

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY GLADMAN DEVELOPMENTS LIMITED

LAND AT HENTHORN ROAD, CLITHEROE, LANCASHIRE

PROOF OF EVIDENCE OF

MARC HOURIGAN BA(HONS) BPL MRTPI

PINS REFERENCE: APP/T2350/A/11/2161186/NWF

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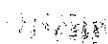
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1. INTRODUCTION

RELEVANT EXPERIENCE & QUALIFICATIONS

- 1.1 My name is Marc Hourigan BA(Hons) BPI MRTPI
- 1.2 I am a Chartered Town Planner and have over 14 year's professional experience in the planning and development industry.
- 1.3 I have held senior positions in a number of property consultancies including CB Richard Ellis (Associate Director) and Colliers International (Director).
- 1.4 A large part of my career has been spent client side where most recently I was the Group Planning Manager for David McLean. This position involved playing an active part in the Group's development business across the UK and gave me a valuable insight into how commercial developers, local and volume house builders operate across all departments.
- 1.5 I have been involved with the acquisition of numerous house builders across the UK including Sharman Homes (operating in the South West of England), Egerton Estates (operating in Cheshire and South Manchester) and Jennings Homes (operating in the Midlands).
- 1.6 I have dealt with developments ranging from just a few houses to significant urban extensions of 1,000+ dwellings as applications, appeals and promotion through the Development Plan process across the UK; some examples of major developments I have been involved with are listed below:
- Chapelford Urban Village, Warrington.
 - Leighton West, Crewe – a mixed use urban extension to the north west of Crewe involving in excess of 1,000 dwellings.
 - Cronkinson Farm, Nantwich – an urban extension to the south east of Nantwich
 - Forge Works, Chinley – a major mixed use development in the heart of the High Peak.
 - Womb Farm, Chatteris – a major office, commercial and industrial park in the District of Fenland
 - Land at Clayton-le-Woods, Chorley – a major urban extension which obtained planning permission on appeal in 2011.

1.7 I am currently a Director in the independent planning and development consultancy Hourigan Connolly. My co-director Daniel Connolly has a similar background to me having worked in consultancy and more recently for house builders David Wilson and Morris Homes. Our practise is known to many house builders in the north west and it is our understanding of both the planning and development process that has seen us act for numerous house builders and developers since leaving client side positions. I consider that I have an insight into market issues and in particular what is needed in order to create a commercially and socially acceptable housing development.

1.8 My proof of evidence has been prepared in accordance with the guidelines and standards of the Royal Town Planning Institute and is therefore produced irrespective of the identity of my client. I confirm that the opinions provided in my proof of evidence are my true and professional opinions

SCOPE OF EVIDENCE

1.9 My evidence does not deal with any aspect of the appeal site or appeal proposals, such matters are dealt with by the Appellant's other witnesses.

1.10 I was originally engaged by the Appellants to assess the deliverability and developability of two alternative strategic development sites which featured in the Council's Generation of Alternative Development Strategy Options (June 2011) (CD17) (hereafter referred to as the Alternative Options). The two sites are:

- Land to the south of Clitheroe (Alternative Option D) – identified for 1,500 dwellings and employment.
- Land around the village of Barrow (Alternative Option E) – identified for 1,950 dwellings.

1.11 According to the Council's web site the consultation undertaken on the Alternative Options:

...forms an important stage in the Core Strategy process. The findings of this consultation will be fed into the next Core Strategy report, which will be published for comment towards the end of this year and will be referred to as the Regulation 27 publication version Core Strategy, sometimes called the preferred option.

This consultation aimed to determine what this 'preferred option' for Ribble Valley should be, by presenting some additional alternatives to those that have already been consulted upon (during the Reg 25 Core Strategy consultation document). These alternative options were developed based upon the feedback from the Reg 25 Core Strategy consultation.

The 'generation of alternative options document' set out a further five potential Development Strategy options, the point of which were to determine the general areas of the borough where development should and shouldn't be located. This allowed for a total of 8 possible options from which to choose a 'preferred option'.

The consultation period allowed for comments to be made on these options and for respondents to choose their preferred option of the eight presented".

- 1.12 Since starting to draft my evidence circumstances have changed. On 8 December 2011 the Council's Planning and Development Committee considered a report on an outline approach to the Core Strategy Preferred Option and a direction of travel for development. A copy of the report, topic paper and the minutes appear as CD6. Pages 178 and 179 of the minutes provides a useful summary of the presentation given by the Chief Executive insofar as it is of relevant to my evidence:

"He gave Committee the outline of the Development Strategy in that the majority of new housing development would be concentrated within an identified strategic site located to the south of Clitheroe towards the A59 and the main urban areas of the borough. He advised that the boundary of the strategic site shown in the appendix to the report should be regarded as illustrative and would need to be precisely defined through the ongoing plan preparation. Strategic employment opportunities would be promoted through the development of the Barrow Enterprise Site as a main location for employment and the Samlesbury Enterprise Zone ...

It was also important to note that this document does not in itself have any statutory weight for the purposes of determining planning applications but does provide an opportunity for Members to confirm at an early stage the Council's position with regard to the approach being developed and to enable the preferred option to be developed to reflect Member preferences. He also informed the Committee that this would need to be considered again by Planning and Development Committee before being approved by the full Council as currently timetabled in April 2012 and then referred to the Secretary of State"...

- 1.13 It was subsequently resolved:

"That Committee confirm the approach to the emerging Development Strategy as set out and that the preferred option be formulated to reflect the framework as outlined"

- 1.14 For the avoidance of any doubt the strategic site to the south of Clitheroe is a much reduced version of Alternative Option D and the Strategic Employment Site in Barrow is Alternative Option E
- 1.15 I deal with the site to the south of Clitheroe in detail in my evidence. However given that Councillors and Officers have (rightly in my view) confirmed that they no longer consider Barrow a suitable location for major housing development I do not consider this site in my evidence notwithstanding that a similar assessment exercise has been undertaken for the land.

FORMAT

- 1.16 As set out above I deal with the developability and deliverability of the strategic site in Clitheroe. Planning related definitions of deliverable and developable are set out in Chapter 3 My evidence aims to inform the Inquiry about the credibility of the Clitheroe strategic site remedying the housing land supply deficiency identified by the Appellants as measured against the requirement established in Paragraph 57 of PPS3 to maintain a continuous five year supply of deliverable housing sites.
- 1.17 My evidence also considers the timescales involved with bringing forward the Clitheroe strategic site based on site specific issues and my experience of dealing with strategic developments elsewhere.
- 1.18 In assessing the strategic site in Clitheroe I shall refer to a separate set of appendices containing reports prepared by the appellant's and their other witnesses. My evidence and the separate appendices deal with a number of matters as detailed below in order to provide an objective assessment of the deliverability and developability of the site in question:
- Land ownership
 - Agricultural land quality
 - Ecology
 - Trees & Hedgerows
 - Heritage
 - Utilities
 - Social infrastructure
 - Flood risk
 - Noise
 - Highways and accessibility

- Landscape
- Masterplanning.
- Visual impact
- Timescales.

1.19 My evidence is structured as follows:

- Chapter 2 – The Need to Consider Alternatives.
- Chapter 3 – Definitions.
- Chapter 4 – Clitheroe Strategic Mixed Use Site.
- Chapter 5 – Summary & Conclusions.

2. THE NEED TO CONSIDER ALTERNATIVES

INTRODUCTION

- 2.1 The relevance of alternative sites will be dealt with in legal submissions; however I am advised that the approach is as set out below.

LEGAL PRINCIPLES

- 2.2 There is no legal principle which indicates that planning permission must be refused if a different scheme could achieve similar benefits with a lesser degree of harmful effects.
- 2.3 In R (on the application of Michael William Hulme) V (1) Secretary Of State For Communities And Local Government (2) West Devon Borough Council (3) RES Developments Ltd [2010] EWHC 2386 (Admin), Frances Patterson QC (@§102) cites with approval the views of Keene LJ in First Secretary of State and Westend Green Properties v Sainsbury Supermarkets Limited [2007] EWCA Civ 1083 at Paragraph 38 that:

"There is certainly no legal principle of which I am aware that permission must be refused if a different scheme could achieve similar benefits with a lesser degree of harmful effects. In such a situation, permission may be refused but it does not have to be refused. The decision maker is entitled to weigh the benefits and dis-benefits of a proposal before him and to decide, if that is his planning judgment, that the proposal is acceptable even if an improved balance of benefits and dis-benefits could be achieved by a different scheme".

- 2.4 Similarly there is no policy basis for resisting the appeal proposals on grounds that an alternative site might be preferable; this is not an examination of a Site Allocations Development Plan Document
- 2.5 Clearly there are no other sites seeking planning permission before the Inquiry. The degree of scrutiny of the appeal site is also far in excess of any assessment that has been undertaken thus far for any alternative site.

RELEVANT APPEAL DECISIONS

- 2.6 Over reliance on alternative housing sites was recently tested on appeal in relation to a site at New Road, Wrenbury, Nantwich, Cheshire (APP/R0660/A/11/2152793) (**Appendix 1**) The appeal was allowed and an application for a full award of costs was allowed against the Council. In that case the Inspector concluded in awarding costs against the Council that:

"In refusing the application, the Council placed reliance on the availability of a brownfield site, referred to as the Station Yard site, as a preferable alternative site. However, this is not a site allocated for development in the Local Plan. Nor is it identified in any other document specific to the village that has identified preferred sites following a consultation exercise. An outline application to develop the Station Yard site had not been validated when the Committee reached its decision. Indeed that remained the case at the time that the statements were exchanged by the parties and final comments made. As such the planning merits of the case and its suitability for affordable housing had not been considered. Like the appeal site, it is outside the settlement boundary, in open countryside, and will therefore need to be assessed accordingly as a rural exception site, having regard to relevant development plan policies and any other material considerations.

In the absence of planning permission being secured for the development of the Station Yard site, the Council placed undue reliance on the likelihood of the unallocated site coming forward and contributing to or fulfilling the identified need for affordable housing, prior to any application being determined".

- 2.7 While I acknowledge that the above example relates to a rural affordable exceptions scheme I consider that the principles could equally apply to the current appeal proposals in that any reliance by the Council on sites which are not deliverable or developable having regard to the relevant PPS3 tests is simply not justified.

SUMMARY

- 2.8 With regard to alternative sites I have demonstrated that there is no legal or policy basis for the Council relying on alternatives. If the appeal site is suitable and the appeal proposals acceptable then planning permission should be granted.

3. DEFINITIONS

INTRODUCTION

- 3.1 My evidence deals with deliverability and developability of the Clitheroe strategic site and aims to inform the Inquiry about the credibility of this proposal as an alternative to the appeal site in remedying the housing land supply deficiency identified in the Statement of Common Ground (claimed 3.3 year supply equating to 531 dwellings) against the requirement established in Paragraph 57 of PPS3 to maintain a continuous five year supply of deliverable housing sites (which in the case of Ribble Valley is equivalent to 805 dwellings)
- 3.2 Having regard to the provisions of PPS3 the definitions of deliverable and developable sites are set out below. Each term has a specific meaning in planning terms with regard to housing land supply matters.

DELIVERABLE

- 3.3 Paragraph 54 of PPS3 states that in that to be considered deliverable a site should:
- Be Available – the site is available now.
 - Be Suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.
 - Be Achievable – there is a reasonable prospect that housing will be delivered on the site within five years.

DEVELOPABLE

- 3.4 To be considered developable Paragraph 56 of PPS3 states that, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available for, and could be developed at the point envisaged.

AVAILABLE

- 3.5 DCLG's SHLAA Practice Guidance (CD18) is also relevant. Stage 7 of the Guidance deals with assessing when and whether sites are likely to be developed. Paragraph 34 indicates that:

"Where it is unknown when a site could be developed, then it should be regarded as not currently developable"

- 3.6 Paragraph 39 of the Practice Guidance goes further:

"A site is considered available for development, when, on the best information available, there is confidence that there are no legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. This means that it is controlled by a housing developer who has expressed an intention to develop, or the land owner has expressed an intention to sell. Because planning applications can be made by persons who do not need to have an interest in the land, the existence of a planning permission does not necessarily mean that the site is available. Where problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome".

SUITABLE

3.7 With regard to suitability, Paragraph 38 of the Practice Guidance states that:

"Sites allocated in existing plans for housing or with planning permission for housing will generally be suitable, although it may be necessary to assess whether circumstances have changed which would alter their suitability. For other sites, the following factors should be considered to assess a site's suitability for housing, now or in the future:

- *policy restrictions – such as designations, protected areas, existing planning policy and corporate, or community strategy policy (see paragraph 21 above);*
- *physical problems or limitations – such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination;*
- *potential impacts – including effect upon landscape features and conservation; and*
- *the environmental conditions – which would be experienced by prospective residents"*

ACHIEVABLE

3.8 Paragraph 40 of the Practice Guidance indicates that:

"A site is considered achievable for development where there is a reasonable prospect that housing will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and sell the housing over a certain period. It will be affected by:



- *Market factors – such as adjacent uses, economic viability of existing, proposed and alternative uses in terms of land values, attractiveness of the locality, level of potential market demand and projected rate of sales (particularly important for larger sites);*
- *Cost factors – including site preparation costs relating to any physical constraints, any exceptional works necessary, relevant planning standards or obligations, prospect of funding or investment to address identified constraints or assist development; and*
- *Delivery factors – including the developer's own phasing, the realistic build-out rates on larger sites (including likely earliest and latest start and completion dates), whether there is a single developer or several developers offering different housing products, and the size and capacity of the developer".*



4. CLITHEROE STRATEGIC MIXED USE SITE

SITE LOCATION

- 4.1 The site is located to the south of Clitheroe towards the A59.

SITE DESCRIPTION

- 4.2 The site comprises agricultural land located within the open countryside.
- 4.3 In the Alternative Options document the site was shown as extending to circa 51 hectares together with a much smaller parcel of land extending to circa 1.78 hectares located to the west and separated from the main site by Littlemoor Road, a local highway. However following the meeting of the Council's Planning and Development Control Committee on 8 December 2011 the site is now being taken forward as a materially smaller 34 hectare strategic mixed use site and the land to the west of Littlemoor Road no longer forms part of the proposal.
- 4.4 The majority of the site comprises large open fields. Field boundaries comprise a range of enclosures but of note are mature hedgerows and hedgerow trees.

SURROUNDING AREA

- 4.5 To the north of the site lie residential areas and open recreational areas.
- 4.6 To the north east of the main site lies Pendle Road beyond which lies agricultural land.
- 4.7 Beyond the southern boundary of the site lies further agricultural land, Higher Standen Farm and a number of cottages. Included in this group of buildings is The Old Bothy (Grade II listed).
- 4.8 Further to the west but adjacent to the southern boundary of the site lies a mature woodland together with the deeply cut wooded course of the Pendleton Brook, which follows the south and south-western boundary. Beyond the woodland lies Standen Hall (Grade II* listed).
- 4.9 The western boundary of the site comprises Littlemoor Road a narrow local highway. Numbers 11 – 15 Little Moor (which are located adjoining the site boundary) are Grade II listed cottages.
- 4.10 A Roman Road traverses the site from the north east to the south west.

PLANNING POLICY CONTEXT

RIBBLE VALLEY DISTRICTWIDE LOCAL PLAN (1998)

- 4.11 According to the Proposals Map of the Ribble Valley Districtwide Local Plan (RVDLP) the site falls outside the Settlement Boundary of Clitheroe in the open countryside.
- 4.12 Saved Policy G2 of the RVDLP identifies Clitheroe as a Key Settlement. Key Settlements are a focus for growth in the RVDLP.
- 4.13 The status of the RVDLP and the weight to be afforded to it in the context of the appeal proposals is dealt with by Mr Dean.

REGIONAL STRATEGY

- 4.14 The Council's Ribble Valley Settlement Hierarchy (December 2008) (CD15) identifies Clitheroe as a Key Service Centre. The Executive Summary states that:

"Clitheroe stands out as the most significant settlement within the Borough, with the best provision of services and facilities".

- 4.15 At the regional level Key Service Centres are dealt with by Policy RDF2 of the Regional Strategy.
- 4.16 Again Mr Dean deals with the status of the Regional Strategy in the context of the appeal proposals and the weight to be attached to it having regard to the Localism Act 2011 and the forthcoming abolition of regional planning in England.

RIBBLE VALLEY LOCAL DEVELOPMENT FRAMEWORK

- 4.17 In relation to the appeal proposals Mr Dean deals with the Council's Local Development Framework (LDF) and weight to be attached to emerging Development Plan Documents.

RIBBLE VALLEY STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT

- 4.18 With regard to the evidence base of the Council's Core Strategy the Council's Strategic Housing Land Availability Assessment (SHLAA) (November 2009) (CD4) is relevant. It is worthy of note that the site was not assessed in the SHLAA and is therefore not included in that document as either a deliverable or developable site. That of course does not rule it out as a potential allocation; however it is important to bear in mind when assessing the likelihood of this site coming forward in the near future that it has not passed through the scrutiny of the SHLAA.

RIBBLE VALLEY EMPLOYMENT LAND & RETAIL STUDY

- 4.19 As set out below the site is being promoted for a mix of employment and housing. However the site did not feature as a possible site for future investment in the Ribble Valley Employment Land & Retail Study published by the Council in October 2008 (CD19). However that study under the various scenarios tested for future employment land take up did recommend identifying further land for employment.

RIBBLE VALLEY CORE STRATEGY

- 4.20 Alternative Option D is first mentioned in the Council's Alternative Options document (CD17).
- 4.21 The site is being promoted by Steven Abbot Associates on behalf of the Trustees of the Standen Estate. I have reviewed the various representations made to the emerging Core Strategy by the Trustees which date back to 15 October 2010 (Comments on the Regulation 25 Report – Draft Core Strategy For Consultation – CD12).
- 4.22 I enclose at **Appendix 2** the representations lodged on behalf of the Trustees with the Council in relation to the emerging Core Strategy.
- 4.23 What is clear and consistent from the Trustees submissions is they consider that the site should be treated as a Mixed Use Strategic Site.
- 4.24 Strategic sites are defined in Paragraphs 46 and 47 PPS12 : Local Spatial Planning (June 2008) which are reproduced below for ease of reference:

“Strategic Sites

- 4.6 *Core strategies may allocate strategic sites for development. These should be those sites considered central to achievement of the strategy. Progress on the core strategy should not be held up by inclusion of non strategic sites.*
- 4.7 *The core strategy looks to the long term. It may be beneficial to delivery of its objectives for details of key sites to be included in it, where these sites are central to the achievement of the strategy and where investment requires a long lead-in. But in general the core strategy will not include site specific detail which can date quickly. Where core strategies allocate strategic sites, they must include a submission proposals map. It may be preferable for the site area to be delineated in outline rather than detailed terms, with site specific criteria set out to allow more precise definition through*

masterplanning using an area action plan (if required) or through a supplementary planning document (SPD). If it is necessary to allocate land which has not already been allocated in the core strategy, a DPD rather than SPD must be used”.

- 4 25 Clearly sites of strategic importance are those that should rightly be tested through the Plan making process as they are central to a Plan’s strategy.
- 4.26 The Council has signalled its intention, through the resolution of the Planning and Development Committee on 8 December 2011, to take the site forward and clearly at the Council’s stated dwelling yield of 1,040 dwellings (representing 54% of the total number identified) delivery of the development will be central to the Council’s Core Strategy. In my view it is right and proper that in taking the site forward the Council treats the scheme as a strategic site having regard to the provisions of PPS12 outlined above.
- 4.27 In their submission to the Council of 15 October 2010 Steven Abbot Associates on behalf of the Trustees state of Page 3 of their letter that:
- “The Trustees land could easily accommodate a major part of the first five to ten years housing needs by itself, or more realistically, a significant proportion of the 15 year supply plus an element of employment land ”*
- 4 28 I will show in the timescales section of this chapter that the Trustees site is highly unlikely to deliver any housing before the end of 2016 even if it survives the Plan making process and is ultimately allocated as a Strategic Site in the Core Strategy. In my view release of the appeal site would not prejudice the delivery of this site.

CONSTRAINTS

- 4.29 In this section of my evidence I look at constraints affecting the site
- 4.30 Page 4, Section 14, Paragraph 1 of the Trustees’ 15 October 2010 submission (**Appendix 2** refers) boldly states that the site has no identifiable constraints. The work undertaken by the Appellants and their advisers suggests otherwise; numerous constraints have been identified which will affect the capacity of the site to accommodate the scale of development envisaged by the Trustees and the reduced scale of development envisaged by the Council (1,040 dwellings plus employment) following the meeting of the Planning and Development Committee of 8 December 2011. Additionally there is a long lead in time for strategic sites. All of these matters are dealt with below.

LAND OWNERSHIP

- 4 31 I understand that Steven Abbot Associates has told the Council that the site is in single ownership. I have no reason to doubt this and it is clearly a factor in favour of the site in terms

of any future delivery of development. However the Council will need to ensure that the Trustees also control third party land that might be required for any-off site infrastructure improvements in order to accommodate the scale of development envisaged e.g. off-site highways improvements.

AGRICULTURAL LAND QUALITY

- 4.32 I understand that the site is currently farm land. I understand from discussions with the Appellant's agricultural consultant, Mr Reeve of Land Research Associates that English Nature has no record of any published surveys for the site. Further I gather that the published 1:63360 scale map from 1968 shows the surrounds of Clitheroe as Grade 3. Grade 3 was later subdivided and the classification revised in 1988 with sub grade 3a being best and most versatile. However based on local geological information the Appellant's agricultural consultant advises that the site is unlikely to be best and most versatile agricultural land.
- 4.33 Clearly surveys would need to be undertaken to confirm the agricultural land quality of the site and were it found to be best and most versatile a case would need to be made for its allocation having regard to the provisions of Paragraph 28 of PPS7 which states (in part) that:

"Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations"

ECOLOGY

- 4.34 Ms Hollins of FPCR has provided an ecological summary of potential constraints affecting the site (**Appendix 3**). Obviously the land is in private ownership and hence Ms Hollins' work is limited to desk based enquiries and observations from public rights of way.
- 4.35 What is clear from the work undertaken by FPCR is that the site has valuable resources in the form of mature hedgerows and tress.
- 4.36 Additionally there are ponds in the vicinity of the site that may host protected species. Clearly seasonal ecological surveys will be necessary to confirm the presence or otherwise of protected species here. In the event that such species are present e.g. Great Crested Newts (GCN) mitigation is likely to be required

TREES & HEDGEROWS

- 4.37 Ms Kirk of FPCR has provided an arboricultural constraints summary of the site (**Appendix 4**) While there are no Tree Preservation Orders (TPOs) affecting the site the work undertaken by FPCR clearly identifies numerous trees and hedgerows that are worthy of retention in any future scheme and in accordance with best practice. Additionally FPCR identify the need for stand-off distances to be provided between built development and the substantial woodland to the south of the site.
- 4.38 While the above matters would not prevent development they certainly will affect the developability of the site effectively reducing the developable area where such features are to be retained.

HERITAGE

- 4.39 Mr Chadwick of CgMS has undertaken a heritage appraisal of the site and his work is enclosed at **Appendix 5**.
- 4.40 Mr Chadwick has identified heritage assets on and around the site and has made recommendations with regard to the future masterplanning of the land
- 4.41 The work undertaken by Mr Chadwick clearly shows that substantial buffers of undeveloped land will be necessary to respect heritage assets both on and adjacent to the site in accordance with national planning guidance contained within PPS5: Planning for the Historic Environment (March 2010).
- 4.42 Mr Chadwick also identifies the need for detailed investigations of a potential Roman settlement near to the Roman Road. While this is not considered by Mr Chadwick to be an insurmountable obstacle to development it is a potential constraint that the site promoters would have to deal with going forward and is likely to have both cost and time implications in relation to bringing the land forward for development

UTILITIES

- 4.43 Section 4.11 of PPS12 indicates that:
- "Infrastructure planning for the core strategy should also include the specific infrastructure requirements of any strategic sites which are allocated in it".*
- 4.44 Of course infrastructure covers a broad range of matters and is simply not confined to the utilities needed.

- 4.45 The Appellant's in-house engineer Ms Horner has made enquiries regarding the availability of utilities and any up-grades necessary to accommodate a development of the scale envisaged by the Council.
- 4.46 At **Appendix 6** I enclose a Utilities and Drainage Appraisal undertaken by the Appellant's in-house engineer Ms Horner.
- 4.47 The position with regard to existing utilities can be summarised as follows:
- There are existing gas mains, water mains and BT infrastructure within close proximity of the site boundary. Details in relation to electricity supplies were awaited at the time of writing.
 - There will need to be consideration of the existing water distribution mains within the site boundary and how this will affect the development. Options are to ensure the scheme layout allows for an area either side of these mains to remain free from development or level change and ensures there would be access at all times to facilitate repair and maintenance. Alternatively the supplies could be diverted but this could attract significant additional costs.
 - Sewers are located only within the demise of Clitheroe itself. There are no public sewers located to the east of the site and options for draining the foul flows from the site are limited.
 - Pendleton Brook has control measures in place in the form of weirs. The EA will have to be consulted if surface water runoff from the option site is to discharge to the brook.
- 4.48 The position with regard to new infrastructure can be summarised as follows:
- Initial investigations have not highlighted any concerns or engineering difficulties with servicing the proposed development with new gas or telecommunication connections.
 - Details with regard to servicing the proposed site with new electricity and water connections were awaited at the time of writing.
 - Foul water flows from the site will need to be pumped. An adoptable pumping station will have to be provided. Foul flows from the site will be substantial and it may not be possible to accommodate these in the existing infrastructure.
 - Surface water flows from the development site will have to be attenuated.

- 4.49 It is perhaps unsurprising that a Strategic Site requires substantial utilities to serve it including potential off-site improvements
- 4.50 In terms of masterplanning the site the work undertaken by Gladman Development shows that land may need to be dedicated to accommodating existing services and additionally land will need to be reserved to accommodate new infrastructure and mitigation. In simple terms these matters will have an impact on the development potential of the site.

SOCIAL INFRASTRUCTURE

- 4.51 As noted by Mr Dean in his evidence there are capacity problems with local schools in Clittheroe which has necessitated the County Council seeking substantial financial contributions towards primary and secondary provision.
- 4.52 For a strategic site such as that being contemplated for the Standen Estate (and having liaised with Mr Clyne the Appellants education consultant) it is considered that it would be reasonable to assume that a site of this scale would include primary school provision on site.
- 4.53 Additionally the strategic sites I have been involved with have also included some local scale retailing/community services provision such as a small convenience store, doctor's surgery and pharmacy and community meeting rooms.
- 4.54 Naturally a strategic site also needs to provide adequate areas of play for children and open space to serve the needs of the wider community.
- 4.55 None of these matters are insurmountable but if incorporated into the scheme for the proper planning of the area they would have an impact on the amount of land available for housing and employment uses.

FLOOD RISK

- 4.56 The majority of the site is not at risk of flooding.
- 4.57 The Council has adopted a Level 1 Strategic Flood Risk Assessment (SFRA) (CD16) which indicates that land around Pendleton Brook is at risk of flooding. While not a barrier to the wider development this is obviously a consideration in any masterplanning exercise and clearly is a constraint that affects the developable amount of land on the site.

NOISE

- 4.58 While the Appellant's team has not undertaken noise surveys it is evident from visiting the area that the site is affected by road noise from the A59. In some respects it may be possible to mitigate noise impact through the planting and landscaping suggested by Mr Rech (see below) but clearly this is something that needs to be considered

HIGHWAYS & ACCESSIBILITY

- 4 59 Dr Carol Ashley of Ashley Helme Associates has prepared highways evidence for the site which is enclosed as **Appendix 7**.
- 4.60 Dr Ashley concludes that there are transport improvements/infrastructure that will need to be funded by the development.
- 4.61 Dr Ashley also identifies transport/highway related issues for which further investigations are required to be satisfied that there are acceptable solutions to overcome the transport drawbacks of development on the site.
- 4 62 Dr Ashley considers that a pedestrian walkway between the site and Whalley Road is essential; however there are doubts as to whether this could be achievable
- 4.63 With regard to Littlemoor Road Dr Ashley is sceptical that this could accommodate access to all vehicles due to constraints with the existing highway network. Consequently Dr Ashley considers that a through route across the site for all vehicles is unlikely to be feasible.
- 4.64 With regard to walking, cycling and public transport access Dr Ashley considers that there is potential for these matters to be addressed satisfactorily but they are dependent on safe links to the surrounding area being secured which at present cannot be confirmed without further investigations.

LANDSCAPE & VISUAL IMPACT

- 4 65 Mr Rech deals with landscape and visual impact issues in his evidence at **Appendix 8**.
- 4.66 Mr Rech identifies that the setting of this site has three principle areas of sensitivity which will require sensitive handling and significant buffering treatment – Standen Hall (Grade II*) and the surrounding grounds themselves, the eastern most and more exposed edge of the site along Four Lane Ends, which is open to views from the Pendle Hill AONB, and the corridor of the Roman Road which traverses the site to the west.
- 4.67 Mr Rech identifies significant landscape features/landscape constraints within the site comprising an area of parkland character close to Standen Hall, mature field and hedgerow trees, hedgerows within east and north western parts of site and the heavily vegetated deeply cut tributary to the Pendleton Brook which divides the smaller western parcel from the large eastern parcel of the site as does the line of the former Roman Road.
- 4.68 In the wider context Mr Rech identifies that the site is elevated above the built edge of Clitheroe (Clitheroe is relatively contained within the landform to the west of the site)

- 4.69 Mr Rech identifies that buffer planting to eastern site boundary would be necessary to soften impact on views from the Pendle Hill AONB. This could be implemented as an extension of the woodland around Standen Hall.
- 4.70 Additionally Mr Rech advises that a buffer should be provided to the Standen Estate woodland to prevent overshadowing of the development and to allow for a tree fall clearance zone. Furthermore a buffer to Higher Standen Farm and Higher Standen should be provided.
- 4.71 While Mr Rech concludes that the site could be developed in landscape and visual terms it is clear that substantial landscape and visual mitigation would be required. While some of this mitigation could take place outside of the proposed allocation on land in the ownership of the Trustees of the Standen Estate some mitigation will be necessary within the allocation to mitigate the impact of the development on neighbouring residential properties to the west which in turn would reduce the amount of land available for built development.

MASTERPLANNING

- 4.72 All of the above matters have an impact on masterplanning and the capacity of the site to accommodate development.
- 4.73 FPCR under the direction of Mr Rech have undertaken some preliminary capacity analysis of the site having regard to the above matters and this work can be found annexed to the document in **Appendix 8**.
- 4.74 Put simply the Council has over estimated the development capacity of the proposed Strategic Mixed Use Site at the Standen Estate. Mr Rech provides a detailed commentary on this in his document at **Appendix 8**.
- 4.75 Whilst I do not wish to unduly criticise the Council the over estimation of development capacity derives from a lack of understanding about constraints affecting the site and what appears to be a very simple approach to assessing potential dwelling yield.
- 4.76 Mr Rech contends that the revised site area as reported to the Council's Planning and Development Committee on 8 December 2011 extends to circa 34 hectares. At 1,040 dwellings that would yield just over 30 dwellings per hectare (dph) on the gross site area. However this is simply too simplistic approach for a Strategic Site which requires an understanding of constraints and an appreciation of potential capacity to accommodate development before a density multiplier can be used. If the Council has simply used 30 dph to arrive at 1,040 dwellings then this would ignore the potential of the site to accommodate employment development (as promoted by the Council) and also does not deal with the constraints that the Appellant's team has identified. Neither for that matter would such a crude calculation provide for adequate social and community infrastructure to support such a major development.

- 4.77 I enclose at **Appendix 9** a table which summarises potential dwelling yield for the Standen Estate Strategic Site having regard to submissions made by the site's promoters, statements made by the Council and work undertaken by the Appellants.
- 4.78 In summary, it is submitted that the Mixed Use Strategic Site proposed in Clitheroe and as presented in the report to the Council's Planning and Development Committee on 8 December 2011 has no prospect (on the basis of the work undertaken and assumptions adopted by the Appellant's team) of delivering the 1,040 dwellings expected by the Council. The Appellant's team's position is that the scheme is likely to deliver in the order of 593 dwellings once all matters are fully taken into account. Even at this scale it is assumed that the Trustees of the Standen Estate would make available substantial areas of land to the east of the proposed allocation for planting and landscaping in order to mitigate the landscape and visual impacts of the development. If such land were not available then dwelling yield would be reduced further as mitigation would be required within the actual allocation.
- 4.79 Even if those parts of the site the Appellants identify for employment, a new primary school and a local centre (totalling 5.35 hectares) were utilised for housing (which in my view would fail to achieve the proper planning of the area) dwelling yield would only increase by 174 units (767 in total) again nowhere near the 1,040 dwellings envisaged by the Council.

TIMESCALES

- 4.80 The Council's revised Local Development Scheme (LDS) (February 2011) anticipates adoption of the Core Strategy in November 2012. On the basis of progress to date with the LDF I would respectfully suggest that such timescales are very optimistic.
- 4.81 As a Strategic Site the land at Clitheroe could be dealt with through the Council's Core Strategy and in this respect I note the Council's intention is to prepare a Submission Proposals Map at the Regulation 30 stage of the Core Strategy process.
- 4.82 For the purposes of this proof of evidence I will accept that the Core Strategy will be adopted by the end of 2012 and that the Mixed Use Strategic Site in Clitheroe is a central part of that DPD. Were this to be the case the site promoters would clearly have the confidence to move forward with proposals. However until the adoption milestone is reached my experience of dealing with private landowners on large developments is that they are reluctant to speculate professional fees. Were a developer in place the situation might be different but from the correspondence I have seen on this matter from the site promoters (see letter of 10 August 2011 at **Appendix 2**) this does not appear to be the case.
- 4.83 Based on my experience of dealing with Strategic Sites elsewhere I have prepared an indicative timetable from application preparation to a start on site and this appears at **Appendix 10**
- 4.84 I have assumed for the purposes of this proof of evidence that an outline planning application with all matters reserved (save for means of access) would be lodged with the Council and that

this would be accompanied by a development framework and illustrative masterplan specifying the areas to be developed and the maximum quantum of development.

- 4.85 I have also assumed in this case that the scheme would be EIA development given the factors highlighted above although I accept that formal Screening and Scoping work would be necessary
- 4.86 I have assumed that public consultation would be initiated immediately after the Core Strategy is adopted. I have no doubt that a scheme of this scale in a town the size of Clitheroe would be subject to much local interest and indeed objection. For the purposes of my assessment I have assumed that such interest would not delay the efficient determination of a planning application in accordance with statutory timescales. I have also assumed that such an application would not be subject to statutory challenge.
- 4.87 I have assumed that the applicants would start negotiations on a Section 106 Agreement while the application was being considered and that no more than three months would be needed to conclude negotiations on a Section 106 Agreement following the resolution of the Planning Committee to approve the scheme. I consider that such timescales are very generous for a Strategic Site, especially where the involvement of both the Borough and County Council would be necessary.
- 4.88 I have extensive experience of assisting with both the sale and purchase of major development sites. I have generously assumed that six months would be sufficient for the marketing of the site and conclusion of negotiations with a purchaser.
- 4.89 I have assumed that a developer would not become involved with the site until outline planning permission was granted. Given the size of the site it is quite likely that it would be acquired by one of the larger volume house builders who would then assume the role of lead developer developing their own phases and quite possibly disposing of phases to other housebuilders
- 4.90 I have assumed that the employment part of the site would not be built speculatively and that the developer would simply market this part of the site and build as and when demand arises. However it is notable that employment development is focused on the Pendle Road end of the site in the submissions I have seen from the Trustees of the Standen Estate. If Dr Ashley's concerns with regard to access are correct then the site will simply have one all vehicle access from Pendle Road. This would have implications for the timing of development as a significant length of estate road would need to be constructed before the first phase of residential development were reached.
- 4.91 I have assumed that from a site sale in Quarter 2 of 2015 that the purchaser would be able to obtain a reserved matters approval, discharge conditions precedent and obtain other statutory consents by the beginning of 2016 to allow a start on site. Accordingly I would expect the first dwellings to be completed towards the Autumn/Winter of 2016 allowing for the substantial infrastructure that would be necessary to serve a development of this size.

4 92 In effect I conclude that delivery of housing on this site is unlikely to materialise until the back end of 2016.

CONCLUSIONS

4 93 I have considered in detail the deliverability and developability of the proposed Strategic Mixed Use Site in Clitheroe.

DELIVERABLE

4.94 Paragraph 54 of PPS3 states that in that to be considered deliverable a site should:

- Be Available – the site is available now
- Be Suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities
- Be Achievable – there is a reasonable prospect that housing will be delivered on the site within five years.

4.95 In respect of the above tests I comment as follows:

- The site is available and in single ownership, however the extent of off-site works necessary are unknown at this stage and it is also unknown whether land necessary to undertake such works is available to the promoters of the site.
- I have no doubt that potential exists to create a sustainable mixed community on the site. However the suitability of the site has not been tested sufficiently yet to be certain that all matters can be addressed satisfactorily. Indeed the Appellant's advisers have identified numerous constraints associated with the site.
- In my opinion housing is unlikely to start to be delivered on the site until the end of 2016. It will not be until 2017 when full production is underway even using my generous timescales. Accordingly I consider that the site fails the achievability test.

4.96 Overall I consider that the Clitheroe Strategic Site is not currently a deliverable site in the context of PPS3. On this basis it cannot possibly hope to remedy the deficient housing land supply situation in the Borough that Mr Dean has identified and that the appeal proposals can help to address. Put simply the Clitheroe Strategic Site is at the start of its journey through the Plan making and development management process and is highly unlikely to deliver any housing in the next five years.

DEVELOPABLE

- 4.97 To be considered developable Paragraph 56 of PPS3 states that, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available for, and could be developed at the point envisaged.
- 4.98 Spatially I have no issue with the Strategic Site in Clitheroe; it is located adjacent to the Boroughs primary town.
- 4.99 There are clearly issues with the suitability of the site yet to be resolved and in my view the Council should not be relying on it to deliver housing until the end of 2016.
- 4.100 Overall I conclude that there is no basis for relying upon the proposed Strategic Site in Clitheroe as preferable to the appeal site to address the current deficit against the requirement to maintain a five year supply of housing land in the Borough.

5. SUMMARY & CONCLUSIONS

SCOPE

- 5.1 My evidence does not deal with any aspect of the appeal site or appeal proposals, such matters are dealt with by the Appellant's other witnesses.
- 5.2 I was originally engaged by the Appellants to assess the deliverability and developability of two alternative strategic development sites which featured in the Council's Generation of Alternative Development Strategy Options (June 2011) (CD17) (hereafter referred to as the Alternative Options) . The two sites are:
- Land to the south of Clitheroe (Alternative Option D) – identified for 1,500 dwellings and employment.
 - Land around the village of Barrow (Alternative Option E) – identified for 1,950 dwellings.
- 5.3 Since starting to draft my evidence circumstances have changed. On 8 December 2011 the Council's Planning and Development Committee considered a report on an outline approach to the Core Strategy Preferred Option and a direction of travel for development. The outcome of that meeting was to confirm the direction of travel and for housing development to focus on a reduced version of Alternative Option D for 1,040 dwellings and employment development
- 5.4 Land around Barrow is to be the focus for strategic employment development and accordingly I do not consider this site in my evidence notwithstanding that an assessment of the site was undertaken.

THE NEED TO CONSIDER ALTERNATIVES

- 5.5 Legal submissions will be made to the effect that there is no need to consider alternative sites.
- 5.6 As I understand it the legal position is that if the appeal proposals are acceptable in their own right then that should be the end of the matter and the appeal should be allowed.
- 5.7 I have also highlighted a recent appeal decision where an Inspector criticised a Council for relying on an alternative site to justify a refusal of planning permission and awarded costs against the Council for its behaviour.

CLITHEROE STRATEGIC MIXED USE SITE

- 5.8 I have considered in detail the deliverability and developability of the proposed Strategic Mixed Use Site in Clitheroe having regard to the deliverability and developability tests set out in PPS3

DELIVERABLE

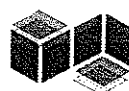
5.9 Paragraph 54 of PPS3 states that in that to be considered deliverable a site should:

- Be Available – the site is available now.
- Be Suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.
- Be Achievable – there is a reasonable prospect that housing will be delivered on the site within five years.

5.10 In respect of the above tests I conclude that:

- The site is available and in single ownership, however the extent of off-site works necessary are unknown at this stage and it is also unknown whether land necessary to undertake such works is available to the promoters of the site.
- I have no doubt that potential exists to create a sustainable mixed community on the site. However the suitability of the site has not been tested sufficiently yet to be certain that all matters can be addressed satisfactorily. Indeed the Appellant's advisers have identified numerous constraints associated with the site.
- In my opinion housing is unlikely to start to be delivered on the site until the end of 2016. It will not be until 2017 when full production is underway even using my generous timescales. Accordingly I consider that the site fails the achievability test

5.11 Overall I consider that the Clitheroe Strategic Site is not currently a deliverable site in the context of PPS3. On this basis it cannot possibly hope to remedy the deficient housing land supply situation in the Borough that Mr Dean has identified and that the appeal proposals can help to address. Put simply the Clitheroe Strategic Site is at the start of its journey through the Plan making and development management process and is highly unlikely to deliver any housing in the next five years.



DEVELOPABLE

- 5.12 To be considered developable Paragraph 56 of PPS3 states that, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available for, and could be developed at the point envisaged.
- 5.13 Spatially I have no issue with the Strategic Site in Clitheroe; it is located adjacent to the Borough's primary town.
- 5.14 There are clearly issues with the suitability of the site yet to be resolved and in my view the Council should not be relying on it to deliver housing until the end of 2016.

SUMMARY

- 5.15 I have demonstrated that the Strategic Site in Clitheroe is not a credible alternative to the appeal site and will not remedy the deficient housing land supply position in the Borough identified in the Statement of Common Ground.
- 5.16 The above points represent the conclusions of my evidence to the Inquiry and should also be treated as my summary proof of evidence.
- 5.17 I respectfully request that the appeal be allowed and planning permission be granted.

Marc Hourigan BA (Hons) BPI MRTPI

Director

Hourigan Connolly

20 December 2011