

**APPLICATION REF: 3/2019/0545**

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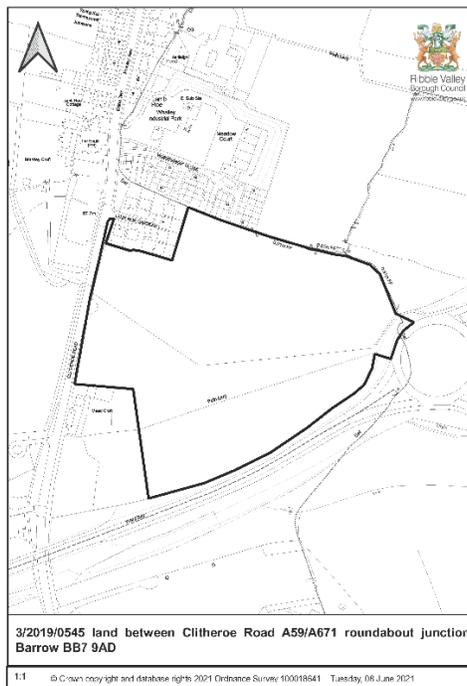
**DEVELOPMENT DESCRIPTION:**

HYBRID PLANNING APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING  
A) IN FULL, THE ERECTION OF 48 BUNGALOWS FOR PERSONS AGED 55 YEARS AND OVER (CLASS C3) AND A 64 BEDROOM CARE HOME (CLASS C2) WITH VEHICULAR AND PEDESTRIAN ACCESS FROM CLITHEROE ROAD AND ASSOCIATED CAR PARKING, LANDSCAPING AND EXTERNAL WORKS

B) IN FULL, A DRIVE-THRU RESTAURANT (CLASS A3) AND ASSOCIATED CUSTOMER CAR PARKING, LANDSCAPING AND EXTERNAL WORKS WITH VEHICULAR ACCESS FROM THE A59

C) IN OUTLINE WITH ALL MATTERS RESERVED EXCEPT ACCESS, EMPLOYMENT UNITS (CLASS B1 AND/OR CLASS B2 AND/OR CLASS B8 UNDER CLASS V OF PART 3 OF SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)) AND A PETROL FILLING STATION (SUI GENERIS) AND CONVENIENCE STORE (CLASS A1) WITH ASSOCIATED CUSTOMER CAR PARKING, LANDSCAPING AND EXTERNAL WORKS AND VEHICULAR ACCESS FROM THE A59

AT LAND BETWEEN CLITHEROE ROAD AND A59/A671 ROUNDABOUT JUNCTION BARROW BB7 9AD



**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**PARISH COUNCIL:**

Whalley Parish Council

Whalley Parish Council objects for the following reasons:

- Although this application is in the Parish of Whalley it alludes more to Barrow. It is clearly outside the settlement boundary of Barrow. This is the last green field between Barrow and Whalley.
- This sets a dangerous precedent for joining settlements together.
- RVBC Core Strategy identifies the housing needs and the proposed sites to satisfy those needs. The application is not part of the strategy.
- 131 bungalows have either been granted approval or awaiting completion of a section 106 agreement since January 2017 of which 113 are restricted to people over the age of 55. There is sufficient housing to meet the need within this part of the borough.
- None of the bungalows appear to be affordable housing contrary to the usual requirement of 30%.
- There is no mixture of housing which is contrary to RVBC policy.
- There is no access to the A59 for cars and so the development will increase the traffic flow on Clitheroe Road and on through to Whalley. Expansive development at Barrow, yet to be developed, will also access Clitheroe Road.
- Pedestrian access to facilities in Whalley for over 55s will be difficult.
- A petrol station/convenience store/drive thru already exists at the next roundabout on the A59. Competition can be beneficial for the customer but can these facilities survive in such close proximity.
- Good care home provision in the Ribble Valley is in short supply, particularly with en-suite facilities, but the objections above far outweigh these benefits.

#### Wiswell Parish Council

Members of Wiswell Parish Council strongly object to this application for the following reasons:

- This site between the A59/A671 roundabout and Clitheroe Road (Whalley/Barrow) is the only remaining logical and practical opportunity to improve the road infrastructure for the area by providing a new and improved direct link from Clitheroe Road onto the A59 / A671 roundabout.

Approval of this application would prevent a new link being built which could resolve or alleviate many traffic issues in the area including reducing traffic flow through Barrow village to and from the A59 past Clitheroe Golf Club, reducing the inappropriate use of Wiswell Lane from Whalley to and from the A671 and making the now well established rat-run from Barrow via Whitacre Lane and Old Back Lane, Wiswell to and from the A671 obsolete. In all these cases, a new link road would provide the easiest and safest route to connect Clitheroe Road with both the A59 and also the A671 towards Burnley and Accrington.

- Traffic management on the A59 / A671 roundabout has been redesigned in that traffic on the A59 travelling towards Skipton does not need to give way when joining the roundabout which improves traffic flow in the left hand lane. Traffic from the A671 travelling towards Skipton also flows well and takes the right hand lane of the A59 initially. The reduction in ease of traffic flow introduced by the proposal only for a relatively small commercial development at a fourth

access cannot be justified. Alteration to flows might be justified if the fourth access provided a direct link onto Clitheroe Road for traffic to and from both Barrow and Whalley, greatly improving connectivity on the road network.

- The proposed commercial development is less than one mile from the larger development at Barrow Brook. Neither of these developments appear to have been designed and developed with use by commercial or HGV vehicles in mind. HGV vehicles regularly use Barrowbrook but cannot enter the retail sites and end up parking on the spine road, usually on the pavement.
- There are other sites already allocated for small industrial use in the Ribble Valley and these should be used first before a new development. Creating such a mixed use development in a new green field location seems to go against all the principles in RVBC's planning strategy and policies. Indeed the development as a whole does not seem to have a single homogeneous purpose.

The next retail / service station development on the A59 through the Ribble Valley should be designed to include facilities for commercial and HGV vehicles, not as an opportunistic development off a convenient roundabout located in a rural area.

- Considering the development as a whole, it further reduces the separation of distinct communities and is another step in the creation of an unjustified and unacceptable continuous urban development between Whalley & Barrow and, indeed, between Langho & Clitheroe.
- Barrow has not benefited from any direct infrastructure improvements with the approval of well over 500 new homes and this is a further example. The retail opportunity is not for the benefit of the residents of Barrow or Whalley who cannot access it directly from the villages.
- The development proposal does not provide the necessary infrastructure and planning gain to improve the quality of life for the residents Wiswell, Barrow and Whalley in its present format without a though link from Clitheroe Road to the A59.

#### Barrow Parish Council

Members of Barrow Parish Council have considered the above planning application for a hybrid mixed use development and strongly object to the application, as follows:

- The proposal is contrary to Policies DMG2 and DMH3 of the Core Strategy. Approval would lead to the creation of new residential dwellings in the defined open countryside, located outside of a defined settlement boundary. Sufficient justification has not been demonstrated and allowing the development would cause harm to the Core Strategy.
- The proposal would be of significant detriment to the character, appearance and visual amenities of the defined open countryside. The site has a poor relationship to the main built up areas of Barrow and Whalley and is contrary to Policies DMG1 and DMG2 of the Core Strategy.
- The proposal is contrary to Key Statement DS1 and Policy DMG2 of the Core Strategy. It does not represent the consolidation, expansion or rounding off of development. Instead it would remove the space between Whalley and Barrow, effectively merging the two communities.

- The Core Strategy states that there is zero residual need for additional housing in Barrow. Allowing this development, including 48 extra dwellings, is not sustainable and is contrary to Key Statement DS1. Whilst housing numbers do not represent upper limits, additional housing should only be considered in areas that have not already been exploited for residential development, disproportionate to other targeted development areas in the borough. This is especially important considering nearby traffic levels, the lack of sustainability and environmental risks of these proposals.
- Since the Core Strategy was adopted, 84 bungalows have been given consent in Barrow alone, of which 66 are reserved for those aged 55 or over. A further 47 bungalows have been given consent in neighbouring Whalley. Any local need has therefore already been met and there is no justification for more bungalows in this location.
- The proposed bungalows do not contain any element of affordable housing, contrary to Ribble Valley Borough Council policy and this demonstrates that the development is not serving local need.
- The proposed site is not sustainable. It does not benefit from walkable access to a full range of services and facilities, particularly for the elderly with mobility problems and would perpetuate an already unsustainable pattern of development. Allowing more dwellings in Whalley / Barrow would put a strain on the villages' infrastructure that is already struggling to cope with the increased population and housing growth in recent years.
- Granting planning consent for this development in its current form would cause extra pressure on the highways through Whalley and Barrow. The current situation involves long delays exiting the villages and once all of the permitted development in Barrow and Whalley is completed, the delays will become severe. Allowing further developments without adequate provision for highways is unacceptable.
- Allowing this development would create a harmful precedent for the acceptance of other similar unjustified proposals outside of the settlement boundary and would damage the implementation of Ribble Valley's Borough Council's planning policies under the Core Strategy and NPPF.
- A petrol station, convenience store and drive through restaurant already exist on the A59, less than a mile away. There is no justification for duplication of these businesses and allowing the proposed development could potentially cause harm to areas designated for employment use elsewhere in the borough.
- None of the submitted plans contain any reference to the dwellings on Wheatsheaf Close, which are adjacent to the site and would share a boundary with the proposed bungalows. The development will have a negative impact on the residential amenity of these properties and due consideration must be given.
- The proposal would result in a further loss of open countryside. The fields are a habitat for deer, bats, birds etc and allowing this development would have a significant effect on biodiversity and geological conservation on site.
- Should the application be approved, a construction management scheme must be agreed whereby construction vehicles are not permitted through Barrow village at any time, and

deliveries should not be permitted during peak school hours. Wheel washing must take place on site and Clitheroe Road must be cleaned regularly.

- Should the current application be approved, a contribution for Public Open Spaces in Barrow must be included and the parish council wishes to be consulted on ways to mitigate the effect of over development in the area.

#### **CLITHEROE CIVIC SOCIETY:**

The Society submits its objection to this application in its entirety. We believe that, despite the applicants submitted application and statements that this is both contra and extra to the requirements of the approved Core Strategy for Housing and Commercial development within the Borough. If approved it would have a detrimental impact the forthcoming regeneration plans for Clitheroe town centre and thus impact negatively on the amenity of the Clitheroe Conservation Area.

We also believe that the reasons for the recent refusal of planning permission for the residential development on the south side of the adjacent roundabout should apply equally to this proposal.

#### **CLITHEROE CHAMBER OF TRADE AND COMMERCE:**

The application is at odds with the Core Strategy and would have a significant detrimental impact on Whalley and Clitheroe Town Centres.

- Trevor Dawson, Commercial Estates, 'Market Demand Statement' alludes to the fact that THEY believe there is a need for the commercial aspects of the development. However at section (VI) of the report there is NO justification, and merely a 'conclusion'. This change of language is very significant.
- Taylor Weaver, Commercial Estates, are currently struggling to let B1/B8 new build units at Barrowbrook Enterprise Parks, despite them being marketed for 2 years.
- One application currently lodged with the Council seeks to change one unit at Barrowbrook Park from B1/B8 to A1 Retail. It is the Chambers belief that there is no genuine need for a second site replicating Barrowbrook within 2/3rds of a mile away on the same road.
- Loss of vitality and vibrancy for towns of Clitheroe and Whalley.

#### **EAST LANCASHIRE HOSPITAL TRUST:**

The existing service delivery infrastructure for acute and planned health care is unable to meet the additional demand generated as a result of the proposed development. The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase. As a consequence of the development and its associated demand for acute and planned health care there will be an adverse effect on the Trust's ability to provide on-time care delivery without delay due to inadequate funding to meet demand.

The only way that the Trust can maintain the "on time" service delivery without delay and comply with NHS quality requirements is that the developer contributes towards the cost of providing the necessary capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. Without securing such contributions, the Trust will have no or limited funding to

meet healthcare demand arising from each household during the first year of occupation. The health care provided by the Trust would be significantly delayed and compromised, putting the local people at risk. This deficit created by this development will have a long term impact on the ability to provide required services.

A contribution of £56,134.00 is requested for the proposed development of 48 bungalows and £74,845.00 for the 64-bedroom care home. These contributions will be used directly to provide additional services to meet patient demand.

#### **LCC HIGHWAYS:**

Confirm that in isolation the A59 access and supporting employment spine road issues have been positively concluded. In addition, a number of internal layout issues have been resolved, however a number still exist but could be controlled by suitably worded planning conditions.

To a lesser extent from a sustainability perspective whilst the centroid of the site is within 400m of a bus stop, most of the employment is beyond 400m of a bus stop, this is an unavoidable site weakness. The supporting travel plan framework (residential) now provides a financial commitment to ensure that the site can be made sustainable.

Lancashire County Council as highway authority is satisfied that the development can integrate into the environment and impacts be managed within and in the surrounding network, however is subject to planning conditions being set and satisfied that overcome the residual internal layout issues and that all mitigation is delivered.

#### **LCC EDUCATION:**

As this is an application for a mixed used development site for over 55's and a care home, there is no education requirement.

#### **LCC PUBLIC RIGHTS OF WAY:**

Have identified public right of way 3-47-FP6 within the proposed development site and feel that the development needs a more comprehensive scheme to improve connectivity to Wiswell – it is proposed that footpath 3-45-FP11 be diverted to the south of the proposed site and the diverted path should link back with the northeastern arm of the A59 at the existing crossing location for pedestrians walking to and from footpath 3-47-FP6. The diverted path must be a minimum of 2 metres wide with adequate drainage and a bound surface.

Public Rights of Way request £30,800 S106 monies to improve the remaining length of 3-45-FP11 which is outside the proposed development and footpath 3-47-FP6.

#### **LEAD LOCAL FLOOD AUTHORITY:**

The Lead Local Flood Authority has no objection to the proposed development, subject to the inclusion of recommended planning conditions.

#### **ENVIRONMENT AGENCY:**

We have no objection to elements A & B of this hybrid application. However, with regard to element C, specifically the proposed filling station, the proposed development will only be acceptable subject to the inclusion of planning conditions.

## **ADDITIONAL REPRESENTATIONS:**

Letters of objection from 21 separate addresses have been received in relation to this application and raise the following concerns:

- Fully support the responses from the local parish councils of Whalley, Wiswell and Barrow
- The proposed development is likely to increase surface water flooding.
- The land is outside the settlement of Barrow.
- 1 in 100 year flood scenario optimistic.
- Development does not offer any additional provision for local amenities/village infrastructure.
- Lead to a joined settlement from Clitheroe to Blackburn.
- The open fields are a pathway for deer, bats and birds.
- The proposal is not part of the Core Strategy which identifies the housing needs and proposed sites to satisfy those needs.
- Commercial element is inappropriate and unnecessary - detrimental to the wellbeing of nearby residents due to increased traffic, air quality impact, increases noise, lighting and litter.
- Commercial facilities already exist at the next roundabout.
- Spillage of petrol would be detrimental.
- Noise from machinery, refrigeration units, vehicles and alarms.
- Combination of residential and commercial properties is problematic.
- Curlews raise young each year and buzzards and other birds of prey frequent the site daily.
- Proposed site is an unspoiled piece of agricultural land.
- The site has several material mature trees. A preservation order should be sought for their conservation.
- Loss of identity and character of each village (Whalley and Barrow).
- Does not accord with the vision of the Sustainable Community Strategy.
- Development is contrary to Key Statements DS1 & EC2 of the Core Strategy.
- Oversupply of commercial units in the Clitheroe area as many are unlet.
- Housing needs are already being met in the area.
- The development is likely to adversely impact and destroy the town centres of Clitheroe and Whalley.
- Water culvert runs through the field.
- Proposed service station is not required due to facility at next roundabout and movement towards electric vehicles.
- Land would be better utilised if it included a doctors, dentist, primary school or recreation facilities.
- There will be a requirement to reduce speed limit along Clitheroe Road.
- Negatively affect properties at Lamb Roe Gardens including loss of privacy due to height/proximity of new dwellings.
- Highway capacity issues in the local area will be made worse.
- Zebra or pelican crossing is needed across Clitheroe Road.
- More appropriate to access the care home from the A59.
- Loss of private views.
- Dog kennels next to the site will create a noise disturbance due to new occupants.
- No community engagement prior to the submission.
- Ecological Assessment undertaken outside nesting period for most birds.
- Bulk/massing of buildings on site would be out of character with surrounding area.
- Proposed care home is not necessary as there will be suitable buildings in the area which could be renovated.

## 1. **Site Description and Surrounding Area**

- 1.1 The application site measures approximately 6.4 hectares of land and comprises two agricultural fields which are bounded by hedgerows and trees. The site adjoins the A59 along its southern boundary and slopes down to Clitheroe Road which forms part of the site's western boundary. Adjoining the northern edge is a two-storey affordable housing development, Wheatsheaf Close, and Lamb Row Gardens, a small development of residential bungalows that forms the southern extent of the settlement of Barrow. A residential property, Meadcroft, and tree nursery are located to the south-west.
- 1.2 The site has an existing vehicular entrance from Clitheroe Road which was granted permission in 2015. A public right of way crosses the site from the A59/A671 roundabout junction to the south-west corner of the site.

## 2. **Proposed Development for which consent is sought**

- 2.1 This is a hybrid application seeking full and outline permission for a mixed-use scheme as follows;
- a) *Full planning permission for the erection of 48 bungalows for persons aged 55 years and over (Class C3) and a 64-bedroom care home (Class C2) with vehicular and pedestrian access from Clitheroe Road and associated car parking, landscaping and external works.*
- 2.2 This applies to the western part of the site which would be accessed from Clitheroe Road. The scheme comprises 48 single storey over-55s bungalows providing a mix of one, two and three bed properties which would be predominantly faced with render and brick. The development would use the existing single point of access into the site.
- 2.3 The proposed residential care home is a two-storey building arranged around a central open courtyard and would provide 64 en-suite bedrooms with a range of communal rooms and facilities. The building would be stepped to follow the natural slope of the land. It would be faced externally in render and stone clad gable elevations and would be situated adjacent to the site's southern boundary with the A59 and to the east of Meadcroft. Access would be through the proposed residential development from Clitheroe Road.
- b) *Full planning permission for a drive-thru restaurant (Class E (b) [formerly Class A3]) and associated customer car parking, landscaping and external works with vehicular access from the A59.*
- 2.4 The drive-thru restaurant is proposed to be operated by Costa Coffee and comprises a single storey render and timber clad building with mono-pitched roof. The building would be located in the north-east corner of the site, close to the A59/A671 roundabout junction. Access would be taken from the roundabout junction. A drive-through lane would encircle the building and car parking for 33 vehicles would be provided. Access from the roundabout would require the formation of a 4th arm with single lane entry and two-lane exit.
- c) *Outline planning permission with all matters reserved except access, employment units (Class E (g) [formerly Class B1) and/or Class B2 and/or Class B8 under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted*

*Development) (England) Order 2015 (as amended)) and a petrol filling station (Sui Generis) and convenience store (Class E(a) (formerly Class A1)) with associated customer car parking, landscaping and external works and vehicular access from the A59.*

- 2.5 The outline component of the hybrid application is made with all matters reserved except for access, and relates to the eastern part of the site. Access is proposed from the junction and entrance road to be formed from the A59/A671 roundabout junction that would serve the drive-thru coffee shop. The Parameters Plan submitted with the application denotes four different 'zones', two of which would accommodate employment units, one a petrol filling station (PFS) and convenience store and the other would provide open space/landscaping and a footpath connection to the proposed residential development.
- 2.6 Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) permits a flexible use of a building or land. Permission granted on this basis would enable the employment floorspace to be used for either E(g) (office) [formerly B1], B2 (industrial) or B8 (storage and distribution) without requiring a further change of use planning permission for a period of ten years.
- 2.7 There would be no through route for vehicles within the site and the two parcels, employment/commercial and residential, would operate independently of one another. There would be no opportunity for drivers to cut through the site. However, as stated above, the outline component includes the provision of a footpath connection. The existing Public Right of Way would be relocated from its central position within the site so that it follows the site's southern and western boundary and exits at its current position.

### 3. **Relevant Planning History**

3/2014/0445 - Re - Positioning of existing agricultural access for agricultural use. Closing existing access and replanting hedge. Approved with Conditions.

3/2015/0856 - Variation of condition 2 of planning permission 3/2014/0445 to allow retention of unauthorised works - repositioning agricultural access. Approved with Conditions.

### 4. **Relevant Policies**

#### **Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Key Statement EC1 – Business and Employment Development

Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services

Key Statement DMI1 – Planning Obligations

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

- Policy DMG3 – Transport and Mobility
- Policy DME1 – Protecting Trees and Woodlands
- Policy DME2 – Landscape and Townscape Protection
- Policy DME3 – Site and Species Protection and Conservation
- Policy DME6 – Water Management
- Policy DMH1 – Affordable Housing Criteria
- Policy DMH3 – Dwellings in the open countryside and the AONB
- Policy DMB1 – Supporting Business Growth and the Local Economy
- Policy DMB4 – Open Space Provision
- Policy DMB5 – Footpaths and Bridleways

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**

**5. Assessment of Proposed Development**

**5.1 Principle of Development**

5.1.1 The development plan for the Borough comprises the Ribble Valley Core Strategy which was formally adopted in December 2014, the Housing and Economic Development (HED) DPD that was adopted 15th October 2019 alongside the Proposals Map for the borough and the Longridge Neighbourhood Plan.

5.1.2 The latest published position in relation to housing land supply is contained in the Council’s Five-Year Supply Statement March 2020 which demonstrates a deliverable 13.9-year housing land supply from the base date of 31st March 2020 against a Local Housing Need Requirement figure of 143 dwellings per year calculated using the ‘Standard Method’ (as per para. 3. of PPG Guidance ‘Housing supply and delivery’). Therefore, the Council is able to comfortably demonstrate a deliverable 5-year supply of housing land and there is no impetus to permit additional housing in this open countryside location at present.

5.1.3 Taken from the Housing Land Availability Schedule (HLAS) March 2020, housing completion rates in the borough have significantly exceeded the Core Strategy housing requirement figure of 280 dwellings per year since 2014/15 (see Table 1 below). During the previous monitoring year, 1 April 2019 to 31 March 2020, 559 dwellings were recorded as complete. The Government’s objective to significantly boost the supply of homes is being met in the Ribble Valley.

COMPLETIONS	NEW BUILD	CONVERSIONS CHANGE OF USE	TOTAL COMPLETIONS
1 April 2008 – 31 March 2009	58	17	75
1 April 2009 – 31 March 2010	57	32	89
1 April 2010 – 31 March 2011	36	33	69
1 April 2011 – 31 March 2012	116	31	147
1 April 2012 – 31 March 2013	121	51	172
1 April 2013 – 31 March 2014	155	28	183
1 April 2014 – 31 March 2015	316	29	345
1 April 2015 – 31 March 2016	268	32	300
1 April 2016 – 31 March 2017	376	14	390
1 April 2017 – 31 March 2018	371	29	400
1 April 2018 – 31 March 2019	370	42	412
1 April 2019 – 31 March 2020	516	43	559

- 5.1.4 As set out in the description of development the proposals are submitted as three distinct components. The principle of each component is considered in turn below.
- a) In full, the erection of 48 bungalows for persons aged 55 years and over (class C3) and a 64-bedroom care home (class C2) with vehicular and pedestrian access from Clitheroe Road and associated car parking, landscaping and external works.
- 5.1.5 Key Statement DS1 of the Core Strategy sets out the Borough's housing strategy and provides the overarching vision aimed at achieving a sustainable pattern of development. Key Statement DS1 states that the majority of new housing development will be concentrated within the strategic site at Standen and the Borough's principal settlements of Clitheroe, Whalley and Longridge. In addition, development will be focused towards the Tier 1 Villages, which are the more sustainable of the 32 defined settlements. The settlement of Barrow is identified as a Tier 1 Village.
- 5.1.6 Key Statement DS1 also states that in general the scale of planned housing growth will be managed to reflect 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.
- 5.1.7 Policy DMG2 assists the interpretation of the Development Strategy (Key Statement DS1) and underpins the settlement hierarchy for the purposes of delivering sustainable development. Policy DMG2 (1) states 'development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.'
- 5.1.8 The proposed erection of 48 bungalows for persons aged 55 years and over at the application site does not comply with the above part of Policy DMG2 (1) as the application site is not located in one of the principal settlements of Clitheroe, Longridge and Whalley or a Tier 1 Village, the boundaries of which are defined on the adopted Proposals Map. The application site is located outside of the defined settlement boundary for Barrow within the open countryside.
- 5.1.9 It is the applicant's view that CS Policy DMG2 should not be applied such that it would entirely restrict the development of all new open market housing in the countryside. In this regard the interpretation of Policy DMG2 was clarified in an appeal decision at Land at Wiswell Lane, Whalley, only a short distance from the application site. In dismissing the appeal for the erection up to 125 dwellings on the edge of the Principal settlement of Whalley in the open countryside, the Inspector agreed with the Council that in order to accord with the first part of Policy DMG2 (DMG2 (1)) the proposed housing development must be located 'in' the settlement as defined on the Proposals Map.
- 5.1.10 The applicant has referred to a similar edge-of-settlement appeal case at Land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe, where the Inspector allowed development comprising the erection of 39 dwellings in the open countryside despite accepting there was conflict with Policy DMH3. The appeal

Inspector applied a different interpretation of Policy DMG2 compared with the Wiswell Lane Inspector, concluding that the development was compliant with the first part of Policy DMG2 (DMG2 (1)) despite that part of the policy applying only to development proposals 'in' the principal and tier 1 settlements. The Council has sought to challenge the decision based on the view that the Inspector incorrectly interpreted and applied Policy DMG2 and is currently awaiting the outcome.

5.1.11 Subject to the tests of the policy, it remains the Council's case that the proposals are contrary to Core Strategy Policy DMG2 (1) insofar that the development is located outside of the defined settlement boundary for Barrow.

5.1.12 Thus, the second part of Policy DMG2 applies to the proposed dwellings given the site's location outside the defined settlement. DMG2 (2) states that 'Within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the following considerations:

- *The development should be essential to the local economy or social wellbeing of the area.*
- *The development is needed for the purposes of forestry or agriculture.*
- *The development is for local needs housing which meets an identified need and is secured as such.*
- *The development is for small scale tourism or recreational developments appropriate to a rural area.*
- *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*
- *The development is compatible with the enterprise zone designation.'*

5.1.13 Development must therefore meet one of the six identified criteria, the only relevant one being that the proposal must meet identified local housing need. Core Strategy Policy DMH3 relates specifically to residential development in the open countryside (and AONB) and establishes the circumstances to which it would be limited to – this also includes residential development which meets an identified local need.

5.1.14 A definition of 'Local Needs Housing' is contained in the Core Strategy Glossary as:

*'housing developed to meet the needs of existing and concealed households living within the Parish and surrounding parishes which is evidenced by the Housing Needs Survey for the Parish, the Housing Waiting List and the Strategic Housing Market Assessment (SHMA).'*

5.1.15 There is no local need in Barrow for open-market over 55s bungalows identified by the housing waiting list, housing needs survey for the parish or the SHMA. The housing waiting list relates to the identification of affordable and specialist housing need and the housing needs survey aims solely to identify those in affordable housing need in the Parish. The SHMA relates primarily but not solely to that of affordable housing need.

5.1.16 The applicant has submitted a Need and Demand Report by Contact Consulting which refers to the demography of the older population in the Ribble Valley and projected increase of the population aged 65 years and over to 2035, and

projections of the proportion of the Ribble Valley population with long-term illness and mobility issues associated with an ageing population. The report also analyses the current supply of specialised accommodation for older people in the Ribble Valley. However, whilst the document presents ONS data which relates to the borough as a whole it does not seek to define or refine local housing needs for the parish (and surrounding parishes). Having regard to the size of housing types proposed, paragraph 4.10 of the Contact Consulting Report refers to the Council's Need Surveys stating, 'across the Ribble Valley, parishes highlight elderly households housing needs in particular for one to two bedroom sheltered accommodation or bungalows, near to local services and family'. Whilst this is a generalised statement taking into account the findings of parish-based Local Housing Need Surveys that relate solely to affordable housing need, it is noted that 19 of the 48 proposed dwellings would provide three-bed accommodation.

- 5.1.17 Tables 12 and 13 of the report draws comparison between specialised housing provision at national and district level. Whilst the number of age-restricted market housing units per 1,000 of the population (75 years +) is lower than the national average in the Ribble Valley, there is a greater disparity between age-restricted affordable housing units, none of which are proposed as part of the development.
- 5.1.18 Local estate agent's comments are included within the report but appear to neither support nor oppose the provision of bungalows. Nevertheless, these comments only provide an opinion on levels of market demand, a market driven concept and relates to the type and number of houses that households will choose to occupy based on preference and ability to pay, not housing 'need' as required by the relevant plan policies.
- 5.1.19 The need for specialised older persons accommodation will be established as part of the Local Plan Review process, with the Council commissioning a draft Strategic Housing and Economic Needs Assessment (SHENA) in September 2019 to inform the future review of its Local Plan.
- 5.1.20 The draft SHENA recognises the requirement to assess the need for housing for different groups in the community. If it is established that there is a requirement to deliver additional specialist housing types in the borough, then appropriate mechanisms will be put in place through the Local Plan Review process to aid delivery.
- 5.1.21 Providing affordable homes and housing for older people are priorities within the Council's Housing Strategy. However, the Council took the necessary steps to boost the delivery of elderly people's accommodation through the introduction of the requirement in Key Statement H3 and Policy DMH1 of the adopted Core Strategy for 15% of large developments (sites of 10 units or more) to be units for the elderly (over 55-year olds) built to lifetime homes standard and of the 15% elderly accommodation a minimum of 50% to be affordable.
- 5.1.22 Since the adoption of the Core Strategy in December 2014 there has been a planning policy requirement for the Local Planning Authority to secure the requisite number of units for the elderly on sites of 10 units or more. The provision of these units will contribute to satisfying the need for this type of accommodation and since the adoption of the Core Strategy in December 2014 over 55s accommodation,

including bungalows, have been provided on new housing developments, including within Barrow and Whalley.

- 5.1.23 Whilst the authority recognises the benefits associated with the delivery of such housing, in this case open-market age-restricted residential development within this location (in the absence of identified need) is contrary to the policies of the Core Strategy.
- 5.1.24 A 64-bedroom care home is also proposed, and it is stated it would provide accommodation that would fall under a C2 use class. Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) is defined as:
- *Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).*
  - *Use as a hospital or nursing home.*
  - *Use as a residential school, college or training centre.*
- 5.1.25 Elsewhere in the Order, “care” is defined as meaning “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment”.
- 5.1.26 The proposed care home would provide 64 en-suite bedrooms and communal facilities including dayrooms, hair salon, and café/bar area. The Council accepts that, through the operation of a pre-admission assessment mechanism undertaken by the care providers and a suitably worded legal agreement, the proposed occupiers of the development would be “people in need of care” as defined in the Order, and that the level of care facilities available would be suitable to provide care for such occupiers.
- 5.1.27 As set out above, a fundamental component of Key Statement DS1 is to guide the majority of new development towards the principal settlements within the Borough and in addition development will be focused towards the Tier 1 settlements, one of which being Barrow.
- 5.1.28 Key Statement DMG2 states that “development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision”. It goes on to state that outside the defined settlement areas, development must meet at least one of the specified criteria, one of which is that “development is for local needs housing which meets an identified need and is secured as such”. As set out above, the definition of ‘Local Needs Housing’ refers to a need that is evidenced by ‘the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment’, none of which refer to residential institutions in Use Class C2.
- 5.1.29 There is no specific reference in the Core Strategy to residential institutions in Use Class C2 and the supporting Core Strategy evidence base does not refer specifically to Use Class C2 accommodation. The housing policies contained in the Core Strategy (Key Statements H1, H2 and H3 and Policies DMH1 and DMH3) are therefore considered to refer to C3 Use Class development.

- 5.1.30 As such, the Core Strategy is considered to be silent on the matter of Class C2 residential institutions accommodation and Key Statement DS2 is engaged. Key Statement DS2 states that where there are no policies relevant to the application or relevant policies are out-of-date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:
- *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
  - *specific policies in that Framework indicate that development should be restricted.*
- 5.1.31 In respect of local need, the applicant has submitted a Care Home Needs Assessment by Healthcare Property Consultants Ltd. The assessment is based on an agreed target area within a 4-mile radius of the site excluding all areas outside of the Ribble Valley Borough boundary. The assessment finds that there are seven registered homes for the elderly in the Target Area providing 233 registered beds including 121 en-suite bedrooms. The assessment goes on to state that due to an increase in the number of people in the oldest age band (85+ years) within the Borough there could be a current undersupply of 160 en-suite bedrooms rising to 215 in 2025.
- 5.1.32 It is noted that 50 en-suite beds were granted outline planning permission at Elker Lane, Billington in April 2018 and consent was granted for an extension to High Brake House, Chatburn Road, Clitheroe providing approximately 11 registered care beds. Even considering these planned developments there remains a demand for en-suite bedrooms based upon the submitted assessment.
- 5.1.33 Lancashire County Council (LCC), who are responsible for adult social care, states that it intends to reduce its reliance on residential care by supporting more people with statutory care and support needs in their current home or in Extra Care housing. However, as the applicant's care need assessment sets out, LCC note the older people's population is set to grow significantly as is the number of people living with dementia and, in addition, there may continue to be significant demand from the self-funder market in the Ribble Valley.
- 5.1.34 LCC state that, '*considering the current climate, it is not possible to demonstrate with confidence that there won't be a long-term need for the proposed care home, therefore the County Council does not object to the proposal from an adult social care perspective*'. Taking the above into account it is accepted that there is a need for en-suite bed provision in a care home setting in the target area to which the care home would contribute.
- 5.1.35 There are no specific policies in the Framework that indicate that the care home development should be restricted in this location. As such in accordance with the presumption in favour of sustainable development set out in Key Statement DS2 of the Core Strategy and paragraph 11 of the NPPF, planning permission should be granted (for the care home element only) unless the adverse impact of doing

so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- b) In full, a drive-thru restaurant (Class A3) and associated customer car parking, landscaping and external works with vehicular access from the A59 and;
- c) In outline with all matters reserved except access, employment units (Class B1 and/or Class B2 and/or Class B8 under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) and a petrol filling station (Sui Generis) and convenience store (Class A1) with associated customer car parking, landscaping and external works and vehicular access from the A59.

5.1.36 In respect of retail policies, Key Statement DS1 of the Ribble Valley Core Strategy sets out that new retail and leisure development will be directed towards the centres of Clitheroe, Longridge and Whalley. Key Statement EC2 takes a similar approach by promoting the national policy principle of town centre first for retail.

5.1.37 In respect of national policy, Annex 2 of the Framework confirms that recreation uses such as drive-through restaurants are main town centre uses and paragraphs 86-87 state:

*“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*

*When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicant’s and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”*

5.1.38 The requirement to apply the sequential test also applies to the proposed convenience store (Class E(a) Retail) that is submitted in outline. The drive-thru and convenience store have a combined internal floorspace area of 656 square metres. The application site has been selected due to the high volumes of passing trade along the A59 which is the primary transport route through the borough and the potential to serve both passing trade and the settled residential and employment communities in Barrow and the surrounding area.

5.1.39 The operators of convenience stores such as the one proposed typically sell a limited range of goods. The proposed petrol filling station (PFS), convenience store and drive-thru coffee shop would rely predominantly on passing trade and it is considered unlikely that potential passing customers would divert into Clitheroe or Whalley town centres or supermarkets to refuel.

5.1.40 It is the applicant’s view that, as there is no defined retail centre in Barrow and none elsewhere in the catchment area (5-minute drive time and 5-minute walking time (approximately 500m metres)) then there are no sequentially-superior

locations to direct the proposed development. However, a search for suitable and available sequentially-preferable sites has been carried out in and on the edge of the defined centre of Whalley on the basis that it lies in close proximity to the catchment area. A total of eight sites were identified but none were considered available and suitable to accommodate the scale and form of the proposed development.

- 5.1.41 Having regard to the above it is deemed that the sequential test has been satisfied. However, consideration should be given to the use of a restrictive condition to limit the range of goods that could be sold to convenience food items only. Failure to impose such a planning condition would allow the proposed unit to be used for the sale of any retail goods.
- 5.1.42 The proposed drive-thru and convenience store would generate new local employment opportunities. However, in isolation these retail-based components of the scheme would not necessarily meet any of the six requirements set out by Policy DMG2 (2) which applies to development proposals in the open countryside. However, when considered as part of the overall commercial development proposals, in combination with the PFS and employment units (Class E(g)/B2/B8), then they would make an important contribution towards the local economy. It should also be noted that these retail components, including the PFS, are roadside uses aimed primarily at passing trade and that the 'standard' business model for the road-side PFS sector includes a convenience retail offer and takeaway food and drink.
- 5.1.43 In order to comply with Policy DMG2 (2) the proposed commercial development must be deemed 'essential' to the local economy. The employment units would provide up to 3,745 square meters of floorspace for a flexible employment use and this element is supported by a Market Demand Statement by Trevor Dawson, Commercial Property Consultants. It is noted however that a revised Illustrative Masterplan (P5035\_SK002 Rev. 8) denotes a reduced employment floorspace of 3,092 square meters. It is important that the detailed scheme at reserved matters stage promotes the effective use of land referred to at paragraph 117 of the NPPF and would deliver sufficient new employment floor space.
- 5.1.44 Having regard to the above, it is considered that the commercial elements applied for in outline would result in a benefit to the local economy resulting in the creation of new employment opportunities and providing new employment units in the 3,000-10,000 sq. ft range in the Clitheroe area.
- 3.1.45 It should also be noted however that the Barrow Enterprise Site is located in close proximity and is identified as a main location for employment in the borough. The northern area of this allocated employment site remains undeveloped. Take-up of employment units on the developed part of the site to the south, Barrow Brook Enterprise Park, has been slow with a number of planning applications approved for non-traditional employment generating uses including for the sale of animal feed, a gymnasium and a bathroom showroom and heating supplies, supported by evidence of marketing and citing a lack of demand for employment uses in Use Classes B1, B2 and B8. Permitting alternative employment development in such close proximity may make the Barrow Enterprise Site less attractive.

3.1.46 Nonetheless, Key Statement EC1 of the Core Strategy seeks to direct new employment development towards the main settlements together with Barrow Enterprise Site, the Lancashire Enterprise Zone and locations well related to the A59 corridor. The commercial elements of the site would have direct access to the main strategic route through the borough and would provide business growth and benefits to the local economy and is thus considered to be in broad conformity with the development strategy and the strategy objective to increase employment opportunities in the borough.

## 5.2 Layout and Design:

5.2.1 The site is on the edge of the settlement of Barrow where the built environment meets open countryside. As such careful consideration must be given to the design and density of the development so that there is a successful transition to wider open countryside. Furthermore, there is a requirement for development proposals to consider surrounding land uses and local vernacular.

5.2.2 Peripheral, more sub-urban or rural edge locations such as this should see a lower intensity transitional style of development (urban to rural), using semi-detached and detached properties set into larger gardens and with ample spacing around them. The massing of development should respond to the existing massing and built form in the area to ensure the development is not incongruous and jarring with its context. Looking at the existing building rhythms in the area, plot widths, plot depths, storey heights, response to topography will all affect the massing of the proposals to ensure an acceptable transition from existing to proposed.

5.2.3 In and around the site, the scale of the existing buildings is limited to one and two storeys. There are a range of facing materials, predominantly stone and render with slate roofs. The proposals include 48 no. single storey bungalows for people over 55 providing a mix of one, two and three bedroom dwellings, all of which are designed to comply with Part M4(2) Category 2: 'accessible and adaptable dwellings' of the Approved Document 2010 Building Regulations. The design of the proposed bungalows closely resembles the bungalows at Lamb Roe Gardens directly adjacent the site and it is generally considered that the design of the dwellings and proposed materials are suitable in this location.

5.2.4 The care home has been located at the south west corner of the site. The two-storey care home has been designed around a large private central garden and terrace area with a single bank of bedrooms located around the perimeter of the building facing outwards. It would be a building of considerable size and bulk. However, the building has adopted a stepped design to respond to the sloping nature of the site and would be faced with a range of materials including timber cladding, render and stone in an attempt to break up the massing of elevations.

5.2.5 Regarding the eastern part of the site with vehicular access from the A59, the drive-thru restaurant is proposed to be operated by Costa and comprises a single storey render and timber clad building with mono-pitched roof. The proposed building design is considered to be acceptable in this context.

5.2.6 The proposed employment units and the petrol filling station (PFS) and convenience store are applied for in outline. It is considered however that there would be a requirement to limit such development to a maximum two storey height.

### 5.3 Impact on Visual Amenity and Landscape Character

- 5.3.1 The application site lies within the open countryside and is approximately 1.5km from the AONB boundary. Policy DMG2 requires development in the open countryside 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. For development that would affect the character of the Forest of Bowland AONB, the most important consideration in the assessment of any development proposals will be the area's protection, conservation and enhancement.
- 5.3.2 Key Statement EN2 states 'The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area. The landscape and character of those areas that contribute to the setting and character of the Forest of Bowland Areas of Outstanding Natural Beauty will be protected and conserved and wherever possible enhanced. As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.'
- 5.3.3 Core Strategy Policy DMG1 is the general development management policy and contains an overarching series of considerations relating to design, access, amenity, environmental, infrastructure and 'other' considerations. Of relevance in this case is the requirement for development to be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials; and consider the density, layout and relationship between buildings, which is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.
- 5.3.4 Core Strategy Policy DME2 guards against significant harm to important landscape or landscape features. Examples of landscape features are listed within the policy and include hedgerows and trees.
- 5.3.5 Given the distance of the site from the AONB boundaries, impacts of the proposed development will be limited to those upon the setting of the AONB. It must be noted that the Forest of Bowland AONB Partnership has raised an objection commenting that,

*'In terms of the visual impact on the AONB setting, views from within the AONB above Wiswell (viewpoint 16 in the applicant's LVIA as representative) will be negatively impacted; with the distinction/separation between the two settlements of Barrow and Whalley to all intents and purposes being lost.*

*In addition, the necessary exterior lighting for the overall proposal, but in particular the proposed commercial uses of the site (petrol station, 'drive-thru' and employment units) are likely to have a significantly negative impact not only on the setting of the AONB, but also on the views of the site from within the AONB'.*

- 5.3.6 The application is supported by a Landscape and Visual Impact Assessment. In terms of the level of the permanent effects in relation to landscape receptors, the proposed development will result in the loss of the undeveloped character of the site as pasture/grazing land, and the partial loss of landscape features (trees and hedgerows) within it. The development is not uncharacteristic of the wider county-level landscape character area and surrounding context however, which is described as a 'well-settled area' defined by built development, industry and settlement in a landscape setting. The permanent effects of development on landscape resources are therefore localised to the site and its features only.
- 5.3.7 The development will have a major adverse effect for users of the public footpath (PROW 3-45 FP-11) as the route will be diverted, however it is a short distance and the route is already affected by views of existing development and vehicles using the A59 and Clitheroe Road.
- 5.3.8 The level of long-term effect in respect of the Forest of Bowland as a landscape receptor, will be negligible because the proposed development will not have a direct effect on the AONB or its special qualities. The only change relates to the visual context. Whilst the concerns raised by the AONB Officer in relation to external lighting are noted it is considered that a lighting scheme that would minimise sky glow, light spill and glare could significantly reduce any impact on AONB setting and views from the AONB. In addition, I am again mindful of similar land uses to the north including PFS and drive-thru fast food restaurants that would be experienced within the same views from within the AONB as the application site.
- 5.3.9 Whilst the change proposed is not uncharacteristic within the surrounding context given similar uses existing or allocated at Barrow Enterprise Site further north, there remains fundamental concerns relating to the loss of the distinction/separation between the two settlements of Barrow and Whalley as raised by the Forest of Bowland AONB Partnership. The site is located beyond the southern boundary of Barrow which is a linear settlement that has developed along Clitheroe Road/Whalley Road and tapers off at its southern end. The application site would directly adjoin the settlement boundary of Barrow along only a fifth of its perimeter, an indication that the proposed development site is not particularly well-related to the established settlement boundary and main built-up area. The proposal would not form a logical extension to the existing settlement and would also result in the erosion of the existing gap of separation between the neighbouring settlements of Barrow and Whalley which maintains a sense of place for the communities. Erosion of this area of separation would result in the loss of the distinctive character and settlement structure of the borough.
- 5.3.10 The proposed development is considered to be poorly related to the existing built-up area of the settlement of Barrow.

#### 5.4 Impact on Residential Amenity:

- 5.4.1 The site adjoins existing residential plots. There is a requirement to consider the impact of the proposals on neighbouring residents to ensure there is no undue loss of light, outlook or privacy. Furthermore, the proposed development should provide an acceptable level of light, outlook and privacy for future residents. The closest neighbouring residential properties to the north of the application site at Lamb Roe

Gardens and Wheatsheaf Close. The single property of Mead Croft is located at the south west corner.

- 5.4.2 It is considered that there would be sufficient separation distances between the adjacent bungalows at Lamb Roe Gardens to avoid any overlooking or loss of light and outlook. Similarly, it is noted that the two storey houses in Wheatsheaf Close have first floor windows facing into the application site but it is considered that the offset distances proposed between the houses in Wheatsheaf Close and the rear gardens of the closest proposed bungalows would be sufficient to ensure that they will not be unacceptably overlooked. The proposed care home would be located so that it is separated from Mead Croft by over 70 metres.
- 5.4.3 The proposed employment-generating development and road-side uses will be contained to the eastern part of the site however there remains a requirement to assess whether noise levels experienced by existing and future noise sensitive users would be acceptable. The proposed bungalows and care home on the western part of the site and the drive-thru Costa are applied for in full and the petrol filling station (PFS) and employment units are in outline. As such, the detailed layout of the PFS and employment would be agreed at reserved matters stage.
- 5.4.4 However, the Council's EHO raised concerns relating to noise levels experienced by future occupants of the bungalows and care home which would require trickle vents in the windows owing to the fact that noise levels with windows open would exceed recommended internal noise levels. Noise levels within the gardens of some bungalows would exceed recommended levels but the noise assessment indicates levels could be reduced by the introduction of protective screening along the A59 boundary. A specification of a proposed 1.2m high landscaped bund with 1.8m acoustic fence above has been provided and would be located to the south of the site. A 2m planting zone would be retained on the A59 frontage for new trees to be planted.
- 5.4.5 Further, the assessment recommends noise limitations for plant noise associated with the employment units, PFS and drive-thru. However, no assessment of noise arising from external works or compounds, or vehicle movements have been accounted for and the noise assessment also fails to assess noise at the nearest existing residential properties at the edge of the site, particularly those bounding the site on Wheatsheaf Close which are in close proximity to the commercial use proposed.
- 5.4.6 However, it is considered that this matter can only be assessed in full when detailed proposals for the employment scheme are submitted for reserved matters approval and there would be a requirement for the reserved matters application to be accompanied by an acoustic assessment to ensure that recommended noise levels are not exceeded.
- 5.4.7 The EHO did raise concerns relating to the impact of external lighting and the applicant has failed to provide any information to demonstrate that external lighting required in association with the employment units, PFS and drive-thru could be provided without any undue harm to nearby residents due to light spill and glare. However, should consent be granted, suitably worded planning conditions would be imposed and would require the submission of lighting scheme details.

- 5.4.8 Having regard to the above, the Local Planning Authority is satisfied that the applicant has provided a sufficient level of information to determine that the proposed development would result in an acceptable standard of residential amenity for future and existing occupants subject to further details at reserved matters stage or prior to commencement of development.
- 5.4.9 According to the Air Quality Assessment submitted with the application, the site is considered suitable for residential and commercial use and the local air quality impact of emissions from the proposed development is predicted to be negligible with pollutant concentrations below air quality objectives. During the construction phase the dust impacts would not be significant with the implementation of mitigation measures.

## 5.5 Ecology and Biodiversity:

- 5.5.1 The planning application is supported by an Arboricultural Impact Assessment and Ecological Appraisal. Fifteen individual trees, nine groups and three hedges were recorded. Development of the site would require the removal of a number of hedgerows and trees (H1 (in part), G7, G8, H2, T10-14 and H3). There are also a number of poor-quality trees along the sites northern boundary identified to be removed although these are off-site and their removal would require agreement with the adjoining landowner. In the event that agreement is not reached for their removal they could be impacted by the proposed development and there would be a requirement for the submission of a tree protection method statement to demonstrate how these trees, and others to be retained within the site, would be protected.
- 5.5.2 According to the submitted Ecological Appraisal the site is generally of low ecological importance. The hedges bounding and intersecting the site are species poor but are a UK BAP habitat and so should be retained within the scheme and where lengths need to be lost, they should be transplanted or new hedges planted. The report identifies mature Ash trees occurring within the hedgerow and centre of the northern field as having elevated ecological value.
- 5.5.3 The foraging habitat for bats at the site is deemed to be poor being open and exposed. The trees and hedgerows on the site offer the best foraging habitat for bats but it is not considered that there would be significant degradation of the foraging habitat so long as hedgerows and trees are retained or their loss is compensated for in any landscaping scheme.
- 5.5.4 It is recommended that new roosting features for bats be incorporated into the buildings or bat boxes be erected in retained trees. The trees and hedges proposed for removal would be offset by the implementation of a new green/blue infrastructure that would run across the centre of the site from north to south. This would provide a wildlife corridor and provide connectivity across open land with boundary trees to the north and south of the site.
- 5.5.5 It is considered that the scheme of landscaping proposed would be sufficient to compensate for the loss of hedgerows and trees at the site although it is acknowledged that the timing of works would be an important consideration given that some of the public realm and landscaping work lies on the part of the site on which only outline permission is sought.

## 5.6. Highway Safety and Accessibility:

- 5.6.1 Key Statement DMI2 requires new development to 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 to travel by car. Policy DMG3 outlines that considerable weight will be attached to the availability and adequacy of public transport, the relationship of the site to the primary transport networks and the provision of access to the development by pedestrians, cyclists and those with reduced mobility.
- 5.6.2 A Transport Assessment has been submitted with the application. This indicates that there are no existing highway safety issues in the vicinity of the site. In terms of site accessibility, it is within 2km of service centres of Whalley and Barrow on foot. There is a continuous footway from the site to Whalley and Barrow and the development would provide a new footway on the eastern side of Clitheroe Road and pedestrian refuse crossing to connect with the existing footway. It must be acknowledged that the housing and care home would be for occupation by those aged 55+ years and therefore for a considerable proportion of future residents a 2km walking distance would be challenging. As people age, they walk less and the number of people with mobility difficulties increase. However, it is calculated that the walking distance to the edge of the centre of Whalley, which contains a range of services and facilities, would be around 1.2km. There would be a similar distance to the Barrow Brook Enterprise Park which has a limited convenience offer. As such it is considered that some residents would be likely to walk into the town centre as a matter of choice.
- 5.6.3 The site is considered accessible by bicycle. Lancashire Cycleway Route no.90 passes the site and is an on-road cycle route. This connects the site with Whalley to the south and Barrow to the north. North and southbound bus stops are located on Clitheroe Road within 400m of the Clitheroe Road site entrance and are served by bi-hourly services to Clitheroe and Whalley and further to Burnley and Blackburn. Whalley Rail Station is approximately 1.5km from the site.
- 5.6.4 The County Highways Officer confirms that the A59 roundabout design does provide a layout that satisfies design standards. In providing the 4<sup>th</sup> arm, the existing through lane which aids those travelling west to east would be removed and replaced with a traditional give way line. The lane marking on approaches to the roundabout and that within will be updated providing benefit and efficiency to existing users.
- 5.6.5 The proposed residential access from Clitheroe Road satisfies junction visibility and continues the footway provision linking into Lamb Roe Gardens. The principle of a pedestrian crossing over Clitheroe Road is acceptable, however, it will form part of a gateway scheme delivered by the development which would include supporting road markings, bar markings and signs etc. In addition, the footway detail on the eastern side (development side) would also be extended slightly further south.
- 5.6.6 The location of the residential element of the development is currently on a road with a 40mph speed limit. Having regard to extending the built environment and that the development is for bungalows for persons aged 55 years and over and a

care home, a speed review would also be required to be undertaken with the potential to extend the existing 30mph area and delivered as part of the development.

- 5.6.7 The residential site layout shows a road width of 5.2m and the swept path barely satisfies a car entering the development site whilst maintaining lane discipline notwithstanding the needs of a larger vehicle entering or exiting into a residential development with care home. The County Surveyor advises that this is a simple access design issue that can be controlled by a suitably worded planning condition. If road widths are to remain as presented, then LCC will not consider adoption of the spine road.
- 5.6.8 The residential travel plan framework includes a financial commitment for up to £250 per dwelling to deliver measures for sustainable travel purposes which may include the purchase of a bus pass or cycle equipment.
- 5.6.9 The County Public Rights of Way (PROW) Officer has recommended that a comprehensive scheme to improve footpath connectivity to Wiswell is required. The applicant has agreed to changes to link the diverted footpath within the site (footpath 3-45-FP11) to footpath 3-47-FP6 on the north side of the proposed new roundabout arm. The PROW Officer has also requested that the diverted footpath must be a minimum of 2 metres wide with adequate drainage and a bound surface. A request for a financial contribution of £30,800 to improve the remaining length of 3-45-FP11 which is outside the proposed development and footpath 3-47-FP6 is also sought.

## 5.7 Affordable Housing:

- 5.7.1 In accordance with Core Strategy Policy DMH1, there is a requirement for 30% of the units on site to be affordable dwellings. The lack of affordable 'older persons' accommodation as part of the 48 bungalows element is considered contrary to Key Statement H3 and Policy DMH1 which require that 30% of units on site are affordable units. The applicant refers to paragraph 64 of the National Planning Policy Framework (the Framework) which states;

*Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- a) provides solely for Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes; or*
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.*

- 5.7.2 It is contested that on the basis that age-restricted general market housing is listed in the Planning Practice Guidance as one of four defined categories of specialist housing for older people, the proposed development is exempt from providing affordable housing and therefore any conflict with Key Statement H3 and Policy DMH1 cannot count against the application as these policies are inconsistent with the Framework.
- 5.7.3 The Council do not agree with this interpretation of paragraph 64 within the Framework as the exemption to the 10% requirement refers to homes being made available for affordable home ownership. That is different to the provision of affordable homes, which obviously includes affordable rented dwellings. This is clear from footnote 29 which states “10% of the homes to be available for affordable home ownership – as part of the overall affordable housing contribution from the site.”
- 5.7.4 Paragraph 64 of the Framework intended to boost the provision of affordable housing products which are aimed at 'affordable home ownership' (i.e. it is intended to refer to non-rental models of affordable housing only). The exemptions largely relate to housing models or sectors of the market where allowing people to buy or acquire their homes at a discounted or reduced rate would make no sense - such as Build to Rent or Student Accommodation schemes.
- 5.7.5 As such, it is the Council's view that paragraph 64 of the Framework does not therefore exempt the type of development proposed from any affordable housing contribution, only affordable home ownership.
- 5.7.6 Furthermore, the updated NPPG at paragraph 15 discusses “Viability proposals for specialist housing for older persons”. Within this paragraph it states “...this should include the setting out the levels and types of affordable housing provision required, along with other infrastructure...”. If it was the case that older persons accommodation was exempt from any affordable units, updated NPPG would not specifically refer to levels and types of affordable units that are required when considering viability.
- 5.7.7 Thus, the proposed development of 48 bungalows for persons aged 55 years and over in this location would fail to meet the requirements of Key Statement H3 and Policy DMH1 insofar that no affordable units are proposed and the applicant has not provided any supporting evidence, such as a viability appraisal, to justify a lower level of provision.
- 5.7.8 Regarding the Council's affordable housing requirements, Key Statement H3: Affordable Housing refers specifically to 'dwellings' when identifying the threshold for affordable housing provision. It is considered that the Policy does not therefore apply to the care home element given its C2 Use Class.

## 5.8 Financial Contributions:

- 5.8.1 Should consent be granted, the applicant will be required to make a contribution towards leisure/play facilities within Whalley and/or Barrow. The contribution sought will be based on the following methodology which is calculated based following detailed information being available in relation to occupancy ratios at a rate of £216.90 cost per person:

- 1 bed unit - 1.3 people
- bed unit - 1.8 people
- bed unit - 2.5 people
- bed unit - 3.1 people
- + bed unit - 3.5 people

5.8.2 The representations received by East Lancashire Hospital Trust are noted. Paragraph 56 of the National Planning Policy Framework states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. However, the LPA does not consider that the financial contributions sought would meet all of the required tests.

5.8.3 As noted above, a request for a financial contribution of £30,800 to improve the remaining length of 3-45-FP11 which is outside the proposed development and footpath 3-47-FP6 is also sought. LCC does offer a Travel Plan support service and for a development of this scale in detail and outline there would be a requirement for £9,000 to enable Lancashire County Council's Travel Planning Team to provide a range of Travel Plan services for the element in full and a further £6,000 for that in outline if it does come forward.

## 5.9 Flood Risk and Drainage:

5.9.1 The Lead Local Flood Authority have stated that they have no objection to the proposal subject to the imposition of conditions requiring the submission of a surface water drainage scheme and a construction phase surface water management plan. United Utilities have also responded raising no objection subject to conditions.

5.9.2 The Environment Agency has raised no objection but require the imposition of planning conditions relating to the PFS element of the development.

## 6. Conclusion

6.1 Taking account of the above matters and all material considerations, it is considered that components B) and C) of the hybrid application are broadly policy compliant.

6.2 Regarding component A) for the erection of 48 bungalows for persons aged 55 years and over and a 64-bedroom care home with vehicular and pedestrian access from Clitheroe Road, it has not been adequately demonstrated that the proposal for the erection of 48 bungalows for persons aged 55 years and over would meet a current identified and evidenced outstanding local housing need as required by Policy DMG2 and DMH3 of the Adopted Core Strategy. Furthermore, the proposal also fails to provide a policy compliant level of affordable housing provision.

6.2 Consideration has been given to a split-decision such that the commercial components of the proposals could be granted consent whilst the residential and care home elements would be refused due to the identified conflict with policies DMG2 and DMH3 of the Ribble Valley Core Strategy. However, the applicant has stated that it is not their wish to have the application determined on that basis and that the Council should either grant permission for the whole application and all its elements as made or refuse permission for the whole application.

- 6.3 The applicant has stated that the commercial reality of the development is that the bungalow and care home elements of the scheme would cross fund/subsidise the unprofitable elements (i.e., the major road infrastructure and employment units). However, despite requests the applicant has refused to provide a financial viability assessment to demonstrate that the commercial components of the scheme are unviable, or evidence that the provision of 48 over-55s bungalows and 64-bed care home is needed to subsidise delivery of the employment-generating uses.
- 6.4 There is no reference within the application documents to the abovementioned requirement to cross fund the development nor reference to the over-55s bungalows and 64-bed care home as 'enabling development' (i.e. development that would not be in compliance with local and/or national planning policies, and would not normally be granted planning permission, except for if it would secure wider public benefits, for example, significant economic benefits that would be delivered as a result of the enabling development). The applicant has also failed to provide any trigger points that would ensure delivery of the commercial elements.
- 6.5 In the absence of the above information, it is recommended that the application be refused in its entirety given that the erection of 48 bungalows for persons aged 55 years and over is considered contrary to the development plan. It is further considered that the development fails to represent the consolidation, expansion or rounding off of development so that it closely relates to the main built up area of the settlement of Barrow and that approval would lead to an anomalous and discordant pattern of development that would erode the area of separation between the neighbouring settlements of Barrow and Whalley which maintains a sense of place for the communities and would result in the loss of the distinctive character and settlement structure of the borough.

**RECOMMENDATION:** That the application be REFUSED for the following reasons:

1. The proposal to erect 48 bungalows for persons aged 55 years and over is considered contrary to Policies DMG2 and DMH3 of the Ribble Valley Core Strategy insofar that it does not represent the consolidation, expansion or rounding off of development so that it closely relates to the main built up area of the settlement of Barrow and would lead to the creation new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.
2. The proposal is considered contrary to Key Statement DS1 and Policy DMG2 of the Ribble Valley Core Strategy insofar that it would erode the area of separation between the neighbouring settlements of Barrow and Whalley which maintains a sense of place for the communities, being of detriment to the character and visual amenities of the area and resulting in the loss of the distinctive character and settlement structure of the borough.
3. The proposal to erect 48 bungalows for persons aged 55 years and over is considered contrary to Key Statement H3 and Policy DMH1 of the Ribble Valley Core Strategy insofar that it fails to satisfy the requirement to provide an adequate level of provision of affordable dwellings.

#### BACKGROUND PAPERS

[https://www.ribbonvalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0545](https://www.ribbonvalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0545)