Road, Clitheroe BB7 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Limited against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0688, dated 7 August 2018, was refused by notice dated 11 January 2019.
 - The development proposed is the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road.
-

Decision

1. The appeal is allowed and outline planning permission with all detailed matters reserved except access is granted for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road at Henthorn Road, Clitheroe BB7 2QF in accordance with the terms of application Ref 3/2018/0688, dated 7 August 2018, subject to the attached schedule of conditions.

Application for costs

2. At the Inquiry an application for costs was made by Gladman Developments Limited against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with all matters reserved for future consideration with the exception of access. Only details of one vehicular access to the site are submitted so any other access to, and access within, the site remain a reserved matter. The site access details are shown on the plan 'Proposed Access Arrangements 1616/13/rev B' which along with the 'Site Location Plan 8439-L-04 rev A' are the plans that describe the proposal. An 'Illustrative Framework Plan 8439-L-02 rev C' was submitted for illustrative purposes only to demonstrate one way in which the site could be developed. I have had regard to this plan in the determination of this appeal.
4. At the Inquiry, the appellant submitted a S106 Unilateral Planning Obligation, signed and dated 10 May 2019, relating to the appeal development which would take effect should planning permission be granted. Amongst other

matters, the Planning Obligation provides for 30% of the total number of dwellings to be constructed as affordable units, 15% of the total number of dwellings to be of bungalow construction to be occupied by persons over the age of 55, the management arrangements for open space within the site and for contributions towards town centre cycling parking, travel plan, public transport and education provision. A Community Infrastructure Levy (CIL) Compliance Statement was submitted at the Inquiry by the Council. I have had regard to the provisions of the Planning Obligation in the consideration of this appeal and I shall return to this later in this decision.

5. Prior to the opening of the Inquiry, three Statements of Common Ground (SoCG) were submitted. These related to general planning matters ('Planning SoCG') and accessibility ('Accessibility SoCG'), both signed and dated 10 April 2019, and 5 year Housing Land Supply SoCG ('HLS SoCG') signed and dated 9 and 10 April 2019.
6. A further SoCG relating to the principle of development, signed and dated 2 May 2019, was submitted at the Inquiry ('Principle SoCG'). After the close of the Inquiry a further SoCG, signed and dated 16 May 2019, was submitted containing an updated and agreed list of suggested planning conditions.
7. The Inquiry was conducted on the basis of topic based round table discussions in relation to matters of accessibility and 5 year housing land supply. Matters relating to planning policy and the planning balance were considered by the formal presentation of evidence. Although not a matter contested by the Council, highway safety and the effect of the proposed development on the free flow of traffic was of considerable concern to local residents. This issue was dealt with at the Inquiry by a question and answer session with the concurrent involvement of the Appellant's witness dealing with highway matters and an officer from the highway authority. Both responded to related questions from local residents.

Main Issues

8. Having taken into account the evidence before me and from what I heard at the Inquiry, the main issues are:
 - Whether the proposed development would be appropriately located, having regard to planning policies that seek to manage the location of housing development.
 - Whether the Council can demonstrate a five year supply of land for housing.
 - Whether the proposal would be an accessible and sustainable form of development with particular regard to the accessibility of the site to services and facilities for future residents in terms of limiting the need to travel and offering a genuine choice of transport modes.

Reasons

Background and the proposal

9. The appeal site comprises an agricultural field off Henthorn Road with boundaries defined by mature hedgerow. It is located on the edge of, but outside, the settlement boundary of Clitheroe and as such is lies within the open countryside.

10. The north eastern boundary of the site adjoins a recently constructed residential development for 270 dwellings on land to the north of Henthorn Road which was granted planning permission on appeal (Ref APP/T2350/A/11/2161186)¹ which for the purposes of this decision letter I have referred to as the Blakewater Road development. To the south east, on the opposite side of the road, a further 130 dwellings are being constructed and is referred to as the Storey Homes site (Ref: 3/2015/0446). To the south west the boundary is shared with a detached residential property known as Siddows Hall, located within substantial grounds, and a field. To the north west is a field and a community park with the River Ribble beyond.
11. The submitted plans indicate that the site could accommodate a development of up to 110 dwellings with access provided off Henthorn Road in the vicinity of an existing field access gate. The submitted access arrangement plan (Ref 1616/13/rev B) shows that a 5.5m wide road would be provided at the access point/junction with Henthorn Road, with 2m wide footways either side. The eastern side footway would continue onto Henthorn Road up to the recently formed junction with Blakewater Road. The access arrangement plan also shows a section of Henthorn Road, between the site access and the above mentioned junction, would be widened to provide a 5.5m carriageway.
12. The submitted "Framework Plan" shows the broad location of where the dwellings could be sited within the site, with a landscape buffer provided along the site boundaries. This plan also shows the potential location of an on-site play area, an attenuation pond and a proposed footpath/cycleway that would run around the edges of the site and provide pedestrian access to the neighbouring Blakewater Road development and community park to the north.

Whether the proposed development would be appropriately located

13. 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. The Core Strategy 2008-2028 - A Local Plan for Ribble Valley (Core Strategy) was adopted in December 2014 and contains a number of key statements and policies relevant to the consideration of this appeal.
14. Core Strategy Key Statement DS1 sets out the settlement hierarchy strategy for the Borough. It seeks to guide development to the most appropriate locations through the identification of groupings of settlements in a hierarchy based upon existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area. In that context, Clitheroe is identified as one of three principal settlements which are the highest order settlements within the hierarchy where the majority of new housing development will be located.
15. The Core Strategy does not define an up-to-date settlement boundary for Clitheroe. Key Statement DS1 indicates that specific allocations will be made through the preparation of a separate Allocations Development Plan Document. Consequently, the settlement boundaries currently utilised by the policies of the Core Strategy are those defined by the proposals map of the preceding

¹ CD 4.10

- Ribble Valley Districtwide Local Plan. It is not a matter of dispute that the site is located outside of, but adjacent to, the existing settlement boundary of Clitheroe and therefore, lies within open countryside.
16. Part 1 of Policy DMG2 of the Core Strategy provides 'strategic considerations' for the location of development. It states that "development proposals in the principal settlements of Clitheroe, Longbridge and Whalley and the Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built up areas". Those quoted terms are defined in the Core Strategy glossary. 'Rounding Off' requires development to be within the settlement boundary. However, 'consolidation' is defined as locating development so that it adjoins the main built up area of a settlement. 'Expansion' allows for limited growth of a settlement.
 17. Conflict with Policy DMG2 is identified as a reason for the refusal of planning permission for the appeal scheme. However, during the Inquiry the Council accepted that the policy is permissive of development that adjoins the settlement boundary and confirmed that development outside the settlement limits of Clitheroe would not necessarily conflict with the provisions of this policy². In this respect, I have no other evidence to suggest that the proposed development would otherwise constitute the consolidation and expansion of the settlement within the context of Policy DMG2.
 18. Indeed, the Council confirmed that several developments outside of, but adjoining, the settlement boundary of Clitheroe had previously been permitted pursuant to the provisions of this policy. As such, the Council conceded that it would not be correct to conclude that the appeal scheme breaches Policy DMG2 and that the principle of residential development on the site would be appropriate.
 19. I have also taken into account the emerging Ribble Valley Housing and Economic Development - Development Plan Document (HED DPD) which has been subject to Examination in Public Hearing Sessions which closed on 23 January 2019. The Inspectors report is awaited.
 20. The HED DPD provides more detailed policy coverage of the key issues of the Core Strategy and includes allocations for residential development. However, this emerging plan does not propose the allocation of the appeal site for development. The Council's approach to settlement limits in the HED DPD is a flexible one as confirmed in the Main Modifications to the document³.
 21. Both main parties agreed at the Inquiry that the provisions of this emerging plan have little relevance to the consideration of the issues in this appeal. Although this HED DPD has reached an advanced stage in the plan making process, and therefore should be afforded moderate weight, other than confirming flexibility in settlement boundaries its content has not been referred to or relied upon in the provision of any evidence in this appeal from any parties. Furthermore, I have been provided with little information as to any other content or relevance that this emerging plan may have in the determination of this appeal.

² Paragraphs 2,5 and 6.13 Mr Plowman's proof of evidence

³ CD 7.04, page 3, section 1, fifth paragraph

22. The 'Principle SoCG' states that the sole area of disagreement between main parties as to whether the appeal proposal accords with the development plan is in relation to accessibility of the appeal site. It further states that if it is found that the appeal scheme is accessible then the proposal accords with the development plan and should be approved without delay as per Key Statement DS2 of the Core Strategy which sets out a presumption in favour of sustainable development.
23. Subject to the consideration of accessibility and sustainability matters, which are dealt with later in this decision, there is agreement between the main parties that the proposed development would be appropriately located and that there would be no conflict with Policy DMG2 of the Core Strategy. I have no other evidence or reasons to disagree with this view.

Five year housing land supply

24. The Appellant contends that the Council cannot demonstrate a 5 year Housing Land Supply (HLS) and therefore considers that the provisions of Paragraph 11 of National Planning Policy Framework (the Framework) is applicable in the determination of this appeal
25. Paragraph 11d of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 7 of the revised Framework advises that policies which may be considered to be out-of-date in relation to applications involving the provision of housing include situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).
26. Therefore, in relation to this proposal, should I find that a 5 year HLS cannot be demonstrated, and that I also find that the appeal scheme is not accessible, then a conclusion would need to be reached whether the harm significantly and demonstrably outweighed the benefits of the appeal scheme. Therefore, to conclude on the main issues in this appeal, as identified above, it is necessary to consider the 5 year HLS position in Ribble Valley.
27. The housing requirement set out in Key Statement H1 of the Core Strategy indicates that land for residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of at least 280 dwellings per year over the plan period 2008 to 2028. The Council's latest position on 5 year HLS is set out in the Housing Land Availability Statement dated 30 September 2018⁴ (HLAS). The base date for the HLAS is 30 September 2018 and the document identifies housing delivery over each of the subsequent 5 years. The deliverable supply set out in the HLAS does not include any of the proposed allocations in the HED DPD.
28. Following the publication of the Housing Delivery Test for 2018, both main parties agree that a 5% buffer should be applied to the housing requirement. Taking into account previous years delivery shortfalls, the Council's latest

⁴ CD 5.02

updated housing land supply position presented at the Inquiry⁵ is identified as 5.75 years. This comprises of an identified five year supply of 2,385 dwellings with an agreed annual requirement of 415 dwellings.

29. The appellant disputes the above figure and considers that the Council can only demonstrate 4.86 years HLS. The primary reasons for this difference from the Council's position is that the appellant contends that the Council's calculations on lead-in-times to commence development and build-out-rates on five sites included in the September 2018 Housing Land Availability Statement (HLAS) are overly optimistic. In particular, that the Council has failed to consider comparable sites to determine lead-in-times and build-out-rates and instead has relied on SoCG's and discussions with house builders regarding their anticipated house building start dates and build rates. The five disputed sites are considered below.
30. *Higher Standen Farm* – This site has outline planning permission for 1,040 dwellings. Phase 1, which has detailed consent for 228 dwellings, commenced development in September 2017 and is under construction by a single developer. As at 31 March 2019, 45 dwellings had been completed. The Council referred to a SoCG with the housebuilder which indicates an intention to complete 50 dwellings from Phase 1 by 30 September 2019 (Year 1), 50 by 2020 (Year 2), 48 by 2021 (Year 3), 45 by 2022 (Year 4) and 13 by 2023 (Year 5). Phase 2 is expected to produce 20 dwellings by Year 3, 40 by Year 4 and 40 by Year 5. The Council indicates that the housebuilder's business plan provides for 65 dwelling completions per annum.⁵ The appellant considers these delivery rates to be too optimistic as experience of the housebuilder's other site in the Borough is delivering 29 dwellings per annum. Other large sites in the area are delivering 30 dwellings per annum. Notwithstanding the SoCG with the housebuilder, the delivery of 65 dwelling per annum appears overly optimistic when compared with delivery rates on most other single developer site within the Borough. I have taken into account the fact that the 'Monks Cross' site has achieved delivery of approximately 50 dwellings per annum by a single developer and in taking a pragmatic approach, whilst recognising the housebuilders business objectives, I consider that a lower delivery rate of 35 dwellings to be more reasonable and the contribution from this site is more likely to be around 175 dwellings in the five year period to 2023. As such, 133 dwellings should be removed from the 5 year supply
31. *Chipping Lane, Longbridge* – This site has permission for 311 dwellings with the first dwelling completed in November 2018. This is also a single developer site. A SoCG with the housebuilder indicates the delivery of 246 dwellings by 30 September 2023⁵. For the same reasons as identified with the site above, the delivery rates for this site also appear to be overly optimistic. The identified delivery of 20 dwellings in Year 1 is agreed between the main parties but thereafter I consider that 35 dwellings per annum is likely to be more realistic and the contribution from the site likely to be around 160 dwellings in the 5 year period. Therefore, 86 dwellings should be removed from the 5 year supply identified in the identified in updated housing land supply position.
32. *Land south-west of Barrow and west of Whalley Road* – This site has outline planning permission for 504 dwellings. Phase 1 (183 dwellings) is under

⁵ Inquiry Document 1 - Updated 5 year housing supply table and Scott Schedule

construction. A reserved matters planning application for 233 dwellings on Phase 2 has been submitted by another housebuilder. The Council indicate that permission for Phase 2 would be expected to be granted by July 2019. The appellant does not dispute the Council's expected delivery rates but considers that the lead-in time to be optimistic and that delivery should commence in 2020/21 as opposed to the Council's view that delivery will commence in 2019/20. The Council referred to an email⁶ from the housebuilder which suggests that 20 units could be completed by 2020 (as opposed to 30 by 2020 in the HLAS). The appellant considers that average lead-in times in the area are around 16.25 months and as such completions could not be expected until 2021. I agree with the appellant that the delivery of 30 dwellings by 2020 is optimistic. However, the prospective housebuilder on this site has a track record of delivery in the Borough and, on the basis of the evidence before me, I consider that it would be unreasonable to suggest that no dwellings would be constructed in Year 2. Therefore, I consider that the housebuilder's suggestion that 20 dwellings would be constructed in Year 2 would not be unreasonable. Therefore 10 dwellings should be deducted from the five year supply.

33. *Land off Waddington Road* – This site has planning permission for 208 dwellings. The anticipated delivery rates are not disputed. However, both main parties agree that the lead-in period would mean that it is unlikely that 30 dwellings would be delivered in Year 2, as identified in the HLAS. Delivery of these 30 dwellings is unlikely to occur until Year 3 with an annual supply of 50 dwellings from this site thereafter. Therefore, I agree that 50 dwellings should be deducted from the five year supply.
34. *Land off Henthorn Road* – This site lies to the south east of the appeal site and has outline planning permission for 24 dwellings. A SoCG identifies that 12 dwellings are intended to be delivered in each of the Years 2 and 3. This trajectory is included in the HLAS. The appellant considers that this site does not meet the test of "deliverable" as set out in paragraph 74 of the Framework and Paragraph 3-036 of the Planning Practice Guidance (PPG). This is on the basis that the SOCG has been agreed with the site promoter and there is no 'site developer' who can commit to the trajectory for this site. The Council indicate that it would not be unreasonable to suggest that 12 dwellings would be provided in Years 4 and 5 particularly as the site promoter has indicated developer interest and that the site access is to be provided through the Storey Homes site that is currently under construction thereby minimising the some of the initial infrastructure requirements. On the basis of the evidence provided by the Council, I consider that it would be unreasonable to agree with the appellant's suggestion that there would be no delivery from this site during the five year HLAS period. In my view, the Council's suggested revised delivery of 12 dwellings in Years 4 and 5 would not be an unreasonable approach to take at this stage. Therefore, there should be no deduction from the 5 year supply.
35. Discussions during the Inquiry resulted in the Council changing its approach regarding the contribution that small sites (less than 10 dwellings or less than 0.4 hectares) and windfall allowance would make to the five year supply. At the round table discussion the Council agreed that 297 dwellings should be used as the figure for small sites with planning permission and small windfall sites and not 378 as originally identified. This was on the basis that a number

⁶ Inquiry document 5

of completed dwellings identified by the Council were on sites larger than 0.4 hectares. The Council's revised approach is reasonable and has been reflected in the updated housing land supply position presented at the Inquiry⁷.

36. The appellant also considers that the Council should have taken into account the Inspector's findings in the 'Woolpit' appeal decision⁸ and considers that the Council's approach to validate the HLAS by seeking statements of common ground with developers/promoters to justify its delivery predictions after its publication is erroneous. The appellant considers that the Council's approach places doubt on the validity of the content of the HLAS.
37. However, I consider that there are material differences between the circumstance in that appeal regarding housing land supply and those in this case. In particular, in the Woolpit case the Inspector indicated that the five year housing land supply calculation undertaken by the Council was, in effect, guesswork, which the Council subsequently sought to validate. The Inspector criticised the Council for failing to engage with developers/promoters. In the appeal case before me there is some evidence of engagement with promoters and developers prior to the HLAS and the subsequent post November 2018 contact and statements of common ground simply seek to discover the current position regarding delivery on the ground and future intentions. This is a reasonable sense check to undertake. Consequently, I do not consider that the 'Woolpit' decision has any material bearing on the consideration of the issues in this case.
38. I accept that there is a degree of subjectivity in the data on lead-in times and building rates provided by housebuilders. Equally, there is some subjectivity in the use of comparable information. However, in taking a pragmatic approach with regard to the disputed sites, and on the basis of the evidence before me, I consider that the Council's housing land supply should be reduced by 279 dwellings in total during the five year period from that shown on the updated five year housing supply table from 1 October 2018 to 30 September 2023. The number of dwellings should therefore be reduced to 2106. As a consequence, I find that the deliverable housing land supply demonstrated is 5.07 years (2106 divided by the agreed annual requirement of 415 dwellings per annum).
39. For the above reasons, I find that the Council can demonstrate a 5 year HLS. Consequently, the Council's policies for the supply of housing as set out in the Core Strategy remain up to date and the tilted balance as set out in paragraph 11d of the Framework is not engaged.

Accessibility and Sustainability

40. The reasons for the refusal of planning permission refer to a conflict with Policy DMG3 of the Core Strategy. However, the Council confirmed that this is not a prescriptive policy but simply identifies matters that will carry considerable weight in decision-making.
41. In particular, Policy DMG3 identifies that considerable weight will be attached to the availability and adequacy of public transport, and associated

⁷ Inquiry Document 1 - Updated 5 year housing supply figure and Scott Schedule

⁸ Appeal Ref APP/W3520/W/18/3194926 – CD4.03

infrastructure to serve those moving to and from the development. Amongst other matters, it identifies that such weight will be applied to the relationship of the site to the primary route network; the extent to which provision is made for access to the development by pedestrian facilities, cyclists and those with reduced mobility; proposals which promote development within existing developed areas or extensions to them at locations which are highly accessible by means other than the private car; proposals which locate development in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities.

42. Both main parties identified that the most important Core Strategy policy consideration regarding the accessibility of the proposed development is Key Statement DMI2. This key statement, amongst other matters, identifies that development should minimise the need to travel and should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need to travel by car. It further states that, in general, schemes offering opportunities for more sustainable means of transport and suitable travel improvements will be supported.
43. The reasons for refusal of outline planning permission identified that "due to the site's location, with a lack of cycling or suitable pedestrian access to the town centre, future residents will be wholly reliant on the car". At the Inquiry the Council provided no substantive evidence regarding the alleged inadequacy of cycling opportunity into the town centre. Moreover, the Council accepted that access to the town centre by cycling was adequate and that there were no concerns regarding the qualitative aspects of available routes. I have no reasons to disagree with this view.
44. Concerns were expressed by the Council regarding the lack of facilities within the town centre for cycling parking. However, the submitted planning obligation provides a financial contribution of £10,000 towards the cost of such facilities. Taking these factors into account I do not consider that there are any substantive reasons to suggest that there would be any material lack of cycling access to the town centre.
45. At the Inquiry it was agreed that accessibility concerns were only in respect of the walking distance into the town centre and the availability of public transport to serve the proposed development. In this context, as outlined above, Key Statement DSI2 of the Core Strategy was agreed as being the principal policy consideration regarding this issue.
46. The appeal site is located at the extreme edge of the urban area and approximately 2km from the town centre and Clitheroe Railway Station. The 'Accessibility SoCG' confirms that within approximately 1km of the site is a convenience store (McColls) on Henthorn Road, the Edisford Primary School and bus stops on Henthorn Road, Blakewater Road/Lune Road and Garnett Road.
47. The Illustrative Framework Plan (Ref 8439-L-02 rev C), shows pedestrian access to the Blakewater Road development to the north east and to the community park to the north from which access can be gained to the Leisure Centre, Swimming Pool and Spar convenience store on Edisford Road. In my view, all of these facilities are within an easy walk from the appeal site.

48. The proposed site access arrangements show that a 2m width footway would be formed on both sides of the junction with Henthorn Road and continue to the north east to meet the existing footway network along Henthorn Road. The appellant provided evidence of a variety of footway widths in the vicinity of the appeal site and leading to the town centre⁹. The submitted evidence shows that existing footway widths are consistently between approximately 1.7m to 2.2m along the northern side of Henthorn Road leading up to the town centre and benefit from an acceptable surface and street lighting. These widths were not disputed by the Council. Although there may be localised street furniture and other minor impediments that may cause reductions in width, overall I consider that the footway infrastructure in the vicinity of the site to be adequate for the range of users including those persons requiring the use of mobility equipment.
49. There is some dispute between the main parties regarding the application of relevant guidance regarding journeys undertaken on foot. The appellant identified the National Travel Survey 2017¹⁰ which indicates that 81% of trips under 1 mile (1.6KM) are made by foot. Both parties refer to the CIHT document 'Guidelines for Providing for Journeys on Foot'¹¹ which indicates that the preferred maximum distance to walk to town centres, commuting/school and journeys elsewhere is 800m, 2,000m and 1,200m respectively.
50. Reference was also made to the Manual for Streets¹² (MfS) which identifies that 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas in which residents may access comfortably on foot'. However, paragraph 4.4.1 of MfS identifies that this is not an upper limit and further adds that walking offers the greatest potential to replace short car trips, particularly those under 2km.
51. The Council considers that basic facilities are beyond acceptable walking distances as indicated in the CIHT Guidelines. In the Council's view, the appeal proposal does not meet an acceptable standard of accessibility. This view is also supported by local residents and interested parties.
52. In my view a degree of realism needs to be applied to the distances in the guidance and the locational circumstance of the appeal site. It is clear that there are a range of facilities within an easy walk of the site. Although the town centre is 2,000m away, the routes to it are relatively direct on good footway infrastructure. The walk from the appeal site to the town centre, which I undertook at the site visit, was neither unduly lengthy nor strenuous. I consider that some residents are likely to walk into the town centre as a matter of choice.
53. Although Henthorn Road is relatively straight and level, I recognise that local topography on the close approach to the town centre has, in parts, moderate gradients. However, this is common to residents wherever they live in Clitheroe and is no more or less a deterrent to walking for residents of the appeal site than is typical for existing residents.

⁹ Figure 2 and page 18 Mr Helme's proof of evidence

¹⁰ CD 10.02 and Appendix E Mr Helme's proof of evidence

¹¹ Chartered Institute of Highways and Transportation - CD 10.06 and Appendix G Mr Helme's proof of evidence

¹² CD 10.01

54. Furthermore, there is little material difference in the walking distances to the town centre and those nearer facilities for the prospective residents of the appeal site and those of the Blakewater Road development to the north west, that was granted on appeal, and the Storey Homes development currently under construction to the south east. The residents of these developments would predominantly use the same routes to facilities and the town centre as those walking from the appeal site.
55. Taking the above factors into account, I consider that the proposed development would be adequately accessible to local facilities and the town centre by means of walking.
56. With regard to public transport, there is a relatively frequent bus service operating near to the appeal site. Service No 2 calls at a stop approximately 325m from the appeal site¹³ on Lune Road/Blakewater Road and functions as a town circular service including a stop close to Clitheroe Railway Station. Other stops are within easy walking distance on Garnett Road and Henthorn Road. This service runs at half hourly intervals between 07.27 hours and 18.27 hours Monday to Saturday.
57. The No 2 service is currently assisted by a financial contribution, secured through a planning obligation attached to the permission for the Blakewater Road development, which is paid annually until December 2021. Thereafter, the Council indicate that the service may revert to a hourly frequency or cease to operate if there were to be insufficient patronage.
58. The submitted planning obligation in respect of this appeal would provide for a financial contribution of £40,000 per annum over a period of 5 years to enable the continuation of the current frequency of the No 2 service until 2026. The appeal proposal also has the potential to generate additional patronage and establish public transport 'habits' that could enable the service to be sustained on a commercial basis beyond 2026.
59. There is a school bus service (Service No 686) which calls within 800m of the appeal site at bus stops on Garnett Road and provides a service to Bowland County High School on school days only. There are also school bus services which call at stops within 1200m of the appeal site on Edisford Road (Service Nos 510 and 645) and provide a service to Clitheroe Royal Grammar School, Bowland County High School and Ribblesdale High School. In my view, there is an acceptable degree of public transport service provision in the vicinity of the appeal site.
60. The Council and local residents consider that the bus stop on Lune Road/Blakewater Road for the No 2 service to be inadequate and that the planning obligation for the Blakewater Road development envisaged that a 'Quality Bus Stop' should have been provided. However, I have no evidence to suggest that there is any breach of the planning obligation attached to the permission for that development in terms of the bus stop provision that has been made. The fact remains that the bus stop is there and is operational.
61. In addition, the Council and local residents expressed concerns that the No 2 bus service timetable is not compatible with some working hours of those

¹³ Appendix 1 Accessibility SoCG

residents on shift patterns or those who may wish to travel beyond Clitheroe by public transport. Whilst this may be the case, a degree of realism also needs to apply here. I accept that some residents of the proposed development would need to use the private car to access employment opportunities. Nevertheless, the No 2 service does operate during typical workplace start and finish times and offers some genuine opportunity for the use of public transport to be made to access employment.

62. In the response to the consultation on the planning application, the highway authority identified that accessibility to public transport for the proposed development is good.¹⁴ Furthermore, the Travel Plan submitted with the planning application¹⁵ identifies a range of measures to promote the use of alternative transport modes other than the private car for which the submitted planning obligation provides for a financial contribution of £6,000 towards the cost of implementing the measures identified in the Travel Plan. An appropriate planning condition could secure the implementation of the recommendations made in the Travel Plan.
63. Taking the above factors into account, I consider that the proposal would be located on an accessible site and that prospective residents would have the opportunity to undertake walk, cycle and public transport trips. Consequently, there is no basis to support the Council's assertion that there is inadequate accessibility by non-car modes of transport.
64. Accessibility is a contributory element of sustainable development. The appeal site would be an extension to the existing settlement of Clitheroe in a location where the Core Strategy identifies that growth would be expected to be directed. Notwithstanding the Council's concerns at the accessibility of the appeal site, it accepts that the site could be appropriately developed for housing purposes and would not conflict with the policies in the Core Strategy in respect of its location within the countryside but adjoining the settlement. In particular, there would be no conflict with Policy DMG2.
65. There are many other components of sustainability other than accessibility. Notably these include the contribution to boost the supply of housing generally; the provision of affordable housing; providing for economic development through the construction period and subsequent engagement of the prospective occupants in the local economy; and providing for social and community cohesion by supporting local facilities and access to recreation. These aspects of the proposed development are uncontested by the Council and are consistent with the concept of sustainability.
66. Other than accessibility issues, no other substantive evidence was provided by the Council to suggest that the proposal constituted unsustainable development or was any more unsustainable than the adjoining developments to the north east and south east. On the basis of my findings above, the proposal would constitute an accessible and sustainable form of development. As such there would be no conflict with Key Statements DS2 and DMI2 and Policy DMG3 of the Core Strategy.

¹⁴ CD 3.07

¹⁵ CD 1.08

Other Matters

Highway and pedestrian safety

67. The effect of the proposal on highway and pedestrian safety is not a matter contested by the Council. The Framework advises in paragraph 109 that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Lancashire County Council, in its capacity as highway authority, is satisfied that the safe access on to Henthorn Road can be made from the site and that the additional traffic arising from the proposed development can be accommodated on Henthorn Road and the surrounding highway network without causing a severe impact.
68. Although the Council did not contest this matter, it was of considerable concern to local residents. At the Inquiry the appellant's witness dealing with highway safety matters and an officer from the highway authority participated in a question and answer session which enabled local residents to ask questions regarding, amongst other things, the safety of the proposed access junction, the capacity of the local highway network, the safety of junction of Henthorn Road with Thorn Road and the effect of the railway level crossing on Thorn Road on queue lengths and pedestrian safety.
69. The submitted evidence and answers to questions at the Inquiry confirms that the site access arrangements would meet the appropriate standards for visibility. Although concerns were raised at the design of the existing recently formed junction of Henthorn Road with Blackwater Road, both the Appellant and the highway authority confirmed that its design was acceptable in safety and visibility terms and that a swept path analysis demonstrated that it was adequate for use by HGV's.
70. Baseline traffic counts were undertaken of existing vehicular flows and speeds on Henthorn Road and an assessment of the likely traffic that would be generated by the proposed development was modelled. This modelling included the likely traffic to be generated from recently completed residential developments in the vicinity of the site and committed schemes. In addition, the modelling took into account traffic generation in the years 2023 (the assumed date of the completion of the development) and 2028. Growth factors were also applied using the National Transport Model (NTM).
71. It is clear from the evidence provided and the responses to questions that the local highway network has the capacity to accommodate the predicted traffic that would be generated from the proposed development. There is no evidence to suggest that the residual cumulative impacts on the road network would be severe.
72. The Transport Assessment also considered the effect of the predicted traffic generation on the safety and capacity of twelve junctions in the vicinity of the site that would likely be used by traffic arising from the proposed development. Both the highway authority and the appellant's witness agreed that it is common practice to undertake a detailed assessment of the performance of a junction where development is predicted to increase traffic by more than 30 vehicles. Three of the twelve junctions considered are predicted to receive an increase of 30 vehicles or more.

73. Of these three, the junction that is of primary concern to local residents is the junction of Henthorn Road with Thorn Street which operates as a priority controlled junction. The results of modelling, which were not disputed by the highway authority, indicates that the junction would operate in an acceptable manner in the year 2023. By 2028 the model indicates that the Thorn Street arm may experience some reduction in performance at peak PM hours as the proposed development may add 5 vehicles to the Thorn Street (east) queue with an associated increase in operating delay of 34 seconds. However, the highway authority confirmed that this does not lead to a deterioration in performance of the junction that could be described as severe.
74. The other junctions that were considered in the modelling were Greenacre Street/Woone Lane/Eshton Terrace and Whalley Road/Greenacre Street. The model demonstrates that the traffic impact of the proposed development on these junctions in the years 2023 and 2028 would be acceptable.
75. Consideration was also given to the impact of the level crossing on queue lengths and the operation of the Henthorn Road/Thorn Street junction. Whilst it is clear that queues build up during the closure of the barriers, my observations and the views of the highway authority confirm that these quickly clear once the crossing is reopened. I have no demonstrable evidence before me to suggest that the predicted traffic generation for the development would have a severe effect on the operation of the Henthorn Road/Thorn Street junction.
76. I have also considered the evidence provided by Ribble Valley Rail and Mr Burke regarding the potential for increased rail services using the level crossing in the future. Whilst I recognise the local desire to increase rail service provision serving Clitheroe, no substantive evidence was available at the Inquiry to confirm if, and when, such increase in rail traffic may occur. Consequently, I have attached no weight to this matter in my consideration of the highway and traffic implications of the appeal proposal.
77. With regard to pedestrian safety, as outlined above, the proposed site access arrangement show that a 2m width footway would be formed on both sides of the junction with Henthorn Road and continue to the north east to meet the existing footway network along Henthorn Road. The submitted evidence shows that existing footway widths are consistently between approximately 1.7m to 2.2m along the northern side of Henthorn Road and benefit from an acceptable surface and street lighting. Given the relatively straight alignment of Henthorn Road the footway provides good frontage surveillance.
78. Taking the above factors into account, and the lack of any other contrary evidence, I have no reason to suggest that the proposed and existing footway network would be inadequate to cope with pedestrian flows arising from the proposed development or would give rise to circumstances that would be detrimental to the interests of pedestrian safety.
79. I recognise that there is a genuinely held perception that the proposed development would give rise to highway safety problems and that the highway network may be unable to cope with the increase in traffic that would result. However, based on the evidence before me, the discussions at the Inquiry and my observations of the site and its surroundings at different times of the day, I have no reason to take a different view to those of the highway authority. In addition, I do not see any reason to doubt the validity of the submitted Transport Assessment and Highways evidence. Consequently, I do not

consider that the proposed development would be detrimental to highway safety or pedestrian safety or the free flow of traffic on the local highway network.

Ecology

80. The effect of the proposal on ecological interests is also not a matter contested by the Council but is of concern to local residents. An Ecological Appraisal was submitted with the planning application and was further supplemented in the Inquiry by a further evaluation statement in response to resident's concerns.
81. Both submitted documents identify the site as comprising largely of poor semi-improved grassland, of low nature conservation value, with a small section of moderately species rich grassland in south eastern corner. The latter is of local importance only, given its small area. The illustrative development framework shows that the site can be developed for up to 110 dwellings whilst retaining this area.
82. Other than foraging bats, no other protected species were identified on the site. The perimeter hedgerows have the potential to provide bird nesting opportunities. The Illustrative Framework Plan indicates that hedgerow loss could be confined to the creation of a small gap in the north east of the site to facilitate a potential pedestrian access to the adjoining residential development and minor loss in the vicinity of the existing field access gate which would form the site access position. As such, hedgerow loss could be small and the appraisals confirm that proposed planting would more than compensate for these losses in the long term.
83. In terms of the impact on bats, two trees were identified as having moderate potential for roosting but the level of bat activity recorded is defined as being fairly unexceptional during the spring, summer and autumn surveys that were undertaken.
84. To minimise the potential impacts on foraging birds and bats, the development framework shows that a scheme could be designed which provides for the retention of all areas of higher value habitat resource with the built development proposals being confined to the areas of semi-improved grassland which is considered sub-optimal for foraging bats. As such, all trees, the majority of the hedgerows and the moderate species rich grassland could be retained and buffered within the proposed greenspace.
85. As part of the detailed development design, the Ecological Appraisals, amongst other matters, recommend an appropriate lighting scheme to ensure that any lighting is directed away from likely bat foraging areas. Additional enhancements include the provision of bat and bird nesting boxes on retained trees and potentially within the external elements of the dwellings. These requirements can be secured by suitable planning conditions at reserved matters stage.
86. Overall, the Ecological Appraisals confirm that the proposed development need not cause a negative impact on protected species and habitats in the long term. Based on the evidence before me, I have no reason to take a different view. Consequently, I find that that the proposed development need not have an adverse impact upon ecological interests.

Education and medical facilities

87. Many interested parties have raised concerns regarding the ability of local education and health facilities to cope with the likely demand that would be generated by the prospective occupiers of the development. It is not contested by the Council that the development would have a harmful effect on these facilities and no objections were raised, subject to the provisions of financial contributions to education provisions, by Lancashire County Council in its capacity as education authority.
88. The appellant has provided a planning obligation which, amongst other matters, provides for financial contributions towards educational provision based upon the County Council's formulae in respect of need anticipated to be generated from the future occupiers of the proposed development.
89. With regard to health care the nearest facilities to the appeal site are the Pendleside Medical Practice and the Castle Medical Group which are located at the Health Centre within Clitheroe Town Centre. Whilst I recognise local residents concerns regarding the existing access to health care services, there is no substantive evidence before me to suggest that health care facilities cannot accommodate the likely increased demand that would occur as a consequence of the proposed development.
90. As such, there is no evidence before me from education and health care service providers to indicate that the proposal should be resisted because of the likely impact on these services. Thus, I have no justifiable reasons for withholding permission because of the concerns raised.

Other appeal decisions

91. The appellant has referred to many appeal decisions which have been provided to support their case. However, it is rarely the case that appeal decisions on other sites will bring to light parallel situations and material considerations which are so similar as to provide justification for a decision one way or another. My decision is based squarely on the evidence before me. For that reason, I do not consider that appeal decisions brought to my attention have a determinative influence on my consideration of the appeal case.

Planning Obligation

92. The S106 Unilateral Planning Obligation (the Obligation) includes provision for 30% of the total number of dwellings to be constructed within the development as Affordable Housing Units and 15% of the total number of dwellings to be of bungalow construction for occupation by persons aged over 55 years, with half of these to be Affordable Housing Units. In this respect, the Obligation is in line with paragraphs 62 and 64 of the Framework and Policy H3 of the Core Strategy.
93. The Obligation would also make the following contributions towards improving local infrastructure that would serve the development: an off-site leisure contribution to be paid prior to the occupation of 75% of the dwelling units and calculated in accordance with the formula set out in Schedule 2; education contributions in respect of primary and secondary school places calculated in accordance with the methodology and triggers as set out in Schedule 3; a public transport contribution paid in 5 annual tranches of £40,000 with the first payment made prior to the first occupation of any dwelling; a town centre

contribution of £10,000 towards the cost of providing cycle storage facilities at Clitheroe Town Centre to be paid made prior to the first occupation of any dwelling and a Travel Plan Support Contribution of £6,000 to be paid prior to the first occupation of any dwelling.

94. The obligation also provides for the specification and management arrangements for the proposed open space within the site and the Sustainable Urban Drainage Scheme.
95. It is not contested by the Council that the development would have a harmful effect on existing infrastructure, subject to the provisions of the planning obligation. Furthermore, there is no substantive evidence before me which would indicate that the available services and facilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require the provisions of the planning obligation.
96. At the Inquiry the Council submitted a CIL Compliance Statement. This confirms that none of the obligations would conflict with Regulation 123 requiring that no more than five contributions are pooled towards any one specific infrastructure scheme.
97. Having regard to the above, and based on the evidence before me, I am satisfied that all of the provisions set out in the obligation are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests as set out within paragraph 52 of the Framework and CIL Regulations 122 and 123. I am satisfied with the form, drafting and content of the obligation and therefore I have attached weight to the provisions contained therein in this decision.

Conditions

98. The agreed and signed SoCG dated 16 May 2019 proposes a number of planning conditions, including a number of pre-commencement conditions, which I have considered against the advice given in paragraph 55 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the Government's Planning Practice Guidance. Where necessary I have deleted, altered or amended them in the interests of necessity, precision, conciseness or enforceability.
99. I have attached conditions limiting the life of the planning permission and setting out the requirements for the submission of reserved matters. In this respect both main parties agreed that the time period for the submission of reserved matters applications should be 18 months from the date of this permission in line with the appellant's anticipated programme of implementation.
100. I have specified the approved access plan and location plan in the interests of certainty. I have also attached a condition limiting the development to 110 dwellings. This is necessary as the technical assessments accompanying the planning application have assessed the impact of the proposal on the basis of a maximum 110 dwelling scheme.
101. Both parties suggested a condition requiring that the submission of the reserved matters shall be generally in accordance with the design parameters set out in the Design and Access Statement (August 2016) and the Illustrative

Framework Plan (8439-L-02 rev C). However, alternative and acceptable layout and design parameters may come forward at reserved matters stage that are different to those shown on the aforementioned statement and plan. Therefore, the imposition of the suggested condition at this stage would be unnecessary.

102. In the interests of protecting the character and appearance of the area, a condition is necessary requiring details and verification of finished floor levels. In order to ensure that appropriate provision is made for a children's play, a condition is necessary requiring the submission of details of an equipped play area and its subsequent implementation.
103. In order to ensure that the surface water arising from the proposed development can be appropriately drained and does not either cause off-site flood risk or is affected by flooding, a condition is necessary requiring the submission of details of the proposed drainage scheme and measures to ensure that the construction of the development accords with the submitted Flood Risk Assessment (Ref: SHF.1132.159.HY.R.001.A).
104. Both parties suggested a condition requiring the submission of details of a proposed attenuation pond. However, until the drainage details are designed and approved it is not certain at this stage whether such pond would be required. However, I have amalgamated parts of the suggested condition into the condition requiring the submission of details of the drainage scheme referred to above (condition 7).
105. A condition requiring an investigation and the recording of the potential archaeological interest on the site is necessary in order to ensure that any archaeological interest is recorded or safeguarded. A condition requiring a site investigation of the nature and extent of any contamination affecting the site, along with any requisite remediation, is also necessary to safeguard the health and well being of future occupiers.
106. Conditions are necessary requiring the submission of an Arboricultural Report containing measures to identify and protect retained trees and to ensure that any vegetation, hedgerow or trees proposed to be removed are free from nesting birds. These conditions are necessary in the interests of protecting the character and appearance of the surrounding area and to ensure that any tree or hedge removal has no detrimental effect on nesting birds.
107. Both main parties have suggested the imposition of a condition requiring the implementation of ecological mitigation measure. However, such measures are relevant to the details of landscaping of the site which remains a reserved matter. Consequently, the suggested condition is unnecessary at this stage. However, in the interests of protecting the character and appearance of the area and, where possible, enhancing the ecological value of the site, conditions are necessary requiring the submission of a landscape/habit management plan and the provision for bird boxes and artificial bat roosting sites.
108. A condition requiring an external lighting scheme is also necessary to minimise the effect of artificial light on local species and in the interests of protecting the living conditions of existing nearby residents and the future occupants of the development.

109. To promote sustainable modes of transport and reduce the need for travel by car, conditions are necessary to secure the implementation of the Travel Plan and the provision of electric vehicle charging points. The submission and approval of a Construction Management Plan is necessary to safeguard the living conditions of local residents and in the interests of highway safety.
110. Also in the interests of highway safety, conditions are necessary requiring the design details and early provision of the site access. Both main parties suggested the imposition of a condition requiring the submission of the details and implementation programme for the provision of the estate roads. However, as access within the site remains a reserved matter such condition is not necessary.

Conclusion

111. I have found that the Council can demonstrate a 5 year supply of land for housing and such the tilted planning balance as set out in paragraph 11d of the Framework does not apply. I concur with the main parties views that Key Statement DMI2 and Policy DMG3 of the Core Strategy are the remaining policies applicable to the reason for refusal. I also concur that, in accordance with the 'Principle SoCG', if the appeal scheme is found to be accessible then it should be approved without delay as per Key Statement DS2 of the Core Strategy and paragraph 11c of the Framework.
112. As explained above, I have found that the appeal scheme is accessible and therefore there is no conflict with Key Statement DMI2 and Policy DMG3. There are no other considerations of such weight as to warrant a decision other than in accordance with the aforementioned development plan policies and the Framework. Consequently, for the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

David Manly QC	of Queens Counsel instructed by Ribble Valley Borough Council
He called	
Rachel Horton BSc (Hons), MA	Senior Planning Policy Officer, Ribble Valley Borough Council
Simon Plowman BA (Hons), BTP, MA, MRTPI	Plan:8 Town Planning Limited

FOR THE APPELLANT

Martin Carter	of Counsel instructed by Gladman Developments Limited
He called	
Ben Pycroft BA (Hons), Dip TP, MRTPI	Emery Planning
Simon Helme BEng (Hons), MSc MCIHT	Ashley Helme Associates Limited
Neil Lewis BSc (Hons), MCD, MRTPI	Gladman Developments Limited

FOR LANCASHIRE COUNTY COUNCIL (Highway Issues Question and Answer Session)	Ray Bennett
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INTERESTED PARTIES

Steven Burke Dip.Arch (Oxf'd)	Chairman, Clitheroe Civic Society
Dr W J David McKinlay MBE, MRCP, FRCGP	Retired GP and Local Resident
John Roberts	Local Resident
Maureen Fenton	Local Resident
Linda Parkinson	Local Resident
Barbara Alty	Local Resident
Judith Driver	Local Resident
Stuart Roberts	Local Resident
Jenny Roberts	Local Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Updated 5 Year Housing Land Supply table and Scott Schedule.
- 2 Opening Submissions on behalf of the Appellant.
- 3 Opening Submissions on behalf of the Council.
- 4 Email from Gary Hull to Council dated 6 May 2019 regarding weed infestation and deposit of material on land adjoining Siddows Hall.
- 5 Email from Taylor Wimpey to Council dated 20 April 2019 identifying anticipated housing delivery rates on the Barrow site.
- 6 Paragraph from Dr McKinlay's intended transcript relating to school capacity.
- 7 Statement of Common Ground dated 2 May 2019 relating to the principle of development.
- 8 Planning Obligation by Deed of Undertaking dated 10 May 2019.
- 9 Updated CIL Compliance Statement.
- 10 Application for a full and partial award of costs submitted on behalf of Appellant.
- 11 Closing submissions of behalf of Council.
- 12 Transcript of Statement read by Steven Burke.
- 13 Letter from Mr David Butterworth, Ribble Valley Rail referred to in the Transcript of Statement read by Steven Burke.
- 14 Transcript of Statement read by Dr McKinlay.
- 15 Transcript of Statement read by Maureen Fenton.
- 16 Closing Submissions on behalf of Appellant.
- 17 Handwritten response to Appellant's Claim for an Award of Costs on behalf of Council.

DOCUMENTS SUBMITTED AFTER THE INQUIRY (Following discussion and agreement during the Inquiry)

- 18 Statement of Common Ground dated 16 May 2019 containing an updated and agreed list of suggested planning conditions.

SCHEDULE OF CONDITIONS

- 1) Details of the access, other than that shown on drawing 1616/13 rev B, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of all reserved matters must be made not later than the expiration of 18 months beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.
 - (a) The expiration of three years from the date of this permission; or
 - (b) The expiration of 18 months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The vehicle site access shall be constructed in accordance with the details shown on drawing number 1616/13 rev B (Proposed Access Arrangements).
- 4) The development hereby permitted shall be limited to no more than 110 dwellings and shall be carried out in accordance with the Location Plan (Drawing No 8439-L-04 rev A).
- 5) Any application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details. Prior to the occupation of each dwelling verification that the dwelling has been constructed in accordance with the approved levels shall be submitted to and approved in writing by the local planning authority.
- 6) The reserved matters application(s) shall include full details of an equipped play area for the written approval of the local planning authority. Such details shall include:
 - a) The layout of the equipped play area.
 - b) The siting of the equipped play area with the site.
 - c) The precise details of all play equipment proposed.
 - d) Details of soft and hardsurfacing materials and boundary treatments.

The equipped play area shall be provided in accordance with the approved details and shall be made available for use in accordance with the timescales agreed within the Unilateral Undertaking and the equipped play area shall be managed and maintained in accordance with the approved Management Plan as required by the Unilateral Undertaking.

- 7) The reserved matters application(s) shall provide the following drainage details for the written approval of the local planning authority:
- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change), discharge rates and volumes, temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - b) The drainage scheme should demonstrate that the surface water run-off will not exceed the existing pre-development runoff rate for the corresponding return period. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) A plan showing any overland flow routes and flood water exceedance routes, both on and off site – flow routes must be directed away from property and infrastructure;
 - d) A timetable for implementation, including phasing where applicable;
 - e) Details of water quality controls, where applicable;
 - f) Details of any proposed surface water attenuation pond including proposed sections through the pond, including relevant existing and proposed land levels, details of all associated landscaping and boundary treatments where applicable and a timescale for implementation and completion of the pond;
 - g) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

The scheme shall be implemented in accordance with the approved details and agreed timetable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 8) The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (Ref: SHF.1132.159.HY.R.001.A) and the following mitigation measures detailed within the FRA:
- a) Finished floor levels are set no lower than 150mm above external ground levels;
 - b) Limiting the built development (including surface water attenuation) outside the mapped extent of surface water flow pathways;
 - c) No below surface building (i.e. basements);
 - d) Providing a 4m easement free from development along either side of the 'Drain 1' as shown on Figure 3.6 of the FRA;

The mitigation measures shall be provided in accordance with an implementation timetable which shall have been submitted to and approved

in writing by the local planning authority prior to the commencement of any construction work above foundation level. The mitigation measures shall be subsequently implemented in accordance with the approved implementation timetable and shall thereafter be permanently retained.

- 9) No development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) An assessment of the potential of the site to contain archaeological remains or features of interest.
 - b) The programme and methodology of site investigation and recording which shall include where applicable an initial phase of both geophysical survey and trial trenching to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance.
 - c) The programme and methodology for the post investigation analysis and assessment of the site investigation results including the excavation of any remains or measures to record their significance in-situ.
 - d) The provisions to be made for the archive deposition of the records and analysis of site investigation.

The development shall be carried out in accordance with the approved Written Scheme of Archaeological Investigation.

- 10) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment shall be carried out as recommended and described in Section 7 (Discussion and Recommendations) of the submitted Phase 1 Geo-Environmental Report by enzygo (Ref: SHF.1132.159.GE.R.001) and shall assess any contamination on the site or affecting the site from off-site sources.

The assessment shall include a survey of the extent, scale and nature of contamination and shall assess potential risks to:

- a) Human health.
- b) Property (existing and proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes.
- c) Adjoining land.
- d) Groundwater and surface water.
- e) Ecological systems.
- f) Archaeological interests.

No development shall take place where, following the risk assessment, land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority.

The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, a description and programme of the remediation works proposed and the submission of a subsequent verification report to confirm that the land has been remediated in accordance with the approved scheme. The remediation scheme shall ensure that upon completion of the remediation works the site shall not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The remediation of the site shall be carried out in accordance with the approved scheme and the verification report, endorsed by a suitably qualified contaminated land practitioner, shall be submitted to and approved in writing by the local planning authority before the development (or relevant phase of development) is occupied.

- 11) The reserved matters application(s) shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within influencing distance of the development site. The assessment shall be submitted for the written approval of the local planning authority and shall include details of all root protection measures which shall accord with BS5837 "Trees in Relation to Demolition, Design and Construction" and a timetable for the implementation and retention of such works linked to the proposed phasing and completion of construction work. The development shall be carried out in strict accordance with the approved assessment.
- 12) The reserved matters application(s) shall include details of a Landscape/Habitat Management Plan to include long-term design objectives, timings of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens). Such details shall be submitted for the written approval of the local planning authority. The requirements of the Landscape/Habitat Management Plan shall be informed by the submitted Ecological Appraisal (dated August 2018) and the recommended measures shall be carried out in accordance with the approved Plan.
- 13) The reserved matters application(s) shall include details of the provisions to be made in the development for the creation/preservation of habitats for nesting birds and bats. Such details shall be submitted for the written approval of the local planning authority and shall include artificial bird nesting boxes and artificial bat roosting sites which shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings as identified in the approved details during their construction and shall be completed before and made available for use before the identified dwellings/buildings are first occupied or brought into use. The artificial bird/bat boxes shall be permanently retained thereafter.

- 14) The reserved matters application(s) shall include details of a scheme for any external building or ground mounted lighting/illumination. Such details shall be submitted for the written approval of the local planning authority and shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution. The submitted details shall also demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

External lighting shall only be provided in accordance with the approved scheme(s) and shall thereafter be retained as approved.

- 15) Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless a pre-clearance check has been carried out by a licensed ecologist on the day of removal and no nesting birds are present. The pre-clearance check shall have been submitted to, and shall have received the written approval of, the local planning authority prior to the removal of any trees and/or hedges.
- 16) Each dwelling shall be provided with an electric vehicle charging point which shall be installed in a suitable location to enable electric vehicles to be charged. The charging point be installed and made operational prior to the first occupation of the relevant dwelling.
- 17) Prior to the commencement of the development a scheme providing details of the construction of the site access and the off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority. The site access shall be provided in accordance with the approved details and shall be constructed to at least base course level for a distance of 23m into the site from the junction with Henthorn Road prior to the commencement of the construction of any dwellinghouse.
- 18) Prior to the occupation of the first dwelling, a Travel Plan detailing the measures and targets to encourage sustainable modes of transport, including but not limited to walking and cycling, shall be submitted to and approved in writing by the local planning authority.

The Travel Plan shall demonstrate how proposed measures will reduce peak hour car trips and shall accord the details shall accord with the general principles of the submitted Travel Plan dated August 2018 (Ref: 1616/3/A).

The Travel Plan shall be reviewed within 9 months of the occupation of the 60th dwelling and thereafter at 12 month intervals for a period of 5 years from the occupation of the 60th dwelling.

A monitoring report shall be submitted to and approved in writing by the local planning authority following each review period. The monitoring report shall include details of measured indicators of, but not limited to, pedestrian and cycle movements to/from the development and shall demonstrate whether the measures and targets contained in the Travel Plan have been achieved.

In the event that the monitoring report demonstrate that the targets are not being met the report shall provide details of intervention measures to ensure that the targets can be met. The intervention measures shall

thereafter be undertaken in accordance with the details provided in the approved monitoring report.

- 19) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:
- a) Working hours and arrangements for the delivery and storage of materials for the off-site highway works.
 - b) The parking on-site of vehicles of site operatives and visitors.
 - c) The loading and unloading of plant and materials.
 - d) The storage of plant and materials proposed to be used in the construction of the development.
 - e) The design, erection and maintenance of site perimeter fencing and security hoardings.
 - f) Details of working and delivery hours including details to avoid/minimise deliveries during peak hours and school opening/closing times.
 - g) The display of contact details of the site manager.
 - h) Routes to be taken by vehicles carrying plant/materials to and from the site.
 - i) Measures to ensure that construction plant and vehicles and delivery vehicles do not impede access to nearby properties.
 - j) Details of wheel washing facilities and other measures to prevent the deposit of mud and debris on the public highway.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

