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REPRESENTATIONS TO RIBBLE VALLEY ADDITIONAL HOUSING ALLOCATIONS CONSULTATION (REGULATION 22 OF HED DPD)

ON BEHALF OF HALLAM LAND MANAGEMENT LTD

Date: September 2018

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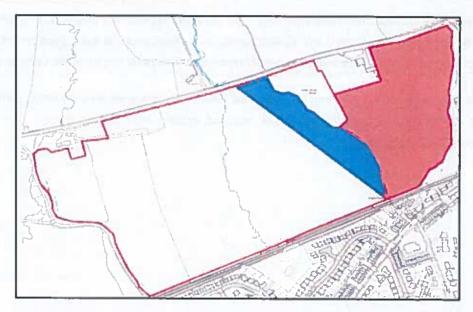
1. INTRODUCTION

- 1.1 Pegasus Group are instructed by Hallam Land Management Ltd (HLM) to make representations to the 'HED DPD - Main Modifications – Additional Housing Sites' consultation which ran from 27th July to 7th September 2018 in respect of their land interests at Langho.
- 1.2 This report should be read alongside representations made to earlier stages of the HED DPD process, as listed below:
 - HED DPD Issues and Option (Reg 18) consultation October 2016 (Ref: L025);
 - HED DPD Reg 19 consultation –June 2017– (Ref: L026v2); and
 - HED DPD Examination Hearings November 2017 (Ref: L028v3).
- 1.3 It should also be noted that whilst we did not submit Hearing Statements or seek to appear at the EiP (originally scheduled for November 2017, but now postponed to November 2018) we did seek the right to attend if issues were raised in respect of Langho and revisions to the proposed settlement boundary.
- 1.4 It is clear that the position has changed significantly since then as a result of an appeal decision at Longridge (explained in more detail I section 2), and the Council moving from claiming a 5.9 year supply in September 2017 to a 4.6 year supply in April 2018. In light of this change in the evidence, we would like to continue to reserve the right to attend the November 2018 Hearings.

HLM's Land Interests in Ribble Valley

1.5 Hallam have land interests to the north of the existing railway line in Langho, as shown as edged in red below, referred to by the Council as 'Land off Longsight Road'.

Fig 1.1 - HLMs land ownership at Langho





Committed Development (Phase 1)

- The part of the site shown tinted pink, comprising 5.4 Ha and previously referred to as Phase 1, was granted Reserved Matters consent on 7th August 2018, under permission 3/2018/0392, and is being brought forward by Pringle Homes, with development due to commence imminently, once relevant conditions have been discharged.
- 1.7 This provides further justification for including this site in the proposed settlement boundary extension for Langho, which the Council have proposed throughout the HED DPD process.

Wider Site Promotion (Phases 2 to 4)

- 1.8 The remainder of the land edged red, comprising 20.57 Ha and previously referred to as Phases 2-4 has been promoted for allocation within the HED DPD process (referred to as 'Land off Longsight Road (2)' by the Council), and previous representations have confirmed that the site is available; is in a suitable and sustainable location; with delivery achievable in the first 5 years.
- 1.9 The site was discounted at the Regulation 19 stage on the basis that the Council 'do not require land for residential development in this settlement' and has not been selected as part of the current additional allocations consultation, presumably on the basis that it does not meet the site selection criteria, albeit no supporting justification is provided to clarify this.
- 1.10 It remains our strong view that the whole site is suitable for allocation within the current process. Langho is a highly sustainable settlement, with all the necessary services and infrastructure to support unconstrained development, including a train station which provides regular services to Clitheroe, Whalley, Blackburn and Manchester. The site is suitably located within and adjacent to the settlement and is directly next to the train station and other services. It can also be brought forward in a logical phased manner, with range of densities.

Proposed Additional Allocation (Phase 2)

- 1.11 As such, we propose the Phase 2 development (as tinted blue on the plan Figure 1) for consideration as an additional allocation in the HED process, as it aligns with the site selection criteria set out in this document, as well as wider spatial strategy established by the adopted Core Strategy.
- 1.12 This site measures 1.95 Ha and is considered suitable for approximately 30 units, with further detail and justification provided in section 4, with an initial sketch layout shown over the page and attached at Appendix 1.



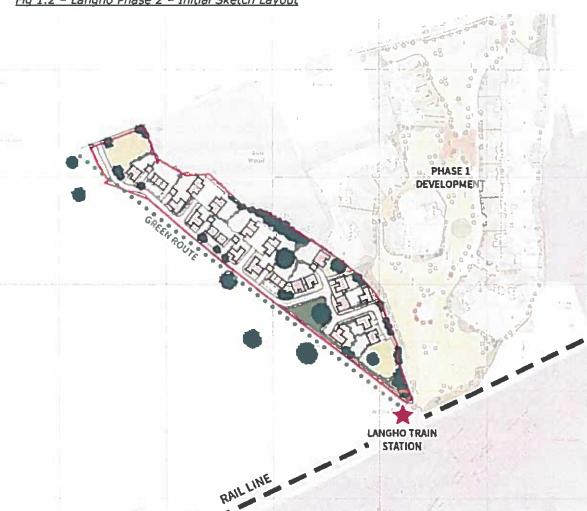


Fig 1.2 - Langho Phase 2 - Initial Sketch Layout

Representation Structure

- 1.13 The remainder of this document is structured as follows:
 - In Section 2 we assess the wider housing supply position and rationale for making these
 additional allocations, based on the papers reported to the special Planning and
 Development Committee on 17th July 2018.
 - In **Section 3** we look at the Council's site selection methodology in more detail and potential delivery implications.
 - In **Section 4** we assess the suitability and sustainability of the Longsight Road site, before setting out our latest proposals for a second phase development as noted above.
 - In Section 5 we summarise and conclude our representations.



2. HOUSING LAND SUPPLY AND RATIONALE FOR ADDITIONAL ALLOCATIONS

- 2.1 The reasons for this current consultation and identification of additional allocations stems from an appeal decision at Higher Road Longridge (Ref: APP/T2350/W/17/3186969) dated 22nd May which allowed residential development for up to 123 units (see **Appendix 2**).
- 2.2 Within this decision the Inspector concluded that Ribble Valley could not demonstrate a 5 year supply, mainly on the basis that the 20% buffer was applicable rather than the 5% that the Council claimed, due to historic under delivery over a 10 year period. The Inspector also went through the Council's claimed delivery rates on large sites in detail, and applied some deductions, suggesting a final figure of 4.5 years (using a base date of 30th September 2017).
- 2.3 This decision then informed the latest version of the Council's Housing Land Availability Schedule (April 2018 HLAS) which has a base date of 31st March 2018 and was issued in July 2018. This concluded that the Council could demonstrate a 4.6 year supply with the 20% buffer.
- 2.4 As such, Officers have acknowledged that they would be vulnerable taking a plan to examination without meeting a 5 year supply with the full 20% buffer and have sought to identify additional allocations to address this shortfall, and this position is set out in detail in a paper entitled 'Housing Land Availability' which formed agenda item 4 at the Special Planning and Development Committee on 17th July 2018.
- 2.5 HLM fully support the need to identify additional sites, but have concerns with how the additional requirement figure has been formulated and justified within this committee report.
- 2.6 However, first we provide our own analysis of the Council's 5 year supply position, as set out within the April 2018 HLAS, and set against the requirements of the Revised NPPF which came into force on 24th July 2018.

5 Year Housing Land Supply Analysis

2.7 The Council's April 2018 HLAS claims a 5.3 year supply with a 5% buffer, and 4.6 years with a 20% buffer. However, the Revised NPPF contains an updated definition of what constitutes a deliverable site with the glossary noting:

'Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years'.

2.8 We have undertaken our own analysis of the Council's supply on this basis and this is attached at **Appendix 3** with a summary table below at Figure 2.1. Please note our analysis focuses on the large sites over 0.4 Ha and does not challenge the Council's evidence on smaller sites at this stage, other than providing a scenario with a blanket lapse rate (albeit we reserve the right to revisit this if required).



- 2.9 Based on our analysis we make the following comments and deductions:
 - Outline consents (-77 units): Sites with outline consent total 1,240 of the Council's 2,275 claimed supply (54.5%) within the April 2018 HLAS, and whilst this evidence and our own analysis suggests the majority of these are progressing, there are 5 sites totalling 77 units, where no further applications have been made since the outline was granted, and as such these have been removed.
 - Sites with Unsigned S106s (- 65 units): The April 2018 HLAS does note a total of 63 units across 3 sites with unsigned S106s, albeit 2 of these have now been signed leaving one consent with 24 units outstanding (Land at Henthorn Road, Clitheroe Ref: 3/2017/0433). Our analysis as also flagged up a further site for 41 units Dale View Billington 3/2017/0133) with no S106. In our view these sites cannot be considered deliverable with S106s outstanding and have therefore been removed.
 - Lapsed Consents (-19 units): Our analysis suggests that the consent for 19 units at the 'Land off Pimlico Link Road' (Ref: 3/2014/0742) expired on 3rd September and as such has been removed.
- 2.10 Applying these deductions (totalling **161 units**) to the Council's supply would reduce it to **4.34 years**.
- 2.11 By way of comparison, if a blanket 10% blanket lapse rate was applied to all sites included in the plan (rather than just on those where development hasn't started) this would give a figure of 4.35 years. This is an approach that has been accepted in multiple appeal decisions and local plan processes and as such provides a useful sense check and indication that our analysis is robust.
- 2.12 This information is summarised in the table over the page.



Fig 2.1 - Pegasus Five Year Housing Land Supply Summary Table

RIE	BBLE VALLEY SYHLS ANALYSIS - SEPTEMBER 2017	Supply from Ap		Council position with Pegasus deductions noted above	Council position with 10% slippage on all sites**
REQUIREMENT	2008-2028 Requirement	5,600		5,601	
	Annual Requirement	280		280	
	Requirement t since base date (1st April 2008- 31st March 2018) (10 Years)	2,800		2,801	
QUIRE	Completions since base date (1st April 2008- 31st March 2018) (10 Years)	2,170		2,171	
RE	Under delivery/ shortfall	630		630	
HOUSING	5 Year Requirement	1,400		1,400	
100	Sedgefield calculation Adding shortfall then 20% buffer on total	2030		2,030	
I		5%	20%	40)6
		2,132	2,436	2,4	36
	Annual Sedgefield Requirement	426	487	487	
	Supply subtotal		Label Lab	2,275	2,353
HOUSING SUPPLY	Deductions		1. W	-161	-235
	TOTAL Supply	2,275	2,275	2,114	2,118
	Sedgefield Years Supply	5.34	4,67	4.34	4.35

SHORTFALL -161 -322 -318

Additional Allocation Requirement

2.13 The Housing Land Availability Paper confirmed that a 4.6 year supply with a 20% buffer equates to a shortfall of 161 units. It goes on to confirm that they are looking to exceed this figure to give them a cushion, and whilst they accept they should ideally be aiming for 5.5 - 6 year supply they aim for 5.3 years (which is the existing supply figure with a 5% buffer) which increases the shortfall to 307. They then deduct the 136 units granted in the first quarter of 2018/2019 (including 122 at Higher Road, Longridge and other small consents, and suggest a residual requirement of 165.

^{* 10%} slippage rate only applied to sites where development has commenced.

^{** 10%} slippage rate applied to all sites (78 already taken off sites need to analyse further



- 2.14 It is our strong view that this 5.3 year target does not go far enough and will continue to leave the HED DPD and wider Core Strategy vulnerable, as further under-delivery on committed sites could leave them without a 5 year supply and render the plan out of date, giving the Council much less control of the location of development going forward (as evidenced recently with the Higher Road appeal).
- 2.15 Firstly, the Councils actual supply figure with a 5% buffer stands at 5.34 years (not 5.3), which would equate to shortfall of 327 units based on their claimed supply (reduced to 191 if their allowance for 136 recent consents is included). Based on our supply analysis this shortfall would be 402 units, and we deal with the allowance for recent consents in the next paragraph.
- 2.16 Secondly, the Council have erred in calculating additional supply in the first quarter of 2018/2019 (April- June) as they have failed to consider that the overall housing requirement increases at the same time, by a total of 70 units (a quarter of the 280 dpa target). As such, the net increase in commitments is 66, which would generate a shortfall of 261 units based a 5.3 year target on the Council's claimed supply and 402 units based on our supply analysis.
- 2.17 Thirdly and most importantly, the Local Plan Expert Group guidance from 2016 clearly recommended a 20% surplus of allocations, to allow for some under-delivery, and whilst this was focussed on housing supply across a full plan period, it is equally applicable in terms of 5 year supply, and would suggest that targeting a 6 year supply would be prudent (a fact the Council acknowledge themselves in suggesting they should aim for between 5.5 and 6 years). Combined with the allowance for recent commitments, a 5.5 years would generate a 499 unit shortfall and 6 years a 743 unit shortfall (as shown in the table below).

Fig 2.1 - Shortfall to be met by additional allocations

5 YEAR SUPPLY TARGET	5.3 YEARS	5.5 YEARS	6 YEARS
Supply requirement to reach target	2.582	2,679	2,923
Current shortfall based on Pegasus supply analysis	-468	-565	-809
Additional consents 1st quarter 2018/19	136	136	136
Additional requirement 1st quarter 2018/19	-70	-70	-70
TOTAL SHORTFALL	-402	-499	-743

2.18 We therefore recommend that the Council identify land for at between 500 and 750 units through additional allocations rather than the 165 suggested and 210 currently proposed.



3. COUNCIL'S PROPOSED ALLOCATIONS AND SELECTION METHODOLOGY

- 3.1 To meet the estimated 165 unit shortfall the Council initially proposed the following allocations within a paper entitled 'Proposed Additional Housing Land Allocations' which formed agenda item 5 at the Special Planning and Development Committee on 17th July 2018, and had the site selection criteria detailed in Appendix 1:
 - Principal Settlement sites: 4 allocations in Clitheroe totalling 102 units. No suitable sites
 were found in Whalley or Longridge.
 - **Tier 1 Settlement sites:** 4 smaller allocations in Tier 1 settlements totalling 78 units, including South of Laycocks Farm in Langho, for 10 units.
 - Tranche 2 sites: 3 reserve sites were suggested totalling 200 units (50 at Mellor Lane, Mellor; 100 at Highmoor Farm, Clitheroe; and 50 at Main road Gisburn).
- 3.2 The consultation document summarises members resolutions on these sites, which included:
 - Removing two sites in Clitheroe (LCC Sites 11 and 14) as LCC have confirmed that they
 are not deliverable within the next 5 years.
 - Site 13 at Highmoor Farm (for 100 units) was agreed to be put forward in lieu of Site 18
 on land North of Ribblesdale View, Chatburn and the additional allocation at Wilpshire Site
 HAL2.
 - Site 6 and Site 25 were not put forward.
- 3.3 As such, the following sites have been put forward for consultation:
 - MM1 Site 15 Chatburn Road, Clitheroe (NE Portion only) circa 40 units
 - MM2 Site Devpr3 Land off Hawthorne Place, Clitheroe circa 40 units
 - MM3 Site 13 Highmoor Farm, Clitheroe circa 100 units
 - MM4 Langho Site 1 South of Laycocks Farm, Langho circa 10 units
 - MM5 Site 24 Haugh Head, Whins Lane, Read and Simonstone circa 20 units
 - TOTAL= 210
- 3.4 The document therefore proposes a total of 210 additional dwellings (approximately 27 higher than the 165 unit residual shortfall the Council claim). It is our strong view that the shortfall is between 500 and 750 and therefore the Council will need to identify up to 540 additional units based on the above analysis.



Site Selection Criteria

- 3.5 Moving onto the Council's selection criteria, we object to the reasoning and methodology, particularly in respect of criteria 4 'Scale of site and likely deliverability'.
- 3.6 Firstly, excluding sites that are too large to be fully built out within 5 years is completely illogical and counterintuitive, as such sites could still make a strong contribution to delivery within the first 5 years, even if they continue beyond that, and whilst it is accepted that these additional allocations are being sought to plug a specific five year supply shortfall, housing requirements are a minimum, and therefore additional delivery beyond 5 years should be welcomed not penalised.
- 3.7 In addition, the method for calculating how large sites would deliver is poorly justified (it claims it is 'based on calculation of approx. 30 dwellings per hectare') and needs clarification, as this will almost certainly lead to sites being excluded that could make a substantial contribution within 5 years.
- This criteria seems to be justified on the basis that the draft revised NPPF deliberately favours smaller development sites, and there was discussion at the Committee meeting of the 20% small sites requirement (on sites less than 1 hectare). However, it is worth noting that the adopted Revised NPPF only actually includes a 10% requirement for small sites at paragraph 68; whilst just 4 paragraphs later the document highlights the importance of larger scale development, and as such does not deliberately favour small developments, but rather supports a mix of site types and sizes to ensure flexibility and choice in the market.
- 3.9 Furthermore, Ribble Valley's existing supply is already dominated by sites of less than a hectare, which constitute a substantial 92.5% (210 of 227) of the sites included within the April 2018 HLAS, which cover over 61% (111 of 182 Ha) of the total site area. As such, the 10% requirement has been significantly exceeded and actually suggests that Ribble Valley should be allocating larger sites to provide more balanced provision of sites to attract a wider profile of respective housing developers.
- 3.10 Whilst small sites are encouraged on basis they can deliver quickly, they can also generate delivery issues, particularly if they are being brought forward by the landowner or a promoter. Firstly, anything less than 50 units is likely to deter many of the larger/ national housebuilders, whilst the smaller/ local housebuilders can often find access to finance difficult, particularly on smaller schemes, where the potential margins are lower and therefore the upfront risks are relatively high. Smaller local builders are also more likely to experience programming delays to allow them to finish off existing sites (as they are less likely to have the resources and ability to access funding to work on multiple sites at once).
- 3.11 There was evidence of this through the marketing of the Phase 1 development at Langho, where interest in the site was high due its location, although from the 30+ small builders that were interested, committing to a purchase was difficult, and the vast majority wanted to increase the



numbers to increase the mix and variety of houses on the site and to generate a quicker build programme and shorter sales period. Further detail on this matter is provided at **Appendix 4**, comprising a letter from Mark Clarkson at Eckersley, who managed the marketing of this site.

- 3.12 This criteria goes on to restrict site size to a maximum of 100 units in the Principal Settlements and 30 units within the Tier One villages. However, there is no justification or evidence for these figures, which seem arbitrary, and instead we understand these thresholds were agreed by a working group of members based on what was 'considered appropriate'.
- 3.13 The danger with this arbitrary ceiling (as with the exclusion of sites that will deliver beyond 5 years) is that that a number of sustainable and logical sites will be discounted simply because of their size, whilst smaller and less sustainable sites will be included.
- 3.14 A review of the proposed allocations clearly demonstrates this, with site MM5 in Read and Simonstone included, even though this ranks 18th in the Council's own settlement hierarchy sustainability rankings, whilst the HLM site at Langho (ranked 4th in the Council's own assessment and is the most sustainable of all the villages within the Borough) has been excluded, as have others in Mellor (ranked 5th) and Gisburn (ranked 14th).
- 3.15 Another issue with this is that it might exclude large sustainable sites, which could be subdivided and brought forward in smaller phases. This is certainly the case at Longsight Road, Langho, where the full site has been promoted for approximately 400 units in total. However, this was always intended to be a phase development, with a second phase of approximately 35 units proposed for consideration within these representations (see section 4).

Proposed Allocations

- 3.16 In respect of the 5 allocations proposed, whilst all of these have been put forward for development in earlier rounds of the HED DPD process, we haven't seen any up to date evidence on their deliverability, and as such reserve the right to make further comments based once this evidence is provided to the examination.
- 3.17 Indeed, it is worth noting that site 1 in Langho was actually put forward for employment uses within the Regulation 19 consultation, and we have not seen any further submissions to support the residential allocation, and as such this position needs clarified.
- 3.18 We would also reiterate that the land at Longsight Road should be included for allocation as it has been demonstrated that the site is deliverable, as it is:
 - Available with a willing landowner with a track record of selling on an earlier, permitted phase of the site to Pringle Homes;
 - Suitable in a sustainable location adjacent to the train station and other services in Langho, with no environmental or technical constraints to prevent its development, and



reinforced by the fact that the settlement is regarded the 4th most sustainable in the Borough after the much larger towns of Clitheroe, Longridge and Whalley;

Achievable – the site is economically viable and in a strong market location, as
demonstrated in the marketing evidence attached at Appendix 4 and the imminent start
on Phase 1 of the site by Pringle Homes.



4. PROPOSED PHASE 2 DEVELOPMENT AT LONGSIGHT ROAD LANGHO

- 4.1 As noted in section 1, we have promoted the remaining 20.57 Ha of land at Longsight Road, Langho throughout the HED DPD process, but present a smaller scale Phase 2 development for consideration within this consultation. We provide further detail below.
- 4.2 Firstly, however, we would reiterate our earlier representations on the sustainability of Langho as a settlement and the suitability of the Longsight Road site.

Langho- a sustainable settlement to accommodate growth

- 4.3 It is important to note that despite being a highly sustainable and relatively large settlement in the Borough, Langho was only allocated a very small proportion of growth in the Core Strategy, namely a residual requirement of 18 no. dwellings. This requirement has since been met, as Hallam's land interests at Land off Longsight Road, Langho was granted permission for 18 no. dwellings in July 2015.
- 4.4 One key sustainability benefit of Langho is its access to the railway network, which is a particularly important benefit in the context of Ribble Valley as there are only 4 stations within the borough (Clitheroe, Langho, Whalley and Wilpshire).
- 4.5 The Revised NPPF confirms at paragraph 102 that:

'Transport issues should be considered from the earliest stages of plan-making and development proposals so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued;'

- 4.6 In short, the existing public transport network running through any authority area should be one of the principal, early considerations in plan making and represent a key sustainability criteria in determining where new development should be targeted so as to ensure any Local Plan embodies the principles of sustainable development.
- 4.7 Paragraph 103 goes further and confirms the following:

The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

4.8 It would therefore be reasonable to assume that the location of development in sustainable locations adjacent to public transport facilities, goes as far as influencing public health, which we would argue is not only a critical planning policy issue but also a legal and public health and well-being requirement which cannot be ignored.



- 4.9 Paragraphs 122c, 123a also reconfirm that Local Authorities should even consider the use of higher densities of development around and at locations that are accessible by public transport modes, which again emphases the need to focus development around such facilities as a priority.
- 4.10 It is notable that this plan will be considered under the former NPPF rather than the Revised NPPF given the transition arrangements. However, the Revised NPPF is not too dissimilar to that in the former NPPF, which confirms the following at paragraph 17, where one of the 12 Core Planning principles related to decision making and plan-making states LPA's should:

'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;'

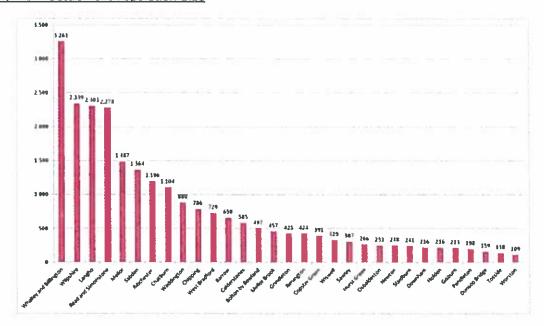
4.11 Paragraph 30 of the former NPPF also confirms the following:

'Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.'

- 4.12 It is critical to note that the Longsight Road site in Langho is the only one of 33 that have been considered within the HED DPD process, that has immediate, direct access to a train station, with the other sites in the 4 relevant settlements ranging from 600 1.6km away from a train station. In light of this, we do not consider the principles of paragraph 102 have been followed.
- 4.13 As such, the Longsight Road site clearly represents a unique development opportunity in the context of the former and revised NPPF and its support for development close to sustainable transport modes to facilitate a range of benefits, including public health considerations.
- 4.14 In addition to the train station, Langho has a large population relative to a number of other rural settlements (see figure 4.1 below). Indeed, after the populations of Clitheroe (c.15,000) and Longridge (c.7,000), it is the 5th largest.
- 4.15 Additionally, Langho also benefits from a range of local existing facilities being present, further highlighting its sustainability credentials. The Services Plan, contained at Appendix 5, illustrates the range of facilities within Langho, the accessible location of the train station and various bus stops that run through the town. The red line on the plan denotes the site that has already been granted planning permission for 18 no. dwellings, with the blue line outlining Hallam's wider land interest.

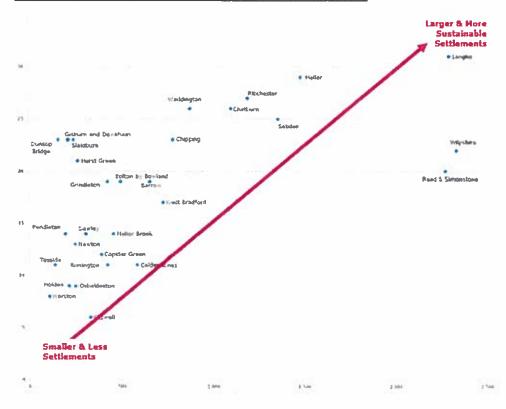


Fig 4.1 - Settlement Population Size



4.16 As we show in figure 4.2 below, if the population figures and scores derived from the Council's access to services and facilities assessment (as part of the Core Strategy's evidence base) were combined, it is clear that Langho would represent the largest, most sustainable 'other settlement' within the current category and can be seen to be distinguished very separately from the other settlements (particularly the other 8 Tier 1 Villages).

Figure 4.2 - Population Size and Settlement Hierarchy Score





4.17 Therefore, it is clear that Langho is a sustainable settlement with a number of local facilities present to facilitate higher levels of growth, particularly the train station, which the Longsight Road site has direct access to.

Proposed Phase 2 Development

- 4.18 The illustrative masterplan attached at **Appendix 1** shows a development of approximately 30 units on a site measuring 1.95 Ha.
- 4.19 This will be accessed from the A59 Longsight Road to the north, with direct pedestrian access to the train station and wider settlement to the south. It will abut the Phase 1 development to the east, which is expected to begin construction in the coming months.
- 4.20 Whilst it remains our position that the entire site is suitable for allocation with flexibility to offer a range of sizes, phases and densities, we propose this Phase 2 scheme to align with the Council's site selection criteria within the current process (notwithstanding our concerns with these criteria) and ask that this site be considered for allocation on this basis.
- 4.21 whilst the site is suitably located within the settlement and can be brought forward in a phased manner, with range of densities.

Option for Additional Phase

- 4.22 There is also the potential to extend this phase further west to the next field boundary, for approximately 80-100 units, which could offer additional benefits and uses, including a dedicated car park around the train station (as there is no current provision), or an element of employment if required.
- 4.23 The inclusion of a customer car park for the train station would undoubtedly increase use and patronage of the train station, which currently has no customer parking facilities. This would not only benefit other residents in Langho but also those located in more rural areas who may wish to utilise local train services but cannot practically do so at present.
- 4.24 The above offer and proposal should not be dismissed out of hand and simply because the Council have decided to apply an arbitrary and informal cap on the scale of sites for Tier 1 settlements as part of this Development Plan Document process (with the Council applying a 30 unit cap). In doing so, it goes directly against paragraphs 102 and 103 of the Revised NPPF and could have negative consequences on public health concerns within the Borough and wider sub-region.



5. SUMMARY AND CONCLUSIONS

- 5.1 It is our strong view that the Council should identify additional allocations to those proposed to address their 5-year housing supply shortfall and to provide some flexibility to allow for underdelivery and choice within the market.
- 5.2 Our analysis of the 2018 HLAS suggests the Council's supply is around **4.34 years** with a 20% buffer rather than the 4.6 years claimed. In combination with a flawed methodology for calculating the additional number of units required (which should aim for a 5.5 to 6 year supply with the 20% buffer, additional requirements in the first quarter of 2018/2019 as well as commitments, we consider that the Council should identify land for between 500 and 750 further dwellings, rather than the 165 suggested and 210 put forward.
- 5.3 This will require further additional allocations for between 290 and 540 units over and above what has currently been identified.
- 5.4 We also have concerns with the Council's site selection methodology, particularly its discounting of sites based on arbitrary size and delivery thresholds, which will and has led to highly sustainable and deliverable sites being excluded, such as the land at Longsight Road, Langho.
- 5.5 We have put forward a second phase development at Langho for approximately 35 units which meets the Council's criteria, and ask that this be considered for allocation, to help meet the additional shortfall, with the potential to offer further land as required.
- 5.6 We have demonstrated that Langho is a highly sustainable settlement and that this site is well located within it, with direct access to sustainable transport via one of only 4 train stations in the borough, a benefit that no other site put forward as part of the HED DPD process can offer, and one which goes to the heart of the previous and revised NPPF in terms of promoting sustainable transport modes, reducing congestion, improving air quality and public health.



APPENDIX 1 - PHASE 2 ILLUSTRATIVE MASTERPLAN



APPENDIX 2 -LAND AT HIGHER RD, LONGRIDGE (APP/T2350/W/17/3186969)



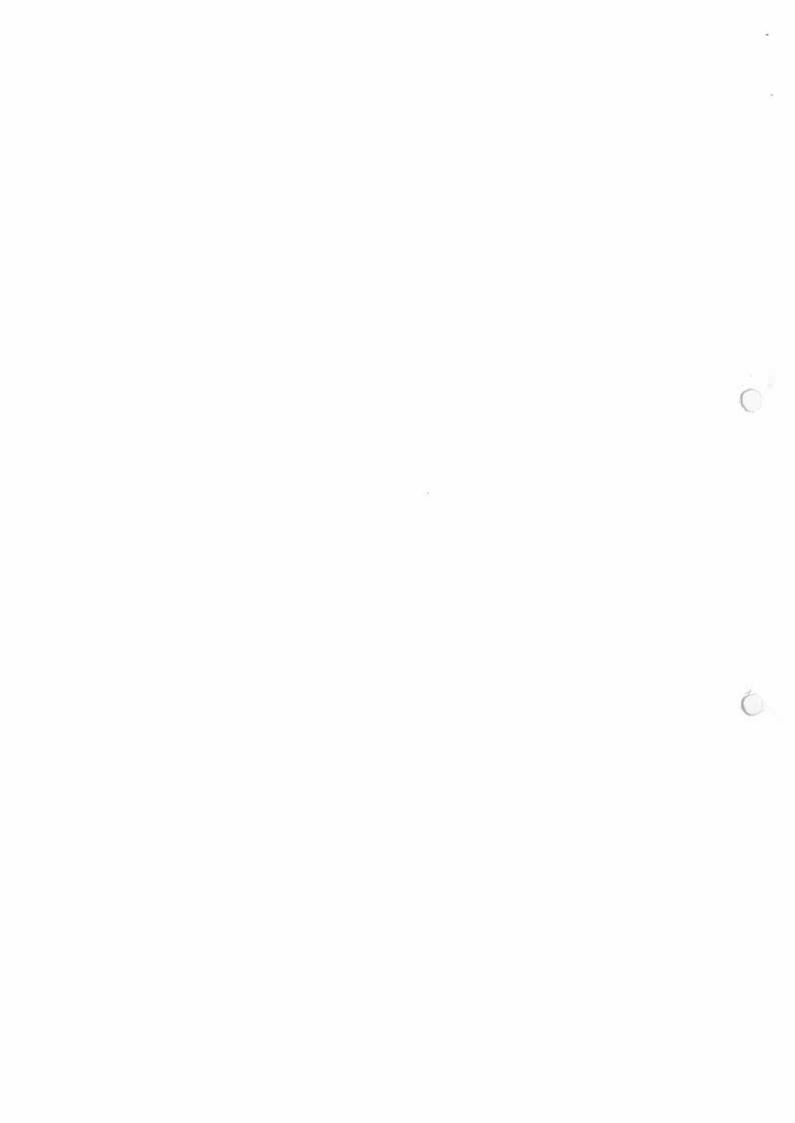
APPENDIX 3 - PEGASUS FIVE YEAR SUPPLY ANALYSIS



APPENDIX 4 - MARKETING EVIDENCE LETTER



APPENDIX 5 - LANGHO SERVICES PLAN





Our Ref

MAC/CF/10920

Date

6th September 2018

Ribble Valley Borough Council Planning Department Church Walk Clitheroe BB7 2RA

Dear Sirs/Madam

PART WILDMANS FARM, LONGSIGHT ROAD, LANGHO

Eckersley is an independent General Practice firm of Chartered Surveyors and Commercial Property Consultants with offices in Preston and Lancaster undertaking a range of professional property services throughout the North West of England, in addition to providing specialist advice to clients on a national basis. One of our specialisms is development consultancy and in particular residential development. We are one of the leading regional agents acting in both acquisitions and disposals of sites ranging from circa 10 up to 1,000 units and thus very well placed to comment on this market place.

Eckersley have a long standing knowledge and involvement with the Wildmans Farm property including undertaking a prolonged marketing exercise which has ultimately led to a sale of Phase 1.

Unsurprisingly the exercise generated a significant level of interest with in excess of 31 expressions of interest being received. General enquiry levels were indeed higher but upon closer inspection numerous housebuilders declined the opportunity due to the limited number of units and in particular the low density coupled with the need to deliver on site affordable homes.

Expressions ranged from a limited number of national housebuilders to smaller local and regional developers. The vast majority including all of the national housebuilders requirements were to increase the number of units to typical development densities in line with their own respective house types and suitable mix for that locality. When being advised that this wasn't achievable their interest fell away.

The locational feedback was particularly positive advising that the village of Langho offered all of the sustainable features they would look to deliver a successful development with particular emphasis on communications and the railway station plus community facilities. Furthermore a development away from the concentration of new housing in and around Clitheroe and Whalley would offer an alternative that would likely be delivered at a faster pace due to less competition. In general market terms sales rates are of particular concern for housebuilders presently. however, this isnt expected to be detrimental in this location due to the aforementioned reasons. We did receive several holding expressions should we fail to agree a sale and on the proviso a higher density development could be readily achieved.

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In summary whilst the sale of Phase 1 was slightly protracted due to the aforementioned issues and thus very narrow market, based upon our knowledge of the subject site coupled with our extensive experience of the house building market we expect demand for a typical development density scheme of up to say 40 units in this location to be strong and any marketing exercise relatively short with delivery rates comparatively high. Whilst this size of scheme is unlikely to attract the national housebuilders, who would generally only consider schemes of 50 units or more in this location, there are ample regional house builders who expressed interest and would in our view be eager to deliver such a development.

Yours faithfully

Mark A. Clarkson MRICS

Eckersley



Appeal Decision

Hearing held on 17 April 2018 Site visits made on 17 April 2018 and 18 April 2018

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2018

Appeal Ref: APP/T2350/W/17/3186969 Land at Higher Road, Longridge

- 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 VH Land Partnership against the decision of Ribble Valley Borough Council.
- The application Ref 3/2016/1082, dated 17 November 2016, was refused by notice dated 18 April 2017.
- The development proposed is an outline planning application for residential development for up to 123 houses; demolition of an existing house (74 Higher Road) and formation of access to Higher Road.

Decision

1. The appeal is allowed and planning permission is granted for an outline planning application for residential development for up to 123 houses; demolition of an existing house (74 Higher Road) and formation of access to Higher Road at Land at Higher Road, Longridge in accordance with the terms of the application, Ref 3/2016/1082, dated 17 November 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

- 2. The application was submitted in outline with all detailed matters other than means of access reserved for future approval. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on that basis. The masterplan and illustrative material submitted with the planning application in so far as it relates to those matters has been taken into account for indicative purposes.
- 3. A signed and dated planning obligation by unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (UU) has been provided as part of this appeal. It includes obligations relating to affordable housing, off site leisure provision, highway and transport works and education. I consider the agreement in relation to the Regulatory tests of the Community Infrastructure Levy (CIL) in my decision.

Main Issue

4. The main issue is whether the development proposed would be consistent with the objectives of policies relating to the location and supply of housing.

Reasons

Location and supply of housing

- 5. The appeal site, except for No 74, is undeveloped land comprising a number of agricultural fields that lie adjacent to the edge of the built up area of Longridge, which includes the linear arrangement of houses adjoining the site that face Higher Road and Dilworth Lane. There is also a residential development immediately adjacent that is under construction which is accessed from Blackburn Road and also adjoins Dilworth Lane. The remaining site boundary adjoins Tan Yard Lane, a track and bridleway accessed from Blackburn Road with open fields and reservoirs immediately beyond. The submitted plans indicate that the development of up to 123 dwellings would include a new access from Higher Road which would utilise the land currently occupied by No 74 that is proposed to be demolished.
- 6. Key Statement DS1 of the Ribble Valley Borough Council Core Strategy 2008 2028 A Local Plan for Ribble Valley (CS), adopted December 2014, sets out the development strategy. 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, Longridge 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.
- 7. The housing requirement set out in Key Statement H1 of the CS 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. The supporting text to Key Statement DS1 at paragraph 4.11 and Appendix 2 of the CS include tables which identify the number of houses required for each settlement by 2028 to meet the housing requirement. The number to be delivered in Longridge is stated as 1,160 houses during the plan period, with a residual number of 633 houses remaining as at 31 March 2014¹ to meet that figure.
- 8. In seeking to deliver the above, the CS does not define an up-to-date settlement boundary for Longridge and Key Statement DS1 of the CS indicates that specific allocations will be made through the preparation of a separate allocations DPD. Consequently, the settlement boundaries currently utilised by the policies of the CS are those defined by the proposals map of the preceding Ribble Valley Districtwide Local Plan. During the Hearing it was confirmed by the parties that it is not a matter of dispute that the site is located outside of the existing settlement boundary of Longridge and therefore, lies within open countryside.
- 9. Policy DMG2 of the CS, indicates amongst other things, that development in the open countryside will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. In that regard, the

¹ Takes account of completions/permissions granted up to 31 March 2014, plus a reapportionment of 200 houses to other settlements in Ribble Valley to reflect a planning permission granted near to Longridge for 200 units at Whittingham Lane within Preston Borough.

landscape sensitivity of the site and its surroundings is assessed as medium by a landscape visual impact assessment (LVIA) accompanying the application. To my mind that assessment in the LVIA appropriately reflects the higher sensitivity of the open countryside generally, but takes into account that the steeply sloped topography of the land is viewed against the backdrop of existing properties that face Higher Road and Dilworth Lane with the rural character at the edge of the built up area further eroded by development under construction immediately to the south. Although the site lies close to the boundaries of the Longridge Conservation Area and the Bowland Forest Area of Outstanding Natural Beauty, it has no influence on the special character and interest of those areas due to the presence of intervening built form and landscaping.

- 10. With regard to the above, the construction of dwellings on the site would result in built development on greenfield land that currently consists of largely open fields in agricultural use. However, it is evident that when taken together with the development under construction immediately to the south that there is some scope to absorb development adjoining the existing settlement boundary and provide a more robust boundary between the built up area and open countryside. In that context, both Key Statement DS1 and Policy DMG2 of the CS, when taken together, permit development proposals in the principal settlements, including Longridge, which accord with the development strategy and consolidate, expand or round-off development so that it is closely related to the main built area. Nonetheless, although the site adjoins the principal settlement of Longridge it lies outside of it and therefore, does not meet the precise wording of either Key Statement DS1 or Policy DMG2 which require development proposals to be in the principal settlements and, therefore, it would result in a consequent loss of open countryside. In that respect, there is also conflict with Policy DMH3 of the CS that relates to dwellings in the open countryside and which seeks to limit residential development to a closed list of exceptions and criteria, which the proposed development would not meet.
- 11. In reaching the above findings, it is evident that the conflict with the above policies and the Development Strategy relates specifically to the existing designation of land as open countryside. Concerns have been expressed with respect to the oversupply of housing that would result from the development relative to the residual numbers for Longridge in paragraph 4.11 and Appendix 2 of the CS. However, I find no harm in that respect as those numbers are not intended to be interpreted as a ceiling and can be exceeded in circumstances to provide flexibility to meet the local needs set out in the CS and where there is infrastructure capacity to deliver the development. The development is intended to contribute to meeting significant local needs in terms of affordable housing and older persons housing in accordance with the CS. Furthermore, there is no substantive evidence before me that local infrastructure, utilities, services and facilities could not accommodate the development, including when taken cumulatively with development nearby within the administrative area of Preston City Council, subject to planning obligations that are considered in detail later in this decision.
- 12. I have also taken into account that the emerging Ribble Valley Housing and Economic Development Development Plan Document (HED DPD) was submitted in July 2017 and did not include the site within its proposed allocations or its settlement boundary for Longridge. However, as the examination in public has yet to take place and there are unresolved objections

to the document including the proposed settlement boundary, the emerging HED DPD is not an influential factor upon the above findings. In addition, the Longridge 2028 Neighbourhood Development Plan - Regulation 16 Submission Draft - January 2018 (NDP) was also provided during the Hearing. However, the emerging NDP does not currently include specific housing policies relating to land beyond the Longridge settlement boundary or policies that add to those that are relevant to the proposal in the CS. In any case, the NDP is at an early stage of preparation and consequently, I can afford little weight to it.

13. When having regard to all of the above, there is conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the CS and the associated objectives relating to the location of housing and the protection of the countryside. Nevertheless, to conclude on the main issue as a whole it is necessary to also assess the existing housing land supply position in Ribble Valley which I go onto to consider.

Housing land supply in Ribble Valley

- 14. In order to boost significantly the supply of housing, paragraph 47 of the National Planning Policy Framework (the Framework) requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Footnote 11 of paragraph 47 states that to be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable to ensure that housing will be delivered on site within five years.
- 15. During the Hearing, the appellant provided an up-to-date position² relative to the Council's Housing Land Availability Schedule October 2017 (HLAS) which has a base date of 30 September 2017 for the calculation of housing supply and includes the shortfall of delivery during the plan period to date of 649 dwellings. In that respect, the appellant considers that the Council can demonstrate a housing land supply of approximately 4.3 years when including a 20% buffer relative to paragraph 47 of the Framework. The Council position in the HLAS as at September 2017 was a housing land supply of 5.9 years, including the application of a 5% buffer, the existing shortfall of delivery, 10% slippage applied to sites with planning permission that had not started and a windfall allowance.
- 16. The Council have subsequently provided an April 2018 update to the figures as at 30 September 2017 which reduced the expected yield from large sites within the five year land supply by 240 dwellings, thereby reducing the housing land supply to approximately 5.4 years, when including a 5% buffer, the shortfall of delivery in the plan period, 10% slippage applied to sites with planning permission not started and windfalls. Aside from the level of buffer to be applied in accordance with the Framework, the differences between the parties reflect the level of contribution from large sites with planning permission and proposed allocations in the emerging HED DPD. There is no dispute between the parties with respect to a windfall allowance of 115 dwellings in total and based on the evidence before me, I have no reason to take a different view in that regard.
- 17. The Council have justified the application of a 5% buffer, rather than a 20% buffer, on the basis that it accords with the approach of a 'housing

² Hearing document 5

delivery test' set out in a Government White Paper³ that has been taken forward in the National Planning Policy Framework - draft text for consultation, March 2018, and associated draft updates to Planning Practice Guidance. The approach of the proposed housing delivery test suggests that a 20% buffer would not apply in circumstances where the completions over the last three years of the monitoring period exceed the identified housing requirement as set out in the development plan. In that respect, the housing delivery in Ribble Valley has exceeded the annual requirement set out in Key Statement H1 of the CS for the last three years. However, appeal decisions have been drawn to my attention at Dalton Heights, Seaham⁴ and Lower Standen Hey Farm, Clitheroe⁵ where Inspectors considered the application of methodologies subject to consultation to be premature.

- 18. I concur with those Inspector findings as although the methodology set out in the March 2018 consultations relating to the draft Framework, Planning Practice Guidance and associated Housing Delivery Test - Draft Measurement Rule Book indicate the Government's intent, it remains subject to consultation with no certainty that it will be formally adopted and implemented in its current form. In existing circumstances, the improved housing delivery rates in Ribble Valley between 1 April 2014 and 30 September 2017 should not prevail over the longer period of persistent under-delivery of housing that was significantly below the annual requirement during each year between April 2008 and March 2014. The adoption of the CS has had an influence upon the recent increase in housing delivery rates, but the longer period of under-delivery has resulted in a considerable shortfall of housing delivery in Ribble Valley during the first half of the plan period that in total is more than two years of the annualised requirement in Key Statement H1. I, therefore, consider that there is a persistent record of under-delivery of housing in Ribble Valley and a 20% buffer should be applied to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 19. The application of a 20% buffer, rather than a 5% buffer, to the Council's updated position submitted prior to the Hearing results in a housing land supply of approximately 4.7 years. The remaining differences between the parties relate to the contribution of a list of disputed sites submitted as part of the appeal that I deal with in turn below.
- 20. Higher Standen Farm. The site is under construction by a single developer and the Council's figures of 200 dwellings to be delivered within five years are derived from a delivery rate of 20 dwellings in year 1, with a delivery rate of 45 dwellings per annum in the remaining years. During the Hearing, the Council have indicated that commencements have been recorded in the half year to date, but with no completions so far. Based on the evidence before me, the delivery rate applied by the Council is at the upper end of the range provided by the developer which was 40 45 dwellings per annum. In that respect, whilst the delivery of 20 dwellings in the first year may be achievable, the 45 dwellings per annum in the remaining years appears overly optimistic when compared with delivery rates experienced in Ribble Valley on most other sites with a single developer. I, therefore, consider the lower delivery rate of 40 dwellings per annum to be a more reasonable forecast for years 2 5.

³ Fixing our Broken Housing Market, February 2017

¹ Appeal Ref: APP/X1355/W/16/3165490 - 29 September 2017

⁵ Appeal Ref: APP/T2350/W/17/3174924 - 25 October 2017

- Based on the evidence before me, the contribution from this site is more likely to be in the region of around 180 dwellings in the five year period.
- 21. Land South West and West of Whalley Road, Barrow. The site is under construction in two phases and the parties reached an agreement prior to the Hearing that the site would contribute 150 dwellings during the plan period at an annual delivery rate of 30 dwellings per annum, which is lower than the Council forecast in the HLAS. Based upon the evidence before me, I have no reason to take a different view to the parties and consider that the contribution from this site is likely to be around 150 dwellings in the five year period.
- 22. Land off Waddington Road, Clitheroe. The site has outline planning permission and a reserved matters application has been submitted to, but has yet to be determined by the Council. During the Hearing it was confirmed that the Council's figures of 110 dwellings to be delivered within five years are based upon a delivery rate provided by a developer that is no longer proceeding, with anticipated completions in year 2 (2018/19) of 20 dwellings and a delivery rate of 30 dwellings per annum in the remaining years. In the circumstances, I consider that the Council's lead in times for commencement on site and completions are now overly optimistic. The appellant's lead in time of 24 months (from September 2017) for a new developer to receive approval for reserved matters, discharge the requirements of conditions and commence on site, with a delivery rate of 15 dwellings in the third year and 30 dwellings in each of the remaining years appears a more reasonable and realistic outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 75 dwellings in the five year period.
- 23. East of Clitheroe Road, Whalley Lawsonsteads. The site has reserved matters approval, but the Council since October 2017 have subsequently revised down the figures to 105 dwellings to be delivered within five years due to infrastructure constraints associated with Phase 1 that have delayed commencement of development on this site. During the Hearing, it was confirmed by the parties that the original developer is no longer proceeding and whilst a new developer has expressed interest it would likely necessitate a full application that has yet to be submitted to overcome existing drainage issues. In the circumstances, I consider that the Council's lead in times are overly optimistic. The appellant's lead in times of 24 months (from September 2017) for a new developer to obtain its own planning permission, overcome infrastructure constraints and commence on site, with a delivery rate of 15 dwellings in the third year and 30 dwellings each of the remaining years appears a more reasonable and realistic outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 75 dwellings in the five year period.
- 24. Land east of Chipping Lane, Longridge. Based upon the evidence before me, the site has outline consent, with reserved matters consent for phase 1 comprising 118 dwellings that has commenced and a full planning permission granted for phase 2. The Council figures of 150 dwellings to be delivered within five years are based upon a delivery rate of 30 dwellings per annum in each year. During the Hearing, the Council indicated that commencements have been recorded in the half year to date, but with no completions so far. In the circumstances, I consider that a delivery rate of 30 dwellings in the first year is overly optimistic and a forecast of 15 dwellings in the first year, with 30 dwellings in each subsequent year would be a more reasonable and realistic

- outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 135 dwellings in the five year period.
- 25. Land north of Dilworth Lane, Longridge. The site is under construction and the Council's figures of 171 dwellings to be delivered within five years reflect the build out of the remainder of the site during the five year period. During the Hearing, the Council confirmed that 24 completions were recorded in the previous year with a further 10 completions having been recorded since October 2017 with commencements having also taken place. The appellants indicated that their own figures based upon 30 dwellings per annum should be revised down to match the lower delivery rate in the previous year resulting in a total contribution of 120 dwellings during the five years. However, when taking account of the evidence of the build out rates within the site to date and the fluctuations that can occur between each year, I consider that the application of a delivery rate of 30 dwellings per annum would be a more reasonable and realistic figure as an average that would be achievable across the five year period. Therefore, based on the evidence before me, the contribution from this site is likely to be around 150 dwellings in the five year period.
- 26. Preston Road, Longridge. The site has planning permission with the developer expected to start on site in July 2018. The Council's figures reflect no delivery in year 1 (2017/18) with a delivery rate of 30 dwellings in years 2-5, whilst the appellant indicated that due to lead in times delivery should only be expected in years 3-5. I consider that the middle ground between those figures would be realistic in year 2, with a build out rate of 15 dwellings to reflect the lead in times from anticipated commencement late in year 1 to the first completions in year 2, with delivery of 30 dwellings per annum in the remaining years. Therefore, based on the evidence before me, the contribution from this site is likely to be around 105 dwellings in the five year period.
- 27. Sites allocated in the emerging HED DPD. The proposed allocations within the submitted version of the emerging HED DPD are Land at Mellor Lane (HAL1) which contributes 15 dwellings to the Council figures and Land at Wilpshire (HAL2) which contributes 35 dwellings.
- 28. The allocations remain subject to objections and do not have planning permission, but were subject to a site selection process as part of the preparation of the HED DPD prior to its submission. The Council confirmed during the Hearing that there are no constraints to the delivery of HAL1 and no contrary evidence was provided. In that respect, I am satisfied that given the scale of the site, a developer would be capable of obtaining planning permission, commencing on site and building out HAL1 at the level indicated in the Council figures during the five year period.
- 29. With respect to HAL2, I observed that there are overhead power lines with a pylon located close to the access to the site, but I am satisfied that it would not preclude delivery given that there are existing dwellings nearby and a road that has already been built close to the pylon. Furthermore, I am satisfied that the Council's nominal capacity for the site incorporates reasonable deductions to reflect any reduction in developable area associated with the constraint of overhead power lines. Consequently, given the scale of the site, there is no substantive evidence before me which indicates that a developer would be incapable of obtaining planning permission, commencing on site and building

- out HAL2 at the level indicated within the Council figures during the five year period. Therefore, based on the evidence before me, the contribution from HAL1 and HAL2 is likely to be around 50 dwellings in the five year period as indicated by the Council.
- 30. When having regard to my above findings with respect to the disputed sites, the Council's housing land supply is reduced by a further 136 dwellings in total during the five year period. As a consequence, I find that on the basis of the evidence before me the deliverable housing land supply demonstrated is approximately 4.5 years, including the application of a 20% buffer, the existing shortfall of delivery, 10% slippage applied to sites with planning permission not started and a windfall allowance, in accordance with the Framework. In that respect, even if the Council's predictions relating to some of the sites prove to be more accurate, it would not significantly alter the housing land supply position and would only marginally reduce the shortfall within the range of 4.5 years and a maximum of 4.7 years of deliverable housing land supply.
- 31. Having regard to all of the above, I conclude that the development would conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the CS in terms of their objectives relating to the location and supply of housing. However, the restrictions in those policies are not consistent with national policy objectives in the Framework to boost significantly the supply of housing in circumstances where a five-year supply of housing land has not been demonstrated and therefore, they are not up-to-date. In that respect, to conclude on the compliance of the proposal with the development plan and the Framework as a whole as part of the planning balance, it is necessary to firstly consider any other matters that are relevant to the proposal.

Other Matters

Highway and pedestrian safety

- 32. The effect of the proposal on highway and pedestrian safety is not a matter contested by the Council. The Framework advises that development should only be prevented where the residual cumulative impacts are severe. The highway authority is satisfied that the additional traffic arising from the development could be accommodated on Higher Road and the surrounding highway network without a severe impact. This would be subject to certain measures, such as the formation of the new access following the demolition of No 74. It would also require contributions to and delivery of specific highway improvements including traffic calming measures on Higher Road and upgrades to the junctions and pedestrian crossings at Preston Road-Chapel Hill, Preston Road-Kestor Lane and the Longridge Road roundabout, together with public transport upgrades and off site contributions to walk routes and cycling (linked to the emerging NDP) as listed in Schedule 4 of the UU. Based on the evidence before me 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.
- 33. With regard to the above, the Council and the highway authority have also raised no objection with respect to the proposed access, its layout and agreed visibility splays and sight lines, subject to the new footpath connections and alterations proposed to each side of the access as referred to in Schedule 4 of the UU. Based on the evidence before me and my observations, I have no

- reason to take a different view and consider that the proposal would ensure that safe and suitable access to the site can be achieved for all people.
- 34. In reaching the above findings I have taken into account the concerns expressed by interested parties in terms of existing parking arrangements and access for emergency vehicles on Higher Road, particularly at its narrowest point near the Club Row terraces where I observed that on-street parking is at its most prevalent but passing places were still available. In that respect, the development would not increase the demand for on-street parking or increase traffic flows on Higher Road to an extent that existing highway conditions and parking arrangements would be significantly altered or worsened. I am satisfied, therefore, that the development would not have a detrimental impact upon highway safety or preclude access for emergency vehicles, which is capable of being secured within the site as part of the detailed site layout to be submitted as part of the reserved matters.

Living conditions

- 35. The masterplan and illustrative material submitted with the planning application demonstrate that adequate separation distances to neighbouring properties facing Higher Road, Dilworth Lane and the on-going development immediately adjacent could be achieved to preserve the living conditions of their occupiers and future occupiers of the development in terms of outlook and privacy. Existing views from the rear elevations and rear gardens of the adjoining properties facing Higher Road and Dilworth Lane would be affected by the development. However, that is generally the case with development on the edge of an existing settlement. A well-designed and appropriately landscaped development would be capable of limiting the perception of the site being suburbanised, whilst providing a suitable outlook for occupiers of neighbouring properties around the site. I am satisfied that the detailed issues in those respects could be appropriately addressed through the reserved matters relating to layout, scale, appearance and landscaping, taking account of the variations in topography.
- 36. The proposed access road between Nos. 70 and 76 would increase the noise and activity experienced by occupiers of those properties. However, I do not consider that the extent of those effects would result in significant harm or disturbance to their existing living conditions. In reaching that view, I have taken into account that potential mitigation measures could be provided at reserved matters stage or by condition, such as appropriate use of land levels for the access relative to the slab levels of surrounding properties, additional landscaping buffers and acoustic fencing. The construction phase could also be suitably controlled to prevent unacceptable impacts in terms of noise and disturbance through the agreement of a Construction Method Statement.
- 37. Interested parties have also expressed concerns with respect to the impact on property values. However, it is a well-established principle that the planning system does not exist to protect private interests such as the value of land and property. The issue of restrictive covenants relating to the site has also been raised. However, I see no reason why the grant of planning permission would supersede any private legal rights relating to land ownership or a leaseholding. Consequently, those matters fall outside of my jurisdiction and have not had any material bearing on my assessment of the planning issues in this appeal.

Ecology, trees and open space

- 38. The Ecological Appraisal submitted with the application found no substantive evidence of any protected species within the site or the surrounding area that would be adversely affected by the development. Based upon the evidence before me, I have no reason to take a different view. Furthermore, I am satisfied that the compensatory planting, habitat enhancement and precautionary measures identified relating to amphibians, bats, badgers, nesting birds, brown hares, invertebrates and reptiles would be suitable and could be secured through conditions, and the detailed site layout and landscaping submissions as part of the reserved matters. I, therefore, find that the development would not have an adverse impact upon ecology and biodiversity.
- 39. The Tree Report submitted with the application indicates that the masterplan and illustrative details that accompanied the application could require the removal of one high quality tree, two moderate quality trees, one low quality tree and three low quality groups within the site. Additionally, it indicates that five trees and one group located within the site are considered unsuitable for retention for reasons unrelated to the development. However, the layout and landscaping proposals are illustrative and the specific details remain subject to a reserved matters submission. In that regard, I am satisfied that the detailed submissions could suitably incorporate existing high and moderate quality trees within the site, together with the trees and hedgerows along the site boundary and those located on neighbouring land with crown overhangs or root protection areas within the site. Tree protection measures in those respects can be secured by condition. In addition, the landscaping within the site would be capable of including extensive new tree and hedge planting to adequately compensate for any loss of lower quality trees within the site.
- 40. The detailed provision of public open space within the site, including useable spaces, natural play spaces, pedestrian footpath links and cycle routes, can be secured as part of the reserved matters and conditions in accordance with the illustrative details within the masterplan accompanying the application, including potential links to the Longridge Loop as set out in the emerging NDP. The public open space provision in that respect would have wider recreational benefits to the Longridge area given that the site has no public access at present, even though the primary purpose would be to meet policy requirements.

Drainage and flood risk

41. The development would not be at unacceptable risk of flooding or increase the risk of flooding to surrounding properties, subject to the suitability of the detailed site layout as part of the reserved matters, together with foul and surface water drainage measures, including sustainable drainage systems (SuDs). Those drainage details are capable of being secured by conditions.

Planning obligation and infrastructure

42. There is a signed and completed UU. As previously mentioned, it requires the appellant to deliver affordable housing (30% affordable housing provision and 15% of the overall number of dwellings on site for occupation by those over 55 years of age, with half in the affordable provision) as set out in Schedule 1. It would also make the following contributions towards improving local

- infrastructure that would serve the development: an off site leisure contribution to be paid relative to the reserved matters in accordance with occupancy ratios set out in Schedule 1, education contributions calculated in accordance with primary and secondary places as set out in Schedule 3 and Appendix 1 of the UU, highways and transport works and contributions specified in Schedule 4.
- 43. Having regard to the above and based on the evidence before me, I am satisfied that the proposed contributions are necessary, directly related and fairly and reasonably related in scale and kind to the proposed development in accordance with CIL Regulation 122 and paragraph 204 of the Framework, given the precise financial contributions are dependent upon calculations relative to the details that come forward as part of the reserved matters. I have, therefore, attached weight to them in my decision. In reaching such a view, I have taken into account that there are minor typographical issues within the UU agreement relating to the off site works proposed on Higher Road in Schedule 4(2) and 4(7). However, I am satisfied that such matters would not prevent the implementation of the planning obligation given that those off site highway works and walking routes are also supported by specific details in associated plans that are before me.
- 44. It is not contested by the Council that the development would have a harmful effect upon existing infrastructure, subject to the planning obligations in the UU. In that respect, I also observed that the development would be within walking distance of a wide range of local services and facilities within Longridge. Furthermore, there is no substantive evidence before me which indicates that the available services, facilities and utilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require planning obligations as set out in the UU.

Planning Balance

- 45. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Key Statement DS1 and Policies DMG2 and DMH3 of the CS in so far as they are relevant to the location and supply of housing and the protection of the countryside. Whilst the Council decision notice also refers to conflict with Key Statement DS2 of the CS it is a broad repetition of paragraphs 11 and 14 of the Framework and the planning balance necessary where conflict with the development plan is identified. Proposed development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In that respect as the Council cannot demonstrate a deliverable five-year housing supply, the relevant policies for the location and supply of housing are out-of-date through the operation of paragraph 49 and 215 of the Framework. Paragraph 14 of the Framework is, therefore, engaged.
- 46. Paragraph 14 of the Framework states that for decision making this means where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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, or specific policies in the Framework indicate development should be restricted.
- 47. There are economic and social benefits arising from the provision of up to 122 additional homes including the potential for delivery of affordable housing and accommodation for over 55s to meet local needs in an accessible location,

which are important considerations that carry significant weight. There would also be associated economic benefits in terms of job creation during construction and support for local services and facilities after occupation, which carry significant weight based on the scale of the development proposed. Furthermore, considerable weight is given to the contribution which the appeal proposal would make to significantly boosting the supply of housing, where the supply of housing in Ribble Valley is constrained due to an inability to demonstrate a five year housing land supply, with a 0.5 year shortfall having been identified. In that respect, the proposal would contribute to a clear need for more market, affordable and older persons housing to be delivered in Ribble Valley. Based upon my findings, the scale of the development would not fully address the shortfall to an extent that a deliverable five year supply of housing land would be demonstrated. Nonetheless, the contribution to meeting housing need is significant and is afforded considerable weight.

- 48. The development would result in a loss of open countryside. However, given that the site is already mostly enclosed by development on three sides with varied topography, I have found no significant harm to the character and appearance of the area, landscape character and visual amenity, including views from neighbouring properties and a nearby bridleway, subject to the details of the reserved matters. There would also be no unacceptable impact in terms of highway safety, the living environment for future residents, the living conditions of existing residents, ecology and trees, and drainage that could not be resolved by the imposition of suitable conditions.
- 49. Having regard to the above, the adverse impacts of allowing this appeal would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. In that respect, there are also no specific policies in the Framework which indicate that the development should be restricted. The proposal constitutes sustainable development when assessed against the Framework as a whole. Consequently, I find that there are material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan and planning permission, therefore, should be granted.

Conditions

- 50. I have had regard to the planning conditions that have been suggested by the Council. Where necessary I have reordered the conditions, amended the wording to ensure consistency with paragraph 206 of the Framework and consolidated the conditions where possible.
- 51. Conditions 1 5 relate to the submission of reserved matters, timescales, phasing, provide certainty of the outline permission granted and require compliance with approved details, design principles and parameters which are necessary. In that respect, conditions 6 and 7 necessarily restrict the height of any dwellings to not exceed two storeys in height and require full details of proposed ground levels and building finished floor levels in any subsequent reserved matters. Those conditions are required in the interest of the character and appearance of the area, to ensure that the development responds appropriately to the topography of the land and to preserve the living conditions of occupiers of neighbouring properties.
- 52. Conditions 8 and 9 necessarily require the submission of full details of proposed surface water attenuation ponds and other water bodies on the site, and works

for disposal of foul water and sewage, as part of the reserved matters. Condition 10 requires full details of boundary treatments to be erected within the site and is necessary in the interest of the character and appearance of the area, the living conditions of future occupiers and occupiers of neighbouring properties and to assess wildlife movement as part of the reserved matters. Condition 11 requires full details of proposed play areas and play equipment as part of the reserved matters which is necessary to ensure acceptable and adequate forms of useable public open space.

- 53. Condition 12 relates to the submission and approval of a detailed scheme for the construction of the pedestrian and vehicular site accesses, together with a retaining structure adjacent to the site access. The pre-commencement condition is required in the interest of highway and pedestrian safety and it is necessary that the development is carried out in strict accordance with the approved details prior to the first occupation of a dwelling.
- 54. Conditions 13 and 14 are pre-commencement conditions that are necessary to secure full details of precautionary ecology measures mentioned previously relative to the full details of any subsequent reserved matters approval. Condition 15 is a pre-commencement condition for each phase that secures a Construction Method Statement which I consider is necessary to preserve the living conditions of occupiers of neighbouring properties in terms of noise and disturbance.

Conclusion

55. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

Gareth Wildgoose

INSPECTOR

SCHEDULE

CONDITIONS

- 1) No part of the development hereby permitted shall be commenced on any phase (as referred to in Condition 3) until full details of the layout, scale and appearance of the buildings and landscaping within that phase (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the local planning authority.
 - In relation to landscaping, the details for each phase shall include: the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform, full specifications of all boundary treatments and a scheme of maintenance, including long term design objectives. The submitted landscape details shall take full account of the mitigation measures as contained within the submitted Ecological Appraisal (Report Ref: 3089 V1).
- 2) Application(s) for approval of all of the outstanding reserved matters related to the consent hereby approved must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
 - a) The expiration of three years from the date of this permission; or
 - b) The expiration of two years 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 submission of reserved matters relating to layout shall be accompanied by a phasing scheme, including the parcels which shall be the subject of separate reserved matters applications (where applicable), for the approval in writing by the local planning authority. For the avoidance of doubt the submitted information shall include anticipated commencement dates and annual delivery rates of housing for each phase or parcel of development.
- 4) The details in respect of the submission of any reserved matters shall be in accordance with the design principles and parameters as set out in the following documentation:
 - RF15-293-IN03-02: Green Infrastructure and Character document (February 2017)
 - Masterplan SK10 (February 2017)
 - Indicative Site Sections (February 2017)
 - Movement Framework (February 2017)
- No more than 123 dwellings shall be developed within the application site edged red on the submitted Red Line Boundary Plan (VHLP/7782/2194/01 Rev: A).
- 6) Notwithstanding the submitted details, the height of any of the dwellings proposed in any subsequent reserved matters application(s) shall not exceed two storeys in height.

7) Applications for the 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) including the levels of the proposed roads.

For the avoidance of doubt, the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

- 8) Applications for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation ponds and all other water bodies on the site. Before any details are submitted to the local planning authority, an assessment of site conditions shall be carried out having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. The submitted details shall as a minimum:
 - a) provide information about the design storm period and intensity, the methods to be employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) include a timetable for its implementation; and,
 - c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

For the avoidance of doubt, the submitted information shall also include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments, together with means of access for maintenance and easements where applicable. The development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling, and subsequently maintained in strict accordance with the approved details.

- 9) Applications for the approval of reserved matters shall be accompanied by full details relating to works for the disposal of foul water and sewage. The development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling, and subsequently maintained in strict accordance with the approved details.
- 10) Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

For the avoidance of doubt, the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

11) Applications for the approval of reserved matters, where relevant, shall be accompanied by full details of all proposed play areas and associated play equipment.

For the avoidance of doubt, the submitted details shall include the specification and nature of all proposed surfacing, informal/formal play equipment and details of existing and proposed land levels and all associated landscaping and boundary treatments where applicable, including timescales for delivery. The development shall be carried out in strict accordance with the approved details.

12) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a scheme for the construction of the pedestrian and vehicular site accesses, together with a retaining structure adjacent to the site access, has been submitted to, and approved in writing by the local planning authority in consultation with the Highway Authority. The development shall be carried out in strict accordance with the approved details prior to the first occupation of any dwelling.

For the avoidance of doubt, the submitted details shall also include the precise nature and design of all pedestrian/cycleway accesses into and out of the site including details of their interface with existing pedestrian/cycle routes or networks.

13) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the local planning authority.

For the avoidance of doubt, the details shall be submitted on a dwelling/building dependent bird/bat species 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 during the construction of those individual dwellings identified on the submitted plan and be made available for use before each such dwelling is occupied, and thereafter retained. The development shall be carried out in strict accordance with the approved details.

14) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of a package of proposed mitigation measures, as outlined in Section 6 of the approved Ecological Appraisal (Report Ref: 3089 V1) has been submitted to and approved in writing by the local planning authority.

For the avoidance of doubt the mitigation shall include, but be limited to the provision for bat and bird boxes, the improvement of existing hedgerow, creation of refugia/hibernacula/habitat features and bee and wasp nest boxes. The submitted details shall include the timing and phasing for the

- creation/installation of mitigation features and a scheme for future management and maintenance where applicable. The development shall be carried out in strict accordance with the approved details.
- 15) No development shall take place within a phase (pursuant to condition 3 of this consent) until a Construction Method Statement for the relevant phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:
 - a) The location of parking of vehicles of site operatives and visitors
 - b) The location for the loading and unloading of plant and materials
 - c) The location of storage of plant and materials used in constructing the development
 - d) The locations of security hoarding
 - e) The location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt, such facilities shall remain in place for the duration of the construction phase of the development) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway
 - f) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
 - g) Days and hours of operation for all construction works.
 - h) Details of good practice and management measures to be employed during the development, including the identification of suitable of suitable highway routes for plant and material deliveries to and from the site, and measures to ensure that construction and delivery vehicles do not impede access to and from the site.

The approved statement shall be adhered to throughout the construction period of the development.

APPEARANCES

FOR THE APPELLANT:

Peter Vernon

VH Land Partnerships

(Did not attend site visit)
Gary Hoerty

Gary Hoerty Associates Ltd

Kieran Howarth

Gary Hoerty Associates Ltd

(Did not attend site visit)

FOR THE LOCAL PLANNING AUTHORITY:

Colin Hirst

Ribble Valley Borough Council

(Did not attend site visit)

Rachel Horton

Ribble Valley Borough Council

Stephen Kilmartin

Ribble Valley Borough Council

INTERESTED PARTIES:

Kenneth Cooper

Local Resident

Brian Holden

Local Resident

Anthony Ingham

Local Resident

(Did not attend site visit)

John Murphy

Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- Planning Obligation by Unilateral Undertaking dated 16 April 2018
- 2 Updated 5 year housing land position provided by the appellant
- 3 Written statement from Mr Cooper
- 4 Written statement from Mr Murphy
- 5 Written statement from Mr Holden
- 6 Written statement from Mr Ingham
- Longridge 2028 Neighbourhood Development Plan ~
 Regulation 16 Submission Draft, January 2018
- 8 Appeal decision APP/T2350/W/17/3174924
- Letter from Indigo Planning to Council dated 13 April 2018 Draft
 Allocation (HAL2) in submission version of the Housing and
 Economic Development Development Plan Document

DOCUMENTS SUBMITTED AFTER THE HEARING (BY AGREEMENT)

- Indicative Site Sections (February 2017) upon which the Council made its decision
- Movement Framework (February 2017) upon which the Council made its decision
- 3 E-mail update received from the Council on 20 April 2018 relating to the dates for the Examination in Public of the HED DPD



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CHURCH / COMMUNITY CENTRE

CHILDREN'S DAY NURSERY

BUS STOPS

GREEN BELT

SHOPS / RESTAURANTS / PUBS

HOTEL

POST OFFICE

PRIMARY SCHOOLS

MEDICAL

TRAIN STATION

Langho, Ribble Valley - Service Plan

| T 01285 641717 | F 01285 642348 | www pegasuspg.co.uk | Team: MCC/KH | Date: 6th January 2014 | Scale: 17500 68 A3 | drwg: MAN.0139_01 | Client: N/A |





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