

PLANNING STATEMENT

FULL APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES AND REMOVAL OF CULVERT TO SABDEN BROOK; DEVELOPMENT OF 30 DWELLINGS INCLUDING RE-CONSTRUCTION OF FORMER MARBILL OFFICE BUILDING AS NEW DWELLINGS; RECONSTRUCTION OF BASE OF MILL CHIMNEY AS AN ECOLOGY TOWER; AND ASSOCIATED ACCESS AND LANDSCAPING.



FORMER VICTORIA MILL SITE, WATT STREET, SABDEN, BB7 9ED

PLANNING PORTAL REFERENCE: PP-06779728

Prepared by Jay Everett BSC Hons MRTPI,
Addison Planning Consultants Ltd on behalf of

SKIPTON PROPERTIES LTD

23rd April 2018



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REFERENCE DOCUMENTS

N/A

QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Jay Everett and I have been a Chartered Member of the Royal Town Planning Institute since 1993. I hold a degree in Town and Regional Planning and I am Managing Director of Addison Planning Consultants Ltd.
- 1.2 I have 26 years of experience of working in the field of town planning, including 12 years in local government working in both planning policy and development control and 14 years acting for land owners, developers, occupiers and investors throughout the North of England. My involvement in the property market involves the preparation of complex planning applications, strategic promotion of land and property through the local planning policy system and acting as expert witness at planning appeals.
- 1.3 My Statement deals with the planning policy context relating to the site and specifically the history of the application site, why the application scheme has been developed and the planning policy context for the proposals. I then consider the planning case for the application scheme, drawing on expert evidence which is submitted with the Application. This includes expert evidence in relation to such matters as the structural condition of the buildings on the site, flood risk, ecology and heritage issues.
- 1.4 **Chapters 2 to 4** introduce the proposal. Chapter 3 describes the site and its environs, and the planning history. Chapter 4 examines the planning policy context for the consideration of the application proposals.
- 1.5 **Chapter 5** of my Statement examines the planning case for the scheme.
- 1.6 **Chapter 6** summarises the principal conclusions from Chapters 5.

INTRODUCTION & BACKGROUND INFORMATION

- 2.1 This Planning Statement has been prepared on behalf of the applicant Skipton Properties. The Application is submitted with full details. The description of the proposed development is:

FULL APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES AND REMOVAL OF CULVERT TO SABDEN BROOK; DEVELOPMENT OF 30 DWELLINGS INCLUDING RE-CONSTRUCTION OF FORMER MARBIL OFFICE BUILDING AS NEW DWELLINGS; RECONSTRUCTION OF BASE OF MILL CHIMNEY AS AN ECOLOGY TOWER; AND ASSOCIATED ACCESS AND LANDSCAPING

- 2.2 The principle of redeveloping this site has been established previously but regeneration of the site has never progressed due to the viability of the schemes which received planning permission in the past.
- 2.3 In 2008 Planning Permission was obtained (3/2008/0621/P) for a mixed-use development comprising erection of general industrial unit (B2), 28no. houses and conversion/extension of mill building into 22no. apartments. The Permission was not viable and lapsed.
- 2.4 In 2012 Planning Permission was obtained (3/2011/0129/P) for the demolition of part of Victoria Mill and conversion of former Spinning Mill into 22no. apartments, conversion of former office building into 3no. townhouses, erection of 4no. affordable elderly care bungalows, 23no. other affordable dwellings, 18no. dwellings and the creation of a new pond. The permission was not viable and lapsed.
- 2.5 In November 2014 the Council resolved to grant Planning Permission (3/2014/0188) for the part demolition of existing mill and provision of 37 no. New-build houses, 2 no. Dwellings in a converted retained mill building and associated hard and soft landscaping and demolition of chimney. The resolution to grant Permission was subject to a S106 Agreement and conditional requirements to, amongst other things, retain the mill chimney at a reduced height. The S106 Agreement was never completed as the proposed scheme was unviable. The Council subsequently classed the Application as undetermined.
- 2.6 The Planning History shows that the regeneration of the site has stalled due to unviable proposals. In my view, it is likely that a significant contributing factor that has hindered the deliverability of the site has been previous unrealistic expectations to retain and convert existing structures. Full details of this planning history are set out in the next section of this Statement.

INTRODUCTION & BACKGROUND INFORMATION

- 2.7 The site, as the planning history proves, is a challenging previously developed site with derelict former mill structures. Indeed, several of the structures are in a perilous structural condition as evidenced in Document **S6c** - Structural Report Ref 17140-01 by P Waites - 01-08-2017. There also remediation issues, flood risk issues, ecology and heritage issues to deal with to ensure a successful regeneration proposal. The primary driver for this new proposal for the site is therefore to ensure that the proposal is economically viable, and that regeneration is **delivered**.
- 2.8 The proposal is, therefore, to provide 30 dwellings including 3, 4 & 5 bedroom detached & semi-detached houses along with several cottages to the Watt Street frontage. Sabden Brook runs across the site from east to west and splits it into two independent parts. A 4m easement is required either side of the watercourse by the Environmental Agency and has been indicated on the Site Layout. This reflects the prior approvals and gives the overall 8m easement for access to the Brook.
- 2.9 The proposal embraces the natural features that are present within the site including the mature trees along the north-east and western boundaries as well as Sabden Brook. The scheme has been designed to maximise overlooking and surveillance of the ecologically enhanced areas along the Sabden Brook division and open spaces to the west and south-west from the site.
- 2.10 Site access is taken from Whalley Road for the part north of the Brook and from Watt Street for the part south of the Brook. Both access points have been formed by reshaping the existing access to the Former Victoria Mill.
- 2.11 The site lies in Sabden Conservation Area therefore particular attention was given to adhere to 'Sabden Conservation Area Management Guidance' in terms of urban grain, materials and special features. To preserve and enhance the existing and create the narrative between the new development and the historical use and heritage of the site it is proposed that:
- Marbill offices will be rebuilt in its entirety with its public elevation to the north reconstructed as close to the original as possible and converted into 3 dwellings
 - Main Mill building will be rebuilt on a similar footprint with features resembling original and converted into 3 dwellings
 - Base of existing chimney will be reconstructed adjacent to Sabden Brook as an 'Ecology Chimney' providing opportunity for new bat roosts and other wildlife habitat.

INTRODUCTION & BACKGROUND INFORMATION

2.12 Full details of the proposal are described in the submitted Design and Access Statement – Document **S4**.

2.13 This Planning Statement, read in conjunction with the submitted technical evidence in relation to structural stability, flood risk, ecology and heritage demonstrates that the proposal is a sustainable development. The Application submitted to Ribble Valley Borough Council (RVBC) comprises the following details/documents and plans:

- S1a: APC Covering Letter 23-04-2018
- S1b: Application Form and Certificates 23-04-2018
- S1c: Site Location Plan – LP01
- S1d: Topographical Survey - Site as Existing 30-01-2018
- S1e: 1582SPLVMS-SL01F Proposed Site Layout
- S2a: Survey of Existing Elevations 1-6 19-09-2017
- S2b: Survey of Existing Elevations 7-12 19-09-2017
- S3: Design Material
 - Sabden 1582SPLVMS-ASH01A Plot 1-4 17-4-18
 - Sabden 1582SPLVMS-ASH02A Plot 8 17-4-18
 - Sabden 1582SPLVMS-ASH03A Plot 9+10 17-4-18
 - Sabden 1582SPLVMS-BRE01A Plot 19 17-4-18
 - Sabden 1582SPLVMS-BT01A Boundary Treatment
 - Sabden 1582SPLVMS-COB01A Plot 26 17-4-18
 - Sabden 1582SPLVMS-EAM01A Plot 27 17-4-18
 - Sabden 1582SPLVMS-FES01A Plots 13,14,16,17+21 17-4-18
 - Sabden 1582SPLVMS-GAR01A Single Garage
 - Sabden 1582SPLVMS-GAR02A Double Garage
 - Sabden 1582SPLVMS-GAR03A Treble Garage
 - Sabden 1582SPLVMS-GAR04A Feature Garages
 - Sabden 1582SPLVMS-HAR01A Plot 5 17-4-18
 - Sabden 1582SPLVMS-HUT02A Plot 11 17-4-18
 - Sabden 1582SPLVMS-KT01a A Plot 18pt1 17-4-18
 - Sabden 1582SPLVMS-KT01b A Plot 18pt2 17-4-18
 - Sabden 1582SPLVMS-KT02a A Plot 20pt1 17-4-18
 - Sabden 1582SPLVMS-KT02b A Plot 20pt2 17-4-18
 - Sabden 1582SPLVMS-MIL01A Plot 28-30pt1 17-4-18
 - Sabden 1582SPLVMS-MIL02A Plot 28-30pt2 17-4-18
 - Sabden 1582SPLVMS-MIL03A Plot 28-30pt3 17-4-18
 - Sabden 1582SPLVMS-MIL04A Plot 28-30pt4 17-4-18
 - Sabden 1582SPLVMS-MIL05A Plot 28-30pt5 17-4-18
 - Sabden 1582SPLVMS-MIL06A Plot 28-30pt6 17-4-18
 - Sabden 1582SPLVMS-MIL07A Plot 28-30pt7 17-4-18
 - Sabden 1582SPLVMS-NC01A Replacement Chimney and Ecology Tower
 - Sabden 1582SPLVMS-OBC01A Plot 22-24 17-4-18

INTRODUCTION & BACKGROUND INFORMATION

Sabden 1582SPLVMS-PEN01A Plot 7 17-4-18
Sabden 1582SPLVMS-REA01A Plot 6 17-4-18
Sabden 1582SPLVMS-RS01 Refuse Strategy
Sabden 1582SPLVMS-SS01B Street Scenes
Sabden 1582SPLVMS-SS02B Street Scenes
Sabden 1582SPLVMS-SS03B Street Scenes
Sabden 1582SPLVMS-SS04B Street Scenes
Sabden 1582SPLVMS-SS05B Street Scenes
Sabden 1582SPLVMS-SS06B Street Scenes
Sabden 1582SPLVMS-TWI01A Plot 12+15 17-4-18
Sabden 1582SPLVMS-WHI01A Plot 25 17-4-18

- S3b: Proposed Landscaping Plans
 - GL0900 01A - Detailed Landscape Proposals
 - GL0900 02 - Sabden Brook Landscape Sections

- S4: Design and Access Statement 17 04 18 [small]
- S5a: Planning Statement 23-04-2018
- S5b: Draft S106 Heads of Terms 23-04-2018
- S5c: Affordable Housing Statement 23-04-2018
- S6a: Victoria Mill Statement of Significance Final 23-04-2018
- S6b: Chimney Survey by Warburtons Steeplejacks 04-07-2017
- S6c: Structural Report Ref 17140-01 by P Waites – 01-08-2017
- S7a: 17140-C-SK.05B Prelim External Works Layout
- S7b: 17140-C-SK.06A Plan Showing Extents of Adoptable Highway
- S8: 17140-CR-01 Rev B - FRA and Drainage Strategy
- S9a: Arboricultural Implications Assessment 13611 A 15-03-2018
- S9b: Arboricultural Method Statement 13611 B 15-03-2018
- S10a: Combined Extended Phase 1 Habitat Survey and Bat Survey Report 12-04-2018
- S10b: Combined Otter, Water Vole, White-clawed Crayfish Survey and Report 12-04-2018
- S10c: Combined GCN Survey Report 12-04-2018
- S11: Construction Management Scheme 23-04-2018
- S12: Phase 2 Geo-Environmental Report 17140-GR-02 - 01-11-2017
- S13: Noise Impact Assessment -7736-18-7643 v1 - 24-01-2018
- S14: Statement of Community Involvement 23-04-2018

SITE DESCRIPTION AND PLANNING HISTORY

- 3.1 The application site has an area of 1.127 hectares (2.78 acres) and is located at the Former Victoria Mill, Watt Street, Sabden. It lies approximately 4km north-west from the nearest town of Padiham, 6km south-east from Clitheroe, 12 km to the north-west from Burnley, 15km north-east from Blackburn and 25 km north-east from Preston. A56 to Manchester and A59 to Liverpool are within proximity of the site.
- 3.2 The site is in the designated Sabden Conservation Area. It is currently vacant. There are several existing buildings and structures within the site including the 'Marbill office' building, the Mill building and the Mill chimney. There is also a culvert to Sabden Brook, which is in the whole formed by the existing Mill structure.
- 3.3 The site is bounded by Watt Street to the east, Whalley Road to the north and open land to the west. There is an open space and engineering business to the south. Terraced housing to Pendle Street West also backs onto the development site. Sabden Brook runs through the site from east to west and splits it into two independent parts. Existing access to the part of the site north of Sabden Brook is provided off Whalley Road. Part of the site south from the Brook is accessed off Watt Street.
- 3.4 As opposed to Union Mill, located further south on Watt Street, all the buildings within the site of a former Victoria Mill are unused and have fallen into a state of disrepair. Indeed, many of the structures are structurally unsound and dangerous.
- 3.5 Trees within and adjacent to the site are the subject of Tree Preservation Orders). The Site location plan included with the Application submission shows the site in more detail. The submitted Design and Access Statement – Document S4 – describes the site and its surroundings in more detail.

PLANNING HISTORY

- 3.6 The following Planning History has been derived from the Council's Public Access database – a full Land Search has not been undertaken and there may therefore be other older planning applications relating to the site.
- 3.7 **H3/2014/0188** - Part demolition of existing mill and provision of 37 no. New-build houses, 2 no. Dwellings in a converted retained mill building and associated hard and soft landscaping and demolition of chimney.
- 3.8 **Nb.** This application was the subject of a resolution to grant PP in November 2014 subject to negotiations on conditions and completion of a S106 Agreement. These were not progressed by the Applicant and so the Council eventually classed the Application as 'undetermined'.

SITE DESCRIPTION AND PLANNING HISTORY

- 3.9 **Nb.** This application proposed the retention and conversion of the 'Marbil' office building to 3 dwellings (although no structural information was submitted at that time to prove it could be converted); and the demolition of the 'Spinning Mill'. Following objections from the Council's conservation and design section, The Victorian Society and Historic England – the application was changed to propose the retention and conversion of this building; and the retention of the chimney (with partial reduction in height). No technical evidence appears to have been progressed to prove that these objectives were deliverable.
- 3.10 **Nb.** EA recommended approval on basis of opening culvert, 4m easement to beck and Finished Floor Levels set no lower than 142.92 metres above Ordnance Datum (m AOD) in the eastern part and 140.05m AOD in the western part of the site.
- 3.11 This scheme has proved to have been unviable because the permission was never issued, and the proposed development never progressed to implementation.
- 3.12 **3/2011/0129/P** – Proposed demolition of part of Victoria Mill and conversion of former Spinning Mill into 22no. apartments, conversion of former office building into 3no. townhouses, erection of 4no. affordable elderly care bungalows, 23no. other affordable dwellings, 18no. dwellings and the creation of a new pond – Granted Conditionally March 2012 (now expired).
- 3.13 **Nb.** The approval was based on the retention and conversion of the Spinning Mill and the Marbil Office; and full chimney.
- 3.14 This scheme has proved to have been unviable because the permission and the proposed development never progressed to implementation.
- 3.15 **3/2010/0845/P** – Proposed demolition of existing mill, opening-up of Sabden Brook, the erection of 46 dwellings (20 affordable), a new access road to Watt Street and retention of the mill chimney – Withdrawn.
- 3.16 **3/2010/0844/P** – Demolition of buildings at Victoria Mill, with retention of the Mill Chimney –Withdrawn.
- 3.17 **3/2008/0622/P** – Conservation Area Consent for the part demolition of Victoria Mill – Granted Conditionally.

SITE DESCRIPTION AND PLANNING HISTORY

- 3.18 **3/2008/0621/P** - Mixed use development comprising erection of general industrial unit (B2), 28no. houses and conversion/extension of mill building into 22no. apartments (Resubmission) –Granted Conditionally.
- 3.19 This scheme has proved to have been unviable because the permission and the proposed development never progressed to implementation.
- 3.20 **3/2007/1083/P** – 1.23ha mixed use development comprising of the part conversion part extension of existing mill into 21no. apartments; the erection of 27 no. townhouses and 1858sq.m. of general industrial (B2) space. – Withdrawn.
- 3.21 **3/2001/0125/P** – Extension of the loading/unloading area – Granted Conditionally.
- 3.22 **3/2000/0607/P** – Use of first floor premises for the manufacture and sale of leather three-piece suites – Granted Conditionally.
- 3.23 **3/1999/0006/P** – Change of Use of industrial unit to form coach depot for six coaches including repair & maintenance facilities (Retrospective) – Granted Conditionally.
- 3.24 **3/1997/0126/P** – Outline Application for residential development (40 units) – Withdrawn.
- 3.25 **3/1994/0092/P** – Extension to engineering works – Granted Conditionally.
- 3.26 **3/1990/0783/P** – Change of use for land as storage for caravans and other vehicles – Granted Conditionally.
- 3.27 **3/1990/0025/P** – Change of use from industrial to offices – Granted.

PLANNING POLICY CONTEXT

RELEVANT ADOPTED PLANNING POLICY

- 4.1 The Development Plan consists of the Core Strategy (Adopted December 2014). The Core Strategy forms the central document of the Local Development Framework (LDF), establishing the vision, underlying objectives and key principles that will guide the development of the area to 2028.
- 4.2 The Council are likely to consider the following Core Strategy Policies as relevant to the consideration of the application proposals:
- Key Statement DS1 – Development Strategy
 - Key Statement DS2 – Sustainable Development
 - Key Statement EN3 – Sustainable Development and Climate Change
 - Key Statement EN4 – Biodiversity and Geodiversity
 - Key Statement EN5 – Heritage Assets
 - Key Statement H1 – Housing Provision
 - Key Statement H2 – Housing Balance
 - Key Statement H3 – Affordable Housing
 - Key Statement DMI1 – Planning Obligations
 - Key Statement DMI2 – Transport Considerations
 - Policy DMG1 – General Considerations
 - Policy DMG2 – Strategic Considerations
 - Policy DMH1 – Affordable Housing Criteria
 - Policy DMG3 – Transport and Mobility
 - Policy DME2 – Landscape and Townscape Protection
 - Policy DMB4 – Open Space Provision
 - Policy DME3 – Site and Species Protection and Conservation
 - Policy DME6 – Water Management
 - Policy DME4 – Heritage Assets
- 4.3 Other material considerations to be taken into account include the National Planning Policy Framework (the Framework – March 2012); the planning guidance published in March 2014 to support the Framework; and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

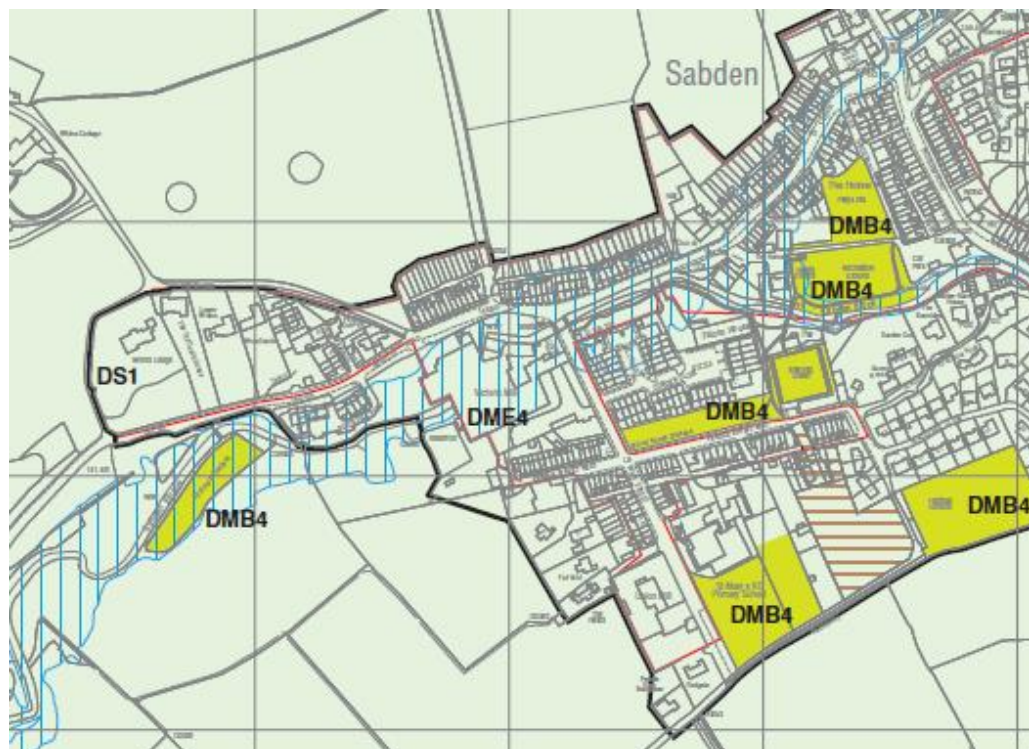
PLANNING POLICY CONTEXT

EMERGING LOCAL PLANNING POLICY AND EVIDENCE BASE

- 4.4 Following the adoption of the Core Strategy in December 2014 the Council is preparing a Housing and Economic Development, Development Plan Document (HED DPD). This plan will set out more detailed policy coverage for matters relating to housing and economy to fully implement the policies of the Core Strategy. The HED DPD will be accompanied by a Proposals Map which will show on an Ordnance Survey base the extent of allocations and designations arising from the adopted Core Strategy and the HED DPD. When adopted the HED DPD and Proposals Map will form part of the statutory development plan for the borough.
- 4.5 At the time of writing the HED DPD is at an advanced stage of preparation as it is currently the subject of an Examination in Public.
- 4.6 Emerging policies in the Submission Draft HED DPD likely to be of relevance to the consideration of this Application (subject to an assessment of weighting) are set out below:

Proposals Map

- 4.7 The extract from the Proposals Map is shown below. This indicates the site is within the Development Limit for Sabden, and within the Sabden Conservation Area. The Proposal Maps also indicates the site is partially within a Flood Risk Zone.



PLANNING POLICY CONTEXT

- 4.8 The Proposals Map also shows the site is not allocated for any specific proposed use. It is highly likely that doubts about deliverability have resulted in the site not being included as a Proposed Housing Allocation.
- 4.9 There are no other specific policies within the HED DPD of relevance to the consideration of this proposal as it seeks to only allocate two housing sites to meet identified housing requirements across the District.
- 4.10 In this regard, the HED DPD has been informed by monitoring of housing supply against the identified level of need in the Core Strategy 2014.

FIVE YEAR LAND SUPPLY

- 4.11 The Council's Housing Land Availability Schedule October 2017 sets out its most recent published position. This indicates a strategic requirement of 5600 dwellings over a 20-year Plan Period (2008 to 2028); and a current 5-years requirement of 2152 dwellings; including a shortfall in delivery of 649 dwellings and an additional 5% buffer for persistent under delivery. It then sets out an anticipated total supply of 2535 dwelling for the current 5-year period equating to an equivalent 5.9-year housing supply.
- 4.12 **Nb.** The supply includes a windfall allowance for the current period (commencing October 2017) of 115 dwellings. Annex 2 to the NPPF defines Windfall sites as:

"Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available."
- 4.13 Whilst the Application site has not previously been identified as available in the Local Plan process, the current owners acquired the site in the summer of 2017. It is a previously developed site that is now available and should therefore be regarded as a Windfall Site that will contribute to the Council's 5-year land supply.

ASSESSMENT OF PLANNING CASE

- 5.1 I consider that the main issue to be considered in the Application is:
- (1) The impact of the proposals on the character and appearance of the Conservation Area
- 5.2 Prior to considering this main issue, I have set out below my assessment of the principle of the proposed residential development having regard to adopted Development Plan policies.
- THE PRINCIPLE OF DEVELOPMENT**
- 5.3 Core Strategy Key Statement DS1 sets out the settlement strategy for the District and an emphasis on directing the majority of growth to the three main settlements of Clitheroe, Longridge and Whalley. Key Statement DS1 classifies Sabden as a Tier 2 settlement and makes provision for new development in such settlements that *'delivers regeneration benefits.'* One of the main purposes of the Key Statement is therefore to ensure that development opportunities that deliver regeneration are *"...created for economic, social and environmental well-being and development for future generations."*
- 5.4 The site is located within the existing built environment and settlement boundary of Sabden and is a derelict, previously developed site. As a matter of principle its redevelopment will secure the regeneration of the site and therefore accords with the provisions of Key Statement DS1.
- 5.5 Regarding housing need, the Council's most recent published position is described in the preceding section. In summary, as at October 2017 the Council's position is that it can demonstrate the equivalent of 5.9 years of housing supply, *including* an allowance of 115 dwellings to come from Windfall sites.
- 5.6 The site has become available outside of the Local Plan process following its acquisition by SPL in summer 2017 and, as a previously developed site, should be regarded as a Windfall site in accordance with the definitions within the NPPF. The Council anticipates that such sites form an essential component of its short-term supply of housing from October 2017. It follows that the delivery of market housing on this site will address identified housing needs and is a significant benefit that weighs heavily in favour of the proposals.
- 5.7 **NB.** The 'in-principle' acceptability of a Windfall site in this location is therefore entirely **consistent** with Core Strategy Key Statement DS1.
- 5.8 Core Strategy Statement DS2 sets out the Council's 'Presumption in Favour of Sustainable Development' – reproducing the central tenet of the NPPF.

ASSESSMENT OF PLANNING CASE

In this regard, if the proposed development is 'sustainable' and there are no significant adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits – the proposal would accord with Key Statement DS2.

- 5.9 I examine later in this report the benefits of the proposal and whether there are any adverse impacts that would outweigh those benefits and conclude that the proposed development is 'sustainable'.
- 5.10 I note also that the Council has considered the principle of housing on this site in the past and, indeed, granted permission in 2012 and made a resolution to grant permission for another residential scheme in 2014. The later application was also considered in the context of the same Core Strategy now relevant to this proposal.
- 5.11 On that basis the principle of developing this site for residential use, within the Settlement Boundary of Sabden, complies with Key Statements DS1 and DS2 of the Core Strategy.
- 5.12 The following paragraphs set out the Applicant's case as to benefits of the Application scheme and why there are no adverse impacts that would outweigh those benefits.

ECONOMIC BENEFITS

- 5.13 The proposed development of this site would provide economic benefits associated from new housing developments including the provision of construction jobs and from future residents of the proposed dwellings. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.

DESIGN, HOUSING MIX AND IMPACT ON NEIGHBOURING PROPERTIES

- 5.14 The proposed dwellings are designed to a very high standard to reflect the local vernacular with high quality finishing materials including natural stone. Full details of the design concept, its evolution in consultation with the Council during extensive pre-application dialogue, are set out in the Design and Access Statement.
- 5.15 Regarding the proposed mix, thirty dwellings in total are proposed comprising the following housing mix:
 - 3 Bed properties – 18 no.
 - 4 Bed properties – 11 no.
 - 5 Bed properties – 1 no.

ASSESSMENT OF PLANNING CASE

- 3.1 Core Strategy Key Statement H2: Housing Balance – sets out that housing mix should be in accordance with identified needs as set out in up to date housing needs surveys. In that regard, the Council’s most recently published Strategic Housing Market Area Assessment was adopted in 2008 – some 10 years ago.
- 3.2 Given significant economic and demographic changes since 2008, that evidence cannot be relied upon to inform this Application and I am not aware of any more recent surveys published by the Council.
- 3.3 To ensure deliverability and viability, the proposed mix of three and four-bedroom market occupancy dwellings reflects the market need identified by the Applicant’s commercial research.
- 3.4 Core Strategy Key Statement H3: Affordable Housing relates to requirements for affordable housing. In this case, no affordable housing is proposed due to the impact of affordable dwellings on the viability and deliverability of the scheme. National Planning policy recognises the difficulties of achieving the regeneration of previously developed sites and sets out a Vacant Building Credit policy. The principle is to off-set the requirements of affordable housing policy where there are development sites that have vacant/redundant buildings. The full case for applying Vacant Building Credit with this Application is set out in Document S5c - Affordable Housing Statement 23-04-2018.
- 3.5 Policy H3 also refers to a need for a proportion of affordable dwellings to meet the needs of older people regarding accessibility in design. Whilst no affordable housing is proposed, the Council’s Pre-application response (App A to the SCI) stated that:
- “...there is a requirement a requirement to provide 7.5% of the open market dwellings for occupation by older people (aged 55 and over) if the proposal is to be considered to be in accordance with the Adopted Development Plan.”*
- 3.6 Accordingly, the Application proposal incorporates two dwellings which have been specifically designed as market dwellings for occupation by persons over the age of 55. Plots 12 and 15 (as set out in the Application drawings) are designed with internal arrangements that accord with the specifications and requirements of category 2 housing as defined in M4(2) of Approved Document M (volume 1 2015) of The Building regulations 2011 (or any subsequent revisions). As the proposed units are for market housing, there is no need to for the occupancy of proposed units to be controlled by a Section 106 Agreement.

ASSESSMENT OF PLANNING CASE

- 3.7 The Applicant's case is therefore that the proposal will deliver a wide choice of high quality market homes and accords with paragraph 50 of the NPPF; and that the proposal represents good design and accords with Section 7 of the NPPF.
- 3.8 The Applicant's case is also that the proposals will not adversely affect the residential amenity of existing occupiers adjacent to the application site. Adequate spacing within the layout has been incorporated with neighbouring properties to meet acceptable amenity and separation standards for privacy and light.

ECOLOGY

- 3.9 Core Strategy Key Statement EN4: Biodiversity and Geodiversity establishes a principle of development sites achieving a net enhancement in biodiversity. The site does not however meet any of the defined sites in EN4: that is, the site is not statutorily designated and EN4 makes provision on non-designated sites where "*...compensation could be managed through a mechanism such as biodiversity off-setting via conservation credits.*"
- 3.10 Core Strategy Policy DME3: Site and Species Protection and Conservation – seeks to ensure sites with protected species are not harmed by development proposals and ensure adequate mitigation and enhancement as a prerequisite of development being allowed.
- 3.11 The Planning History to the site indicates that there has historically been a perception that the site has significant ecological interest. As part of the preparation of the proposals, extensive ecological surveys have been carried out since August 2017 through to April 2018 (with further surveys for Great Crested Newts on going) to properly understand the baseline ecological value of the site. These documents are included with the Application submission under the reference **S10**.
- 3.12 The surveys conclude that the site contains habitats of moderate ecological value and specifically assesses protected species and makes recommendations which have been considered and incorporated into the proposed plans.
- 3.13 Birds: The proposals include bird boxes integrated into the fabric of some of the proposed new buildings on the site and the proposed landscaping scheme will encourage new habitat for birds.
- 3.14 Bats: The surveys carried out found 5 separate roosting locations in the summer; and that bats do not use the existing structures on the site to hibernate over the winter period.

ASSESSMENT OF PLANNING CASE

- 3.15 Otter and water vole: The surveys found that the site has low potential for supporting water vole as no evidence of their presence was found. The site surveys found a moderate potential for supporting otter as two spraints were discovered on one of the three surveys conducted in and around Victoria Mill.
- 3.16 These were only discovered in late February 2018, and no other evidence of otters have been discovered along Sabden Brook or the mill pond from October 2017 to February 2018. This suggests the site is only occasionally used by otters, possibly on the edge of their territory as suggested by a record of an otter dating from 2011, 1700m downstream of the site.
- 3.17 White-clawed crayfish: Crayfish surveys were carried out 27/10/2017 – 28/10/2017 and found that the site has low potential for supporting white clawed crayfish as no evidence of their presence was found.
- 3.18 Amphibians: The pond was identified as a potential breeding habitat for great crested newts. Accordingly, absence/presence surveys are being carried out during the correct season of mid-March to mid-June. Two full surveys have been carried out so far and no GCN were caught or identified, nor has any evidence of breeding GCN been found. A minimum of two further surveys are scheduled to take place during the survey season.
- 3.19 As part of the proposed plans, significant ecological enhancements are proposed including:
- The removal of the culvert and the opening-up of the Brook.
 - Bird boxes integrated into proposed buildings and comprehensive landscaping scheme to enhance habitat for birds.
 - The creation of an ecology tower to support re-located bat roosts and provide new habitat for bats and birds.
 - Bat boxes integrated into proposed buildings and comprehensive landscaping scheme to enhance habitat for bats.
 - As part of the ecology tower the creation of a buffer zone with the brook to include new planting and faunal box scheme to enhance habitat for Otters.
- 3.20 The Applicant's case is that the additional landscaping proposed, together with a strategy to provide bat/bird boxes and/or bricks to dwellings, will provide an opportunity to enhance biodiversity.
- 3.21 The proposal therefore accords with Core Strategy Key Statement EN4, Policy DME3 and Paragraph 118 of the NPPF and that the landscaping strategy will provide a benefit by improving biodiversity in the area.

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TREES

- 3.22 Core Strategy Policy DME1: Protecting Trees and Woodlands – is a development manage policy that seeks to control the impact of development on trees.
- 3.23 There are several mature tree specimens adjacent to the site (along its frontage with Whalley Road) that have an important role in townscape character and the visual amenity of the area. These trees are also specifically protected by a Tree Preservation Order.
- 3.24 Accordingly, the Application includes detailed information about those trees and assesses the impact of the proposed development on them. Details are also included of the methods to be used during construction to ensure the trees are protected. This information is set out in the application under the documents referenced as **S9**.
- 3.25 The Application therefore conforms with the requirements of Policy DME1 regarding the principle tree specimens adjacent to the site.
- 3.26 Regarding the site itself, there are several trees around the former mill pond that have also been surveyed by specialist tree consultants. These trees have been classified as Retention Category C (trees of low quality). To facilitate the development and achieve a viable and deliverable scheme, it is proposed to remove these trees. However, replacement planting is proposed around the regenerated site – these are set out on the proposed landscaping plans submitted with the Application under reference **S3**.

DRAINAGE AND FLOOD RISK

- 3.27 The NPPF requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, water supply and demand considerations.
- 3.28 Core Strategy Policy DME6: Water Management – seeks to ensure development proposals do not increase the risk of flooding elsewhere.
- 3.29 Part of the site does fall within an area of flood risk. This arise from the constriction caused by the existing culvert under Watt Street for Sabden Brook. A detailed Flood Risk Assessment has therefore been undertaken to assess the risk and to design appropriate mitigation measures. The proposals also include the removal of the existing culvert through the site representing a betterment of the existing situation. The Flood Risk Assessment is set out in full with the Application submissions referenced as Document **S8**.

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- 3.30 Based on the detailed technical evidence submitted and the mitigation built into the design of the layout and buildings, the Applicant's case is that the proposals will not increase the risk of flooding either on or off site and that the site can be adequately drained of both surface and foul water. On that basis, the proposal conforms with Policy DME6 of the Core Strategy and Paragraph 103 of the NPPF.

ACCESS AND HIGHWAY IMPACTS

- 3.31 Core Strategy Key Statement DMI2: Transport Considerations emphasis that new development should be located to minimise the need to travel and should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car.
- 3.32 Core Strategy Policy DMG3: Transport and Mobility – sets out development management criteria to assess the transport related implications of proposals. It emphasises the need to ensure adequate access for vehicles and pedestrians, parking arrangements and highway safety.
- 3.33 As the proposed development is for 30 dwellings, a Transport Statement has not been required for the proposals and this was agreed with Lancashire County Council as Highway Authority as part of a formal pre-application dialogue.
- 3.34 The proposed access arrangements are straight forward as the proposal is to adapt the two existing access points into the site to form the new accesses to the redeveloped site. Pedestrian connectivity is enhanced through the provision of footways.
- 3.35 Regarding improvements for highway safety, Lancaster County Council (as Highway Authority) has requested some off-site highway works as part of a pre-application enquiry. This is set out at Appendix C to the SCI – Document S14 with the Application submissions. A Section 278 Agreement is required to facilitate the new kerbing works to both the entrance to the development from Watt Street and Whalley Road.
- 3.36 As part of that Agreement a Traffic Regulation Order is proposed to restrict parking within the site lines of the junction of Watt Street and Whalley Road. In addition, three new lighting columns are proposed on Watt Street near the access to the development. These matters can be dealt with by the Section 278 Agreement and a Planning Condition if required and do not need to be set out in a Section 106 Agreement.
- 3.37 During the consultation on the Application the local community expressed concerns about the potential for the development to cause on-street

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parking problems on Watt Street. Parking ratios have therefore been carefully considered and adequate off-street parking has been incorporated into the proposals.

- 3.38 The Applicants' view is that the proposed development will have no material or significant residual impact on traffic or road safety and so passes the test in paragraph 32 of the NPPF; and is in conformity with Core Strategy Key Statement DMI2 and Policy DMG3.

HEALTHY COMMUNITIES

PUBLIC OPEN SPACE/RECREATION

- 3.39 Regarding Open Space, Policy DMB4 of the Core Strategy states:

"On all residential sites of over 1 hectare, the layout will be expected to provide adequate and usable public open space. On a site-by-site basis, the council will also negotiate for provision on smaller sites or seek to secure an off-site contribution towards provision for sport and recreational facilities or public open space within the area where the overall level of supply is inadequate."

- 3.40 In this regard, the proposed development site is marginally more than 1ha in size. On site public open spaces are also proposed as set out in the submitted landscape plans.

- 3.41 The Policy requirement for an off-site contribution is therefore dependent on an assessment by the Council of the 'adequacy' of the overall supply of open space in the area. This assessment will be carried out as part of the formal planning application process. At the pre-application stage, the Council indicated that there would be a requirement for a commuted sum to towards leisure/play facilities within Sabden. See Appendix B of Document **S14** which states:

"The contribution sought will be based on the following occupancy ratios at a rate of £216.90 cost per person:

- 1 bed unit - 1.3 people*
- 2 bed unit - 1.8 people*
- 3 bed unit - 2.5 people*
- 4 bed unit - 3.1 people*
- 5 + bed unit - 3.5 people*

A commitment to meet such requirements should be contained within any Heads of Terms submitted with the application."

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- 3.42 Based on the proposed housing mix and applying this methodology, the potential contribution would in the order of £17,915 subject to meeting the statutory tests for Obligations.
- 3.43 The Applicant will therefore covenant with RVBC to pay a Public Open Space 'POS' Contribution to RVBC if the Council demonstrate that the requested POS Contribution meets the statutory tests for Obligations as set out in the Community Infrastructure Levy Regulations 2010.

EDUCATION

- 3.44 Regarding Education, the applicants undertook pre-application dialogue with Lancaster County Council as Education Authority. The Education Authority confirmed in December 2017 that there was sufficient capacity within primary schools up to 2 miles and secondary schools up to 3 miles from the development. On that basis, no Education Contribution is required for this proposal.

SUMMARY

- 3.45 The above paragraphs have set out the Applicant's case that the proposals have significant benefits including:
- Economic benefits associated from new housing developments including the provision of construction jobs and from future residents of the proposed dwellings.
 - Delivering much needed market housing by contributing to the Council's short term 5-year land supply as a Windfall site.
 - Delivering a wide choice of high quality homes to a high standard of design.
 - Delivering the regeneration of a vacant/derelict previously developed site with a history of stalled regeneration schemes.
 - Delivering, through the design and landscaping strategy, improvements to biodiversity in the area.
- 3.46 The Applicant's case is also that the proposals will not have any significant adverse effect:
- On the residential amenity of existing occupiers adjacent to the site
 - On drainage or flood risk
 - On access or highway safety
 - Educational Infrastructure
- 3.47 Having regard to the above, I then consider the main issue I have identified:

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MAIN ISSUE: THE IMPACT OF THE PROPOSALS ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

- 3.48 Core Strategy Key Statement EN5: Heritage Assets sets out a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings; and seeks to achieve this by:
- Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.
 - Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.
- 3.49 Core Strategy Policy DME4: Protecting Heritage Assets sets out a presumption in favour of the conservation and enhancement of heritage assets and their settings.
- 3.50 The site falls within the Sabden Conservation Area and, whilst none of the structures within the site as Listed, as a former Mill site there are buildings and structures of historical interest. Accordingly, a detailed assessment of the heritage value of the site has been undertaken with the results set out in Document S6a -Victoria Mill Statement of Significance Final 23-04-2018.
- 3.51 The Statement of Significance concludes that the site holds historic interest in the local context as part of the early phase of industrial development within Sabden; but goes on to state that the overall heritage value of the retained fabric is low given the extent of later alteration and adaptation. The conclusions/assessment of the impact of the proposals on the heritage of the site are reproduced here.

“Whilst positive elements are identified which contribute to the Sabden Conservation Area particularly in terms of building relationships towards the Whalley Road frontage, much of the retained fabric is of poor aesthetic quality.

4.02 The proposed development comprises the demolition of currently standing buildings, including the mill chimney falling within the site and the erection of 30 no. new dwellings. The new dwellings will be erected in two groupings to the north and south of Sabden Brook and arranged in detached, semi-detached and terraced forms interspersed with small areas of informal greenspace and landscape planting. Open space and tree groupings to the north of the site fronting onto Whalley Road will be retained. Access will be taken from Watt Street and Whalley Road with the upgrading of existing entrances into the site. The proposed site layout is included and Appendix 1 of this Statement. Full details of the proposed development will

ASSESSMENT OF PLANNING CASE

be set out within the design and access statement to accompany the planning application for the development.

4.03 Having regard to the assessment of significance it is considered that the proposed demolition of buildings and structures will remove the evidential value of the site in illuminating the historic industrial development of Sabden during the 19th century. Some built elements that contribute positively the significance of the conservation area will be removed, most notably through the loss of the chimney and the warehouse/office building ranged to the south of the Brook. Elsewhere the heritage values of the buildings and structures to be removed have been diminished through later alteration and the structural and aesthetic condition of retained fabric is generally poor. The ongoing vacancy and deterioration of the buildings will clearly detract from the appearance of the conservation area and the redevelopment of the site provides an opportunity to secure the future use of the site and enhancement to visual character.

4.04 In considering the impact of the proposed demolition upon the conservation area regard can be had to the generally poor structural and aesthetic condition of the site and retained buildings falling within it. The new development proposes the reconstruction of the mill chimney, adapted as an ecological feature, to a height of around 7m and relocated to south of the Brook, north of its current position. This will allow the structure to be appreciated in wider views towards the site and provide some retained evidence of the historic use of the site. The former warehouse/office range to the south of the Brook will be reconstructed to a similar footprint and architectural treatment to provide 3 residential units. This will maintain the visual quality of the site frontage onto Whalley Road where the relationship of built form with the watercourse, open space and tree groups to the north contributes positively. Subject to final architectural and material treatment the wider development will provide further opportunity to secure enhancement to the appearance of the conservation area.

4.05 On balance, having regard to the retained heritage values of the site, less than substantial harm is identified to the significance of the conservation area through the demolition works. As such the development will require 'clear and convincing justification' having regard to paragraph 132 of the Framework and engage with Paragraph 134 that states that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

ASSESSMENT OF PLANNING CASE

4.06 Paragraph 135 is also relevant in considering impact upon non-designated heritage assets and states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of harm of any harm or loss and the significance of the heritage asset.”

4.7 This balancing exercise, which will ultimately be a matter for the local planning authority, should be informed by the relative significance of those elements falling within the site and set out above. The justification for the new development is based upon the poor structural and aesthetic condition of retained buildings within the site that limits potential for retention and adaptation without substantial reconstruction and alteration. The development will remove a number of buildings that are of poor aesthetic value and provides an opportunity to secure enhancement to the appearance of the conservation area. On balance it is considered that the benefits of securing the future use of the site are capable of outweighing the harm identified.”

- 3.52 Having regard to the findings and conclusions of the Built Heritage Statement, great care and consideration has been taken with the proposed design and layout of the scheme. The proposal to re-build the Marbil office building on the same footprint and with the same design is a significant statement of positive intent by the Applicants’ to achieve regeneration in a sensitive manner whilst maintaining viability. Similarly, the proposal to re-site a partially re-constructed mill chimney to a position where it offers views from adjacent public realm will capture the history of the site and provide significant ecological enhancement.
- 3.53 Importantly, the Heritage Assessment concludes less than substantial harm is identified to the significance of the Conservation Area through the proposed demolition works and I concur with that conclusion. In weighing the public benefits of the proposal (as described at Paragraph 3.45 above) it is clear that the proposed development will secure the optimum viable regeneration of the site in a way which will enhance the character and appearance of the Conservation Area.
- 3.54 I conclude on the main issue that the proposal would conform with Core Strategy Key Statement EN5 and Policy DME4, and passes the public benefits test as set out at Paragraphs 134 and 135 of the NPPF.

SUMMARY AND CONCLUSIONS

- 6.1 I have set out in my Statement the important Planning History to the site of previous regeneration proposals that have stalled due to lack of viability, in the main arising from unrealistic expectations and uncommercial proposals.
- 6.2 The site has subsequently been acquired by a developer with a proven track record in delivering difficult /challenging sites to a very high standard and quality of design. In preparing the proposals for the site, significant time and investment has been made to investigate and understand the numerous constraints from drainage, flood risk, ecology, trees, and unsafe structures to the heritage value of the site. This work has informed a protracted period of engagement with the Council and the community to develop a deliverable solution that will enhance the Conservation Area.
- 6.3 My assessment has explored the planning policy context for the proposals and assessed the merits of the scheme against that policy context, taking into account the significant volume of specialist advice submitted with the Application. My conclusions are that the proposals have significant benefits including:
- Economic benefits associated from new housing developments including the provision of construction jobs and from future residents of the proposed dwellings.
 - Delivering much needed market housing by contributing to the Council's short term 5-year land supply as a Windfall site.
 - Delivering a wide choice of high quality homes to a high standard of design.
 - Delivering the regeneration of a vacant/derelict previously developed site with a history of stalled regeneration schemes.
 - Delivering, through the design and landscaping strategy, improvements to biodiversity in the area.
- 6.4 The Applicant's case is also that the proposals will not have any significant adverse effect:
- On the residential amenity of existing occupiers adjacent to the site
 - On drainage or flood risk
 - On access or highway safety
 - Educational Infrastructure
- 6.5 Turning to the main issue I identified, the Heritage Assessment concludes less than substantial harm is identified to the significance of the Conservation Area through the proposed demolition works and I concur with that conclusion. In weighing the public benefits of the proposal (as described at Paragraph 6.3 above) it is clear that the proposed development will secure the optimum viable regeneration of the site in a

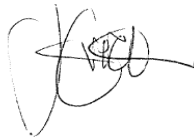
SUMMARY AND CONCLUSIONS

way which will enhance the character and appearance of the Conservation Area.

- 6.6 The proposal conforms to both adopted Local Planning Policy as set out in the Core Strategy and the policies of the NPPF which seek to secure sustainable development. Planning permission should therefore be granted for this proposal.

Statement of Truth

"The evidence which I have prepared and provide for this Planning Statement is to the best of my knowledge true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions."



Signature:

Date: 23rd April 2018.....

JAY EVERETT BSC HONS, MRTPI