



STATEMENT OF CASE

On Behalf of:
Ribble Valley Borough Council

In Respect of:
**Land at Henthorn Road
Clitheroe**

Bedford
Belfast
Cardiff
Dublin
Edinburgh
Glasgow
Leeds
London
Manchester
Newcastle-upon-Tyne

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1.0 Introduction

- 1.1 This Statement of Case is submitted by DPP on behalf of Ribble Valley Borough Council (the 'Council') in response to the appeal by Gladman Developments Ltd against the Council's refusal of planning permission 382010/0719 for residential development of land at Henthorn Road, Clitheroe.
- 1.2 The application was considered at Planning Committee on 15 September 2011. The Council resolved to refuse planning permission and the decision notice to refuse planning was issued 19 September 2011 citing the following reasons for refusal:

Reason 1: The proposal is contrary to National Policy in the form of PPS1 and PPS3 in that the development due to its isolated location distant from a primary route network, lack of cycle or sufficient pedestrian access to the town centre and its infrastructure would lead to the proposal being contrary to the principle of sustainable development. The proposal would also have a detrimental impact on the traffic infrastructure of Clitheroe and key traffic junctions of Henthorn Road, Woone Lane, Eshton Terrace and the railway crossing which would lead to the proposal being contrary to the principles of sustainable development.

Reason 2: Given the site's relationship to the primary route network the development is considered contrary to the principles of sustainable development in that it fails to provide sufficient pedestrian and cycle linkages back to the town centre facilities or have adequate public transport facilities and as such would increase reliance on the use of the private motor car be contrary to Policy T1 of the Ribble Valley Districtwide Local Plan.

- 1.3 Gladman Developments Ltd submitted their appeal on 21 September 2011.

2.0 Site Description / Details of the Development

- 2.1 It is intended to agree a description of the appeal site and details of development as evolved and for determination by the Inspector through the Statement of Common Ground (see Section 6 also).

3.0 Relevant Planning Policy

- 3.1 It is intended to agree relevant policies and guidance through a Statement of Common Ground.

National Planning Policy and Guidance

- 3.2 In evidence the Council will refer to planning policy guidance set out within Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs), including PPS1, PPS3, and PPG13. In addition, any additional or emerging planning policy documents, circulars, parliamentary or ministerial statements will be taken into account, including draft National Planning Policy Framework.

Development Plan

- 3.3 The Development Plan for the purpose of Section 38(6) of the Planning Acts that relates to the site comprises of:
- Northwest of England Regional Spatial Strategy to 2021 ('RSS')
 - Ribble Valley Districtwide Local Plan, 1998 ('DWLP') – Saved Policies at 27 Sept 2007
- 3.4 Regard will also be made in evidence to the progress of the review of the development plan and emerging development plan documents, including the Ribble Valley Local Development Framework, Core Strategy. Regard will also be had to the monitoring and evidence base that supports the adopted and emerging development plan.
- 3.5 Consideration will be given to the officer report to Planning Committee and the response of statutory parties, including Lancashire County Council as highway authority.
- 3.6 We also reserve the right to refer to any other emerging guidance or relevant document.

4.0 Statement of Case

- 4.1 With regard to the planning matters raised by the proposal the Council will provide the following case in support of the reasons for refusal and the planning matters raised by the nature of the appeal proposals.
- 4.2 The Council will provide expert witness statements on matters of planning and highway/transportation in support of their case.

Sustainable Development and Highway / Transport Considerations

- 4.3 The Council will demonstrate that as a greenfield site, situated outside the defined settlement boundary that the site has only limited potential for development, which will be isolated from services, shops, facilities and infrastructure of the town (Reason 1). In evidence the Council will show that the site has limited permeability between the site, surrounding areas and town centre, and that the site is not sustainably located in relation to access to facilities. Reference will be made to IHT Guidelines 'Providing for Journeys on Foot' in evidence. This evidence will show this is likely to increase use of the car, and dependency thereon, contrary to DWLP Policy T1 (Reason 2), and also with reference to PPS1, PPS3 and PPG13 policy and guidance, RSS Policies DP1, DP2 and DP5, and DWLP Policy G1.
- 4.4 The Council will demonstrate that the level of car use generated by the development proposals by reason of its distance from the primary route network will lead to harm to the transport infrastructure and highway network within Clitheroe from additional traffic, (Reason 1). The Council will provide evidence, including assessment of average trip rates used in the Transport Assessment; trip generation heading toward the A671; and impact on key junctions through PICADY modelling and model calibration [Henthorn Road/Thorn Street, Woone Lane/Eshton Terrace and Primrose Road/Whalley Road] that will show the impact on transport infrastructure and highway network is unacceptable and therefore contrary to sustainable development and transport objectives of PPS1, PPG13; RSS Policy DP5 and DWLP Policies T1 and G1.
- 4.5 The Council will demonstrate that the appellant's proposed mitigation measures, (including bus service provision, offsite highway improvements, Travel Plan

Outcomes, onsite surgery and contribution to education facilities), do not amount to sufficient mitigation (or potentially any mitigation) that can be considered in part or whole as a material consideration that outweighs the harm the development will cause, by reason of the unsustainable location. In demonstrating the materiality and weight to accord to mitigation measures the Council will show they do not provide lasting effects, may increase long term cost (financially or otherwise), may be difficult to attain (such as Travel Plan Outcomes due to assumptions made), or provide a benefit that will fundamentally alter travel behaviour of future residents to use non-car modes of transport, contrary to principles and policies contained in PPS1 and PPS3, and RSS Policies DP1, DP4 and DP5.

Other Material Considerations

- 4.6 The Council will show that other material considerations, including the provision of affordable housing, need for additional housing and the emerging housing strategy, do not outweigh harm to matters of sustainable development and transportation principles to justify grant of planning permission in the planning balance. The Council will have regard to DWLP Policy T1, supporting DWLP Policies G2 to G5, and emerging evidence and documents of the LDF Core Strategy.
- 4.7 The Inspector will be asked to dismiss the appeal on the balance of evidence and matters of planning importance raised.

5.0 Statement of Common Ground

- 5.1 To help the inquiry process the Council will seek to enter into a Statement of Common Ground with the appellant. It is intended, though not to exclusion of other matters or to infer agreement will be found, to seek agreement on the following planning, highway and related matters:

- Design and Layout as acceptable as a reserved matter, with exception that the Council will rely on the Illustrative Masterplan to demonstrate linkages, accessibility and other points related to consideration of sustainable development.
- Appearance, acceptable as a reserved matter
- Landscaping, acceptable as a reserved matter

- Provision of open space, both play spaces and Community Park acceptable in principle for provision for the proposed development
- Provision of affordable housing at 30%, acceptable as policy requirement with S106 agreement
- Matters of renewable energy / energy efficiency measures, acceptable as relates to design of properties and buildings as reserved matter and meeting agreed planning condition
- Highway matters, in so far as able in presenting the case:
 - Surveyed Traffic Flows
 - The Assessments Years
 - Traffic Forecasting Growth Factors
 - Road Accident Data
 - Committed Traffic Forecasts
- Section 106 Agreement (see below)
- Planning conditions (see below)

Planning Conditions and Section 106 Agreement

5.2 It is intended to agree through a Statement of Common Ground relevant planning conditions and Section 106 Agreement, notwithstanding any points of difference that might be raised in evidence.

5.3 For the Section 106 Agreement the Council will seek to agree planning contributions on basis of current policy and requirements. Any areas of disagreement will be heard in evidence. To assist the following matters for clarification will be raised with the appellant for agreement:

- Clarification generally on highway contributions through Section 106 and Section 278 Agreements, including but not exclusively points on:
 - Clarification on the commitment to support the C1 bus service within the Section 106 Agreement
 - Clarification on the ability and the type of access proposed from the track beside the caravan park
 - Clarification on the nature of emergency access for the development and ability to provide
 - Clarification on the amount of education contribution to be provided
 - Clarification on other amounts of contributions to be provided

through Section 106 Agreement, including toward Lancashire County Council Travel Planning

- Clarification on the timing of the delivery of matters of open space, Community Park, affordable housing, education contribution, bus service and PCT surgery

6.0 Documents

6.1 In addition to all the documents related to the submitted application and subsequent negotiation, the Council will refer to the following documents.

- The Planning System: General Principles
- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPS5: Planning for the Historic Environment
- PPS7: Sustainable Development in Rural Areas
- PPS9: Biodiversity and Geological Conservation
- PPS12: Local Spatial Planning
- PPG13: Transport
- PPG17: Planning for Open Space, Sport and Recreation
- PPS22: Renewable Energy
- Draft National Planning Policy Framework (NPPF)
- Written Ministerial Statement: Planning for Growth, (23 March 2011)
- North West of England Plan – Regional Spatial Strategy to 2021, (Sept 2008) including policies DP1, DP2, DP4, DP5 and L5
- Ribble Valley Districtwide Local Plan, (June 1998) – Saved Policies as at 28th Sept 2007 – including policies G1, G2, G3, G4, G5 and T1
- Ribble Valley Local Development Scheme 2010, (Dec 2010)
- Ribble Valley Core Strategy – Consultation – Regulation 25, (Aug 2010)
- Ribble Valley Core Strategy – Generation of alternative Development Strategy options, (Jun 2011)
- Ribble Valley Strategic Housing Land Availability Assessment, (2008)
- Ribble Valley Strategic Housing Market Assessment, (2008)
- All documents relating to Planning Application 3/2010/0719
- Any associated correspondence

6.2 The Council reserves the right to refer to other documents where appropriate,

including documents and consultations related to the Core Strategy, or where they emerge between now and the date set for Public Inquiry.