

ROSSENDALE DRAFT LOCAL PLAN
Pre-Submission Publication Version
Regulation 19 Consultation
APPENDIX 3



November 2018

Rossendale
BOROUGH COUNCIL

This appendix includes information we have received from individuals to support their comments on the Rossendale Draft Local Plan. This information includes photographs, maps and statements and it is organised numerically by the individual reference number for each person. Confidential information including personal addresses, signatures, contact details etc. have been removed.

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Rossendale Local Plan Regulation 19 Representations

Land off Hollin Lane, Rawtenstall

for L Bower



Project : 8095
Plan : Land off Hollin Lane,
Rawtenstall
Stage : L Bower
Date : 4 October 2018
Author : Stephen Harris

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1. Introduction

1.1 Emery Planning is instructed by L Bower to make representations to the current consultation on the local plan. Our specific interest is the land south of Hollin Lane, Rawtenstall which was allocated for development in the previous version of the plan but has been omitted from the current consultation. Our objection is principally on this omission and we request that it is reinstated, either in advance or during the examination process if the Plan progresses. This is because we consider the plan is unsound in any event with regards to the provision of housing development proposed and cannot proceed to Examination.

2. Objection to Policy HS1 – The Requirement

2.1 Strategic Policy HS1: Meeting Rossendale's Housing Requirement states:

"The net housing requirement for the period 2019-2034 will be achieved through:

a) Providing at least 3,180 additional dwellings over the plan period equating to 212 dwellings a year

b) Delivering an overall amount of 30% of all new dwellings on previously developed land (PDL) across the Borough

c) Keeping under review housing delivery performance on a yearly basis

The housing requirement figure for Edenfield Community Neighbourhood Forum for 2019- 2034 is 456 dwellings."

2.2 The justification in the plan for the use of the 212 figure is as follows (unnumbered paragraphs).

"The need for new housing in Rossendale has been assessed in the Council's Strategic Housing Market Area Assessment (SHMA) (2016). This study examined a range of housing, economic and demographic evidence to assess housing need and demand in Rossendale.

The SHMA recommends that the need for additional housing in Rossendale is between 265 and 335 dwellings per year. The Council considers that a figure of at least 265 additional dwellings per year would be sufficient to meet Rossendale's housing needs over the plan period. This equates to a total number of dwellings to be provided over the plan period (2019-2034) of 3,975.

Since the SHMA was produced the Government has announced its intention to implement a standard methodology for calculating housing figures. Using this approach the relevant annual housing provision for Rossendale is set at

212 homes per year. This figure is applicable for ten years but the Council has extrapolated this over the Plan period, giving a total housing figure of 3,180 dwellings. The Council is not pursuing a higher figure based on "economic uplift".

- 2.3 In summary, the Council has ignored its evidence base and chosen to proceed on the basis of the draft methodology published by the Government in 2017. This raises a number of fundamental points which go to the soundness of Policy HS1 and why the plan cannot proceed to Examination.
- 2.4 The first is that the Council has prematurely sought to depart from its SHMA and apply the standard methodology. This is because the standard methodology was not finalised when the plan was approved for consultation (11th July 2018) as the revised NPPF (Framework) was published on 24th July 2018 and the updates to the Planning Practice Guidance thereafter.
- 2.5 The second is that it has not taken into account the 2016 based household projections published in September 2018 and further changes to the methodology are expected.
- 2.6 The third is that no additional allowance has been made for any economic uplift or the findings of the SHMA.
- 2.7 We now assess the above points in greater detail.

National Policy Context

- 2.8 Paragraph 60 of the NPPF states:

"To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for."

- 2.9 Further guidance is then set out in the PPG which states:

"What is the standard method for assessing local housing need?"

The National Planning Policy Framework expects strategic policy-making authorities to follow the standard method in this guidance for assessing local housing need.

The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply.

The standard method set out below identifies a minimum annual housing need figure. It does not produce a housing requirement. *(our emphasis)*

Paragraph: 002 Reference ID: 2a-002-20180913

Revision date: 13 09 2018 *(our emphasis)*

2.10 The above extract is important as the PPG is clear that the standard method is a minimum figure but importantly it does not produce a housing requirement. The plan as drafted has in essence equated the standard method to the housing requirement. That is wrong and one reason for this misapplication of guidance was that the plan has been prepared prior to the publication of the Framework and PPG. We have emphasised the revision dates in the quotes above and below.

2.11 The starting point for the standard methodology is the household projections. The PPG provides clarification on the status of the household projections. It states:

"Why are household projections used as the baseline for the standard method?"

Using household projections as the baseline ensures that the process begins with a clear and transparent assessment of anticipated household growth for every area. The Office for National Statistics' projections for numbers of households in each local authority are the most robust estimates of future household growth.

The household projections are trend-based, meaning that they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice. They do not predict future growth.

Paragraph: 005 Reference ID: 2a-005-20180913

Revision date: 13 09 2018 *(our emphasis)*

2.12 As noted in the quote above, the household projections are trend based so by their simple application the Council is seeking to continue historic under provision of housing in Rossendale.

The results of the SHMA, which is a greater annual need, is based on a more detailed local assessment of need and should be considered once the standard methodology is applied¹.

2.13 The PPG then advises local planning authorities to calculate their housing need figure at the start of the process. It states:

"When should strategic policy-making authorities assess their housing need figure for policy-making purposes?"

Strategic plan-making authorities will need to calculate their local housing need figure at the start of the plan-making process. This number should be kept under review and revised where appropriate.

The housing need figure generated using the standard method may change when National Household projections and affordability ratios are updated by the Office of National Statistics and this should be taken into consideration by strategic policy-making authorities.

Paragraph: 008 Reference ID: 2a-008-20180913

Revision date: 13 09 2018"(our emphasis)

2.14 In the case of this plan that has not been the case and could not have been the case as the methodology was published after the current consultation commenced. Indeed the Regulation 18 consultation applied the SHMA figure of 265 dwellings per annum. Therefore progressing the standard methodology requirement at this stage is contrary to the PPG. Again this is a consequence of the plan being published before the PPG was issued.

2.15 In light of our point earlier regarding the status of the SHMA, the PPG advises on the weight to be given to a SHMA. This applies directly to this plan. It states:

"When might a higher figure than the standard method need to be considered?"

*The government is committed to ensuring more homes are built and are supportive of ambitious authorities who want to plan for growth. The standard method for assessing local housing need provides the minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. **Therefore there will be circumstances where actual housing need may be higher than the figure identified by the standard method.***

¹ In the case of this plan it is too early to apply it in any case.

Where additional growth above historic trends is likely to or is planned to occur over the plan period, an appropriate uplift may be considered. This will be an uplift to identify housing need specifically and should be undertaken prior to and separate from considering how much of this need can be accommodated in a housing requirement figure. Circumstances where this may be appropriate include, but are not limited to:

where growth strategies are in place, particularly where those growth strategies identify that additional housing above historic trends is needed to support growth or funding is in place to promote and facilitate growth (e.g. Housing Deals);

where strategic infrastructure improvements are planned that would support new homes;

where an authority has agreed to take on unmet need, calculated using the standard method, from neighbouring authorities, as set out in a statement of common ground;

In addition authorities should also consider:

previous delivery levels. Where previous delivery has exceeded the minimum need identified it should be considered whether the level of delivery is indicative of greater housing need ; and

recent assessments of need, such as a Strategic Housing Market Assessments (SHMA). Where these assessments suggest higher levels of need than those proposed by a strategic policy-making authority, an assessment of lower need should be justified. (our emphasis)

Paragraph: 010 Reference ID: 2a-010-20180913

Revision date: 13 09 2018" (our emphasis)

2.16 Therefore the findings of the SHMA must be assessed and included in the housing requirement for this Plan. A failure to do so results in an unsound and unlawful plan.

The use of the Draft Methodology

2.17 The local plan was published on 23rd August 2018. The plan was approved by Full Council on 11 July 2018, which was before the revised Framework was published on 24th July 2018. Indeed in the document titled "Housing and economic development needs assessments" which was published on 24th July 2018, the Government states:

"Your attention is drawn to the following wording within the government response document to the revised National Planning Policy Framework:

A number of responses to this question provided comment on the proposed local housing need method. The government is aware that lower than previously forecast population projections have an impact on the outputs associated with the method. Specifically it is noted that the revised projections are likely to result in the **minimum need numbers generated by the method being subject to a significant reduction, once the relevant household projection figures are released in September 2018.**

In the housing white paper the government was clear that reforms set out (which included the introduction of a standard method for assessing housing need) should lead to more homes being built. In order to ensure that the outputs associated with the method are consistent with this, **we will consider adjusting the method after the household projections are released in September 2018. We will consult on the specific details of any change at that time.**

It should be noted that the intention is to consider adjusting the method to ensure that the starting point in the plan-making process is consistent in aggregate with the proposals in Planning for the right homes in the right places consultation and continues to be consistent with ensuring that 300,000 homes are built per year by the mid 2020s."

- 2.18 Therefore the updated PPG could not be any clearer that the new methodology for assessing housing needs is incomplete and will be subject to further consultation. There can be no question of applying the standard methodology now to replace the SHMA requirement figure at this stage.
- 2.19 The issue of the standard methodology has been assessed in a number of appeal decisions. These are attached.
- 2.20 In an appeal in South Ribble dated 31st August 2018 (**Appendix 1**), the Inquiry was held after the publication of the revised NPPF and the issue of paragraph 73 was considered and reported on by the Inspector. He states:

"40. In arriving at the most appropriate planning balance to apply to the appeal proposal, I have considered whether the development plan policies that are most important in determining this appeal are to be considered out-of-date, for the purposes of paragraph 11 of the 2018 Framework. In terms of the evidence submitted on the 5 year housing land supply, the Council has put forward a revised housing requirement against its local housing need of 209 dwellings per annum (dpa), based on paragraph 73 of the 2018 Framework. However, I am not satisfied that it represents a true reflection of the Borough's housing requirements.

41. Firstly, the figure suggested by the Council would be significantly lower than a 'plan based' housing requirement of 785 dpa which has been arrived at through the CLCS full objectively assessed need. Although the policies are more than 5 years old, this housing requirement was endorsed by the three Central Lancashire Authorities, that include the South Ribble Borough Council, in a signed Memorandum of Understanding, dated September 2017. As such, the appellant has argued that the strategic policies have been reviewed and not found to require updating, in accordance with footnote 37 to paragraph 73 of the 2018 Framework, but I am not convinced that this represents a review of the policies.

42. Secondly, the reduced figure would not reflect the Government's objective given in paragraph 59 of the 2018 Framework to significantly boost the supply of homes. Nor would it assist in fulfilling the Council's 'City Deal' obligations.

43. Thirdly, the local housing need should be used to inform strategic policies, as indicated in paragraph 60 of the 2018 Framework. Before it is used as a basis for calculating the 5 year housing land supply, it should be agreed by the two neighbouring authorities that are included in the housing management area to address the overall requirements of the area, a relevant buffer should be applied and the backlog should be addressed. This exercise has not been carried out by the Council. It is not for an Inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure, as it is an elaborate process involving many parties who are not present at or involved in the Section 78 appeal.

44. Finally, Government guidance indicates that the new methodology for assessing the housing needs is incomplete and so it would be premature to take and rely upon such an assessment. For these 4 reasons, I find that the housing requirement figure suggested by the Council at the Inquiry should not be used for calculating the 5 year housing land supply in this appeal. Therefore, in the absence of any realistic alternative figure, I have taken the requirement as being the CLCS led figure of 785 dpa. The Council has indicated that, on this basis, it can demonstrate a 5.01 year supply of deliverable housing sites."

2.21 We make specific reference to paragraphs 42 and 44 which are clear that the standard methodology could not be used for determining that appeal. Whilst that was for decision taking, the same conclusions must also apply to plan making particularly when it is looking forward to 2034.

2.22 In an appeal dated 29th September 2017 (**Appendix 2**), the Inspector stated:

"33. As noted earlier, on 18 September 2017, some time after the closure of the inquiry, the Council submitted further information on HLS, following the

publication of the Government's consultation proposals entitled "Planning for the right homes in the right places". In its note, the Council points out that on the basis of the proposed, standard method for calculating local authorities' housing need, the indicative figure for County Durham would be 1,368 dwellings per annum (dpa). This would be below all of the values for OAHN put forward by the Council in its 2016 Issues and Options consultation document prepared for the emerging CDP, as detailed below."

"38. I have given full consideration to the points put forward by the Council, and have noted the support given to the Council's position by the DLDAGAB. However, the fact remains that the Council's revised figures relate only to a consultation process, which is still on-going, and can therefore carry little formal weight at this time. There is no certainty that the standard methodology suggested in the consultation document will be formally adopted, in due course – with or without amendment, and the indicative figures put forward by the Council as a result of this consultation have not been tested in any meaningful way."

- 2.23 Again the Inspector in that case could not be clearer and therefore for this plan the draft standard methodology cannot be used for plan making and is both unlawful and unsound.

SHMA

- 2.24 There is a clear tension between the outcome of the SHMA and the requirement in Policy HS1. The SHMA requires at least 265 dwellings per annum, yet the Council has ignored the SHMA and is applying the draft Government standard methodology. The guidance we have referred to above is clear that a SHMA should be taken account of as the standard methodology is the starting point. The Regulation 18 consultation was based on the SHMA findings and Policy HS1 had an annual requirement of 265 dwellings. There can be no justification to now ignore it.
- 2.25 The 2017 SHMA summarises the findings which are set out below.

"The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for Rossendale. Taking into account the scenarios tested, it is Lichfields' recommendation that the housing OAN range is between 265 and 335 dpa for Rossendale. It will provide a realistic level of housing provision which will address economic growth requirements, affordable housing need, worsening market signals and the demographic challenges that are present. The process by which this range was derived was as follows:

1 183 dpa equates to the 2014-based household projections, rising to 202 dpa with necessary adjustments being made to headship rates in the younger age categories (plus rebasing the figures to align with the latest 2015 MYE). In Rossendale a level below this would be unlikely to meet the

demographic needs of the existing or future population. A further upwards adjustment to 220 dpa would align with long term migration trends;

2 A worsening of some market signals suggests the need to improve affordability to stabilise the increasing house prices and affordability ratios. This would justify a modest uplift to the figures over and above the level suggested by the demographic projections. A 10% uplift to the demographic starting point would indicate a minimum demographic OAN of 242 dpa;

3 269 dpa represents the level of housing growth necessary to provide a sufficiently large labour force to support the latest Experian job growth forecasts for the Borough, assuming that commuting rates remain constant and partial catch up headship rates are applied. This figure would rise to 335 dpa if the Council's Core Strategy growth needs are to be realised in full (again incorporating partial catch up headship rates);

4 The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies even higher estimates of total need, although whether such estimates will ever be realistically achievable is open to question. Nevertheless in light of the high level of affordable housing need identified, it is considered that this supports a further additional uplift of 10% to the range, above the level identified by demographic needs alone or a minimum OAN of 266 dpa (or 265 dpa rounded)."

- 2.26 There are a number of key factors assessed in the SHMA which have not been carried forward into the plan. Of most importance is the refusal of this plan to apply an economic uplift. The SHMA is clear that "269 dpa represents the level of housing growth necessary to provide a sufficiently large labour force to support the latest Experian job growth forecasts for the Borough".
- 2.27 The Employment Land Review which was undertaken in 2017 and by the same authors as the SHMA sets out the recommendations for the plan. Paragraphs 9.88 to 9.98 set out the conclusions. The overall recommendation is a range of employment land between 22 hectares and 32 hectares between 2014 and 2034. Policy EMP1 (Provision for Employment) sets a requirement of 27 hectares.
- 2.28 The Council has chosen the midpoint in the range which they state is based on a housing need of 220 per annum. However Table 9.10 of the Employment Land Review assumes that for the period 2014 to 2034 4,410 dwellings would be built. However Policy HS1 only seeks to deliver 3,180 dwellings between 2019 and 2034. This is 1,230 dwellings short of the number of dwellings required by the Employment Land Review. Even with completions between 2014 and 2019 there

is still a significant shortfall and therefore a mismatch between the evidence base and the plan. An economic uplift is required.

2.29 This failure has also consequences for the Sustainability Assessment which has not considered the reasonable alternatives through ignoring the SHMA and any economic uplift.

Conclusion – HS1

2.30 For the above reasons Policy HS1 is not sound as it is not consistent with national policy, justified, positively prepared or effective because:

- The 212 dwellings can only be the starting point. It is not a housing requirement:
- Is based on the draft standard methodology and the plan was prepared before the NPPF and PPG was published:
- It does not taken account of the 2016 based projections which themselves are subject to further change;
- Has given no weight to the findings of a recent SHMA contrary to the plan's own evidence base and the PPG: and,
- Has given no weight to any economic uplift contrary to its own evidence base and the PPG.

2.31 As a minimum the requirement in Policy HS1 should revert to 265 dwellings per annum. However our overall conclusion is the plan cannot proceed to Examination.

3. Failure to meet the Duty to Co-operate

3.1 Our objection to Policy HS1 raises a failure in the Duty to Cooperate.

3.2 The Duty to Co-operate Statement Incorporating Statement of Common Ground is dated August 2018. Paragraphs 5.3 to 5.5 state:

"5.3 Housing Market Areas and Objectively Assessed Housing Need To a large extent the Housing Market Area for Rossendale can be described as being self-contained, albeit that the level of containment at 61% falls below the recognised threshold that 70% of local moves are contained, as advocated in Government guidance, and which is commonly accepted. Despite a number of alternative scenarios being devised, none of the alternative HMA areas produced a self-containment level that was significantly higher than using the Borough boundary alone. The results of the SHMA analysis were shared with adjoining authorities and they have agreed that for the purposes of meeting housing requirement the best geography to use for the Rossendale HMA coincided with the Borough boundary.

5.4 Nevertheless Rossendale has strong links and high inter-dependency with the adjoining Boroughs. These are particularly apparent with Rochdale and Bury, reducing in order of magnitude with Hyndburn, Burnley and to a lesser extent Manchester city.

5.5 All the adjoining districts were happy to support using the Borough boundary for the definition of the Housing Market Area, and for which the Objectively Assessed Need (OAN) for housing would be assessed."

3.3 It is clear that the Duty to Co-operate has been predicated on meeting an Objectively Assessed Need arising from the SHMA. As set out in our objection, Policy HS1 has departed from the SHMA and is not proposing an OAN. Instead it is applying the standard methodology (in its draft form). There is no evidence that the implications of the standard methodology has been discussed with other authorities or indeed a full understand of the implications of the standard methodology on those other local authorities as to whether that may have an impact on Rossendale.

3.4 Therefore there has been a failure in the Duty to Co-operate.

4. Objection to Policy HS1 and Appendix 4 (Housing Trajectory)

- 4.1 Setting our objections to the figure of 212 dwellings per annum to one side, we have significant concerns as to whether the plan would provide sufficient land to meet the planned requirement.
- 4.2 Policy HS1 proposes at least 3,180 additional dwellings over the plan period. However the Housing Trajectory in Appendix 4 of the plan proposed to deliver 2,809 dwellings between 2019 and 2034 on allocated sites. This is some 371 dwellings short of the minimum requirement. No other sources of supply are set out in the trajectory which would be expected. There is also no other sources identified in the SHLAA or other parts of the evidence base.
- 4.3 The 2017 Housing Supply Statement sets out a supply of 2.4 years to 2.6 years. This is based on a deliverable supply of 985 dwellings comprising of:
- Dwellings under construction 436;
 - Dwellings with planning permission 261;
 - Dwellings with resolution to grant permission 256; and,
 - Small sites allowance 32.
- 4.4 This is at a base date of April 2017 which is 2 year prior to the start of the plan period so these sources cannot simply be carried forward.
- 4.5 It is clear that based on the Housing Trajectory in Appendix 4 that the proposed requirement will need to be met through additional omission sites. This is based on all the sites in the trajectory delivering. If any sites are removed from the plan, or if the projected supply from allocated sites is reduced, then further land will be required.
- 4.6 We consider that this clearly provides insufficient flexibility to respond to changing circumstances, i.e. slippage in the delivery of housing from strategic sites, as required by the Framework.
- 4.7 The Local Plans Expert Group published its report to the Communities Secretary and to the Minister of Housing and Planning in March 2016. The report recommends at paragraph 11.4

that the Framework should make clear that local plans should be required to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term, plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the Framework. Reserve Sites represent land that can be brought forward to respond to changes in circumstances.

- 4.8 These conclusions reflect precisely the concerns that we have in respect of the draft Plan. There is insufficient flexibility to deal with changing circumstances, specifically a failure to deliver housing at the anticipated rates. At present there is not sufficient sites allocated and any slippage from the identified sites would result in an even greater shortfall against the housing requirement. This would have serious implications in terms of the failure to meet identified housing need.
- 4.9 We consider that a much higher flexibility allowance is required, in the order of 20% as advised in the Local Plans Expert Group. This would give a reasonable degree of security that should sites not deliver at the rates anticipated, a 5 year housing land supply could still be maintained.
- 4.10 The housing trajectory sets out the expected delivery rates for each year of the plan period. The Council's position is that the plan requirement can be met and a 5 year supply demonstrated at the point of adoption. We make the following points.

Lead in times and Build Rates

- 4.11 Section 6.5 of the SHLAA states:

"For sites that are deliverable and developable the lead-in time and build out rates will be assessed using information from the delivery of previous sites in the Borough and from information submitted by developers. A lead in time of 2 years is generally considered for the land acquisition, submission of planning application and submission of discharge of conditions. An average build out rate of 20 dwellings per year is used to allow for the difference of build out rates between high value market area and low value market area."

- 4.12 The lead in times used are very basic and do not taken account of other considerations. For example some sites will be controlled by developers, others will not, some will be subject to planning applications or permissions and others will not. Therefore it is necessary to look at each site, consider its planning status, whom it is controlled by and then make a judgement on when

first completions are expected. In summary, our assessment shows that sites without planning permission are likely to take materially longer for the following reasons.

- The assumptions made fail to take into account how long it takes for outline/full/reserved matters applications to be prepared, submitted and granted. For example in the Council's latest lead-in times, there is no difference between the lead in time for those sites with outline planning permission and those with full planning permission. Consequently, it is recommended that the lead-in times are set out for outline applications, reserved matters and full applications.
- Sites without planning permission – lead-in times must reflect the need for:
 - Marketing;
 - Preparation of an application and the necessary surveys and assessments;
 - Whether permission will be granted;
 - The preparation of masterplans (a requirement of Policy HS2 and not referred to in the SHLAA);
 - the preparation of the planning application and supporting documents;
 - The discharge of pre-commencement conditions;
 - Construction start up and infrastructure

4.13 An average build rate of 20 dwellings per annum is applied. However the housing trajectory applies higher build out rates for certain sites. This conflicts with the evidence base and the average of 20 dwellings per annum should be used.

5. Objection to Policies SD2 and HS2 – Omission of Land south of Hollin Lane

- 5.1 We object to the omission of the land at Hollin Lane (site ref: SHLAA16184) and its exclusion from the urban boundary.
- 5.2 The site was allocated in the Part 2 Local Plan in 2015 as well as the Regulation 18 Local Plan in 2017. Representations were made at both stages supporting the allocation. Copies are enclosed as **Appendix 3**.
- 5.3 However the site is not allocated in the current version. We had no contact from the Council on the site or its intended removal from the plan. Having contacted the Council we were advised that the site was removed as an allocation from the local plan due to site access issues. However at no stage were we advised that this was an issue or a request that we provide further information to address any concerns. The allocation at the previous stage was based on the same access arrangements and therefore we see no justification for the site's exclusion at this stage. Indeed the access arrangements have not changed from those when the site was allocated for development, along with the land to the north of Hollin Lane (SHLAA Ref: SHLAA16392). The land to the north is not in the control of our client but what is clear is that until this late change Hollin Lane was deemed appropriate to both sites to deliver circa 51 dwellings (HS2.44).
- 5.4 Our client has agreement from LCC Highways on the access and the following is attached:
- **Appendix 4** is the plan that is approved in principal;
 - **Appendix 5** is the written approval from LCC; and,
 - **Appendix 6** is an up to date letter confirming that the verges are part of the adopted highway - enabling the work to be carried out as per the approved plan.
- 5.5 We have seen no evidence that the site cannot be accessed or any evidence that contradicts the written agreement of LCC. We note that the Highway Capacity Study was only published on 2nd October 2018, some 3 days before the consultation closes. That in itself raises an issue with the lawfulness of the consultation. For this site there is no reference to Hollin Lane in any event to contradict the agreed position with LCC.

5.6 The extract of the SHLAA is **Appendix 7**. This confirms that subject to access, the site is suitable, available and achievable. The Justification states:

"The site is available now. However it is not currently suitable due to vehicular access issues (narrow lane). The site can become suitable if the access is improved, if the woodland habitat situated along the southern boundary of the site is protected and if the development does not affect the settings of the listed properties situated further up the hill. The development is considered viable and achievable within the medium to long term."

5.7 As noted earlier access is agreed and the Council has proceeded on an erroneous basis. We can confirm that the site is capable of making a full contribution to housing land supply in the borough in the short term. It is located in an accessible location adjacent to the settlement boundary, and is surrounded by residential development to the west and partly to the north, a farm complex to the east, and a brook runs along the southern boundary with Alder Grange Community College to the south. The site represents a logical rounding off opportunity. A number of trees and planting is located along the brook, and would form the basis of a defensible urban boundary as part of a landscaping scheme.

5.8 Our client controls the site and we can confirm that it is achievable and immediately available for development. They are in active discussions with developers in order to bring the site forward. The site is considered to be suitable for development, and there are no technical or environmental constraints. Further detailed site specific work would be considered further as part of any future application.

5.9 We therefore request its reinstatement as an allocated site.

6. Appendices

- 1) South Ribble Appeal
- 2) Durham Appeal
- 3) Extracts from Part 2 Plan and Regulation 18 Plan
- 4) Approved access plan
- 5) Written approval from LCC
- 6) Letter confirming that the verges are part of the adopted highway - enabling the work to be carried out as per the approved plan
- 7) SHLAA Extract

EP1



Appeal Decision

Inquiry opened on 14 August 2018

Site visit made on 16 August 2018

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 31st August 2018

Appeal Ref: APP/F2360/W/18/3198822

Land off Brindle Road, Bamber Bridge, Preston, PR5 6YP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Bellway Homes Limited (Manchester Division) against the decision of South Ribble Borough Council.
 - The application Ref 07/2017/2900/FUL, dated 22 September 2017, was refused by notice dated 7 March 2018.
 - The development proposed is the demolition of existing buildings and the erection of up to 193 dwellings with associated private gardens, parking, public open space, landscaping and vehicular access from Brindle Road.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and the erection of up to 193 dwellings with associated private gardens, parking, public open space, landscaping and vehicular access from Brindle Road on land off Brindle Road, Bamber Bridge, Preston, PR5 6YP in accordance with the terms of the application, Ref 07/2017/2900/FUL, dated 22 September 2017, subject to the conditions in the attached schedule.

Procedural and Preliminary Matters

Application for Costs

2. Prior to the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Inquiry and Site Visit

3. The Inquiry sat for 4 days, opening on Tuesday 14 August, and closed on Friday 17 August. I carried out an unaccompanied site visit at about 1800 hours on Monday 13 August, including observing the traffic at the junction of Brindle Road with Bank Head Lane when the railway crossing barrier was lowered, and an accompanied site visit of the site and surrounding area during an adjournment of the Inquiry on Thursday 16 August.

Planning Obligations

4. At the Inquiry an executed Planning Agreement pursuant to section 106 of the Act (S106), dated 16 August 2018, was submitted. It includes planning obligations to secure affordable housing, on-site open space provision and maintenance, and contributions towards a bus service, Mobile Speed Indicator

- Devices (SPiDs) on Brindle Road, improvements at Withy Grove Park, secure cycle lockers at Bamber Bridge Station and the monitoring of a Travel Plan.
5. I have examined the planning obligations to determine whether they meet the tests in Community Infrastructure Levy Regulations (CIL) Regulation 122. Based on the CIL compliance statement provided by the Council and the 'Statement of Justification for the Planning Obligation relating to the provision of bus service funding' from Lancashire County Council (LCC), as the local highway authority, I am satisfied that all the obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Also, I find that none of the planning obligations contravene CIL Regulation 123(3), regarding the limit of five separate planning obligations to provide for the funding or provision of a project or type of infrastructure.
 6. The affordable housing is required to ensure compliance with Policy A1 of the South Ribble Local Plan (SRLP). The SPiDs would be necessary to ensure that the additional traffic that would be generated by the proposed development would be safely accommodated on the highway network. The improvements to Withy Grove Park and the provision and maintenance of on-site public open space would be necessary to address the likely need for additional recreational amenities as a result of the future occupants of the proposed development, in accordance with SRLP Policies G8, G10 and G11. The Travel Plan monitoring and cycle lockers would be necessary to encourage the use of sustainable means of transport.
 7. Whilst the appellant and Rule 6 party have both questioned the justification for the contribution towards the bus service, supported by the opinion of their transport experts, I am satisfied that LCC has provided the necessary justification. The contribution is necessary to help fund a more frequent local bus service connecting the site to Bamber Bridge, including the railway station, and Preston to encourage a shift from cars to more sustainable means of transport for essential commuting/educational trips. LCC has indicated that the monies would enable it to improve the existing bus services, targeting the provision of a Monday to Saturday half hourly daytime service, a Sunday hourly daytime service and a Monday to Saturday hourly evening service and has provided evidence to show that it has discussed this with Stagecoach, a local bus company, to arrive at an appropriate sum. As such, I have taken all the planning obligations in the S106 Agreement into account in my determination of this appeal.
 8. At the Inquiry the appellant provided an engrossed S106 Unilateral Undertaking (UU), dated 16 August 2018, in response to the Council's requirement that provision be made for a highway link between the appeal site and the adjacent site that is allocated for future development. However, the evidence indicates to me that the S106 UU would fail to meet the requirements of the Council. I have therefore not taken it into account in my determination of this appeal. Furthermore, the Council has suggested that it would expect such a provision to be made by a planning condition, which I have discussed later.

National Planning Policy Framework

9. Following the determination of the planning application, the National Planning Policy Framework, March 2012 (2012 Framework) has been replaced by the National Planning Policy Framework, July 2018 (2018 Framework). I have

taken account of the latest national planning policies in my determination of this appeal.

Main Issues

10. The main issues are the effect of the proposal on the character and appearance of the surrounding area; whether it would provide acceptable living conditions for future occupants of the proposed dwellings, with particular regard to matters of noise and air pollution; and whether it would comply with national and local policies that seek to create inclusive and mixed communities.

Reasons

Character and Appearance

11. The appeal site has a rural character and appearance, consisting of a disused poultry farm with its associated buildings and house and adjoining open fields and pond, bounded by hedges and trees. However, it is at the edge of the built-up area of Bamber Bridge, bounded on the southern and western sides by residential development and on the eastern side by the M61 Motorway. The land to the north is open fields, separating the site from the M6 Motorway. Although the site does not form part of the existing built development, the Key Diagram in the Central Lancashire Core Strategy (CLCS) shows it as lying within the boundary of Preston & South Ribble Urban Area.
12. The principle of residential development on the appeal site and the land to the north was established during the Local Plan process, in which this land has been allocated for residential development, referred to as 'Site S' in SRLP Policy D1. The Table in Policy D1 identifies that Site S has an area of 22.7 hectares and could accommodate an estimated 250 dwellings. However, the Local Plan Examination Inspector has indicated in her report that this is an indicative number and should not preclude additional dwellings being brought forward, *'should the Council be satisfied that this is appropriate following detailed assessment'*.
13. The proposed development would be for 193 dwellings. A planning application for 283 dwellings on the adjacent site has been submitted and refused planning permission and is the subject of a separate appeal. The two sites together form most of allocated Site S and the combined number of dwellings proposed on them would far exceed the estimated 250 dwellings in SRLP Policy D1. However, that Policy and the Examination Inspector's findings do not suggest that it is a limit to the number of dwellings that could be accommodated on the site. Furthermore, the 2018 Framework indicates in paragraph 122 that development that makes efficient use of land should be supported and in paragraph 123 that development that fails to make efficient use of land should be refused planning permission.
14. Section 12 of the 2018 Framework seeks to achieve well-designed places and in paragraph 130 indicates that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way that it functions. In this respect, the Council's main concerns seem to me to be associated with the density of the proposed housing. The Design and Access Statement indicates that the net density would be about 40 dwellings per hectare (dph)

and the Council has indicated that, when the public open space is subtracted, the density would amount to about 35 dph.

15. I accept that the density would be significantly higher than that of the mature housing in the area that fronts Brindle Road, but it would be closer to that of some of the later nearby development. The Council has specified that the density in the adjacent Cottage Gardens is about 30 dph, which consists mainly of detached houses, and the density of the mainly detached dwellings at Bluebell Way is about 20 dph. Cottage Gardens is a relatively small development with very limited public areas and Bluebell Way is adjacent to the semi-detached and terraced housing at Lady Acre and Further Fields, which the Council has calculated as having a density of about 40 dph. Therefore, I find that the overall density of the proposed development would be in line with that of other development in the area, as it would be a mix of different types of housing that would include terraces at a higher density.
16. The Council has not disputed that the proposed buildings would have separation distances that would meet the required standards. There would be a variety of dwelling types and sizes, with single storey dwellings adjacent to Stephendale Avenue that would reflect the bungalows in that road, and terraced dwellings adjacent to the M61 Motorway, deemed to be necessary as a means of noise mitigation. Whilst the photomontages that have been submitted by the appellant show a relatively long and straight row of terraced houses with mainly paved parking at the front, this is the nature of terraced housing and the row would be broken up into smaller blocks with a varied roof line. Also, the level of car parking at the front of the dwellings would reflect that in the other more recent development in the area, and the Council has not disputed the appellant's claim that the amount of parking would be necessary to meet the required standards.
17. I do not accept the Council's claim that the development would appear cramped and dense. Whilst it would have an urban pattern of development, I find that this would not be harmful to the surrounding character, as it would be in keeping with other later development in the area. Furthermore, the proposed built development would be surrounded by greenspace that would include mature trees and a pond that would be retained. I am satisfied that this, the size of the rear gardens and the planting between the frontage parking that would increase with maturity, together with the band of open space that would run from east to west across the site to the pond, would be sufficient to ensure that the development would not appear unduly dense or cramped.
18. The amount of public open space that would be provided has been given as 1.08 hectares which would exceed the Council's Policy requirement of 0.6 hectares. This would include a large area on the eastern boundary, some of which would act as a bund along the side of the M61 Motorway. The Council has acknowledged that this would provide a visual amenity and that some of it would also provide a degree of recreational amenity space, albeit its use would be limited by its topography and location. In addition the area surrounding the existing pond would provide recreational and visual amenity space. There would also be connecting amenity space along the existing Public Rights of Way (PRoWs) on the site and through the development.

19. I accept that some of the public open space would have limited surveillance, including part of the PRoW at the rear of Cottage Gardens and an area of open space behind dwellings at the southern end of the site. However, there is nothing before me to show that any concerns regarding anti-social behaviour or crime could not be addressed by measures secured by planning conditions. Such measures could include the types of boundary treatment and lighting in accordance with those that have been agreed with the Police Architectural Liaison Officer.
20. Paragraph 129 of the 2018 Framework mentions the use of assessment frameworks, such as Building for Life, to assess and improve the design of development. In this respect, the appellant has carried out a Building for Life 12 Assessment on the proposed design, dated June 2018. Whilst this exercise has only been carried out at a later stage in the design process and too late to make any significant changes to the design, it has arrived at an overall amber rating, which indicates that the proposed development is partially compliant with Building for Life 12 Standards and requires some additional consideration. I am satisfied that the compliance could be improved by the use of planning conditions and that some of the failures to meet the criteria are due to the constraints of the site, partly due to being close to motorways, or requirements of Council policies, such as parking standards. Furthermore, the design is one factor that has to be balanced against the need for housing and the allocation of the site for residential development.
21. Although the proposal would make use of a rural area, the site has been allocated for residential development, includes agricultural buildings and is included within the boundary of the urban area in the CLCS. Therefore, having regard to the above factors, I conclude on this main issue that the proposal would not have an adverse effect on the character and appearance of the surrounding area and would accord with SRLP Policy G17, as the layout, design and landscaping would be of a high quality and would provide an interesting visual environment which would respect the character of the site and local area.

Living Conditions

22. The Council's second reason for refusal is regarding the health and well-being of the future residents of the proposed dwellings due to unacceptable levels of noise and air pollution, particularly at those dwellings that would be nearest to the M61 Motorway. With regard to noise, an environmental noise survey was carried out to determine the existing noise climate from the M61 Motorway to enable the calibration of a noise model based on the Calculation for Road Traffic Noise guidance.
23. At the Inquiry, the appellant's noise expert acknowledged that the 24 hour periods in February when the noise readings were taken at two locations close to the Motorway may well have been during a half term school holiday. However, the expert explained that these readings were only used to calibrate the noise impact model and traffic flow data based on counts taken was used to calculate noise levels in the model. Therefore, I find no evidence to show that the accuracy of the model used to predict noise levels has been compromised by the use of noise readings taken during the school half term holidays.
24. The model has been used to predict facade noise levels based on the proposed site layout plan to evaluate the impact on gardens and public open space. The

survey was updated during the determination of the application following liaison with the Council's Environmental Health Officers (EHOs). The survey report concludes that, with the recommended mitigation in place which would include acoustic glazing and ventilation, the internal noise levels within the habitable rooms of all of the proposed dwellings would be below the recommended maximum levels defined in BS8233:2014.

25. The Council has accepted that there is no policy, guidance or industry standard relating to assessing noise levels in public open spaces. The appellant has suggested that the noise levels at the proposed public open space are predicted to be comparable with those that are currently experienced at the nearby Withy Grove Park. Whilst the Council has referred to proposals by Highways England to erect a noise barrier alongside the M6 Motorway adjacent to Withy Grove Park, I have insufficient details to attach any significant weight to it in my determination of this appeal. Nevertheless, I find that the noise levels that have been predicted at the proposed public open space would not prevent it from being suitable for recreational use, given that Withy Grove Park has been providing acceptable recreational amenity space for some time.
26. With regard to private open space, the Council has agreed with the appellant that the proposed mitigation has minimised the areas of garden spaces that would exceed the 55 dB target. The mitigation measures for external environments, recommended in the survey report, include a mixture of fencing, brick walls and a barrier along the adjacent motorway. However, the report identifies that some of the plots would experience external noise levels within gardens in excess of 55 dB but none would exceed 60 dB, even allowing for the stated tolerance of plus or minus 2 dB.
27. The recommendations for external noise levels are taken from the World Health Organisation (WHO) guidelines which state: *'For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments.'* This has been assessed as being equivalent to a Lowest Observed Adverse Effect Level (LOAEL). The appellant has agreed that 8 of the proposed properties have been assessed as experiencing sound levels equivalent to a Significant Observed Adverse Effect Level (SOAEL) in part of their gardens, which would be greater than 55 dB. Even though 3 dB is the smallest change in noise level that can be detected by normal human hearing, the sound levels would still be above the recommended levels.
28. The Council's EHOs have not raised an objection on the grounds of noise, subject to the imposition of planning conditions. BS8233:2014 allows exceedances of 55 dB in areas, such as city centres or urban areas adjoining the transport network, and the appeal site could be included as one of these exceptions. The 2018 Framework refers to the Defra Noise Policy Statement for England in footnote 60 to paragraph 180, which in paragraph 2.22 concedes that there is no single objective noise based measure that can define a SOAEL. Therefore, it is a matter of judgment whether or not the noise levels in the gardens and public open spaces would be acceptable. On this basis, I find that the proposed mitigation has avoided noise giving rise to significant impacts on health and the quality of life, in accordance with paragraph 180(a) of the 2018 Framework.

29. In terms of air quality, the Council's EHOs have not contested the conclusions of an Air Quality Assessment (AQA), by Redmore Environmental, September 2017, or those of a Supplementary Note, February 2018. The AQA used standard dispersion modelling and predicted that mean annual NO₂ concentrations at all the proposed dwellings and one hour mean NO₂ concentrations at all locations across the site, including all areas of public open space, would be below the relevant air quality objectives. The appellant's evidence also demonstrates that the same would apply to levels of PM₁₀.
30. The AQA also considered the potential for air quality impacts as a result of road traffic exhaust emissions associated with vehicles travelling to and from the site, and a review of pollutant levels across the development site. It has predicted that potential air quality impacts associated with traffic would be negligible in accordance with the Institute of Air Quality Management guidance and has determined the overall significance of effect as 'not significant'. It has concluded that the development would not result in an exceedance of the national air quality objective.
31. The Council has expressed concern that no on-site monitoring of air quality has been carried out at the appeal site and Defra predictions for air quality at the site show background levels to be higher than at Station Road, which is a designated Air Quality Management Area. However, I am satisfied that the method for calculating the predicted air pollution levels is in accordance with the recognised standard procedure and the results show that the objective levels would not be exceeded on the site. As such I find that there is no evidence before me to show that there would be any material risk to the health and well-being of future residents due to air quality.
32. Based on the above, I conclude on this main issue that the proposal would provide acceptable living conditions for future residents of the proposed dwellings.

Mixed Communities

33. The proposed development would offer 43 affordable homes, equating to 22.5% of the total number of units. Whilst it would be fewer than the target of 30% set in CLCS Policy 7(a), the Council has agreed that the site and development considerations justify the reduced percentage and the affordable housing mix that would include two and three bedroom homes available for affordable rent (60%) and shared ownership (40%) would meet housing need. Great Places Housing Group has been identified as the intended registered provider to acquire the affordable units. The affordable housing would be secured by the executed S106 Agreement. The Council's only concern with the affordable housing appears to me to be regarding the proposed location in clusters within the site.
34. The Central Lancashire Affordable Housing Supplementary Planning Document (SPD) refers in Section F to the design of affordable housing. This includes the need for affordable housing to be 'tenure blind', which the Council has accepted would be achieved in the proposed development, as well as 'pepper-potting', which it suggests is defined as the dispersal of affordable housing units within residential development to promote mixed communities and minimise social exclusion. There is no definition of 'pepper potting' in the 2018 Framework, the CLCS or the SRLP and it is not clear as to what degree of dispersal of the units would be required to meet the SPD definition.

35. I have not be provided with any substantive evidence, such as studies or surveys, to show that 'pepper potting' is a more effective means of integrating affordable housing within market housing so as to minimise social exclusion than clusters of 'tenure blind' affordable housing, similar to that proposed. The affordable units would be split into 4 separate clusters. One cluster would consist of 8 units on the northern boundary, facing public open space and another would be 9 units on the western boundary. A further cluster of 22 mainly terraced units would be in a row that would face the eastern boundary and would be some of the nearest dwellings to the M61 Motorway, but there would also be 14 market houses within that row and all would benefit from an outlook across green space and some of the predicted quietest rear gardens on the development. The remaining cluster would be 4 semi-detached units centrally located. As such, I am satisfied that the proposed clusters would be adequately integrated within the market housing to ensure that an inclusive and mixed community would be created by the proposed development.
36. Taking account of the evidence provided, I find that the proposed affordable housing would meet the sustainable community and social inclusion objectives of the SPD. I therefore conclude on this main issue that the proposal would assist in the creation of inclusive and mixed communities and would accord with the relevant national and local policies in this regard, including CLCS Policy 7, as it would make provision for sufficient affordable and special housing to meet local needs.

Other Matters

37. The views of local residents opposing the development were represented at the Inquiry by Brindle Road Action Group (BRAG) and the Campaign for the Protection of Rural England (CPRE). Most of their concerns are those that have been given in the reasons for refusal, which I have dealt with under the main issues above. In addition, their safety concerns regarding the relatively narrow width of part of the existing footway on the same side of Brindle Road as the entrance to the development should be able to be addressed by much of that footway being improved under the development and the remaining section of that footway being able to be avoided by the use of a new pedestrian crossing facility. This would assist with the provision of a safer pedestrian access to Withy Grove Park, which would also be able to be accessed from the proposed development via a footpath link through Cottage Gardens, avoiding the need to use the substandard footway.
38. I have noted the concerns expressed about the cumulative impact of traffic generated by all of the proposed new development in the area, including this appeal development, and in particular on congestion and highway safety in the vicinity of the railway level crossing. However, LCC as the local highway authority has not objected to the proposal, subject to conditions, and has confirmed that it considers a traffic signal solution near the level crossing, as suggested by Network Rail, would not be acceptable. I agree that such a proposal would result in an increase in queuing and congestion. Furthermore, LCC has confirmed that the current situation without the signals has a relatively good safety record, even though some drivers have been known to by-pass queues when the barriers have been lowered, which I observed at my unaccompanied site visit.

39. The roads in the area of the appeal site have a relatively good accident record and there is nothing before me to show that they would not be able to cope with the additional traffic that would be generated by the proposed developments. Therefore, based on the evidence before me, including the analysis that has been carried out at the Brindle Road/Bank Head Lane junction, I am satisfied that the proposed mitigation in the form of additional signage and road markings would ensure that there would not be a severe residual cumulative impact on the road network or an unacceptable impact on highway safety. Further measures could be introduced later if a problem arises.

Planning Balance

40. In arriving at the most appropriate planning balance to apply to the appeal proposal, I have considered whether the development plan policies that are most important in determining this appeal are to be considered out-of-date, for the purposes of paragraph 11 of the 2018 Framework. In terms of the evidence submitted on the 5 year housing land supply, the Council has put forward a revised housing requirement against its local housing need of 209 dwellings per annum (dpa), based on paragraph 73 of the 2018 Framework. However, I am not satisfied that it represents a true reflection of the Borough's housing requirements.
41. Firstly, the figure suggested by the Council would be significantly lower than a 'plan based' housing requirement of 785 dpa which has been arrived at through the CLCS full objectively assessed need. Although the policies are more than 5 years old, this housing requirement was endorsed by the three Central Lancashire Authorities, that include the South Ribble Borough Council, in a signed Memorandum of Understanding, dated September 2017. As such, the appellant has argued that the strategic policies have been reviewed and not found to require updating, in accordance with footnote 37 to paragraph 73 of the 2018 Framework, but I am not convinced that this represents a review of the policies.
42. Secondly, the reduced figure would not reflect the Government's objective given in paragraph 59 of the 2018 Framework to significantly boost the supply of homes. Nor would it assist in fulfilling the Council's 'City Deal' obligations.
43. Thirdly, the local housing need should be used to inform strategic policies, as indicated in paragraph 60 of the 2018 Framework. Before it is used as a basis for calculating the 5 year housing land supply, it should be agreed by the two neighbouring authorities that are included in the housing management area to address the overall requirements of the area, a relevant buffer should be applied and the backlog should be addressed. This exercise has not been carried out by the Council. It is not for an Inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure, as it is an elaborate process involving many parties who are not present at or involved in the Section 78 appeal¹.
44. Finally, Government guidance² indicates that the new methodology for assessing the housing needs is incomplete and so it would be premature to

¹ Court of Appeal Judgment in *Hunston v SSCLG [2013] EWCA Civ 1610*

² Housing and economic development needs assessments Guidance, updated 24 July 2018

make and rely upon such an assessment. For these 4 reasons, I find that the housing requirement figure suggested by the Council at the Inquiry should not be used for calculating the 5 year housing land supply in this appeal. Therefore, in the absence of any realistic alternative figure, I have taken the requirement as being the CLCS led figure of 785 dpa. The Council has indicated that, on this basis, it can demonstrate a 5.01 year supply of deliverable housing sites.

45. In examining whether the Council's housing supply is sufficient to meet the 5 year requirement, I have considered the larger sites relied upon by the Council, having regard to the definition of 'deliverable' given on page 66 of the 2018 Framework. In this respect, no clear evidence has been provided that homes on the Vernon Carus Site would not be deliverable in the 5 year period, as it benefits from full planning permission, even though it has been allocated for many years and Bovis are seeking to dispose of the site. I have been provided with limited evidence to support the trajectories allowed for by the Council or suggested by the appellant on the Moss Lane Test Track and Pickering's Farm sites. However, the Council did not dispute the appellant's claim that the Construction Management Plan assumes a start date of July 2018 which has not been met. On this basis, I accept the appellant's arguments that there would be a slippage to the delivery of housing on this site that would be sufficient to take the Council's calculated supply of deliverable housing sites below 5 years.
46. On the basis of the Council having failed to demonstrate that it has a 5 year supply of deliverable housing sites, paragraph 11(d) of the 2018 Framework is relevant to the determination of this appeal, in accordance with footnote 7. In this respect the benefits of the proposal have not been contested by the Council. These include the provision of much needed affordable housing, with a Registered Social Provider in place; and the provision of market housing that would contribute towards, and has been included in, the Council's 5 year housing supply and would help the Council deliver part of its requirement towards the City Deal housing target. In addition, the proposal would provide economic benefits during construction and as a result of additional local expenditure from the future residents; and social and environmental benefits as a result of the removal of a poultry farm that is adjacent to residential properties, the provision of noise mitigation measures that would also benefit existing local residents and improvements to Withy Grove Park that is used by the local community.
47. The proposal would accord with CLCS Policy 17, as I have found that its design would take account of the character and appearance of the local area and the amenities of occupiers of the proposed development would not be adversely affected by neighbouring uses. The site forms part of a wider site that has been allocated in the development plan for residential development and the evidence before me shows that the proposal would accord with the development plan as a whole. In the above circumstances, I conclude that any adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the 2018 Framework.

Planning Conditions

48. I have considered the conditions that have been agreed between the Council and appellant should the appeal be allowed, following discussions at the

Inquiry. Given the need for the development to contribute to the 5 year housing supply, a condition providing that it must begin within a timescale shorter than the relevant default period³ is necessary to ensure that development is carried out expediently. This is in accordance with paragraph 76 of the 2018 Framework, as there is no evidence that it would threaten the deliverability or viability of the development. A condition referring to the plans⁴ is necessary to provide certainty.

49. Conditions regarding materials⁵, the control of invasive species of plant⁶, the removal of the temporary sales area at an appropriate time⁷, and the protection of trees⁸ are necessary to ensure that there is no unacceptable harm to the character and appearance of the area. A condition requiring adherence to a Construction Environmental Management Plan⁹ is necessary for reasons of safety and amenity. Conditions to control the hours of working¹⁰ and piling activities¹¹ during construction are necessary to protect the living conditions of local residents. A condition to secure a Remediation Strategy¹² to prevent pollution is in the interests of health and safety.
50. Conditions to ensure the provision¹³ and maintenance¹⁴ of acoustic mitigation measures are necessary in the interests of health and residential amenity. Conditions to secure electric vehicle recharge points¹⁵ and energy efficiency and renewable energy measures¹⁶ are necessary for environmental and climate change reasons. A condition requiring the implementation of a Travel Plan¹⁷ is necessary to encourage the use of sustainable means of transport. Conditions to secure sustainable drainage¹⁸ and the management of the drainage system¹⁹ on the site are in the interests of preventing a risk from flooding and to ensure that the environment is protected from water pollution.
51. A condition to control the treatment of the existing PRoW on the site²⁰ is necessary for reasons of crime prevention and the protection of residential amenity. A condition requiring the implementation of an approved Landscape and Ecological Management Plan²¹ is in the interests of biodiversity and nature conservation. A condition requiring the implementation of a scheme to control vehicular access to the emergency access²² is for highway safety reasons. Conditions regarding bats and reptiles²³ and nesting birds²⁴ are to ensure the protection of the natural environment, including those species protected under the Wildlife and Countryside Act 1981.

³ Condition 1

⁴ Condition 2

⁵ Condition 3

⁶ Condition 9

⁷ Condition 15

⁸ Condition 20

⁹ Condition 4

¹⁰ Condition 5

¹¹ Condition 16

¹² Condition 6

¹³ Condition 7

¹⁴ Condition 8

¹⁵ Condition 10

¹⁶ Condition 25

¹⁷ Condition 11

¹⁸ Condition 12

¹⁹ Conditions 13 and 14

²⁰ Condition 17

²¹ Condition 18

²² Condition 19

²³ Condition 21

²⁴ Condition 22

52. A condition regarding new landscaping²⁵ is necessary in the interests of visual amenity. A condition to secure a programme of archaeological work²⁶ is in the interests of the history of the site. Conditions to ensure the provision of on-site and off-site highway works²⁷, safeguard the visibility splays²⁸ and secure the future maintenance of the streets on the site²⁹ are necessary for reasons of highway safety and convenience.
53. The Council has not provided sufficient substantive evidence to demonstrate that a condition to secure vehicular access to the remainder of 'Site S' lying to the west of the appeal site is reasonable or necessary, given that that adjacent site would have its own separate access and it does not benefit from planning permission.
54. I have amended the suggested conditions and combined some of them where I consider it to be an improvement. I am satisfied that all the conditions that I have included are reasonable and necessary and reflect the advice in the national Planning Practice Guidance.

Overall Conclusion

55. For the reasons given above and having regard to all relevant matters raised, I conclude that the appeal should succeed.

M J Whitehead

INSPECTOR

²⁵ Condition 23

²⁶ Condition 24

²⁷ Conditions 26 and 27

²⁸ Condition 28

²⁹ Condition 29

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ian Ponter	of Counsel, instructed by Dave Whelan, Legal Services Manager, South Ribble Borough Council
He called	
Councillor Barrie Yates	Borough Councillor for Samlesbury and Walton Ward
Councillor Mike Nelson	Borough Councillor for Walton-le-Dale West Ward
Zoe Harding AssocRTPI	Planning Policy Officer, South Ribble Borough Council
Claire Bradley MRTPI	Managing Director, Kirkwells Ltd
Michael Wellock MRTPI	Managing Director, Kirkwells Ltd

FOR THE APPELLANT:

David Manley	QC, instructed by Samantha Ryan, Turley
He called	
Timothy Russell	Croft Transport Solutions
BSc(Hons) MIHT	
Simon Webster	Red Acoustics
BEng(Hons) MIOA	
Jethro Redmore BEng	Redmore Environmental
MSc CEnv MIAQM	
MIEnvSc PIEMA	
Samantha Anne Ryan	Turley
BA(Hons) MRTPI	

FOR THE RULE 6 PARTY: Persimmon Homes (Lancashire) Ltd

Paul Tucker	QC, instructed by Jon Suckley, GVA How Planning
He called	
Mark Devenish CEng	SCP Transportation Planning
MCIHT	

INTERESTED PERSONS:

Matthew Lennie	Brindle Road Action Group
Elliott Stiling	Brindle Road Action Group
Matthew Jones	Brindle Road Action Group
Peter Carter	Brindle Road Action Group
Jackie Copley MRTPI MA	Campaign for the Protection of Rural England
BA(Hons) PgCert	

DOCUMENTS

- 1. Application Documents**
- 1.1 Application forms and certificates
- 1.2 Location Plan (MCK Associates Drawing No 15-081 SL01 Rev A)
- 1.3 Existing Site Plan (with topo) (MCK Associates Drawing No 15-081 TP01)
- 1.4 Proposed Site Layout (MCK Associates Drawing No 15-081 PL01 Rev AF)
- 1.5 Brindle Road, Bamber Bridge Housetype Range (February 2018)
- 1.6 Elevational Treatments (MCK Associates Drawing No 15-081 ET01 Rev B)
- 1.7 Hard Surfacing (MCK Associates drawing no. 15-081 HS01 Rev A)
- 1.8 Boundary Treatments (MCK Associates Drawing No 15-081 BT01 Rev B)
- 1.9 Refuse Plan (MCK Associates Drawing No 15-081 RP01 Rev A)
- 1.10 2.5m Closed Boarded Fence (Acoustic) (Bellway Drawing No BH/MAN/SD/FD014 Rev C)
- 1.11 Cross Sections Sheet 3 of 3 (Avie Consulting Drawing No P2427-15-03 Rev B)
- 1.12 Temporary Sales Area (MCK Associates Drawing No 15-081 SA01 Rev E)
- 1.13 Site Access and Emergency Access Visibility Plan (Croft Transport Solutions Drawing No 1401-F01 Rev F)
- 1.14 Proposed Off-Site Highway Safety Improvements at Brindle Road / Bank Head Lane Junction (Croft Transport Solutions Drawing No 1401-02)
- 1.15 Indicative Sections through Stephendale Avenue (MCK Drawing no. 15-081 SC01 Rev A)
- 1.16 Streetscenes (MCK Associates Drawing No 15-081 SS01 Rev B)
- 1.17 Landscape Specification LDS421(E)-LS
- 1.18 Planting Plan 1 of 3 (LDS Drawing No LDS421-01E)
- 1.19 Planting Plan 2 of 3 (LDS Drawing No LDS421-02E)
- 1.20 Planting Plan 3 of 3 (LDS Drawing No LDS421-03E)
- 1.21 Design & Access Statement prepared by MCK Associates (Rev A)
- 1.22 Planning Statement prepared by Turley (22 September 2017)
- 1.23 Statement of Community Engagement prepared by Turley (21 September 2017)
- 1.24 Addendum to Planning Statement & Statement of Community Engagement prepared by Turley (8 February 2018)
- 1.25 Affordable Housing Statement prepared by Bellway
- 1.26 Ecological Assessment prepared by TEP (Ref 6259.001 Version 4.0, February 2018)
- 1.27 Air Quality Assessment prepared by Redmore Environmental (Ref 1315r3, 22 September 2017)
- 1.28 Updated Air Quality note – Letter from Emily Pears-Ryding of Redmore Environmental to Alex Wigfield of Bellway dated 7 February 2018 (Ref 1315)
- 1.29 Transport Assessment prepared by Croft Transport Solutions (September 2017)
- 1.30 Response to LCC Comments – November 2017 prepared by Croft Transport Solutions (Ref 1401)
- 1.31 Flood Risk Assessment and Drainage Strategy Statement prepared

- 1.32 by Avie Consulting (Ref P2427 Rev 03)
Environmental Noise Study prepared by Red Acoustics (Ref R1336-REP01-PB Rev E)
- 1.33 Technical Note – Additional Monitoring Results prepared by Red Acoustics (Ref R1336-T01A-PB)
- 1.34 Site Investigation Report prepared by Coopers (Ref 6482si, 4 April 2017) with covering letter dated 20 September 2017 (Ref 6482BEL170920L)
- 1.35 Updated Ground Investigation note – Letter from B W Hill of Coopers to Bellway Homes dated 6 February 2018 (Ref 6482BEL180206L)
- 1.36 Energy Report prepared by JSP Sustainability (February 2018)
- 1.37 Arboricultural Impact Assessment prepared by Ascerta (February 2018)
- 1.38 Crime Impact Statement prepared by A P Martin (v1.0, September 2017)
- 1.39 Archaeological Desk Based Assessment prepared by L-P: Archaeology (Ref LP2206C-DBA-v1.5)
- 1.40 Utilities Statement prepared by Bellway (September 2017)
- 1.41 Employment and Skills Statement prepared by Bellway (October 2017), including Economic Benefits Infographic prepared by Turley Economics
- 1.42 Construction and Environmental Management Plan prepared by Bellway
- 1.43 Community Infrastructure Levy – Planning Application Additional Information Requirement form (dated 8 February 2018)
- 1.44 Officer’s report to Planning Committee meeting on 7 March 2018, including late updates
- 1.45 Decision notice (7 March 2018)

2. Development Plan

- 2.1 Central Lancashire Core Strategy (adopted July 2012)
- 2.2 South Ribble Local Plan (2012-2026) (adopted July 2015)

3. Supplementary Planning Documents

- 3.1 Central Lancashire Affordable Housing Supplementary Planning Document (SPD1) (October 2012)
- 3.2 Central Lancashire Design Guide Housing Supplementary Planning Document (SPD5) (October 2012)
- 3.3 Central Lancashire Open Space and Playing Pitch Housing Supplementary Planning Document (August 2013)
- 3.4 Central Lancashire Biodiversity and Nature Conservation Housing Supplementary Planning Document (July 2015)

4. National Legislation, Policy Documents & Guidance

- 4.1 National Planning Policy Framework (DCLG, March 2012)
- 4.2 Relevant paragraphs of National Planning Practice Guidance (DCLG, March 2014 and as amended)
- 4.3 Housing White Paper – ‘Fixing Our Broken Housing Market’ (DCLG, February 2017)
- 4.4 Planning for the right homes in the right places: consultation proposals (DCLG, September 2017)
- 4.5 Government response to the Housing White Paper consultation:

- 4.6 Fixing our broken housing market (MHCLG, March 2018)
- 4.6 Government response to the Planning for the right homes in the right places consultation (MHCLG, March 2018)
- 4.7 Consultation Draft Revised National Planning Policy Framework (MHCLG, March 2018)
- 4.8 Relevant extracts of Consultation Draft Revised National Planning Practice Guidance (MHCLG, March 2018)
- 4.9 Housing Delivery Test: draft measurement rule book (MHCLG, March 2018)
- 4.10 Noise Policy Statement for England (NPSE) (Defra, March 2010)
- 4.11 British Standard (BS) 8233:2014 'Guidance on sound insulation and noise reduction for buildings'
- 4.12 ProPG: Planning & Noise - Professional Practice Guidance on Planning & Noise: New Residential Development (ANC, IOA & CIEH, May 2017)
- 4.13 Guidelines for Community Noise (World Health Organisation, 1999)
- 4.14 Relevant extracts of Health Effect Based Noise Assessment Methods: A Review and Feasibility Study (National Physical Laboratory (NPL), September 1998) [NPL Report CMAM16]
- 4.15 Urban Design Compendium (Homes and Communities Agency, August 2000)
- 4.16 Urban Design Compendium 2 – Second Edition (Homes and Communities Agency)
- 4.17 Guidelines for Providing for Journeys on Foot (Chartered Institution of Highways and Transportation, May 2000)
- 4.18 Urban Design Lessons: Housing Layout & Neighbourhood Quality (Homes and Communities Agency, January 2014)
- 4.19 Tenure Integration in Housing Developments: A Literature Review (NHBC Foundation / Homes and Communities Agency, September 2015)
- 4.20 Green Infrastructure: An integrated approach to land use (Landscape Institute, March 2013)
- 4.21 National Planning Policy Framework (MHCLG, July 2018)
- 5. Local Plan Evidence Base, Monitoring & Related Documents**
- 5.1 Sustainability Appraisal of the Local Plan
- 5.2 Report to South Ribble Borough Council on the Examination into the Site Allocations and Development Management Policies Development Plan Document (Planning Inspectorate, 9 June 2015)
- 5.3 Housing Land Position incorporating update to Strategic Housing Land Availability Assessment: As at 31 March 2017
- 5.3a Housing Land Position incorporating update to Strategic Housing Land Availability Assessment: As at 31 March 2018
- 5.4 South Ribble Local Plan Monitoring Report Covering the period April 2016–March 2017
- 5.5 Central Lancashire Core Strategy Monitoring Report Covering the period April 2016–March 2017
- 5.6 Central Lancashire Strategic Housing Market Assessment (GL Hearn, September 2017)
- 5.7 City Deal Business & Delivery Plan – Six Monthly Monitoring Report 2017/18
- 5.8 Planning Guidance Note 1: Noise and Vibration (SRBC Environmental Health Department, April 2016)

- 5.9 City Deal Business & Delivery Plan 2017-20 (June 2017)
- 5.10 Central Lancashire Strategic Housing Market – Joint Memorandum of Understanding and Statement of Co-operation relating to the Provision of Housing Land (Chorley Council, South Ribble Borough Council and Preston City Council, September 2017)
- 5.11 Preston, South Ribble and Lancashire City Deal (2013)

6. Statements of Common Ground

- 6.1 Statement of Common Ground between the Appellant and South Ribble Borough Council (19 June 2018)
- 6.2 Highways Statement of Common Ground between the Appellant and Lancashire County Council (June 2018)
- 6.3 Highways Statement of Common Ground between Bellway Homes Limited (Manchester Division), Persimmon Homes and Lancashire County Council (June 2018)

7. Additional Document

- 7.1 Air Quality Technical Note, Redmore Environmental, 11 July 2018

8. Documents Submitted at the Inquiry

- 8.1 Letter, dated 31 July 2018, from Turley, submitted by the appellant on 14 August
- 8.2 Draft Unilateral Planning Obligation regarding link between the appeal site and the adjoining development site, submitted by the appellant on 14 August
- 8.3 Opening submissions on behalf of the local planning authority, submitted by the Council on 14 August
- 8.4 Opening statement on behalf of the Rule 6 Party, Persimmon Homes (Lancashire) Ltd, submitted by the Rule 6 Party on 14 August
- 8.5 Statement read at the Inquiry by Matthew Jones, submitted by Matthew Jones on 14 August
- 8.6 Statement read at the Inquiry by Jackie Copley on behalf of CPRE, submitted by Jackie Copley on 14 August
- 8.7 Statement read at the Inquiry by Elliott Stiling, submitted by Elliott Stiling on 14 August
- 8.8 Statement read by Peter Carter at the Inquiry, submitted by Peter Carter on 14 August
- 8.9 CIL Compliance Statement, submitted by the Council on 16 August
- 8.10 Lancashire County Council Highways Statement of Justification for the Planning Obligation relating to the provision of bus service funding, submitted by the Council on 16 August
- 8.11 E-mails regarding bus service funding, submitted by the Council on 16 August
- 8.12 Copy of e-mail notifying Network Rail of the Inquiry, submitted by the Council on 16 August
- 8.13 Copy of Guidance: Government Housing and Economic Development Needs Assessments, updated 24 July 2018, submitted by the appellant on 16 August
- 8.14 Planning Layout Plan Ref TGDP/BRBB/PL2 for application to develop the adjoining site to the appeal site, submitted by the Council on 16 August
- 8.15 Site Visit plan

- 8.16 Statement of Martin Topping, submitted by Martin Topping on 16 August
- 8.17 Executed S106 Agreement, dated 16 August 2018, submitted by the Council on 16 August
- 8.18 Executed S106 Unilateral Planning Obligation, submitted by the Council on 16 August
- 8.19 Closing submissions on behalf of the Council, submitted by the Council on 17 August
- 8.20 Appellant's closing notes, submitted by the appellant on 17 August
- 8.21 Council's response to appellant's application for a partial award of costs, submitted by the Council on 17 August

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 2 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan SL01 Rev A; Proposed Site Layout PL01 Rev AF; Housetype plans 2C0075 Conrad, (No Ref) Fairhaven; 40A115 Oakwood, 3WE103 Weston, 3JA098 Japonica, 4AD108 Addingham, 3ST100 Stirling, 3CE080 Cherry, 2ST062 Studley, 3CH073 Chatsworth, 3RO077 Rochester, and (No Ref) Single Detached Garage; Elevational Treatments ET01 Rev B; Hard Surfacing HS01 Rev A; Boundary Treatments BT01 Rev B; Refuse Plan RP01 Rev A; Streetscenes and Sections SS01 Rev B; 2.5m Closed Boarded Fence (Acoustic) BH/MAN/SD/FD014 Rev C; Landscape Specification LDS421(E)-LS; Planting Plan 1 of 3 LDS421-01E; Planting Plan 2 of 3 LDS421-02E; Planting Plan 3 of 3 LDS421-03E; and Site Access and Emergency Access Visibility Plan Croft Transport Solutions 1401-F01 Rev F.
- 3) No development above finished floor level of the dwellings hereby permitted shall commence until details/samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) No phase of development shall commence unless there has been submitted to and approved in writing by the local planning authority a Construction Environmental Management Plan for that phase which shall specify the provision to be made for the following matters:
 - (a) Overall strategy for managing environmental impact and waste which arise during demolition and construction;
 - (b) measures to control the emission of dust and dirt during construction, including wheel washing facilities and mechanical sweeping of the adjacent roads;
 - (c) control of noise emanating from the site during the construction period;
 - (d) designation, layout and design of construction access and egress points;
 - (e) directional signage (on and off site);
 - (f) provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
 - (g) provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
 - (h) routing agreement for construction traffic; and
 - (i) waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The construction of the development shall be carried out only in accordance with the approved Construction Environmental Management Plan relevant to that phase.
- 5) During the site preparation and construction of the development, no machinery, plant or powered tools shall be operated, no process carried out

and no deliveries taken at or dispatched from the site outside the following times:

0800 hours to 1800 hours on Mondays to Fridays; and

0830 hours to 1300 hours on Saturdays.

No activities shall take place on Sundays, Bank or Public Holidays.

- 6) The development hereby permitted shall not commence until a Remediation Strategy for the site has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall be in accordance with the submitted Site Investigation Report (Ref 6482si, dated 4 April 2017) prepared by Coopers. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The Remediation Strategy shall incorporate the approved additional measures. All remedial works shall be implemented in accordance with the approved Remediation Strategy. On completion of the development/remedial works a written confirmation in the form of a verification report shall be submitted to the local planning authority to confirm that all works have been completed in accordance with the approved Remediation Strategy. The development hereby permitted shall not be occupied until the verification report has been approved in writing by the local planning authority.
- 7) Prior to the first occupation of the development hereby permitted, the mitigation measures identified in the Environmental Noise Study (Ref. R1336-REP01-PB Revision E, dated 7 February 2018) prepared by Red Acoustics shall be installed and retained thereafter. The mitigation measures identified for each dwelling shall be erected prior to occupation of that dwelling.
- 8) Prior to the first occupation of the development hereby permitted, a maintenance plan detailing how acoustic mitigation measures not linked to individual plots will be maintained for the duration of the development shall be submitted to and approved in writing by the local planning authority. The acoustic mitigation measures shall thereafter be maintained in accordance with the approved maintenance plan.
- 9) The development hereby permitted shall not commence until a detailed method statement for the removal or long-term management/eradication of the invasive species Himalayan balsam, as identified under the Wildlife and Countryside Act 1981 has been submitted to and approved in writing by the local planning authority. The method statement shall include measures to prevent the spread of invasive plants during any operations such as mowing, strimming or soil movement; and measures to ensure that any soils brought to the site are free of the seeds, roots and/or stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- 10) Prior to first occupation of each dwelling within the development hereby permitted an Electric Vehicle Recharge point shall be provided to serve that dwelling. This shall consist of, as a minimum, a 13 amp electrical socket located externally or in the garage in such a position that a 3 metre cable will reach the designated car parking space(s). A switch shall be provided internally to allow the power to be turned off by the resident(s) which if located externally shall be fitted with a weatherproof cover.

- 11) Prior to the first occupation of any of the development hereby permitted, a full Travel Plan shall be submitted to and approved in writing by the local planning authority. Where the local planning authority agrees a timetable for implementation of the full Travel Plan, the elements shall be implemented in accordance with the approved timetable unless otherwise agreed in writing with the local planning authority.
- 12) No development (with the exception of demolition, site preparation and remediation works) shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- (a) Information about the lifetime of the development, design storm period and intensity (1 in 1, 1 in 2, 1 in 30 & 1 in 100 year + allowance for climate change in accordance with the Environment Agency advice 'Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- (b) the implementation of Avie Consulting Ltd Brindle Road, Bamber Bridge Flood Risk Assessment and Drainage Strategy Statement No P2427 revision 03 dated September 2017 with a variable discharge rate between 36.7 l/s and 54.7 l/s achieved by the use of a single vortex flow control outfall;
- (c) flood water exceedance routes;
- (d) a timetable for implementation, including phasing as applicable;
- (e) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates; and
- (f) details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the permitted dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 13) Prior to the first occupation of any of the development hereby permitted, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include, as a minimum:
 - (a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Management Company; and
 - (b) arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

- 14) Prior to first occupation of each dwelling within the development hereby permitted, the sustainable drainage scheme serving that dwelling shall be completed in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the sustainable drainage management and maintenance plan approved under Condition 13.
- 15) The temporary sales area, access and parking arrangements hereby permitted and shown on Drawing No. 15-081 SA01 Rev E shall be removed from the site within 5 years of the date of the show house first being brought into use and the land forming the temporary access completed as shown on drawing Ref 15-081 PL01 Rev AF within 3 months of its removal.
- 16) Prior to the commencement of any works on site, details of all piling activities, including mitigation measures to be taken, shall be submitted to and approved in writing by the local planning authority. Piling activities shall be limited to between the hours of 0800 and 1800 on Mondays to Fridays and 0830 and 1300 on Saturdays, with no activities permitted on Sundays and Bank Holidays.
- 17) Prior to the first occupation of the development hereby permitted, a scheme detailing the treatment of the existing Public Right of Way through the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the proposed surfacing materials, boundary treatments and lighting. The scheme shall be implemented in accordance with the approved details.
- 18) No development (with the exception of demolition, site preparation and remediation works) shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include details of the management regime for the woodland and wildflower grassland and commit to a minimum implementation covering a 5 year establishment period. This shall include:
 - A management regime for the woodland and wildflower grassland;
 - a schedule for management of the on-site pond;
 - the installation of 10 bat roosting features on buildings/retained trees; and
 - an amphibian friendly road scheme to the highway serving plots 8 to 13 and 20 to 23.

The LEMP shall be implemented as approved.

- 19) Prior to the first occupation of the development hereby permitted, a scheme for controlling vehicular access to the site via the emergency access from Brindle Road shall be submitted to and approved in writing by the

EP2



Appeal Decision

Inquiry opened on 25 July 2017

Site visit made on 31 July 2017

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2017

Appeal Ref: APP/X1355/W/16/3165490

Land to the south of Dalton Heights, Seaham, County Durham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bellway Homes Limited against the decision of Durham County Council.
 - The application Ref DM/15/03487/FPA, dated 9 November 2015, was refused by notice dated 16 June 2016.
 - The development proposed is 75 residential dwellings (Use Class C3), access and associated landscaping.
 - The inquiry sat for 5 days over the period 25 July to 1 August 2017.
-

Decision

1. The appeal is allowed and planning permission is granted for 75 residential dwellings (Use Class C3), access and associated landscaping on land to the south of Dalton Heights, Seaham, County Durham in accordance with the terms of the application, Ref DM/15/03487/FPA, dated 9 November 2015, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. Although this proposal was submitted as a fully detailed application, the appellant put forward a proposed amendment to the layout of plot numbers 57 to 65, at the inquiry, by means of a suggested condition, in order to address some of the concerns raised by Mrs Brooks, a resident of Dalton Heights who lives in a property adjacent to the proposed site entrance. I discuss this matter in more detail below, and have had regard to this suggested condition in coming to my decision. I have also had regard to an agreement made under Section 106 (S106) of the Town and Country Planning Act 1990, as amended, submitted at the inquiry, which seeks to make the necessary arrangements for the provision of 8 affordable housing units.
3. The Council and the appellant have prepared both a Planning Statement of Common Ground (SOCG)¹ and a Housing SOCG². This latter document confirms that the Council cannot demonstrate a 5 year supply of deliverable housing land, as required by the National Planning Policy Framework³ ("the Framework"). At the inquiry I held a Round Table Session to discuss matters of Objectively Assessed Housing Need (OAHN) and Housing Land Supply (HLS).

¹ Section 4 of Core Document (CD) 4.4

² CD4.5

³ CD6.1

4. On 18 September 2017, after the closure of the inquiry, the Council submitted further information relating to HLS⁴ which it had prepared following publication by the Government, on 14 September 2017, of consultation proposals entitled "Planning for the right homes in the right places". On the basis of the figures contained in this Government consultation, the Council asserts that it can demonstrate a 5 year HLS. To ensure that all relevant views were canvassed this Council document was circulated to the appellant and other interested persons for comment, and some responses were received⁵. I provide further details of these submissions later in this decision, and I have had regard to the views expressed in these various documents in reaching my conclusions.
5. I undertook a site visit of the appeal site and its surroundings on 31 July 2017 in the company of representatives of the Council, the appellant and a number of interested persons, including representatives of the Dalton-le-Dale Action Group Against Bellway (DL DAGAB). As part of this visit I viewed the appeal site from many of the adjoining and nearby properties. On the same day I undertook unaccompanied visits to other locations and viewpoints suggested by the parties, and I had also made additional unaccompanied visits during the first week of the inquiry⁶.

Background

6. All parties made reference to the planning history of the appeal site, set out in the Planning SOCG. In summary, an application for the development of 80 dwellings, served from an extension of Dalton Heights, on land more or less equivalent to the current appeal site, was refused planning permission in July 1997. A subsequent appeal was dismissed in May 1998. Then, in 1999, an inquiry was held into objections to the District of Easington⁷ Local Plan (ELP). The Inspector's Report⁸ recommended the inclusion of a new policy, allocating land south of Dalton Heights (including the current appeal site) for up to 40 dwellings, along with woodland, tracks and a picnic site, and the retention of some land as a field⁹. However, this recommendation was not accepted by Easington District Council and the land was not allocated for development in the ELP, which was adopted in 2001.
7. The larger agricultural field, of which the appeal site forms the northern and north-eastern part, was considered in the Council's 2013 Strategic Housing Land Availability Assessment¹⁰ (SHLAA). This concluded that the site was unacceptable for housing as it *"extends beyond the settlement limit of Seaham into open countryside and intrudes into the important strategic gap between Seaham and Dalton-le-Dale"*.
8. The next matter of note was the submission of a planning application in 2014 for 134 dwellings, extending further to the south than the current appeal site, to be served from a proposed new junction on the B1285 to the east of the site. This was refused in June 2015 for 2 reasons: firstly, that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale; and secondly, on detailed matters of layout¹¹.

⁴ Docs 41

⁵ Docs 42, 43 & 44

⁶ Site visit details in Document (Doc) 32

⁷ The former Easington District planning area now falls within the County of Durham planning area

⁸ CD6.8

⁹ Doc 7

¹⁰ CD6.11, CD6.28 & CD6.29

¹¹ Paragraph 8 of CD5.24

9. This was followed in November 2015 by submission of the appeal proposal which was recommended for approval by Council Officers, but was refused by Planning Committee Members. The single reason for refusal alleges that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale, and would also result in the loss of the best and most versatile (BMV) agricultural land. The Council maintains that these adverse impacts would significantly and demonstrably outweigh the benefits of the development and would be contrary to Policies 1 and 3 of the ELP and advice contained within paragraphs 17, 109 and 112 of the Framework.

Site description, surrounding area and details of the appeal proposal

10. The appeal site comprises some 5.31 hectares (ha) of arable land, currently in use for crop production. It is part of a larger arable field set on sloping land which ranges from about 110m above Ordnance Datum (AOD) in the north-west, to about 73m AOD in the south-east. It is located adjacent to the southern boundary of Seaham which is identified as a "main town" in the County Durham Settlement Study (2012)¹².
11. This larger field is bounded to the west by trees and hedgerows alongside the A19 trunk road; to the north by sporadic vegetation and the rear fences of dwellings within Dalton Heights; to the east by trees and hedgerows alongside the B1285 single-carriageway; and to the south by trees and hedging which form the boundary to a couple of residential properties at Dalton-le-Dale. The appeal site shares the same western, northern and eastern boundaries, but it has no clearly defined southern boundary – just the remainder of the arable field.
12. The appeal site contains no buildings or structures, although a World War II pillbox does lie just outside the site to the south-east, adjacent to the B1285. No recorded public rights of way cross the appeal site, and there are no statutory or locally designated landscapes or ecological sites within or immediately adjacent to the site. Furthermore, the site contains no watercourses although there is an existing culvert at the low point of the larger agricultural field, which discharges surface water to the Dawdon Dene, by means of a small tributary watercourse.
13. Dalton-le-Dale, a largely linear village centred on St Cuthberts Terrace/Dene Road, lies predominantly to the east of the B1285 and is located to the south and south-east of the appeal site. It contains the Grade II* listed St Andrews Church, which lies relatively close to the B1285, to the south of St Cuthberts Terrace. The area of Dalton-le Dale located closest to the appeal site is the small residential development of Overdene and South View, which is served directly from a priority junction with the B1285.
14. Under the appeal proposal the site would be developed with 75 dwellings, comprising a range of 2, 3, and 4-bedroom units, to include 8 affordable homes. Vehicular access to the proposed development would be from an extension of an existing cul-de-sac section of Dalton Heights, with an additional pedestrian-only access onto the B1285 at the site's north-eastern corner.
15. The land to the south of the housing would become public open space and would be landscaped and planted with clumps of trees. It would also contain a naturalistic play area for children. In addition, this landscaped area would include, in its south-eastern part, a sustainable urban drainage system (SUDS), comprising

¹² CD6.15

a water attenuation basin and a swale which would extend into the southernmost part of the site, to link to the culvert mentioned above. The public open space would be traversed by bark mulch paths which would also run round the perimeter of the wider agricultural field, outside the appeal site.

Main issues

16. I have based the main issues primarily on the matters which flow from the Council's reason for refusal. However, interested persons also raised a number of other issues which had not featured in the reason for refusal. Whilst I consider that most of these points can best be dealt with under an "other matters" heading, issues relating to residential amenity and living conditions were highlighted at my site visit and gave rise to the appellant putting forward a suggested amendment to part of the site layout, to be secured by condition, as referred to earlier. As such, I consider it appropriate for this to also be treated as a main issue.
17. With these points in mind I consider the main issues to be:
- i. The weight to be given to saved policies in the adopted development plan, in light of the Council's current position regarding its 5 year HLS;
 - ii. OAHN and the Council's 5 year HLS;
 - iii. Whether the appeal site should be considered to be a valued landscape, in the terms of paragraph 109 of the Framework;
 - iv. The effect of the proposed development on the character and appearance of the surrounding area, including on the separation between Seaham and Dalton-le-Dale;
 - v. The effect of the proposed development on the availability of BMV agricultural land in County Durham;
 - vi. The effect of the proposed development on residential amenity and on the living conditions of nearby residents; and
 - vii. How the appeal proposal performs against the 3 dimensions of sustainable development set out in the Framework.
18. I consider these issues in the following sections, and then address some other matters, including those raised by interested persons, before undertaking a final planning balance.

Reasons

The weight to be given to saved development plan policies

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which explains that development plan policies should be consistent with its provisions. I therefore summarise the national planning policy context first, before turning to look at the relevant adopted development plan policies.

National planning policy context

20. Paragraph 14 of the Framework explains that there is a presumption in favour of sustainable development at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 47 sets out what local planning authorities should do to boost significantly the supply of housing, whilst paragraph 49 indicates that relevant

policies for the supply of housing should not be considered up to date if a local planning authority is unable to demonstrate a 5 year supply of deliverable housing sites. Notwithstanding the information contained in the Council's submissions which followed the closure of the inquiry (which I deal with under the next main issue), the absence of a 5 year HLS was the agreed position of the parties at the inquiry, as detailed in the Housing SOCG. As such, the parties further agreed that the provisions of paragraph 49 were fully engaged, such that this appeal should be determined against the second bullet point of the decision-taking section of paragraph 14.

21. Paragraph 215 explains that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given to them. Paragraphs 17, 109 and 112 are all also relevant in this case as they are cited in the Council's reason for refusal.
22. Paragraph 17 sets out 12 "core planning principles", whilst paragraph 109 details a number of ways in which the planning system should contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes, geological conservation interests and soils; and by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 112 relates to the economic and other benefits of BMV agricultural land.
23. The Planning Practice Guidance¹³ (PPG), initially published in March 2014, is also relevant to this appeal.

The development plan

24. The development plan comprises the ELP which was adopted in 2001 and was intended to cover the period up to 2006. However, no replacement plan has yet been prepared, and some of the ELP policies were saved by a direction of the Secretary of State (SoS) in 2007. These policies are still operative, including Policies 1 and 3 which were referred to in the Council's reason for refusal.
25. Amongst other things, Policy 1 requires the Council to take account of whether development proposals would accord with sustainable development principles, and whether there would be any benefits to the community and the local economy. It sets out a number of principles to be applied to the location, design and layout of all new development, with the Planning SOCG confirming that it is only the first and fifth of these principles that form part of the Council's case here.
26. The first principle requires development to be located within defined settlement boundaries, except where development in the countryside would be allowed by other policies in the plan – with a reference made to Policy 3. The fifth principle seeks to protect BMV agricultural land, along with existing public rights of way, landscape character, trees, hedgerows, geology, geomorphology, wildlife and natural habitats. Cross-references are given to other ELP policies but some of these have not been saved, and those which have been saved relate to matters which are not relevant in this case.
27. Policy 3 explains that development limits are defined for the settlements of the District and are shown on the proposals map and the settlement inset maps. It states that development outside these "settlement limits" will be regarded as

¹³ CD6.2

development within the countryside, and that other than specifically allowed for by other policies, development in the countryside will not be approved.

28. In broad terms I share the Council's view that the Policy 1 requirement for development to accord with the principles of sustainable development is consistent with the Framework - as the Council concluded in an assessment it undertook in 2015¹⁴. However, the presumption in favour of sustainable development set out in the Framework makes it quite clear that the starting point for decision making should be an up-to-date Local Plan. Paragraph 12 of the Framework states that it is highly desirable that local planning authorities should have an up-to-date plan in place, whilst paragraph 157 makes it plain that, crucially, Local Plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon, should take account of longer term requirements, and be kept up-to-date.
29. As already noted, there is no up-to-date Local Plan covering the Council's area, and although work has commenced on a new County Durham Plan (CDP), which was subject to an Issues and Options consultation in June 2016¹⁵, the Planning SOCG indicates that preparation of this plan has been paused¹⁶. The parties agree that given its early stage of preparation, no weight can be given to the CDP in this appeal. I share that view.
30. Furthermore, many of this policy's individual principles are out of kilter with the Framework. In particular, the Framework does not seek a blanket protection of such things as BMV agricultural land, landscape character and wildlife and natural habitats, as set out in the policy's fifth principle, but rather requires any harm to such matters to be considered in an overall planning balance.
31. With all the above points in mind, I conclude that the first and fifth principles of Policy 1, and Policy 3, cannot be considered up-to-date in the context of paragraph 215 of the Framework. Therefore, although the appeal proposal would be in conflict with these policies, they can only carry limited weight in this appeal.
32. There is, of course, nothing in the Framework to prevent a local planning authority from defining settlement boundaries, but these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area, as is made clear in paragraph 158 of the Framework. This paragraph goes on to state that local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals. It is to this matter, and the Council's 5 year HLS, that I now turn.

OAHN and the Council's 5 year HLS

33. As noted earlier, on 18 September 2017, some time after the closure of the inquiry, the Council submitted further information on HLS, following the publication of the Government's consultation proposals entitled "Planning for the right homes in the right places". In its note, the Council points out that on the basis of the proposed, standard method for calculating local authorities' housing need, the indicative figure for County Durham would be 1,368 dwellings per

¹⁴ CD6.10

¹⁵ CD6.12

¹⁶ An earlier version of the CDP was submitted for examination in April 2014 and an interim report was published by the Inspector in February 2015. However, this report was quashed by the High Court following a successful judicial review challenge by the Council, and the Council subsequently withdrew that version of the CDP from examination

annum (dpa). This would be below all of the values for OAHN put forward by the Council in its 2016 Issues and Options consultation document prepared for the emerging CDP, as detailed below.

34. Using this figure of 1,368 dpa the Council argues that it can demonstrate either a 5.76 or 6.58 year supply of deliverable housing land, depending on whether a 5% or a 20% buffer is used. In these circumstances the Council requests that its HLS position in the context of this Government consultation is noted, particularly in terms of the weight to be afforded to the boost to the supply of housing.
35. Responding to the Council's note, the DLDAGAB¹⁷ argues that the introduction of these new standards is long overdue, and maintains that they should not be ignored or taken lightly. It argues that on the basis of this new information the Council's policies for the supply of housing must be considered up to date, such that the "tilted balance" set out in the first bullet point of the decision-taking section of paragraph 14 of the Framework should not apply, and that there cannot and should not be any presumption in favour of sustainable development. It further maintains that as a consequence, there is no requirement for adverse impacts of the appeal proposal to be weighed against benefits.
36. However, in its response of 20 September 2017 the appellant¹⁸ points out that in making this late submission the Council has not sought to revise the position set out in its closing submissions at the inquiry, which confirm that it cannot currently demonstrate a deliverable 5 year HLS, and that paragraph 14 of the Framework is therefore engaged. The appellant further points out that the Government's consultation runs until 9 November 2017, and maintains that the proposed standardised methodology for calculation housing need is a controversial topic and that there will undoubtedly be a significant level of response to the consultation. As such, the appellant contends that there is a considerable degree of uncertainty as to whether the suggested approach to calculating local housing need will remain, as presently drafted, following the consultation exercise.
37. In a final, further submission¹⁹, dated 28 September 2017, responding to the appellant's comments, the Council indicates that the information in its supplementary note of 18 September is intended to supplant the relevant sections of its closing submissions dealing with HLS. The Council also maintains that Government statements and consultations are material considerations which must be taken into account, where relevant, in the decision making process.
38. I have given full consideration to the points put forward by the Council, and have noted the support given to the Council's position by the DLDAGAB. However, the fact remains that the Council's revised figures relate only to a consultation process, which is still on-going, and can therefore carry little formal weight at this time. There is no certainty that the standard methodology suggested in the consultation document will be formally adopted, in due course – with or without amendment, and the indicative figures put forward by the Council as a result of this consultation have not been tested in any meaningful way.
39. In these circumstances I can only give this late information submitted by the Council, and its suggested, revised position on HLS, very limited weight. As a result, in my consideration of this main issue I concentrate on the positions of the parties as at the inquiry, and as detailed in the Housing SOCG. As such, and as paragraph 49 of the Framework makes it clear that housing applications should be

¹⁷ Doc 43

¹⁸ Doc 42

¹⁹ Doc 44

considered in the context of sustainable development, I also give little weight to the DLDAGAB's assertion that the tilted balance in paragraph 14 of the Framework should not apply in this case, and that there should not be any presumption in favour of sustainable development.

40. With these points in mind I have had regard to the fact that whilst the evidence submitted to the inquiry shows that the Council is unable to demonstrate a 5 year HLS, the Housing SOCG confirms that the extent of the shortfall is not agreed. This is of relevance as, in line with the "Phides" judgement²⁰, the weight to be given to a proposal's benefit in increasing the supply of housing will depend on, for example, the extent of the shortfall, how long the deficit is likely to persist, what steps the Council could readily take to reduce it, and how much of the deficit the proposed development would meet.
41. Matters relating to the OAHN for County Durham and the Council's 5 year HLS have recently been rehearsed at another inquiry in the Council's area at Sedgefield, which took place in June 2017, with that appeal decision being issued on 28 July 2017²¹ while the inquiry into this current appeal was still sitting. That decision letter has been drawn to my attention and both parties referred to it in their submissions and closing statements. Whilst some matters have changed over the intervening period since that evidence was heard I generally endorse the findings of my colleague Inspector, for the reasons set out below.
42. The 5 year HLS is dependent on the full OAHN for the market area in question, but the Council does not have, as yet, an agreed up-to-date OAHN or housing requirement which has been tested by examination. A planning appeal is not the appropriate vehicle to determine an OAHN, but like my colleague Inspector in the Sedgefield case I have considered the evidence placed before me in the light of guidance on housing needs assessments set out in the PPG, in order to reach a view on the robustness of the submitted figures.
43. As in the Sedgefield appeal the Council put forward 3 alternative figures for the OAHN, drawn from its 2016 Issues and Options consultation document prepared for the emerging CDP²². These are 1,533 dpa; 1,629 dpa and 1,717 dpa, with each of these figures being derived from demographic analysis, using both short-term and long-term historical migration trends, and then assessed to see what level of job growth they could support. The Council considers all 3 of these figures to be robust and reliable and have equal weight for the purposes of the 5 year HLS calculation.
44. However, the appellant argues that the lower, 1,533 dpa figure is not robust as it is based on short-term migration trends over a deep recessionary period; and also because this figure is shown, in the Council's evidence, to fall short of the number of homes needed to support employment growth forecasts in the context of 71% and 73% employment rates. For these reasons the appellant argues that the OAHN should, instead, be considered to lie at the mid to upper end of the Council's range.
45. The Council's figures are the result of modelling from Edge Analytics²³ (EA), with the 1,533 dpa scenario relying upon analysis of short-term migration trends over

²⁰ Phides Estates (Overseas) Ltd v Secretary of State for Communities and Local Government [2015] EWHC 827 (Admin)

²¹ App Ref APP/X1355/W/16/3163598

²² Paragraph 3.3 of CD6.12

²³ CD6.13

the 6 year period 2008/09 to 2013/14, whereas both the 1,629 dpa and the 1,717 dpa figures contain some element of long-term migration trends. There is no firm evidence before me to indicate which would be the most appropriate set of migration assumptions to use, but EA do refer to the short-term period 2008/09 to 2013/14 as one during which unprecedented economic changes have occurred. Because of this they state that it is appropriate to consider alternative time periods, but do not indicate that forecasts based on the short-term trends should be seen as unreliable. Indeed, in this regard the evidence indicates that within County Durham migration trends have not varied widely in either the short or long term scenarios.

46. I have, however, also noted that the Planning Advisory Service (PAS) guidance²⁴ states that when assessing housing need, it is generally advisable to test alternative scenarios based on a longer reference-period, probably starting with the 2001 Census. This guidance goes on to indicate that other things being equal, a 10 to 15 year base period should provide more stable and robust projections than shorter periods of 5 or so years. An exception to this would be where the longer period includes untypical one-off events, but no such occurrences have been brought to my attention here. Although these points are not determinative, they do suggest to me that the lower OAHN figure of 1,533 may not be as robust as those based on longer-term migration trends.
47. Turning to job growth forecasts, the EA modelling work utilises information supplied by the 3 forecasting houses of Cambridge Econometrics, Oxford Economics and Experian. There are, however, wide variations in the job growth predictions from these organisations, ranging in the EA report from 167 jobs per annum (jpa) to 996 jpa for the 2014-2033 period, giving an average of 634 jpa. However, the appellant argues that an average annual employment growth of around 750 jpa should be used, based on data from the government's Business Register & Employment Survey and the Annual Business Inquiry on past trends in County Durham, together with information on self-employed people in County Durham in the 2001 and 2011 Censuses²⁵.
48. More recent forecasts from these 3 forecasting houses indicate an even wider range, from about 390 jpa to 1,533 jpa over the same time period, giving an average of 916 jpa. Although this would drop to an average of about 835 jpa if the very latest Experian figure of 582 jpa is used, it is still well above both the appellant's assumed figure of 750 jpa and Council's assumed figure of 634 jpa.
49. These job forecasts have to be considered alongside those which are derived from the various demographic scenarios relating to the Council's 3 OAHN figures detailed above. The OAHN figures point to a range of some 406 jpa to 535 jpa assuming an employment rate (ER) of 71% for the 16-64 age group, as indicated by the Office for Budget Responsibility²⁶. However, the EA report indicates that the Council is seeking to target an overall ER of 73% for the 16-64 age group over the period up to 2033, and this would give rise to a range of 605 jpa to 740 jpa²⁷.
50. In considering these various figures it is clear that there is some considerable volatility in the employment forecasts provided by the 3 different forecasting houses – and indeed in forecasts provided by the same forecasting house over

²⁴ Paragraphs 6.21-6.25 of CD6.4

²⁵ Paragraphs 6.5-6.6 of CD4.12

²⁶ Paragraph 5.13 of CD6.13

²⁷ Figures 27 and 30 in CD6.13, and Figures 2 and 3 in Doc 6

relatively short time periods²⁸. There also seems to be quite a wide variance between the long-term average ER of 68% over the period since 1993, and what EA refer to as the Council's "target" of 73%. On this point I have noted that the ER has only reached and exceeded 71% for 3 periods of relatively short duration, and has only hit or exceeded 73% for 2, much shorter periods.

51. Although the Council comments that an EA of 73% is both realistic and evidence based, I am not persuaded that this evidence is conclusive as it appears to rely on pre-2008 recession trends and an assumption that the positive trend since 2008 will continue. Nevertheless, even if an ER of 73% could be achieved, the evidence before me indicates that the OAHN of 1,533 would fail to support the average forecast growth in jobs by about 29 jpa. It was because of this that the Inspector in the aforementioned Sedgefield appeal rejected the use of the figure of 1,533 dpa as an appropriate OAHN, and considered that a minimum OAHN of 1,629 dpa should be used as a basis for the housing requirement for County Durham.
52. Having separately assessed this information, I arrive at the same conclusion. In so doing, I have noted the Council's submission that in view of the volatility in job forecasts already referred to, a shortfall of just 29 dpa is insufficient to justify the rejection of the 1,533 dpa figure. However, this very volatility means that this shortfall could just as likely be an underestimate, as an overestimate. With these points in mind I consider it only reasonable to take the figures at face value, and because of this I, too, consider that it is appropriate to use the OAHN figure of 1,629 dpa as the minimum on which to base the housing requirement.
53. Disregarding the OAHN figure of 1,533 dpa means that on the basis of the remaining Council figures, and taking account of past under supply and an agreed buffer of 20%, the 5 year housing requirement amounts to 11,333 dwellings for the OAHN of 1,629 dpa, and 12,178 dwellings for the OAHN of 1,717 dpa²⁹.
54. Insofar as the supply of housing is concerned, there was a fair amount of agreement between the parties, with disputes only arising in respect of 8 sites. The Council's position is that 10,234 dwellings will be delivered over the next 5 years, amounting to a supply of between 4.2 years and 4.51 years, whereas the appellant argues that some 10,029 dwellings will be delivered, amounting to a supply of 4.12 to 4.42 years³⁰. These figures indicate a 5 year difference between the parties of just 205 dwellings, arising primarily because of different assumptions regarding the timing of the likely start of housing delivery on the various sites, along with some differences regarding likely rates of delivery.
55. Although I have no firm basis on which to favour one set of figures over another, I consider it reasonable to assume that the Council has a more extensive knowledge of the intricacies of housing delivery within its own area, and because of this I give greater weight to the Council's assessment. This still points to a significant housing shortfall of between 1,099 and 1,944 dwellings over the 5 year period.
56. The Council rightly points out that the application of a 5% or 20% buffer has nothing to do with need, of itself, but is simply to ensure choice and competition, and/or to deal with a record of persistent under-delivery. It goes on to argue that without this buffer, on the appellant's own figures, the housing supply would virtually satisfy the 5 year housing requirement, based on the higher OAHN of

²⁸ Paragraph 4.22 of CD4.20

²⁹ Doc 24

³⁰ Doc 24

1,717 dpa plus the past under-supply of 1,563 dwellings³¹. It further argues that as the appellant's assessment of housing supply is predicated on the Council achieving average housing delivery in excess of 2,000 dwellings each year, this demonstrates that the Council has taken steps to address under-supply, by granting planning permissions capable of delivering at that rate.

57. However, there is no basis to set aside the Framework's requirement for a buffer, and both parties agree in the Housing SOCG that 20% is appropriate in view of past under-supply by the Council. Indeed, on this point the submitted evidence is quite clear that the Council's annual net housing completions over the past 6 years have all fallen short of the minimum OAHN of 1,629 dpa, with many years being significantly below this figure³².
58. Overall, and as I can only give very limited weight to the Council's HLS information submitted after the close of the inquiry, the matters set out above lead me to conclude that the Council is likely to have an appreciable housing shortfall over the next 5 year period. In these circumstances I consider that significant weight should therefore be given to the appeal proposal's intended provision of 75 dwellings, to include 8 affordable homes.

Whether the appeal site should be considered a valued landscape

59. The reason for refusal makes no specific reference to the appeal site constituting a valued landscape, although it does allege a conflict with paragraph 109 of the Framework. The Council clarified its position at the inquiry, maintaining that the appeal site should be regarded as a valued landscape, and claiming further that paragraph 109 is a specific Framework policy which indicates that development should be restricted, and that this would bring the appeal proposal within the ambit of footnote 9 to the Framework's paragraph 14.
60. Taking a contrary view, the appellant argues that the appeal site is not a valued landscape – but that even if it should be so considered, this would not cause the paragraph 14 footnote 9 to be triggered; nor would it automatically prevent the proposal from being considered under the "tilted balance" set out in the first bullet point of the decision-taking section of paragraph 14. I explore these conflicting positions below.
61. Although paragraph 109 indicates that the planning system should protect and enhance valued landscapes, it gives no clear guidance on what constitutes a valued landscape. Some clarity has, however, arisen as a result of other appeals and subsequent legal judgements, with both parties making reference to the "Stroud"³³ and "Forest of Dean"³⁴ cases. These indicate that for a landscape to be valued it has to be more than just popular. It should have some demonstrable physical attribute which takes it out of the ordinary and beyond mere countryside. Further, the Stroud judgement appears to endorse the Guidelines for Landscape and Visual Impact Assessment, Third Edition³⁵ (GLVIA3), and in particular its "Box 5.1" (which sets out a range of factors that can help in the identification of valued landscapes), as a relevant consideration in such matters.

³¹ Paragraphs 66 and 67 of Doc 39, and Table 4.1 of CD 4.8

³² Table 1 of CD4.21

³³ CD7.16: High Court Decision - Stroud District Council v Secretary of State for Communities and Local Government - CO/4082/2014 - (6 February 2015)

³⁴ CD7.18: High Court Decision - Forest of Dean District Council vs Secretary of State for Communities and Local Government and Gladman Developments Ltd (4 October 2016)

³⁵ Published by the Landscape Institute and the Institute of Environmental Management and Assessment

62. The appeal site does not lie within any landscape designation at either national or local level, but as GLVIA3 points out this does not, of itself, mean that a landscape does not have any value. This guidance goes on to indicate that as a starting point, reference to existing Landscape Character Assessments (LCAs) may give an indication of which landscape types or areas are particularly valued, with a stated strategy of landscape conservation usually being a good indicator of this.
63. In this regard, a significant amount of detailed landscape evidence was placed before me, in the form of a Landscape and Visual Appraisal³⁶ (LVA) which was submitted with the application; a review and critique of this information by Mr Charrier, the Council's landscape witness³⁷; and a further Landscape and Visual Impact Assessment (LVIA) prepared for the inquiry by Mr Chard, the appellant's landscape witness³⁸.
64. These all explain that the appeal site lies within the Durham Magnesian Limestone Plateau National Character Area³⁹ (NCA), and that although this NCA covers a very large area, it nevertheless identifies a number of features that are apparent within the appeal site and its surroundings. These include an open agricultural landscape; rural landcover consisting of arable land and grazing pasture; and narrow valleys (or denes) running down to the coast.
65. A finer-grain analysis is provided by the County Durham LCA⁴⁰ which classifies and describes the Durham landscape and, together with the County Durham Landscape Strategy⁴¹ (LS) and Landscape Guidelines⁴², is intended to inform decisions about landscape management. The appeal site is shown as lying within the Coastal Limestone Plateau broad landscape type, within a wider area which is described as having few valued attributes and/or is in poor condition, and where a higher degree of change may be desirable. The LS explains that the strategy for such areas will depend on whether it is more appropriate to restore the landscape back to its former character, or to enhance it by developing entirely new features or characteristics. Along with much of the wider area, the appeal site lies falls into the "enhance" category.
66. Although this is a fairly broad-brush, desk-based study I concur with its general findings insofar as the appeal site is concerned as, on the basis of my accompanied and unaccompanied site visits, I do not consider that the site contains any significant, valued attributes in landscape character terms. I note that the Inspector who determined the 1998 appeal referred to the area containing the appeal site as providing a "*fine setting for the southern part of Seaham*", but it seems to me that in essence it is simply an agricultural field in active crop production. Whilst it is attractive as an area of countryside, it contains no notable features to elevate it above the ordinary.
67. Mr Charrier, for the Council, has considered the GLVIA3 Box 5.1 and argues that 4 of the 8 listed criteria would be impacted upon in this case. He considers that the appeal proposal would adversely affect the site's landscape quality and scenic quality, and that by encroaching into the upper slopes of Dawdon Dene it would bring built development down towards the more tranquil core of the dene. He also

³⁶ CD2.3 & CD2.4

³⁷ CD4.17-CD4.19 & CD4.22

³⁸ CD4.9-CD4.11

³⁹ CD6.30

⁴⁰ CD6.16

⁴¹ CD6.26

⁴² CD6.27

contends that the site's role in providing the setting to Seaham and Dalton-le-Dale means that it exhibits a good degree of rarity, and that this would be adversely impacted upon by the appeal proposal.

68. I examine the impact of the proposals under the next main issue and so do not comment on the Council's assessment at this stage – but I am not persuaded that any of the matters cited by Mr Charrier indicate that the site exhibits attributes that elevate it above the ordinary, as the Council appears to suggest. Indeed he has not identified any specific features of the appeal site itself which raises it above the ordinary in landscape terms.
69. Rather, his and the Council's case seem to hinge on the claimed value of the function of the appeal site in contributing to the open setting of Dalton-le-Dale; contributing to the setting of Seaham; and maintaining the separation of the settlements of Seaham and Dalton-le-Dale. Whilst I acknowledge that the appeal site does perform all of these functions, to a greater or lesser extent, in my opinion it does not automatically follow that this makes the site a valued landscape. I consider that such functions are largely separate from any attributes or characteristics of the landscape, and again this serves to reinforce my view that there is nothing special or out of the ordinary about this landscape.
70. In summary, whilst I acknowledge that the appeal site and wider area is popular and valued by those who live adjacent to it, and/or have views over it, it has not been shown to exhibit any attributes that elevate it above the ordinary. Because of this I conclude that it is not the sort of valued landscape that paragraph 109 of the Framework indicates should be protected and enhanced.

The effect on character and appearance, and on the separation between Seaham and Dalton-le-Dale

71. As has already been noted, the Council's reason for refusal alleges that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale. This has been elaborated upon in the course of the presentation of the Council's evidence, such that the Council maintained in its closing submissions that the proposed development would give rise to a number of significant and harmful permanent effects on the landscape. These are intrusion into open countryside; reduction in the physical separation and the perception of separation between the 2 distinct settlements of Seaham and Dalton-le-Dale; harm to the sense of place and tranquillity of Dawdon Dene; and loss of the open rural landscape setting to Dalton-le-Dale.
72. Unsurprisingly the appellant disputes these assertions, arguing both in the original LVA submitted with the application and in the fresh LVIA put forward as part of the appellant's evidence to the inquiry, that whilst there would be changes and impacts to the appeal site and its surroundings, these would not be unacceptable in either landscape or visual terms. In considering these conflicting views I have had regard to the detailed landscape evidence submitted by both the Council and the appellant, including the photomontages and photographs from a number of viewpoints, together with my own observations and assessments made at my accompanied and unaccompanied site visits.
73. Dealing first with the appeal site itself, it is clear that the character of its northern part would change significantly from being open and rural to being occupied by a suburban residential development. I note that the Inspector in the 1998 appeal

was critical that housing in this location would "*occupy the most elevated and prominent part of the site*". However, the submitted contour plans indicate that the area proposed for housing forms a gentle east-facing slope, at the same general level as the existing Dalton Heights/Escallond Drive residential area to the north. In landform terms it would therefore form a natural extension to this existing residential area and, as such, would not appear unduly out of keeping with its surroundings. There would be no built development in the southern part of the site, which lies on a steep, south-facing slope, only the SUDS basin and swale.

74. Moreover, I share the appellant's view that the proposed planting would provide a much softer and well-treed southern boundary to this part of Seaham than is currently the case. I have already noted that the Inspector who determined the 1998 appeal referred to the appeal site and larger field as providing a "*fine setting for the southern part of Seaham*", but I favour the assessment of the 1999 Local Plan Inspector who described the smaller scheme for 40 dwellings put forward at that time as being able to "*ameliorate the stark impact of the southern edge of the existing estate at this 'gateway' to Seaham*".
75. To my mind this is an apt description of the appearance of this current boundary, where sparse vegetation and a mix of wooden fencing is the only separation between the open field and the adjacent residential properties, many of which lie close to this boundary. With these points in mind, I am not persuaded that this incursion into currently undeveloped land would be unacceptably out of keeping with the character of the surrounding area, or that it would be unduly harmful in landscape or visual terms.
76. There is no formal public access to the appeal site, so the change in character which would arise from the proposed development would, inevitably, be most apparent to the occupiers of the dwellings adjacent to or close to the site. I do not seek to belittle this impact on the local residents concerned, but those affected would be relatively few in number and, provided residential amenity standards are met (see later), I do not consider that this impact on private views should be determinative or be given significant weight in this appeal.
77. Travellers on the A19 and the B1285 currently have glimpsed views of the appeal site, but in my assessment the impact of the development on these people would not be unacceptable. They would still have views of the remaining agricultural field and the proposed landscaped and newly treed area, as would those who park for short periods in the nearby A19 layby. In my opinion the setting of Seaham would not be harmed by the proposed development, when viewed from the A19.
78. Furthermore, I do not consider that the visual impact on the longer-distance views available to walkers on the wider public footpath network, as shown on Doc 32, would be unduly harmful. Built form would extend onto part of the wider agricultural field, but it would be seen in the context of the existing buildings at Dalton Heights, and would be accompanied by significant new planting which would shield and soften views of much of the new development.
79. Overall, in light of the above points, I share the appellant's view that the appeal proposal would provide an attractive new landscaped edge to Seaham resulting in beneficial effects on landscape character over time, as the structural landscaping matures. As such, it would not harm the setting of Seaham.
80. Turning to the separation between Seaham and Dalton-le-Dale, it is clearly the case that the proposed development would reduce the physical distance between

the closest Dalton-le-Dale dwellings, at Overdene/South View, and dwellings at Dalton Heights. However, whilst this is apparent on plan, I am not persuaded that it would be anywhere near as obvious on the ground. Indeed, I saw at my site visit that the combination of the generally dense vegetation which borders the B1285, the fact that much of this road sits in deep cutting past the appeal site, and the steeply sloping nature of the southern part of the appeal site, all serve to create a structural separation between Dalton-le-Dale and the northern part of the appeal site, where the new housing is proposed.

81. Because of this, I share the appellant's view that there would be very limited perception of the reduction of separation between Seaham and Dalton-le-Dale for pedestrians, cyclists and vehicle occupants on the B1285. Travelling northwards, all of these road users would still experience a distinct sense of leaving the developed area of Dalton-le-Dale around the St Cuthberts Terrace junction, then passing the slightly divorced area of Overdene/South View on the right, before catching glimpses of new development at Dalton Heights through the roadside vegetation on the left. Overall, I consider that the experience of travellers on this road would be largely unchanged by the appeal proposal.
82. I do accept that when seen from some more distant viewpoints such as Falcon Point at Dalton Park to the south, and the public right of way FP1 to the east⁴³, the appeal proposal would result in the development at Dalton Heights appearing closer to the outlier development of Overdene/South View at Dalton-le-Dale than is currently the case. However, this juxtaposition of development would be only one small feature in quite wide-ranging vistas available to walkers at these locations, and I am not persuaded that the appeal proposal would give rise to any undue visual harm or sense of unacceptable coalescence.
83. In this regard I have noted Mr Cudlip's comments, on behalf of the DLDAGAB, that the appeal site forms a vital and important part of a swathe of continuous countryside of some 2.5 miles or so in width, stretching either side of the appeal site, which a good number of local residents would like to see allocated by the Council as Green Belt. He states that to allow building on the appeal site would cause disruption and incursion in the most major way, as it would interrupt the continuous flow of countryside and have the most detrimental and significant adverse effects.
84. However, having regard to the cross-hatched plan submitted by Mr Cudlip⁴⁴, and the actual area proposed to be built on through the appeal site, it is my view that whilst a relatively small part of this area would be lost to the proposed development, by far the greater part of this wider, countryside area would still remain undeveloped. As a result, I am not persuaded that the impact on this wider area of countryside would be anywhere near as severe as is claimed. Insofar as Mr Cudlip's comments about a desire to see this land allocated as Green Belt is concerned, there are no firm proposals to this effect before me and I can therefore give this matter no material weight.
85. With regard to the Council's assertions that the proposed development would harm the sense of place and tranquillity of Dawdon Dene and result in the loss of the open rural landscape setting to Dalton-le-Dale, I do not share these views for a number of reasons. Firstly, the proposed dwellings would be confined to the more gently sloping northern part of the appeal site, adjacent to existing housing

⁴³ The 2 locations of the photomontages

⁴⁴ Doc 16

and well away from the more steeply sloping southern part of the larger field and the southern part of the appeal site, which is characteristic of the valley landform of Dalton Dene and Dawdon Dene. As such I am not persuaded that the proposed development would have any materially adverse impact on the rural setting of Dalton-le-Dale.

86. Secondly, whilst the new dwellings would undoubtedly result in some additional noise and activity, this would simply be typical of a residential area and I see no reason why it should be any more objectionable than the noise and activity generated by the existing Dalton Heights area. In any case, whilst I acknowledge that a small amount of development within Dalton-le-Dale lies due south of the larger field, to the west of the B1285, by far the greater part of the settlement lies to the east of the B1285. It would therefore be separated from the proposed new housing area by this road and the activity associated with it. Because of this I do not consider that the proposed development would unduly impact upon the sense of place and tranquillity of Dawdon Dene and Dalton-le-Dale.
87. Finally, I have noted the assertions of the DLDAGAB that the SUDS infrastructure should be seen as development which would serve to reduce the separation between Seaham and Dalton-le-Dale. However, this infrastructure would include no structures, but would just comprise the SUDS basin and green swale. Moreover, whilst the landscaping in this area would include an informal pathway, and would therefore be likely to introduce some human activity into this part of the appeal site and the larger field, there is no firm evidence before me to suggest that this activity, of itself, would have any meaningful impact on the tranquillity of the area, or on the separation of the settlements.
88. Drawing all the above points together, I conclude that the appeal proposal would not have an unacceptable impact on the character and appearance of the surrounding area, or unacceptably reduce the physical and visual separation between Seaham and Dalton-le-Dale. It would therefore not be in conflict with ELP Policy 1, nor with the Framework's core planning principles which require new development to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside. Furthermore, whilst I acknowledge that there would be a loss of a small part of the natural environment, the appeal proposal would enhance other parts, through the proposed landscape strategy, such that overall it would not be in conflict with the Framework's core principle requiring the natural environment to be conserved and enhanced.

The effect on the availability of BMV agricultural land

89. In the supporting information submitted with the planning application, the appellant argued that the appeal site only contains Grade 3b land, which does not fall into the BMV agricultural land category⁴⁵. However, the Officer's report to Committee recorded that Natural England (NE), whilst not a statutory consultee for this proposal, disagreed with the appellant's survey and considered that sections of the site do, indeed, contain BMV agricultural land. The loss of BMV land was considered to be unacceptable by the Council, and this matter was therefore included in the reason for refusal.
90. Further investigative work has been undertaken by both the Council and the appellant⁴⁶, and the Planning SOCG now records that there is agreement between

⁴⁵ CD2.9

⁴⁶ CD4.13 & CD4.14, and Appendix 11 in CD4.8

the parties that the site does predominantly comprise BMV agricultural land, although there is still a disagreement regarding the actual grading of the land. The Council maintains that the site contains some 59% (3.1 ha) of Grade 2 land and about 34% (1.8 ha) of Grade 3a land, whereas the appellant considers the northern two-thirds of the site to be Grade 3a with the remainder being Grade 3b.

91. The Framework makes no distinction between the different grades of BMV land, with its paragraph 112 simply requiring local planning authorities to take account of the economic and other benefits of BMV agricultural land and to seek to use areas of poorer quality land in preference to that of a higher quality, where significant development of agricultural land is considered necessary. However, the fact that the site could well contain Grade 2 land, which would be lost if the proposed development was to proceed, was seen as particularly important by Dr Monahan and the DLDAGAB, especially as the proportion of Grade 2 land is very low within County Durham, at about 1.6% of all land in the county.
92. That said, the Council made it clear that for its part, it did not consider the issue of agricultural land quality alone to be a "show-stopper" as far as the appeal proposal is concerned. Furthermore, although a very low percentage of all land in the county, the amount of Grade 2 land is shown on the NE Agricultural Land Classification (ALC) map⁴⁷ to be some 3,590 ha. Applying Dr Leverton's "rule of thumb" that Grade 3 land shown on the ALC map would be split roughly 50/50 between Grade 3a and Grade 3b, this would put the total amount of BMV agricultural land within the county at well in excess of 40,000 ha.
93. At just about 5 ha in total, the amount of BMV land assumed to be present on the appeal site would clearly be a very small proportion of the county's total, and I am not persuaded that its loss could be seen as significant on any reasonable assessment.
94. The Framework also requires economic factors relating to BMV land to be taken into account, and the only evidence placed before me on this point is information from land agents acting for the appeal site's owners⁴⁸. This indicates that the economic loss would be in the region of £14,000 to £15,000 a year, based on a reasonable assessment of crop yield and the current price per tonne for wheat. This information was not disputed, and I shall have regard to this level of economic loss when considering the overall planning balance, later in this decision. At this point, however, I note that this figure is significantly less than the amount of additional local expenditure per annum and the other related economic benefits which the appellant estimates would arise from the appeal proposal⁴⁹.
95. Taking all the above points into account I conclude that the appeal proposal would not have a significant impact on the availability of BMV agricultural land in the county, and that the loss of this land to development would not give rise to any significant economic concerns.

The effect on residential amenity and on the living conditions of nearby residents

96. These matters are largely covered by ELP Policy 35 which, amongst other things, requires that the design and layout of development should have no serious adverse effect on the amenity of those living or working in the vicinity of the

⁴⁷ Appendix 12 in CD4.8

⁴⁸ Appendix 13 in CD4.8

⁴⁹ Paragraph 9.7 of CD4.6

development site. This policy is supported by Appendix 6 of the ELP which sets out specific space and amenity guidance for residential layouts. I share the Council's view that this policy and appendix is generally consistent with the Framework, with one of its core planning principles at paragraph 17 stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

97. The main concerns raised on this topic by occupiers of existing residential properties relate to the likely impact of the proposed development on their living conditions, including such things as loss of privacy, loss of light and the visual impact of the proposed housing. These matters are of particular concern to those residents whose properties immediately adjoin the appeal site, especially as many of these have taken advantage of the currently open views by having living rooms, conservatories and balconies at first floor level⁵⁰.
98. However, separation distances between existing and proposed properties generally exceed the standards set in Appendix 6 of the ELP, with some of the distances being well in excess of the recommended figures. That said, there is a particular concern raised by Mrs Brooks, regarding the relationship between south-facing windows at her bungalow property, 11 Dalton Heights, and the side wall of a proposed detached garage at plot 57. The submitted plans show that an area of open land, with planting, is proposed to be sited immediately to the south of No 11, but the detached garage at plot 57 would be just some 7m from No 11's southern elevation. This relationship would not impinge on privacy, as no windows are proposed in the garage's side elevation, but it would result in an awkward and somewhat uncomfortable juxtaposition.
99. As already noted, the appellant put forward a suggested condition at the inquiry to try to address this matter, following discussions with Mrs Brooks. This would amend the layout for plots 57 to 65, thereby relocating the garage, increasing the depth of the open, planted area, and achieving a minimum separation distance of 18m between No 11's southern elevation and the proposed plot 57 dwelling. Although Mrs Brooks acknowledged that this would be an improvement, she maintained her opposition to the proposed development. In my assessment this suggested amendment would be a beneficial improvement to the layout which would result in not unacceptable living conditions for occupiers of 11 Dalton Heights. Moreover, its adoption would not adversely prejudice others who may have an interest in the appeal proposal.
100. The existing bungalow dwelling at 12 Dalton Heights appears to have limited views of the appeal site, as a result of its tall rear fence and sunken rear amenity area. However, I understand that its occupants are particularly concerned about loss of light, and the submitted plans do indicate that a single garage at plot 1 is proposed close to the common boundary. As a result, part of the garage's walls and pitched roof would undoubtedly be seen by occupiers of No 12 and would have some impact on light. This is not an ideal situation, but as the garage would only occupy a relatively small part of the field of view from No 12, with the plot 1 dwelling itself being some 13.5m or so from the boundary, I consider that the impact on the living conditions of occupiers of No 12 would not be unacceptable.
101. Nos 14 and 25 Dalton Heights both sit close to the appeal site boundary and both have windows overlooking the site. However, the development layout shows a fairly wide, planted area adjacent to the site boundary alongside these existing

⁵⁰ Doc 34

properties, with acceptable separation distances to the proposed dwellings on the nearest plots. Finally, I note that the rear elevations of the dwellings proposed for plots 74 and 75 would face to the west, such that their first floor windows would offer some views across the rear garden areas of some properties on Dalton Heights. That said, these views would generally be at an angle and of a type not uncommon in residential areas. Because of this I do not consider that this relationship would result in any unacceptable loss of privacy for existing Dalton Heights residents.

102. With regard to the visual impact of the proposed dwellings, I acknowledge that the outlook for occupiers of the existing dwellings which adjoin the appeal site would be changed significantly. However, the resultant views would not be dissimilar to those currently available to other residents on the Dalton Heights estate whose properties do not directly abut the appeal site. No evidence has been submitted to suggest that such views from these other, existing properties are unacceptable and because of this, and as residential amenity standards would be met, I do not consider that this impact on private views should be seen as unduly harmful.
103. I have also had regard to the other, more general concerns raised, such as the impacts of construction traffic passing through the Dalton Heights Estate; that stress could be caused as a result of the development occurring on neighbouring land; the fact that there could be disturbance from flashing headlights; that the lighting at the proposed access would be poor; that the proposed parkland could generate anti-social behaviour; and that the SUDS infrastructure and basin could prove dangerous to children.
104. However, many of the concerns relating to the construction period could be addressed by a construction management strategy, which could be secured by condition and would have to be approved by the Council. Similarly, other matters such as the layout of the parkland and details of the SUDS scheme would also have to be approved by the Council. I consider that these procedures would ensure that the layout of all such features would be satisfactory. Finally, no firm evidence has been submitted to indicate that disturbance from vehicle headlights would be any more severe than in the rest of the Dalton Heights estate.
105. Overall, taking account of all the above points, I conclude that the appeal proposal would not have any unacceptable impacts on residential amenity or the living conditions of nearby residents, through loss of privacy, loss of light, or visual intrusion. Accordingly, I find no conflict with ELP Policy 35 or the relevant sections of the Framework.

The 3 dimensions of sustainable development

106. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to sustainable development - economic, social and environmental – and that these give rise to the need for the planning system to perform a number of mutually dependent roles. I explore how the appeal proposal would perform against each of these roles in the following paragraphs.

The economic role

107. The Council has not disputed the appellant's claim that a number of economic benefits would flow from this proposal, which would contribute to boosting housing supply, including providing much needed affordable housing. As set out in Mr Westwick's evidence, these benefits would include an estimated £5.8 million in

Gross Value Added per annum, an estimated £412,500 “first occupation” spend, and an estimated £650,000 net additional local expenditure per annum⁵¹. In this context, the assumed annual loss of £14,000 to £15,000, resulting from development on BMV land would not be material.

108. It is also estimated that some 110 direct and indirect jobs would be supported during the construction process, and that about 10 new full-time equivalent jobs would be created in the local economy, including in retail and leisure businesses. Furthermore, the Council would receive an estimated New Homes Bonus of about £515,000, and over £130,000 in Council Tax receipts each year.
109. In view of these points the appellant argues that the appeal proposal would make a significant contribution to the ongoing economic sustainability of Seaham and the wider region, and that the increased spend in the local area would help to support the town’s local independent shops, services and facilities. No contrary evidence was put to me on these points to cause me to take a different view.
110. These benefits would not be unique to this development, but would flow from any new housing development of this size within the county. However, this does not detract from the fact that the appeal proposal would give rise to these real benefits, and for this reason I consider that it should be regarded as satisfying the economic role of sustainable development. This weighs significantly in the appeal proposal’s favour.

The social role

111. The Framework summarises the social role of sustainable development as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being. In this regard the appellant comments that Seaham is a very sustainable settlement, with a vibrant community and a wide range of social infrastructure which would benefit new residents. This is not disputed, nor is there any dispute that the appeal site itself is sustainably located.
112. The Framework’s requirement that the planning system should deliver a wide choice of high quality homes would be furthered by the appeal proposal, which would deliver a range of 2, 3 and 4 bedroom dwellings, in a mix of detached and semi-detached units, to include 8 affordable houses. I understand that this proposed mix would generally accord with the Council’s 2016 Strategic Housing Market Assessment⁵² (SHMA). That said, I note the views of local estate and letting agents, reported in the SHMA, that whilst bungalows remain in short supply in Seaham there are no other major housing shortages within this area – a matter highlighted by the DLDAGAB. But notwithstanding these views, the fact remains that the Council’s 5 year HLS shows a significant shortfall, and Seaham is one of the main towns indicated in the SHMA where housing growth should be focussed.
113. Indeed the Council’s updated Seaham Masterplan⁵³ indicates that the town has been an attractive destination for housebuilders and buyers in the last decade, with a maximum of around 250 new houses being built in a single year, but that the rate of housebuilding has slowed in the last few years. This is stated to be

⁵¹ Paragraphs 9.7-9.8 of CD4.6

⁵² CD6.14

⁵³ CD6.23

partly due to the recession and partly due to the limited number of sites currently available. The appellant maintains that the slow rate of housing delivery in Seaham is primarily due to an over-reliance on previously developed sites.

114. This view appears to be borne out by the appellant's comment that the CDP – admittedly now withdrawn – was seeking to provide over 600 dwellings in Seaham on brownfield sites (out of a total of about 940 dwellings for the town) – but that only one of these sites (at Parkside for 116 dwellings) has been seriously progressed to date. Whilst housing proposals for other brownfield sites were highlighted by the DLDAGAB⁵⁴, they have not been put forward as formal planning applications to date, and there is no firm evidence before me to indicate that they would be capable of delivering houses within the next 5 years.
115. Leaving aside the Parkside proposal, for which the Council has recently resolved to grant planning permission subject to a S106 legal agreement, the Council's latest housing trajectory only shows 15 new houses proposed for Seaham over the next 5 years⁵⁵. In contrast, the appeal site is deliverable now, and I share the appellant's view that it provides an opportunity to deliver much needed housing in the short-term, which is especially important in view of the Council's housing shortfall, which I have already indicated amounts to between about 1,100 dwellings and 1,940 dwellings (depending on the assumed OAHN), over the next 5 year period. Even if the brownfield sites referred to by the DLDAGAB could deliver houses within the next 5 years, they would not eliminate this shortfall.
116. The appeal proposal would deliver well-designed dwellings in a substantial landscaped parkland setting, and would also provide a naturalistic play area for children. As such it would contribute to the health and well-being of new and existing residents, who would all be able to use the new facilities. In light of these points I conclude that the proposed development would satisfy the social role of sustainable development, and I give this matter significant weight.

The environmental role

117. The appeal proposal would clearly result in some environmental harm as an area of countryside, outside the current settlement boundary, would be lost to a new, suburban housing development. Further environmental harm would arise from the loss of an area of BMV agricultural land, as already discussed. However, the site lies immediately adjacent to existing housing and I have already concluded that the proposed development would read as a natural extension to this existing residential area. With the proposed landscape mitigation measures, I have further concluded that the appeal proposal would not have an unacceptable impact on the character and appearance of the surrounding area.
118. The Framework indicates that one aspect of the environmental role of sustainable development is for the planning system to meet the challenge of climate change and flooding. On this topic, a number of interested persons, including Mr Gustard for the DLDAGAB, raised various concerns about the existing drainage regime in the locality, and the impact which the proposed development and its SUDS scheme would be likely to have.
119. I acknowledge that local residents have first-hand knowledge of existing conditions and past flooding events, and it is perhaps unfortunate that this knowledge was not utilised by the appellant in designing the proposed drainage

⁵⁴ Docs 12, 32 & 37

⁵⁵ CD6.24

scheme. However, no firm, authoritative evidence on drainage matters has been put forward by objectors to cause me to disregard the clear evidence from the appellant, which has been endorsed by the Council's Drainage Officer and by the Council in its role as Lead Local Flood Authority.

120. This evidence, set out in the Flood Risk and Drainage Impact Assessment submitted with the planning application⁵⁶, concludes that the site is not within a flood risk area, and that the development would not increase the risk of flooding elsewhere. It also shows that there are no issues of sewer network capacity. I note that an updated Flood Risk Assessment⁵⁷ has been produced to address new guidelines which have been issued since the application was submitted, requiring a 40% increase in peak rainfall intensity to be applied to take account of climate change for "more vulnerable" residential proposals. The evidence shows that this could be satisfactorily accommodated in the existing SUDS scheme design without changing the footprint of the SUDS basin.
121. Furthermore, the submitted evidence indicates that the proposed drainage scheme would actually reduce flood risk. In terms of surface water drainage the development proposes to reduce the discharge rate by 43% in a 1 in 30 year event, and by 52% in a 1 in 100 year event⁵⁸. These figures indicate that not only would the proposed development not give rise to any additional flooding problems, it would result in a significant improvement to the existing situation. With these points in mind I am satisfied that there are no good reasons, on drainage and flood risk grounds, why the proposed development should be opposed. Indeed, the proposed drainage scheme would provide a clear benefit weighing in the appeal proposal's favour.
122. With regard to other environmental concerns, the Officer's report to Committee confirms that the forecast increase in vehicle movements is well below the appropriate threshold such that an air quality assessment is not required. In addition, the Noise Assessment⁵⁹ concludes that, with appropriate mitigation, acceptable noise levels can be achieved on the site. Furthermore, a number of general concerns were raised by interested persons, mainly in the written representations, regarding ecology and the various wildlife species which may use the site, and at the inquiry the DLGAB questioned the robustness of the bat transect surveys which had been carried out on behalf of the appellant.
123. However, the ecological assessment submitted with the application⁶⁰ demonstrates that the proposed parkland would provide valued habitat and that other biodiversity mitigation and enhancement measures would ensure that there should be no adverse ecological impacts. An updated assessment undertaken in June 2017⁶¹ shows that there has been no change in circumstances since the original report was produced and, indeed, that opportunities exist to enhance the biodiversity value of the site. In particular the assessments indicate that the landscaping scheme would be of benefit to local bat species, due to the large area of compensatory habitat proposed to the south of the housing area.
124. On this matter, there are clearly both environmental benefits and disbenefits of the appeal proposal, as detailed above. On balance it is my assessment that the

⁵⁶ CD2.12 & CD3.8

⁵⁷ Appendix 10 in CD4.6

⁵⁸ Appendix 10 in CD4.8

⁵⁹ CD2.16

⁶⁰ CD2.10

⁶¹ Appendix 6 in CD4.8

benefits would just outweigh the disbenefits, and because of this I conclude that the proposed development would also satisfy the environmental role of sustainable development, and that this would add moderate weight in the proposal's favour.

Summary

125. On this issue as a whole, and having regard to all the above points, it is my overall conclusion that the appeal proposal would satisfy all 3 dimensions of sustainable development.

Other matters

126. Highways and safety. The planning application was supported by a detailed Transport Assessment⁶² and an Interim Residential Travel Plan⁶³. These were considered to be satisfactory by the local highway authority (HA) who raised no objection to the appeal proposal on highway or safety grounds. However, many highway-related objections were raised in written representations, and also by a number of those who spoke at the inquiry, including Mr Richards who provided highways evidence for the DLDAGAB. Although Dr Bunn, for the appellant, provided no formal highway evidence, he did attend the inquiry to answer questions from Mr Richards covering such matters as the detailed access arrangements; capacity on the local highway network; and safety concerns, including the safety of pedestrians using the footway alongside the B1285.
127. The existing carriageway width at the proposed access point between 11 and 12 Dalton Heights measures a fraction less than 5.5m, and there would be a smooth transition to the proposed carriageway width within the new development of 4.8m. The Department for Transport publication Manual for Streets indicates that this width is adequate for cars and heavy goods vehicles to pass, and I consider it quite appropriate for a residential development of this type. The HA raises no objections regarding the number of dwellings to be served by the proposed access, and it has indicated that a second vehicular access is not necessary.
128. There would only be a footway on one side of the road at the approach to the new development, but such arrangements are not uncommon in residential areas, and I see no reason why this should present any unacceptable safety problems. The fact that there is a dispute over land ownership at the western side of the proposed access, involving land claimed by 12 Dalton Heights⁶⁴, is not central to the provision of a safe access. It is therefore not a matter upon which I need to form any clear view.
129. A separate pedestrian access proposed to link with the B1285 footway at the north-eastern corner of the site, was criticised on safety grounds by the DLDAGAB, particularly as it was stated that cyclists often use this footway. However, no firm evidence has been submitted to suggest that this footway could not safely accommodate the numbers of pedestrians likely to be generated by the development, even in the context of its unauthorised use by cyclists.
130. The amount of traffic predicted to be generated by the appeal proposal has been shown to give rise to no undue capacity problems on the local road network, even allowing for additional traffic from the nearby Dalton Park Phase 2 development. Moreover, the number of recent accidents in the locality is low, with nothing to indicate that the highway network has safety issues requiring remedial work.

⁶² CD2.17

⁶³ CD2.18

⁶⁴ Docs 25 & 37

131. Concerns were also raised regarding the likely impact of parked vehicles on traffic movements within Dalton Heights. However, there is nothing to suggest that the existing and proposed residential roads have not all been designed to appropriate standards, and in such circumstances I share the appellant's view that it is down to individuals to park responsibly, in accordance with the Highway Code.
132. Finally, I have noted the concerns expressed by Mr Richards and others regarding visibility for drivers approaching Overdene on the B1285, and for drivers entering the B1285 at the Overdene junction. That said, this is an existing junction and I am not persuaded that the relatively low numbers of vehicles that the proposed development would add to the B1285 traffic flows, on an hourly basis, would unacceptably worsen the situation for drivers undertaking these manoeuvres.
133. Drawing these points together, and having had regard to the originally submitted highways information, supplemented by an updated Transport Assessment Addendum⁶⁵, and the oral evidence provided by Dr Bunn, I am satisfied that highways matters should not weigh against the appeal proposal.
134. Human Rights. A number of interested persons maintained that the proposed development would harm their human rights. However, the right to respect for family and private life contained within the Human Rights Act is a qualified right. As such, it is lawful for these rights to be interfered with, so long as the interference is in accordance with the law and it is necessary to do so in a democratic society for the protection of the rights and freedoms of others. In this case, the interference is in accordance with sound planning principles regarding residential amenity, and it is necessary and proportionate in connection with the proposed development. Accordingly, a grant of planning permission in this case would not be at odds with the Human Rights Act.
135. S106 agreement. I have also had regard to the completed S106 agreement which would secure the provision of 10% affordable housing (8 dwellings). Having considered the joint note on this matter prepared by the Council and the appellant⁶⁶, I am satisfied that the S106 agreement accords with Regulation 122 of the Community Infrastructure Levy Regulations 2010. As such, it also satisfies the requirements of paragraph 204 of the Framework, and I therefore give this agreement weight in this appeal.

Summary, planning balance and overall conclusion

136. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 I am required to assess this proposal in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. In this regard I have also been mindful of the September 2017 submissions from the Council in which it asks that indicative housing need figures based on a Government consultation process be taken into account, but for reasons given earlier I can only give this matter very limited weight. In these circumstances I see no reason to deviate from the position set out in the Housing SOCG, namely that the Council is currently unable to demonstrate a 5 year supply of deliverable housing land. As such, policies for the supply of housing, which include ELP Policies 1 and 3 have to be considered out-of-date, although they still carry some weight. The other ELP Policy referred to in this decision, Policy 35, is

⁶⁵ Appendix 8 in CD4.8

⁶⁶ Doc 27

not out-of-date and in my assessment it accords with the guidance and approach of the Framework and can therefore carry full weight.

137. These points lead to paragraph 14 of the Framework which explains that proposals that accord with the development plan should be approved without delay; and that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.
138. Although the Council argued that Paragraph 109 of the Framework falls into this latter category, I am not persuaded that that is the case. The only evidence put to me on this point was the SoS's decision in the Kidnappers Lane appeal⁶⁷, which to my mind did not prove determinative on this matter as, despite concluding that the appeal site in that case was a valued landscape, both the Inspector and the SoS then proceeded to apply the Framework's paragraph 14 tilted balance. Be that as it may, in the current case, for the reasons set out above, I do not consider the appeal site to be a valued landscape in the Framework's terms and, as a result, footnote 9 to paragraph 14 does not come into play.
139. It is therefore necessary to assess whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposed development. I have concluded, as detailed above, that some adverse impacts would arise from this proposal, notably the environmental harm of the loss of the open, countryside nature of the appeal site, and the economic and environmental harm arising from the loss of about 5 ha of BMV agricultural land. There would also be the impacts arising from the adverse effects on the private views of residents who live adjacent or close to the appeal site.
140. However, on the other side of the scale I have to count the significant weight to be given to both the economic and the social dimensions of sustainable development, including the boost to the supply of both market and affordable housing which would flow from the proposed development. In addition, notwithstanding the adverse environmental impacts just outlined, I have found that there would also be a number of clear environmental benefits, such that overall the proposal would also satisfy the environmental role of sustainable development. This adds further, moderate weight in the proposal's favour. Moreover, I have not found against the appeal proposal on any of the identified main issues, or on any of the other matters raised.
141. I therefore conclude that the appeal proposal should benefit from the Framework's presumption in favour of sustainable development. This is a material consideration in the proposed development's favour and, in my assessment, it outweighs the conflict with the development plan, as I have earlier concluded that ELP Policies 1 and 3 can only carry limited weight in this appeal.
142. I do realise that many local residents will be very disappointed and upset by my findings in this case, especially those who spoke with such passion and feeling against the scheme at the inquiry. However, in light of all the above points my assessment of the planning balance leads to the overall conclusion that this proposal should be allowed, subject to the imposition of a number of conditions,

⁶⁷ CD7.21

as discussed at the inquiry and set out in the attached Schedule. I have made slight adjustments to the order of the conditions in the interests of clarity.

Conditions

143. Condition 1 is the standard condition for full planning permissions, whilst Condition 2 is imposed to provide certainty and to ensure that the development is carried out in accordance with the approved plans and details. Condition 3 was put forward by the appellant to improve the living conditions of occupiers of 11 Dalton Heights, and I consider it to be necessary in order to achieve high quality design and a good standard of residential amenity.
144. Condition 4 is imposed to ensure appropriate highway design, whilst Condition 5 is required in order to fully define the development in respect of site levels, in the interests of ensuring good design, preserving the character and appearance of the area and reducing flood risk. Condition 6 is necessary to control the works to, and the protection of, trees and hedges, and is necessary in the interests of the visual amenity of the area. Condition 7 is required in order to ensure adequate surface water disposal measures for the development, so as to reduce the risk of flooding.
145. Condition 8 is imposed to maximise the economic and employment opportunity benefits arising from the development, whilst Conditions 9, 12 and 15 are necessary to safeguard the living conditions of existing, neighbouring occupiers and proposed occupiers of the new dwellings. Condition 15 is also needed to safeguard the character and appearance of the surrounding area, as is Condition 13, which is also imposed in the interests of good design.
146. Condition 10 is needed to safeguard the preservation of archaeological assets, with Condition 11 being imposed to ensure sustainable construction and energy conservation. Condition 14 will ensure the provision of recreational space and is also needed in the interests of visual amenity and biodiversity conservation. Condition 16 is imposed in the interests of highway safety, whilst condition 17 is needed to define the details of foul water disposal arising from the development, and to ensure adequate drainage of the site. Finally, Condition 18 is imposed in the interests of sustainable transport and to reduce the potential for air pollutants arising from the development.
147. I have had regard to all other matters raised, including the points put forward in opposition to the proposal by Grahame Morris MP, Dalton-le-Dale Parish Council and Seaham Town Council, but they are not sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed.

David Wildsmith

INSPECTOR

Schedule of conditions (18 in total)

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in strict accordance with the following approved plans:
 - Site Location Plan 001 Rev A
 - Proposed Site Layout 13-020-P00 Rev U 16.02.2016
 - Housetype Plans:
 - A-965-Std/00/01
 - A-965-Std/00/02
 - A-959-Std/00/01
 - A-959-Std/00/02
 - A-931-Std/00/01
 - A-931-Std/00/02
 - A-915-Std/00/01
 - A-915-Std/00/02
 - A-860-Std/00/01
 - A-860-Std/00/02
 - A-796-Std/00/01
 - A-796-Std/00/02
 - A-1698-Std/00/01
 - A-1698-Std/00/02
 - A-1417-Std/00/01
 - A-1417-Std/00/02
 - A-1226-Std/00/01
 - A-1226-Std/00/02
 - A-1194-Std/00/01
 - A-1194-Std/00/02
 - L6808/C
 - L6806/D
 - A-SAL-GAR-STD/00
- 3) Notwithstanding the details shown on Proposed Site Layout 13-020-P00 Rev U 16.02.2016 no development shall take place until an adjustment to plots 57-65 so as to increase the distance between buildings on plot 57 and 11 Dalton Heights to at least 18m has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details.
- 4) Notwithstanding the details shown on Proposed Site Layout 13-020-P00 Rev U 16.02.2016 no development shall take place until an adjustment to the highway layout serving the proposed plots 16-21 so as to address/redesign the access drive length serving those properties has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details.
- 5) No development shall take place until details of the finished site levels and finished floor levels of the dwellings have been submitted to and approved in writing by the local planning authority. No development shall take place until details of the height, materials and location of any retaining walls/structures required as part of the development have also been submitted and approved in writing by the local planning authority. The details must include confirmation that finished floor levels are 150mm above the external ground level. The

development shall thereafter be implemented in accordance with the approved details.

- 6) No development shall take place until a schedule of works to be undertaken to trees and hedgerows as part of the development, including details of any felling and those to be retained as part of the development, has been submitted to and approved in writing by the local planning authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges scheduled for retention as agreed are protected by the erection of fencing in accordance with BS 5837:2012. Thereafter works to trees and hedges shall be implemented in accordance with the approved details and the protection measures retained until the cessation of the development works.
- 7) No development shall take place until a detailed Sustainable Urban Drainage system (SUDS) has been submitted to and approved in writing by the local planning authority. The said SUDS scheme should accord with the hierarchical approach to surface water disposal. The SUDS scheme shall include, but not necessarily be restricted to the following:
- Detailed designs of SUDS features, infrastructure and any associated works and landscaping;
 - Full details of all surface water run-off rates and discharge rates to any watercourse;
 - Full details of the management and maintenance proposals/ regime.

The development shall thereafter be implemented in accordance with the approved SUDS scheme. The approved SUDS scheme shall be managed, maintained and operated in accordance with the approved details and in perpetuity.

- 8) No development shall take place until a scheme/programme for the provision of targeted recruitment and training opportunities arising as a result of the development has been submitted to and approved in writing by the local planning authority. Such a scheme could include but may not necessarily be restricted to the following:
- Job Opportunities;
 - Apprenticeships;
 - Traineeships;
 - Graduate Internships;
 - Work Placements.

Thereafter the approved scheme/programme shall be implemented.

- 9) No development shall take place until a construction management strategy has been submitted to and approved in writing by the local planning authority. The said management strategy shall include:
- Details and methods of dust suppression which will include a Dust Action Management Plan;
 - Details and methods of construction noise reduction;
 - Confirmation that the burning of combustible material shall be prohibited on site;
 - Details and methods of reducing the potential for mud on the roads in the vicinity of the site;
 - A management plan for the construction vehicle and delivery vehicle movements to and from the site including confirmation of site

access point, details of predicted movements and any Banksmen and Signallers to be employed;

- Details of parking arrangements for site staff and visitors;
- Compound location and details for the storage of plant and materials used in constructing the development;
- Details of the site construction hours within which construction activities including any deliveries to and from the site shall be permitted.

The construction phase of the development shall be implemented in accordance with the approved construction management strategy.

- 10) No development shall take place until a programme of archaeological work including a mitigation strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:
- Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
 - Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
 - Post-fieldwork methodologies for assessment and analyses;
 - Report content and arrangements for dissemination, and publication proposals;
 - Archive preparation and deposition with recognised repositories;
 - A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
 - Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
 - A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details. No dwellings hereby approved shall be occupied until a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy has been deposited at the County Durham Historic Environment Record and the receiving archive.

- 11) Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the local planning authority. The scheme shall consist of measures that minimise energy consumption or carbon emissions. Thereafter, the development shall be carried out in complete accordance with the approved scheme.
- 12) No dwellings hereby approved shall be erected above damp proof course level until a noise mitigation strategy based on the Noise Assessment Report BH/DH/NA/10/14 Version: 2 05 November 2015 by QEM to reduce the impact of noise upon the prospective occupiers of the development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved mitigation strategy and the mitigation measures retained in perpetuity.
- 13) No dwellings hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction

of those dwellings have been submitted to and approved in writing by the local planning authority. The roads, private driveways and in-curtilage hardstands shall not be constructed until details of the surface materials have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include plans/details which define the distribution of those materials/surfaces across the development layout. The development shall thereafter be implemented in accordance with the approved details.

- 14) No dwelling hereby approved shall be occupied until a detailed open and recreational space, landscaping and ecological mitigation scheme for the development based upon the principles contained within Barton Wilmore illustrative landscape masterplan Drawing No. L8 (Figure MDC-8 within Appendix MDC-1 to Matthew Chard's Proof of Evidence), Extended Phase 1 Habitat Survey report No. 5 October 2015 and Extended Phase 1 Habitat Survey report no. 7 June 2017 (Appendix 6 of Neil Westwick's Proof of Evidence) has been submitted to and approved in writing by the local planning authority. The scheme shall include but not necessarily be restricted to the following:
- Precise details of the location and design of a children's playspace area;
 - Details of all soft landscaping including planting species, sizes, layout, densities, numbers;
 - Details of planting procedures or specification;
 - Finished topsoil levels and depths;
 - Details of temporary topsoil and subsoil storage provision;
 - Details of any hard landscaped areas;
 - Ecological mitigation measures including but not restricted to alternative bat roost creation.

The scheme must include a management and maintenance regime for all features/elements. The approved open and recreational space, landscaping and ecological mitigation scheme shall be carried out in the first available planting season following the completion of the development. Thereafter, the scheme shall be managed and maintained in perpetuity.

- 15) No dwelling hereby approved shall be occupied until full details of all means of enclosure to be erected within the site have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved details.
- 16) No dwelling hereby approved shall be occupied until a scheme for the improvement of traffic signs and road markings on the B1285 from the junction of the B1432 at Cold Hesledon up to and including the Graham Way roundabout has been implemented. The scheme must first have been submitted to and approved in writing by the local planning authority.
- 17) Foul waters resulting from the development shall be discharged to the sewer at manholes 7102 and/or 7401 and in accordance with the details contained within the submitted Flood Risk Assessment F November 2015 and Flood Risk Assessment J June 2017 (Appendix 10 of Neil Westwick's Proof of Evidence).
- 18) The development shall be implemented in accordance with the measures, monitoring proposals and action plan statements contained within the submitted Interim Residential Travel Plan A087216/ DG2 November 2015.

APPEARANCES

FOR THE COUNCIL	
John Barrett of Counsel	instructed by Clare Cuskin, Solicitor, Legal & Democratic Services, Durham County Council (DCC)
He called:	
Thomas Charrier BA(Hons) CMLI	Principal Landscape Architect, Stephenson Halliday, independent environmental planning and landscape architecture consultants
Mark Russell MA(Hons) MRTPI	Steve Hesmondhalgh and Associates Ltd
Raymond Leverton BSc PhD CBIol MRSB FLSoilSci	Independent Consultant, Leverton Land Quality Surveys
<i>In addition, the following witnesses did not formally present evidence, but appeared at the inquiry to participate in the Round Table Session on Objectively Assessed Housing Need and Housing Land Supply (David Usher and Thomas Bennett) and to assist with the Conditions session (Henry Jones)</i>	
David Usher MA(Hons) PhD	Principal Research & Intelligence Officer, Spatial Policy Team, DCC
Thomas Bennett BSc(Hons) MSc MRTPI	Senior Spatial Policy Officer, Spatial Policy Team, DCC
Henry Jones BA(Hons) DipTP PGCert MRTPI	Senior Planning Officer, Strategic Planning Development Team, DCC

FOR THE APPELLANT	
Andrew Williamson BA(Hons) DipTP MRTPI <i>assisted by</i> Josh Kitson BA(Hons)	Consultant, Walker Morris Solicitors, Kings Court, King Street, Leeds, LS1 2HL Senior Associate, Walker Morris Solicitors
They called:	
Matthew Chard BA(Hons) Dip(Hons) MAUD CMLI	Partner, Landscape Planning & Design Group, Barton Willmore LLP
Neil Westwick BA(Hons) DipTP MRTPI	Planning Director, Lichfields
<i>In addition, the following witnesses did not formally present evidence, but appeared at the inquiry to participate in the Round Table Session on Objectively Assessed Housing Need and Housing Land Supply (Darren Wisher) and to answer highways-related questions from interested persons (Nick Bunn)</i>	
Darren Wisher BA MA Econ	Managing Director, Regeneris Consulting
Nick Bunn BSc(Hons) PhD MSc MCIHT CMILT	Engineering Director, Queensberry Design Ltd

INTERESTED PERSONS OPPOSING THE PROPOSAL

Grahame Morris MP	Local Member of Parliament
Marian Oliver JP	Chair, Dalton-le-Dale Parish Council
Mabel Hepplewhite	Vice-Chair, Dalton-le-Dale Parish Council
Paul Fletcher	Deputy Town Clerk, Seaham Town Council
Stan Cudlip	Local resident, speaking on behalf of the Dalton-le-Dale Action Group Against Bellway (DL DAGAB)
Howard Richards	Local resident, speaking on behalf of the DL DAGAB
Kelly Monahan PhD	Local resident, speaking on behalf of the DL DAGAB
Gerald Gustard	Local resident, speaking on behalf of the DL DAGAB
Angela Sandwith	Local resident
Edwin Mason BSc(Hons) PhD MIET CEng	Chair, Dalton Heights Residents Association; Vice-Chair, Durham Heritage Coast Partnership; and local resident
Elaine Brooks	Local resident

CORE DOCUMENTS**Submitted Planning Application Documents and Plans (December 2015)**

CD1.1	Applications Forms and Certificate
CD1.2	Covering Letter
CD1.3	Site Location Plan 445-BEL-001
CD1.4	Site Plan As Existing 445-BEL-002
CD1.5	Proposed Site Layout 445-BEL-13-020-P00 Rev T
CD1.6	Adoption Plan 445-BEL-13-020-P01
CD1.7	Boundary Treatment Plan 445-BEL-13-020-P02
CD1.8	Proposed Colour Site Layout 445-BEL-13-020-P03
CD1.9	Spatial Syntax Plan 445-BEL-13-020-P04
CD1.10	Proposed Site Sections 445-BEL-13-020-P10
CD1.11	Landscape Masterplan 868_PJ1740_01
CD1.12	Landscape Photomontage Viewpoint 3 868(PJ1740)
CD1.13	Landscape Photomontage Viewpoint 6 868(PJ1740)
CD1.14	1000mm High Railings S6/D03
CD1.15	1800mm High Wall & Close Boarded Fence S6/D06
CD1.16	1800mm to 900mm "Transitions" Close Boarded S6/D08
CD1.17	1800mm High Acoustic Fencing S6/D10
CD1.18	3000mm to 2100mm High Acoustic Fencing Sections S6/D10
CD1.19	1200mm High Post & Rail Fence S6/D17
CD1.20	Double Shared Garage L6808
CD1.21	Single Garage
CD1.22	Sales Garage
CD1.23	Planning Layouts Standard Acacia A1417-std/00/01
CD1.24	Planning Elevations Standard Acacia A1417-std/00/02
CD1.25	Planning Layouts Standard Cherry A796-std/00/01
CD1.26	Planning Elevations Standard Cherry A796-std/00/02
CD1.27	Planning Layouts Standard Chestnut A965-std/00/01
CD1.28	Planning Elevations Standard Chestnut A965-std/00/02
CD1.29	Planning Layouts Standard Hawthorn A931-std/00/01

CD1.30	Planning Elevations Standard Hawthorn A931-std/00/02
CD1.31	Planning Layouts Standard Hazel A915-std/00/01
CD1.32	Planning Elevations Standard Hazel A915-std/00/02
CD1.33	Planning Layouts Standard Maple A1194-std/00/01
CD1.34	Planning Elevations Standard Maple A1194-std/00/02
CD1.35	Planning Layouts Standard Plane A1698-std/00/01
CD1.36	Planning Elevations Standard Plane A1698-std/00/02
CD1.37	Planning Layouts Standard Rowan A1226-std/00/01
CD1.38	Planning Elevations Standard Rowan A1226-std/00/02
CD1.39	Planning Layouts Standard T2 A860-std/00/01
CD1.40	Planning Elevations Standard T2 A860-std/00/02
CD1.41	Planning Layouts Standard T3 A959-std/00/01
CD1.42	Planning Elevations Standard T3 A959-std/00/02
Submitted Planning Application Plans and Reports (December 2015)	
CD2.1	Planning Statement
CD2.2	Design and Access Statement
CD2.3	Landscape and Visual Appraisal Report
CD2.4	Landscape and Visual Appraisal Figures
CD2.5	868_PJ1740_01_Landscape Masterplan
CD2.6	868(PJ1740)_LVA Photomontage - Viewpoint 6
CD2.7	868(PJ1740)_LVA Photomontage - Viewpoint 3
CD2.8	Summary Statement
CD2.9	Agricultural Land Classification
CD2.10	Extended Phase 1 Habitat Survey
CD2.11	Habitats Regulations Assessment Scoping Opinion
CD2.12	Flood Risk Assessment
CD2.13	Geoenvironmental Appraisal
CD2.14	Geophysical Survey
CD2.15	Historic Environment Desk Based Assessment
CD2.16	Noise Assessment Report
CD2.17	Transport Assessment
CD2.18	Interim Residential Travel Plan
Revised Planning Application Documents (February 2016)	
CD3.1	445-BEL-001A - Site Location Plan
CD3.2	445-BEL-002A - Site Plan as Existing
CD3.3	445-BEL-13-020-P00U - Proposed Site Layout - 01-02-16
CD3.4	445-BEL-13-020-P01A - Adoption Plan
CD3.5	445-BEL-13-020-P02A - Boundary Treatment Plan
CD3.6	868_PJ1740_01_Rev A Landscape Masterplan
CD3.7	Signed Covering letter
CD3.8	Flood Risk Assessment (Updated)
CD3.9	QD975-00-01 Rev D - Engineering Layout
CD3.10	445-BEL-13-020-P00U - Proposed Site Layout - 16-02-16
Statement of Case / Statement of Common Ground /Proofs of Evidence	
CD4.1	DCC Appeal Questionnaire

CD4.2	Appellant Statement of Case
CD4.3	DCC Statement of Case
CD4.4	Planning Statement of Common Ground
CD4.5	Housing Statement of Common Ground
CD4.6	Evidence of Neil Westwick
CD4.7	Summary of Evidence of Neil Westwick
CD4.8	Appendices to Evidence of Neil Westwick
CD4.9	Evidence of Matthew Chard
CD4.10	Appendix MDC 1 to Evidence of Mathew Chard
CD4.11	Appendices MDC 2 – 5 to Evidence of Matthew Chard
CD4.12	Evidence (and Appendices) of Darren Wisher
CD4.13	Evidence of Ray Leverton
CD4.14	Summary of Evidence of Ray Leverton
CD4.15	Evidence of Mark Russell
CD4.16	Summary of Evidence of Mark Russell
CD4.17	Summary of Evidence Tom Charrier
CD4.18	Evidence of Tom Charrier and Appendices A, B and C
CD4.19	Appendices D – H to Evidence of Tom Charrier
CD4.20	Rebuttal Evidence of David Usher
CD4.21	Rebuttal Evidence of Thomas Bennett
CD4.22	Rebuttal Evidence of Tom Charrier
Consultation Responses	
CD5.1	Affordable Housing (Mrs Angela Stephenson)
CD5.2	Air Quality (David Gribben)
CD5.3	Archaeology Response
CD5.4	Design and Conservation Comments (Judith Miller)
CD5.5	Drainage and Coastal Protection (John Anderson) (1) – 28.01.2016
CD5.6	Drainage and Coastal Protection (John Anderson) (2) – 09.03.2016
CD5.7	Durham Constabulary (Steven Drabik)
CD5.8	Ecology
CD5.9	Economic Development (Adam Richardson)
CD5.10	Education (Graeme Plews)
CD5.11	Environmental Health (Emma Tindall)
CD5.12	Highways (Alan Glenwright) (1) – 19.01.2016
CD5.13	Highways (Alan Glenwright) (2) – 18.04.2016
CD5.14	Highways (Alan Glenwright) (3) – 24.05.2016
CD5.15	Landscape (John Lochen)
CD5.16	Local Air Quality (David Gribben)
CD5.17	Natural England (Dawn Kinrade)
CD5.18	Neighbourhood Services (Mr Stuart Clasper)
CD5.19	Noise Action Team (Mark Anslow)
CD5.20	Northumbrian Water (Daniel Woodward)
CD5.21	Rights of Way (Owen Shaw)
CD5.22	Sustainability (Mr Stephen Macdonald)

CD5.23	Sustainable Travel
CD5.24	Committee Report (June 2016)
CD5.25	Decision Notice
CD5.26	Landscape (John Lochen) - 11.08.14 DM/14/02017/FPA
Other Core Documents	
CD6.1	National Planning Policy Framework (March 2012)
CD6.2	National Planning Practice Guidance - Extracts
CD6.3	Planning Inspectorate Good Practice Advice Note 09
CD6.4	PAS Objectively Assessed Need and Housing Targets Technical Advice Note, Second Edition (July 2015)
CD6.5	Housing White Paper (2017)
CD6.6	Saved Policies of the Easington Local Plan (2001)
CD6.7	Relevant Extract from Easington Local Plan Maps
CD6.8	Report into Objections to the Easington District Local Plan (Extract) (2000)
CD6.9	Assessing Development Proposals in County Durham Council - Policy Position Statement - March 2016
CD6.10	Easington Local Plan – Consistency Assessment of Saved Policies with National Planning Policy Framework and Guidance (2015)
CD6.11	Durham County Council Strategic Housing Land Availability Assessment (2013)
CD6.12	County Durham Plan Issues and Options (2016)
CD6.13	Edge Analytics – County Durham Demographic Analysis and Forecasts (February 2016)
CD6.14	County Durham Strategic Housing Market Assessment (2016)
CD6.15	County Durham Settlement Study (2012)
CD6.16	County Durham Landscape Character Assessment (Sheils Flynn and Durham County Council) (2008) – with East Durham Limestone Plateau Extract
CD6.17	County Durham Core Evidence Base Technical Paper No.22 - Landscape (2009)
CD6.18	Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and Institute for Environmental Management and Assessment), 3rd edition (2013)
CD6.19	County Durham and Darlington Historic Landscape Characterisation (Durham County Council and English Heritage, 2013)
CD6.20	Natural England Technical Information Note TIN049
CD6.21	Agricultural Land Classification (Ray Leverton)
CD6.22	Open Space Needs Assessment (2010)
CD6.23	Seaham Masterplan Update (December 2016)
CD6.24	DCC Housing Trajectory (April 2017)
CD6.25	Draft S106 Legal Agreement
CD6.26	County Durham Landscape Strategy (Sheils Flynn and Durham County Council) (2008)
CD6.27	County Durham Landscape Guidelines (Sheils Flynn and Durham County Council) (2008)
CD6.28	2013 SHLAA Seaham Map

CD6.29	2013 SHLAA Individual Site Report for site 5/SE/15
CD6.30	National Character Area 15: Durham Magnesian Limestone Plateau (Natural England, April 2013)
CD6.31	Report into Objections to the Easington District Local Plan
CD6.32	Easington District Local Plan Review - Proposed Modifications to the Deposit Draft Plan: Report of Cabinet (2001)
CD6.33	Agricultural Land Classification of England and Wales, Revised Guidelines and Criteria for Grading the Quality of Agricultural Land (MAFF 1988)
CD6.34	FRCA Agricultural Land Classification of Objectors Sites Map and Report Easington District Local Plan Sept 1998
CD6.35	Planning Policy Guidance 7, The Countryside- Environmental Quality and Economic and Social Development (1997)
CD6.36	Planning Policy Statement 7 (2004)
CD6.37	Local Plan Expert Group Report to the Communities Secretary and to the Minister of Housing and Planning (March 2016)
Relevant Case law, Appeal Decisions and Evidence	
CD7.1	Supreme Court Judgment - Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council (10 May 2017)
CD7.2	High Court Decisions – Hopkins Homes v Suffolk Coastal DC and Richborough Estates vs Cheshire East B C (17 March 2016)
CD7.3	High Court Decision - Daventry District Council v Secretary of State - CO/3447/2015 - (2 December 2015)
CD7.4	Appeal Decision – Land at Dalton Heights (5/APP/11/97) (May 1998)
CD7.5	Appeal Decision – Land West of Holborn View, Derbyshire (APP/M1005/A/13/2199128) (11 February 2014)
CD7.6	Appeal Decision – Land adjacent to Mandarin Hotel, Derby (APP/F1040/W/16/3160135) 06/02/16
CD7.7	Appeal Decision – Land at Henfield in West Sussex (APP/Z3825/A/12/2172558. 26.09.12)
CD7.8	Appeal Decision – Feniton, to the north of Ottery St Mary (APP/U1105/A/12/2172708). 25.09.12)
CD7.9	Appeal Decision – Land at Congleton in Cheshire (APP/R0660/A/11/2158727. 16.08.12)
CD7.10	Appeal Decision – Land at Ottery St Mary in Devon (APP/U1105/A/12/2180060, 14.12.12)
CD7.11	Appeal Decision – Land at Coalville in Leicestershire (APP/G2435/A/11/2158154. 20.08.12)
CD7.12	Appeal Decision – Land at Bishops Cleeve in Gloucestershire (APP/G1630/A/11/2159796. 16.07.12)
CD7.13	Appeal Decision - Land at Winterley, Cheshire (APP/R0660/A/14/2216767, 14.01.15)
CD7.14	Appeal Decision – Land to the west of Mount Park Drive and to the north of Newbiggen Lane, Lanchester (APP/X1355/W/15/3135895. 20.07.16)
CD7.15	Evidence – Proof of Evidence of Darren Wisner for Land to the west of Mount Park Drive and to the north of Newbiggen Lane, Lanchester (APP/X1355/W/15/3135895)

CD7.16	High Court Decision - Stroud District Council v Secretary of State - CO/4082/2014 - (6 February 2015)
CD7.17	High Court Decision – Forest of Dean District Council vs Secretary of State For Communities and Local Government and Gladman Developments Ltd (4 March 2016)
CD7.18	High Court Decision - Forest of Dean District Council vs Secretary of State For Communities and Local Government and Gladman Developments Ltd (4 October 2016)
CD7.19	Appeal Decision – Land to the North East and South West of the B1200 (Legbourne Road), Louth, Lincolnshire (APP/D2510/A/14/2218774)
CD7.20	Evidence – Proof of Evidence of Thomas Bennet for Land at former Community Hospital, Sedgfield (APP/X1355/W/16/3163598)
CD7.21	Appeal Decision – Land at Kidnappers Lane, Leckhampton
CD7.22	Court of Appeal Decision – Barwood and East Staffs BC (30 June 2017)
CD7.23	Appeal Decision – Land North of Southam Road and East and West of Church Lane, Radford Semele, Warwickshire (APP/T3725/A/14/2222868)

DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

Document	1	Appearances on behalf of the appellant
Document	2	Appearances on behalf of the Council
Document	3	Opening statement on behalf of the appellant
Document	4	Opening statement on behalf of the Council
Document	5	Figure MDC-13 - Local Landscape Types, Spatial Strategies Plan – submitted by the appellant
Document	6	Information Sheet – key differences between the appellant and the Council on the Objectively Assessed Need for housing – prepared 25 July 2017
Document	7	Plan presumed to represent proposals presented to the 1999 Easington Local Plan Inquiry – submitted by the appellant
Document	8	Figure MDC-11 – Aerial Photograph & Contours Plan – submitted by the appellant
Document	9	Summary of Rebuttal Evidence on Housing Land Supply from Thomas Bennett, submitted by the Council
Document	10	Note on Common Ground on Housing Land Supply
Document	11	Agenda for Round Table Session dealing with Objectively Assessed Housing Need and Housing Land Supply
Document	12	Bundle of 2 plans submitted by Mr Cudlip, showing proposals for housing on brownfield sites in Seaham
Document	13	Statement of Marian Oliver
Document	14	Statement of Mabel Hepplewhite
Document	15	Statement of Stan Cudlip on behalf of the DLDAGAB
Document	16	Aerial photograph submitted by Mr Cudlip, showing countryside areas to west, south and east of the appeal site
Document	17	Statement of Howard Richards on behalf of the DLDAGAB
Document	18	Statement of Kelly Monahan on behalf of the DLDAGAB
Document	19	Statement of Gerald Gustard on behalf of the DLDAGAB
Document	20	Statement of Angela Sandwith
Document	21	Statement of Edwin Mason
Document	22	Statement of Elaine Brooks

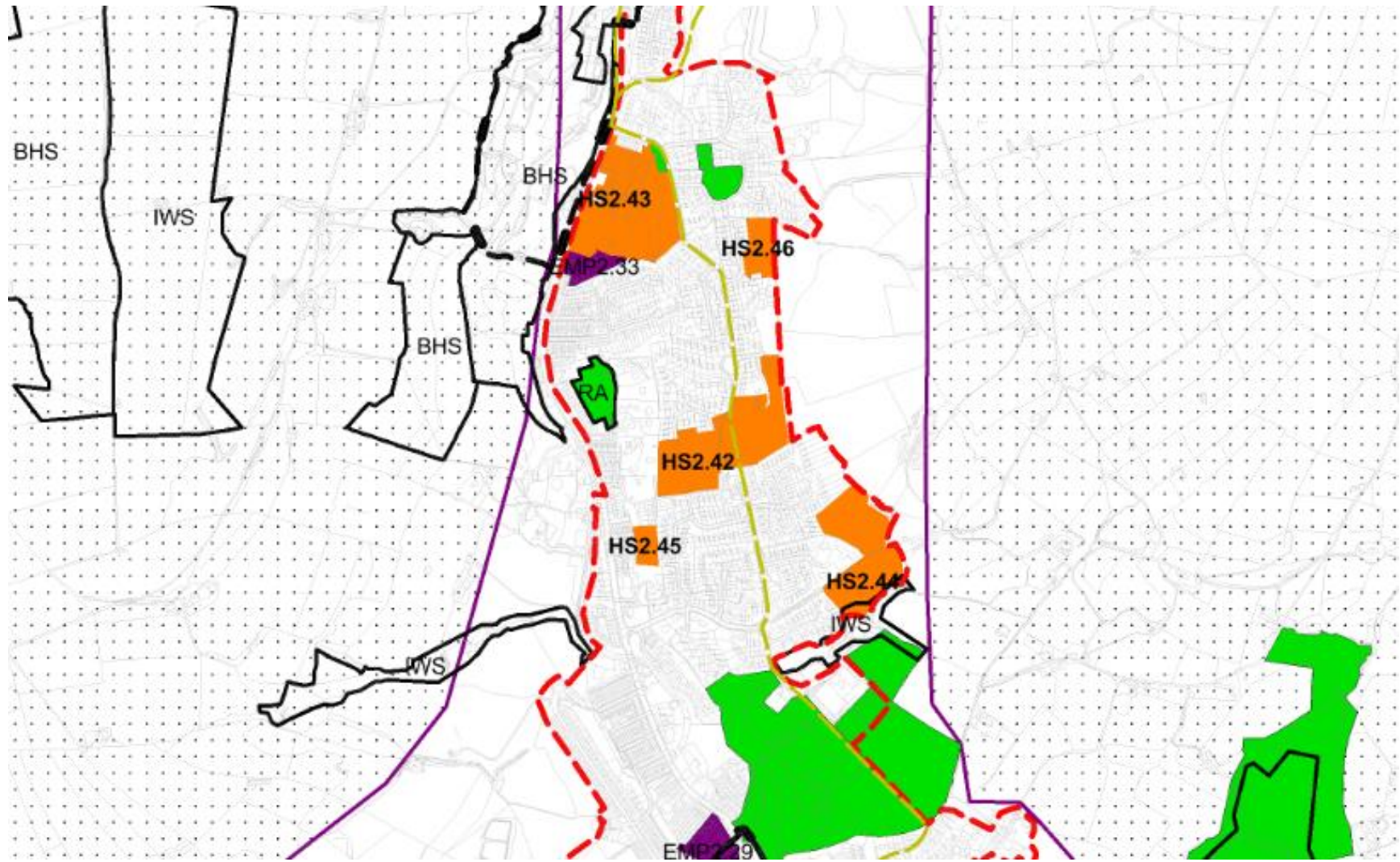
Document	23	Extract of the County Durham 2013 Strategic Housing Assessment Update Report – referred to by the DLDAGAB and submitted by the appellant
Document	24	Note on Common Ground on Housing Land Supply (updated following the Round Table Session)
Document	25	Letter from George F White dated 25 July 2017, with attachments including Land Registry details, relating to 12 Dalton Heights – submitted by the appellant
Document	26	Drawing No 13-020-P01 Rev B - Adoption Plan at 1:500 scale, dated 27 July 2017 - submitted by the appellant
Document	27	Note dealing with the Community Infrastructure Levy Regulations 2010 – submitted by the Council
Document	28	Secretary of State Appeal Decision Ref APP/J3720/A/11/2163206 – submitted by the Council
Document	29	Appeal Decision Ref APP/R0660/A/14/2229034 – submitted by the Council
Document	30	Appeal Decision Ref APP/R0660/A/14/2228681 – submitted by the Council
Document	31	Accompanied and unaccompanied site visit itinerary
Document	32	Council Position Statement regarding possible development on 3 brownfield sites referred to by Mr Cudlip
Document	33	Appeal Decision Ref APP/X1355/W/16/3163598 – submitted by the Council
Document	34	Details of “upside down” houses at Dalton Heights on the boundary of the appeal site – submitted by Mr Cudlip
Document	35	List of agreed conditions
Document	36	Signed and executed S106 Agreement between The County Council of Durham, Gordon John Bulmer, Colin David Bulmer and Martin Robert Bulmer and Bellway Homes Limited
Document	37	Final Summary Statement by Stan Cudlip on behalf of the DLDAGAB, with attached letter from Mortons Law, relating to land at 12 Dalton Heights
Document	38	Photographs of the appeal site under cultivation, submitted by Mr Cudlip
Document	39	Closing Submissions on behalf of the Council
Document	40	Closing Submissions on behalf of the appellant

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

Document	41	Update by the Council to the release of “Planning for the right homes in the right places” consultation – 5 Year HLS – 18 September 2017
Document	42	Response by the appellant on 20 September 2017 to the Council’s submission of 18 September 2017
Document	43	Response by the DLDAGAB to the Council’s submission of 18 September 2017
Document	44	Further submissions from the Council in an email dated 28 September 2017

EP3

Rossendale Draft Local Plan Policies Map 2017 (Insert)



Rossendale Local Plan Part 2: Lives and Landscapes policies Map 2015 (Insert) (now withdrawn)

CRIBDEN WARD

MAP KEY

Public Facilities

RA Recreation Areas

Quality of Place

Conservation Areas

Employment

Employment Allocations

Existing Employment Areas

Mixed Allocations

Housing

Housing (Phase 1)

Housing (Phase 2)

Loss of Greenlands to Housing

Safeguarded Areas

Safeguarded Areas

Accessibility

East Lancashire Cycle Network

Retail and Town Centre Uses

District Local Centres

Primary Shopping Areas

Primary Shopping Frontage

Secondary Shopping Frontage

Environment

Greenlands

Wind Turbine Areas of Search

Other Policies

Urban Boundary

Green Belt

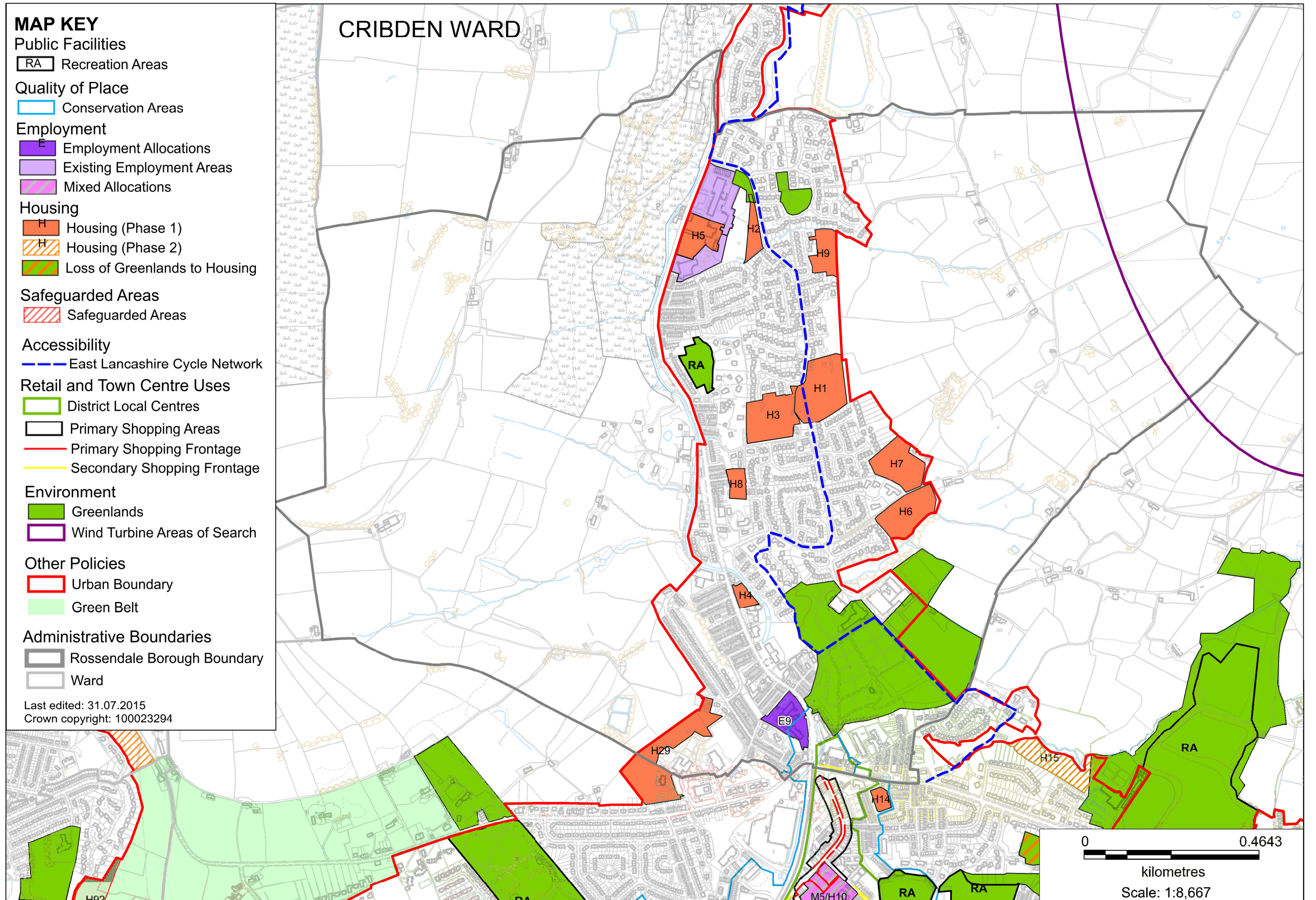
Administrative Boundaries

Rossendale Borough Boundary

Ward

Last edited: 31.07.2015

Crown copyright: 100023294



0 0.4643

kilometres
Scale: 1:8,667

EP4

DO NOT SCALE. CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS

NOTE:
THIS DRAWING IS BASED ON TOPOGRAPHICAL SURVEY

- KEY:
- APPROXIMATE OWNERSHIP BOUNDARY OF EXISTING PROPERTIES IN THE VICINITY OF HOLLIN LANE
 - APPROXIMATE DEVELOPMENT SITE BOUNDARY
 - - - 2.4m BY 40m VISIBILITY SPLAY
 - PROPOSED CARRIAGEWAY
 - PROPOSED FOOTWAYS

PRELIMINARY ISSUE

REV	DESCRIPTION	BY	CHK/APP	DATE
A	General Revision	LB	AK	01/04/14



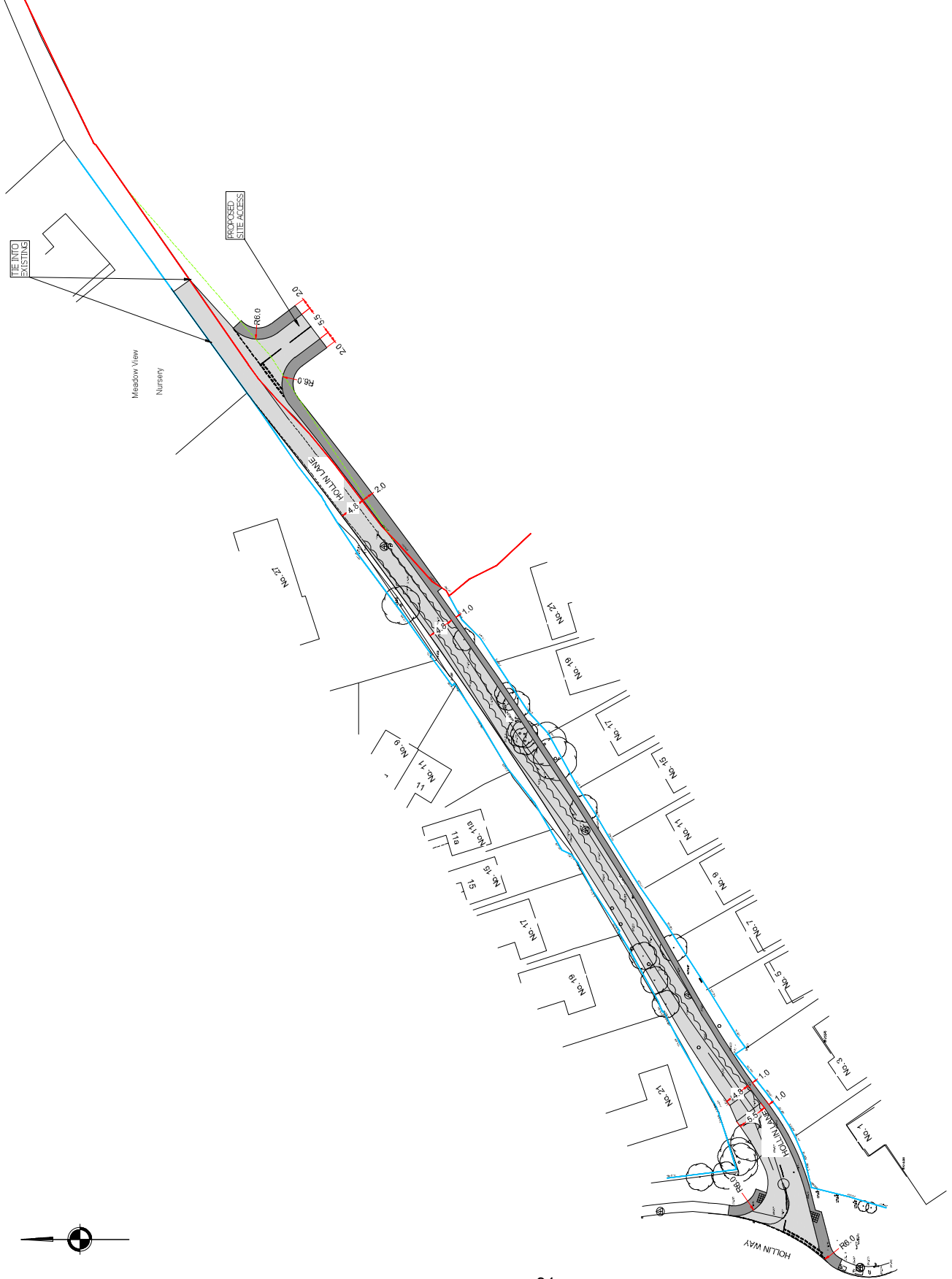
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Project:
**HOLLIN LANE,
ROSSENDALE**

Drawing Title:
**PROPOSED SITE ACCESS AND
HIGHWAY IMPROVEMENTS TO HOLLIN LANE**

Scale @	A2	Drawn	Date	Checked	Date	Approved	Date
		LB	28/03/14	AK	28/03/14		28/03/14
Project No.		Order No.		Drawing No.		Revision	
A085961		27	C	P001		A	

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EP5

Development Control
Rossendale Borough Council

Phone:

Email:

Your ref: PRE-APP

Our ref:

Date: 13th October 2017

**Pre-Planning application advice
Land at Hollin Lane, Rawtenstall
Outline - Erection of 9 dwellings**

The following comments are made in response to the indicative site plan - no reference and not to scale.

The following comments will cover access and layout. Should an outline/full application be submitted please can you ensure that this pre-application advice is included within the submission and that any changes that have been made to the access or layout are clearly highlighted.

The outline application should include a detailed Transport Statement which details National and Local Policy guidance – NPPF, MfS, Rossendale Borough Councils Core Strategy, planning history, sustainable travel options, pedestrian and cycle routes and collisions on the surrounding network.

Construction traffic

A detailed construction traffic management and construction phasing plan will be required prior to the commencement of any works on site.

It will be necessary to complete the agreed access improvement and widening scheme on Hollin Lane (from Hollin Way to the site access) prior to the commencement of any construction works on site to ensure that there is a safe and suitable access for construction and operative traffic. This will be a condition on any approval.

This should include, amongst other things, a restriction on HGV movements/deliveries during school start and finish times at St. Paul's Primary and Alder Grange High Schools for HGV traffic and a car park within the site for the operative parking and an area for HGV's to enter, turn and exit onto Hollin Lane in forward gear. A wheel washing area should be provided.

This can be submitted as part of the application to reduce the number of pre-commencement conditions.

Phil Barrett
Director of Community Services

• • •

Traffic impact

The assessment of the impact on the wider highway network would not be necessary for the number of dwellings proposed at this site. There is congestion on Burnley Road and queuing of vehicles travelling southbound for a period during the am peak. This is intensified during the school start times when queuing of westbound traffic on Hollin Way occurs. The junction of Burnley Road and Hollin Way has a good safety record and provides a right turn ghost island with central pedestrian refuge. The Transport Statement should cover this junction and recommend any potential improvements (see off-site highway works).

Site access junction Hollin Way / Hollin Lane

The visibility splay at the junction should be provided at X-2.4m x Y-25m for the 20mph speed limit. This appears achievable and within the adopted highway. The visibility on the inside of the bend on Hollin Way opposite Hollin Lane is hindered by fast growing vegetation. This vegetation should be removed and replaced with a bound porous surface to maximise visibility at the junction and the junction of Calder Road.

There are existing parking restrictions protecting the visibility splay at the junction on Hollin Way. On-street parking at this location is generated by the nearby schools at start and finish times. There will be no displacement of this parking or a requirement to introduce further parking restrictions.

The existing junction of Hollin Lane and Hollin Way should be re-aligned to ensure that the adequate spacing between this junction and the junction Calder Road is provided. The spacing of junctions is based upon the SSD and this is 25 metres. This appears achievable within the grass verge, however the verge rises up over the area in question and details of the level changes and re-grading should be looked at in detail (there should be no retaining walls introduced), including the position and depth of underground services, the status of the grass verge is undetermined at this stage (discussed in detail later).

The existing footways on Hollin Way shall be widened as part of the junction design to increase pedestrian safety at the junction.

The junction should have tactile paving on both sides and the radius kerb arrangement should be kept as small as possible to provide a direct and short pedestrian route across the junction on Hollin Way. Hollin Way is a well used walking to school route and a small radius kerbed arrangement will keep vehicle speeds low. The design should be accompanied by a swept path analysis of a refuse wagon to support the design.

Hollin Lane

Hollin Lane itself between the junction of Hollin Way and the site access is currently a single vehicle track width road with heavy vegetation on both sides within sloping verges. There is no separate footway or street lighting. There is record of a surface water drainage scheme on Hollin Lane.

The carriageway itself, varying in width between 3 – 4 metres, is recorded as adopted highway for approximately 250 metres from its junction with Hollin Way. It is then recorded as public footpath 193. The lane is bounded by private gardens on both sides. The status of the verges is unknown.

The lane is currently unsuitable to carry any development traffic and will require improvement and widening works. This will result in the loss of the verges (and vegetation/trees) on both sides of the existing carriageway for the whole length.

The widening of the lane should be designed in accordance with Manual for Streets. The carriageway can be of variable width which will encourage low vehicle speeds over the straight section of lane of approximately 200 metres. A swept path analysis should be used to form the basis of the design to allow vehicles, refuse and farm traffic to pass and re-pass safely.

The provision of a separate footway with a width of 1.8 metres is necessary along the lane (between Hollin Way and the visibility splay at the site access).

The lane lies at a lower level than the gardens which bound on both sides and this is a concern when considering the width constraints on the lane.

In order to assess the full impact a detailed level survey of the lane and adjacent gardens and cross and long sectional details should be supplied to accompany the detailed design as part of the planning application submission. The Highway Authority would need these details as part of the submission, rather than as a condition.

Details of retaining structures must be supplied and where necessary the appropriate structural agreements will be required. All structures (including embankments) will need to be built to adoptable standards.

The gradient of the road must not exceed 1:12 and must be level at the junctions for the length of a refuse vehicle.

The provision of street lighting and a surface water drainage scheme will be required as part of the design.

A 20mph speed limit order will be required on Hollin lane and the estate road which will be completed under the S278 agreement.

Site access junction Hollin Lane

The visibility splay at the site access should be provided at X-2.4m x Y-25m. The splay should be provided within the new footway on Hollin Lane. The indicative layout is not to scale however it appears acceptable.

Sustainability

The site is within walking distance of Primary and High Schools and a food convenience store. The town Centre of Rawtenstall is within 1km walking distance which has all other local facilities.

There are bus stops within an acceptable walking distance of the development site served by a frequent mainline bus service. The nearest bus stops have quality bus stop markings and bus shelters.

The development site is considered acceptable and in accordance with the transport sustainability policies of the NPPF.

Off-site highway works

The provision of tactile paving at the existing pedestrian refuges on Hollin Way and Burnley at the junction would bring the uncontrolled crossing point up to the current standards and provide an enhanced facility for pedestrians.

The works, including the Hollin Lane works within the adopted highway will be completed under a S278 agreement with Lancashire County Council.

Adoption, Land Dedication and Future Maintenance

As you are aware after receiving the highway adoption records for Hollin Way and Hollin Lane, the grass verges are not recorded as adopted highway.

The verges are required to provide a safe and suitable access to the development and therefore the status and land ownership forms an essential part of this application.

There is evidence to suggest that this stage of our investigation that the verges do form part of the highway. Unless the original record and minutes of the meeting specifically exclude the verges, it can be assumed that the verges are part of the highway. Our solicitor is currently completing further investigative work into the original adoption record completed in May 1928 and I will provide an update once that information is available.

Internal Layout

The internal estate road should be built to adoptable standards and subsequently dedicated to the Highway Authority for formal adoption under Section 38 of the Highways Act 1980.

1. A 5.5 metre carriageway and 2 metre footways are required. A swept path analysis shall be supplied to show a refuse wagon can enter, turn and exit in forward gear onto Hollin Lane.
2. The turning head shall be constructed to the LCC turning head specification.
3. A 20mph speed limit will be implemented under the agreement.

Parking

The vehicle parking should be provided in accordance with the Rossendale BC parking standards, e.g. 2/3 bedrooms = 2 spaces and 4+ bedrooms = 3 spaces.

Single garages should have internal dimensions of 3m x 6m, where there is no garage a secure, covered cycle store is necessary. Each dwelling should have a electric vehicle charging point.

Conclusion

To conclude the Highway Authority would raise no objection to the proposal subject to the Hollin Lane improvement and widening works being designed to provide a safe and suitable access in accordance with Manual for Streets to accommodate the development traffic and the existing farm traffic and pedestrian movements. The additional minor pedestrian improvement works on Burnley Road at the pedestrian refuge and the footway widening on Hollin Way should be included within the off-site highway works.

Yours faithfully

Kelly Holt
Highways Development Control
Lancashire County Council

EP6

Amjid Khan
WYG Consultants

Phone:
Email:

Your ref: Pre-app Hollin Lane
Our ref:
Date: 27th September 2018

**Pre-application advice
Hollin Lane, Rawtenstall**

Further to my email dated the 14th March 2018 and your subsequent request for the information relating to the status of the verges on upper section of Hollin Lane, please find my comments re-iterated below.

There are no conclusive records to show that the verges are adopted highway, however they are definitely 'highway' as I stated previously and upon inspection of the evidence that is available to us, we have determined that the verges are adopted highway.

Yours faithfully

Kelly Holt
Highways Development Control
Lancashire County Council

Phil Barrett
Director of Community Services

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EP7

GENERAL INFORMATION

Site Ref **SHLAA16184** Most Recent Source **SHLAA 2015** Site Gross Area (ha) **1.27**

Site Name **Land south of Hollin Lane, Rawtenstall**

Greenfield versus Brownfield **Greenfield** Designations **None**

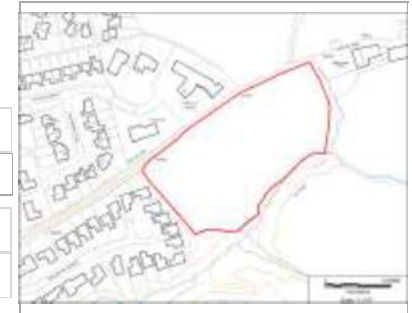
Site Location - Urban Area, Countryside or Green Belt **Countryside adjoining the urban area**

Current Land Use **Grassland**

Characteristics of the site reducing the development area **Area at high risk of surface water flooding, woodland stepping stone habitat**

Area available for development **0.9** Net Development Area (ha) **0.81** Density **30 dwellings per hectare**

Yield calculated **24** Yield proposed by applicant Current planning permission



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AVAILABILITY

Land ownership **single ownership**

Comments **Private ownership**

Intentions of landowner **developer/landowner willing to deliver residential units in the short term (next 5 years)**

Comments **The landowner is willing to develop the site for residential use (letter received 07.09.2015)**

Legal constraints / ownership issues **no legal or ownership constraints known**

Comments

SUITABILITY

Topography **flat site or very gentle slope**

Comments

Vehicular access **access is a major constraint and significant new infrastructure is required**

Comments **Via Hollin Lane which is a long narrow lane. Major improvements are needed to improve the access.**

Distance to strategic road network **between 1.5km (approximately 1 mile) and 5.5km (approximately 3.5 miles)**

Comments **3.6km /2.2 miles to A56/A682 junction**

Access by public transport **no bus services within 400m (0.24 miles)**

Comments **510m to bus stop with frequent bus services (X43)**

Access to primary school **access within 500m (0.31 miles)**

Comments 300m to St Paul's Constablee Church of England Primary School

Access to secondary school access within 1.5km (approximately 1 mile)

Comments 300m to Alder Grange Community and Technology School

Access to GP surgery access within 1km (0.6 miles)

Comments 665m to nearest GP

Access to a local centre or convenience shop access within 1.5km (approximately 1 mile)

Comments 750m to Spar at petrol station on Burnley Road

Access to a park or play area no access within 1.5km (approximately 1 mile)

Comments 1885m to nearest play area

Flood risk less than 50% in flood zone 2 or affected by medium surface water flood risk

Comments Less than 10% of the site is at high and medium risk of surface water flooding. More than 10% of the site is at low risk of surface water flooding.

Ecological value located in a Biological Heritage Site, Local Geodiversity Site or Core Area or Stepping Stone areas

Comments The southern part of the site (about 10%) is within a woodland stepping stone area as identified on the Lancashire ecological network maps. There is an Important Wildlife Site to the south of the site.

Recreational value presence of Public Rights Of Way or informal use

Recreational value comment A public right of way goes along Hollin Lane and through the northern part of the site.

Heritage assets site does not contain or adjoin a Listed Building and site is not within or adjoins a Conservation Area

Comments No listed building adjoins the site, however 3 listed buildings (grade II) are located on the hill surrounding the site.

Landscape value low landscape impact

Comments

Land contamination no known issues

Comments

Mineral sterilisation if entirely within or partly within a Mineral Safeguarding Area or surface coal area

Comments May require further site investigation

Land instability if no known issues and situated in a low risk development area

Comments

Proximity to dangerous structures not within any HSE consultation zones

Comments

Bad neighbour **site in residential or retail area**

Comments

Constraints due to utilities **no known utilities infrastructure on site**

Comments

ACHIEVABILITY

Extra costs of development **if some extra costs required**

Comments Vehicular access improvement. Flood risk, ecological and heritage assets assessment.

Market are **high value market area (£190 to £210/sqm)**

Comments

CONCLUSION

Availability summary **Available now**

Justification The landowner is willing to develop the site for residential use. The site is available now.

Suitability summary **Suitable in medium to long term**

Justification The land is flat but the vehicular access is an issue that requires significant improvements. The site is situated close (2.2 miles) to a strategic road but further than 400m from a bus stop (510m). Most local services are available within walking distances, except for a play area. A small part of the site is at high and medium risk of surface water flooding, while a larger part of the site is at low risk of surface water flooding. A flood risk assessment would be required prior to development. The southern strip of the site is within a woodland Stepping Stone. This habitat should be protected and has therefore been excluded from the area available for development. The public rights of way would need to be retained. Although no listed buildings adjoin the site, 3 heritage assets are located on the hill surrounding the site, thus the view from those properties might be affected by the development (Higher and Lower Chapel Hill Farm, Friends Burial Ground). A heritage impact assessment is recommended. The site is considered suitable in the future provided that the access is improved, the woodland habitat is protected and that the development does not affect the setting of the listed buildings.

Viability and achievability summary **Achievable now**

Justification There are extra cost associated with the development (i.e. making the vehicular access suitable for a housing scheme), however the site is within a high value market area, therefore the development is considered viable. Once the barriers to development have been addressed, the site could be delivered in the short term.

Conclusion **Developable in the medium to long term (within 6 to 10 years, or after 10 years)**

Justification The site is available now. However it is not currently suitable due to vehicular access issues (narrow lane). The site can become suitable if the access is improved, if the woodland habitat situated along the southern boundary of the site is protected and if the development does not affect the settings of the listed properties

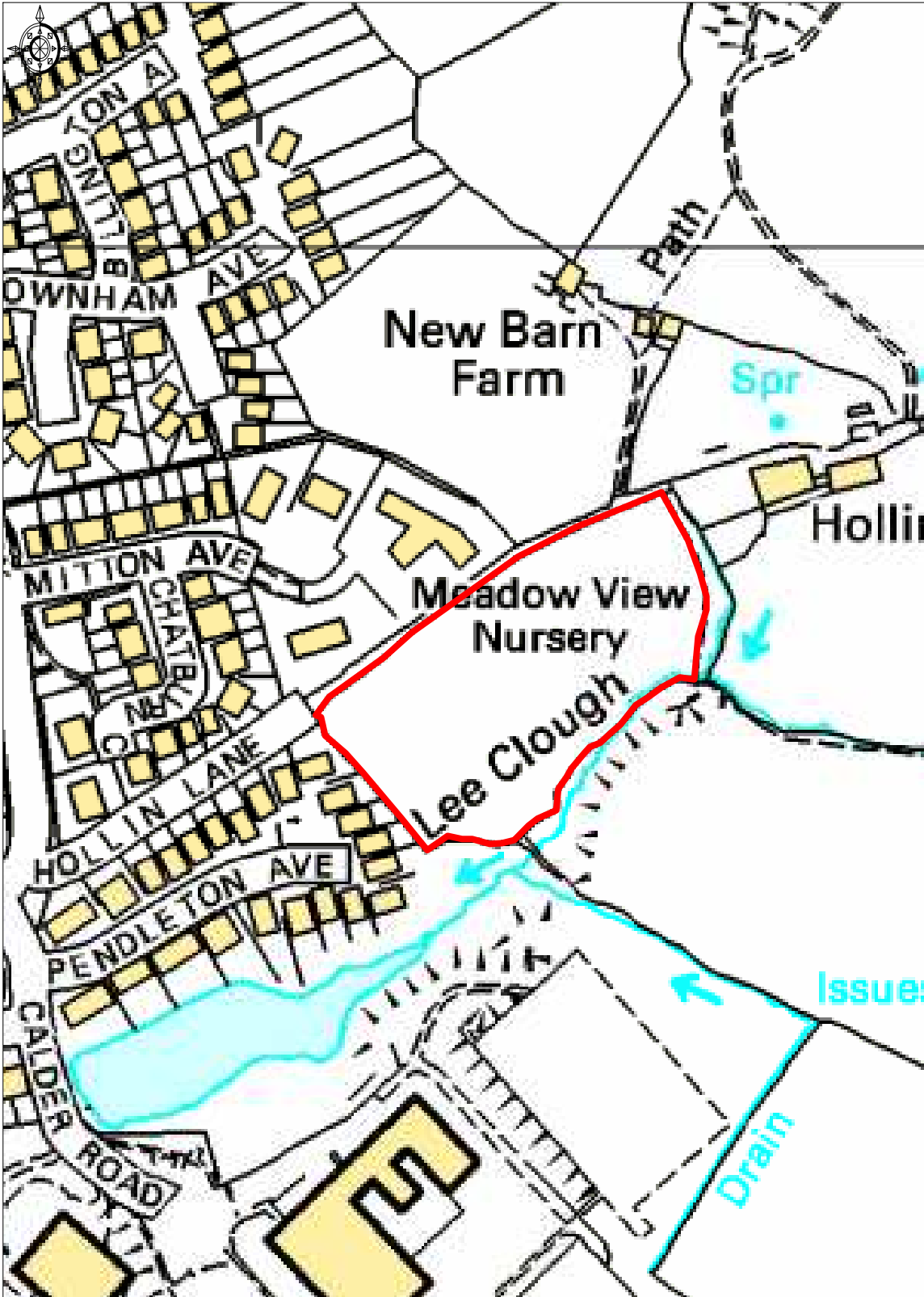
situated further up the hill. The development is considered viable and achievable within the medium to long term.

Delivery (next 5 years)

Delivery (6 to 10 years)

Delivery (11 to 15 years)

Land off Hollin Lane, Rawtenstall



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Appeal Decision

Inquiry opened on 14 August 2018

Site visit made on 16 August 2018

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 31st August 2018

Appeal Ref: APP/F2360/W/18/3198822

Land off Brindle Road, Bamber Bridge, Preston, PR5 6YP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Bellway Homes Limited (Manchester Division) against the decision of South Ribble Borough Council.
 - The application Ref 07/2017/2900/FUL, dated 22 September 2017, was refused by notice dated 7 March 2018.
 - The development proposed is the demolition of existing buildings and the erection of up to 193 dwellings with associated private gardens, parking, public open space, landscaping and vehicular access from Brindle Road.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and the erection of up to 193 dwellings with associated private gardens, parking, public open space, landscaping and vehicular access from Brindle Road on land off Brindle Road, Bamber Bridge, Preston, PR5 6YP in accordance with the terms of the application, Ref 07/2017/2900/FUL, dated 22 September 2017, subject to the conditions in the attached schedule.

Procedural and Preliminary Matters

Application for Costs

2. Prior to the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Inquiry and Site Visit

3. The Inquiry sat for 4 days, opening on Tuesday 14 August, and closed on Friday 17 August. I carried out an unaccompanied site visit at about 1800 hours on Monday 13 August, including observing the traffic at the junction of Brindle Road with Bank Head Lane when the railway crossing barrier was lowered, and an accompanied site visit of the site and surrounding area during an adjournment of the Inquiry on Thursday 16 August.

Planning Obligations

4. At the Inquiry an executed Planning Agreement pursuant to section 106 of the Act (S106), dated 16 August 2018, was submitted. It includes planning obligations to secure affordable housing, on-site open space provision and maintenance, and contributions towards a bus service, Mobile Speed Indicator

- Devices (SPiDs) on Brindle Road, improvements at Withy Grove Park, secure cycle lockers at Bamber Bridge Station and the monitoring of a Travel Plan.
5. I have examined the planning obligations to determine whether they meet the tests in Community Infrastructure Levy Regulations (CIL) Regulation 122. Based on the CIL compliance statement provided by the Council and the 'Statement of Justification for the Planning Obligation relating to the provision of bus service funding' from Lancashire County Council (LCC), as the local highway authority, I am satisfied that all the obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Also, I find that none of the planning obligations contravene CIL Regulation 123(3), regarding the limit of five separate planning obligations to provide for the funding or provision of a project or type of infrastructure.
 6. The affordable housing is required to ensure compliance with Policy A1 of the South Ribble Local Plan (SRLP). The SPiDs would be necessary to ensure that the additional traffic that would be generated by the proposed development would be safely accommodated on the highway network. The improvements to Withy Grove Park and the provision and maintenance of on-site public open space would be necessary to address the likely need for additional recreational amenities as a result of the future occupants of the proposed development, in accordance with SRLP Policies G8, G10 and G11. The Travel Plan monitoring and cycle lockers would be necessary to encourage the use of sustainable means of transport.
 7. Whilst the appellant and Rule 6 party have both questioned the justification for the contribution towards the bus service, supported by the opinion of their transport experts, I am satisfied that LCC has provided the necessary justification. The contribution is necessary to help fund a more frequent local bus service connecting the site to Bamber Bridge, including the railway station, and Preston to encourage a shift from cars to more sustainable means of transport for essential commuting/educational trips. LCC has indicated that the monies would enable it to improve the existing bus services, targeting the provision of a Monday to Saturday half hourly daytime service, a Sunday hourly daytime service and a Monday to Saturday hourly evening service and has provided evidence to show that it has discussed this with Stagecoach, a local bus company, to arrive at an appropriate sum. As such, I have taken all the planning obligations in the S106 Agreement into account in my determination of this appeal.
 8. At the Inquiry the appellant provided an engrossed S106 Unilateral Undertaking (UU), dated 16 August 2018, in response to the Council's requirement that provision be made for a highway link between the appeal site and the adjacent site that is allocated for future development. However, the evidence indicates to me that the S106 UU would fail to meet the requirements of the Council. I have therefore not taken it into account in my determination of this appeal. Furthermore, the Council has suggested that it would expect such a provision to be made by a planning condition, which I have discussed later.

National Planning Policy Framework

9. Following the determination of the planning application, the National Planning Policy Framework, March 2012 (2012 Framework) has been replaced by the National Planning Policy Framework, July 2018 (2018 Framework). I have

taken account of the latest national planning policies in my determination of this appeal.

Main Issues

10. The main issues are the effect of the proposal on the character and appearance of the surrounding area; whether it would provide acceptable living conditions for future occupants of the proposed dwellings, with particular regard to matters of noise and air pollution; and whether it would comply with national and local policies that seek to create inclusive and mixed communities.

Reasons

Character and Appearance

11. The appeal site has a rural character and appearance, consisting of a disused poultry farm with its associated buildings and house and adjoining open fields and pond, bounded by hedges and trees. However, it is at the edge of the built-up area of Bamber Bridge, bounded on the southern and western sides by residential development and on the eastern side by the M61 Motorway. The land to the north is open fields, separating the site from the M6 Motorway. Although the site does not form part of the existing built development, the Key Diagram in the Central Lancashire Core Strategy (CLCS) shows it as lying within the boundary of Preston & South Ribble Urban Area.
12. The principle of residential development on the appeal site and the land to the north was established during the Local Plan process, in which this land has been allocated for residential development, referred to as 'Site S' in SRLP Policy D1. The Table in Policy D1 identifies that Site S has an area of 22.7 hectares and could accommodate an estimated 250 dwellings. However, the Local Plan Examination Inspector has indicated in her report that this is an indicative number and should not preclude additional dwellings being brought forward, *'should the Council be satisfied that this is appropriate following detailed assessment'*.
13. The proposed development would be for 193 dwellings. A planning application for 283 dwellings on the adjacent site has been submitted and refused planning permission and is the subject of a separate appeal. The two sites together form most of allocated Site S and the combined number of dwellings proposed on them would far exceed the estimated 250 dwellings in SRLP Policy D1. However, that Policy and the Examination Inspector's findings do not suggest that it is a limit to the number of dwellings that could be accommodated on the site. Furthermore, the 2018 Framework indicates in paragraph 122 that development that makes efficient use of land should be supported and in paragraph 123 that development that fails to make efficient use of land should be refused planning permission.
14. Section 12 of the 2018 Framework seeks to achieve well-designed places and in paragraph 130 indicates that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way that it functions. In this respect, the Council's main concerns seem to me to be associated with the density of the proposed housing. The Design and Access Statement indicates that the net density would be about 40 dwellings per hectare (dph)

- and the Council has indicated that, when the public open space is subtracted, the density would amount to about 35 dph.
15. I accept that the density would be significantly higher than that of the mature housing in the area that fronts Brindle Road, but it would be closer to that of some of the later nearby development. The Council has specified that the density in the adjacent Cottage Gardens is about 30 dph, which consists mainly of detached houses, and the density of the mainly detached dwellings at Bluebell Way is about 20 dph. Cottage Gardens is a relatively small development with very limited public areas and Bluebell Way is adjacent to the semi-detached and terraced housing at Lady Acre and Further Fields, which the Council has calculated as having a density of about 40 dph. Therefore, I find that the overall density of the proposed development would be in line with that of other development in the area, as it would be a mix of different types of housing that would include terraces at a higher density.
 16. The Council has not disputed that the proposed buildings would have separation distances that would meet the required standards. There would be a variety of dwelling types and sizes, with single storey dwellings adjacent to Stephendale Avenue that would reflect the bungalows in that road, and terraced dwellings adjacent to the M61 Motorway, deemed to be necessary as a means of noise mitigation. Whilst the photomontages that have been submitted by the appellant show a relatively long and straight row of terraced houses with mainly paved parking at the front, this is the nature of terraced housing and the row would be broken up into smaller blocks with a varied roof line. Also, the level of car parking at the front of the dwellings would reflect that in the other more recent development in the area, and the Council has not disputed the appellant's claim that the amount of parking would be necessary to meet the required standards.
 17. I do not accept the Council's claim that the development would appear cramped and dense. Whilst it would have an urban pattern of development, I find that this would not be harmful to the surrounding character, as it would be in keeping with other later development in the area. Furthermore, the proposed built development would be surrounded by greenspace that would include mature trees and a pond that would be retained. I am satisfied that this, the size of the rear gardens and the planting between the frontage parking that would increase with maturity, together with the band of open space that would run from east to west across the site to the pond, would be sufficient to ensure that the development would not appear unduly dense or cramped.
 18. The amount of public open space that would be provided has been given as 1.08 hectares which would exceed the Council's Policy requirement of 0.6 hectares. This would include a large area on the eastern boundary, some of which would act as a bund along the side of the M61 Motorway. The Council has acknowledged that this would provide a visual amenity and that some of it would also provide a degree of recreational amenity space, albeit its use would be limited by its topography and location. In addition the area surrounding the existing pond would provide recreational and visual amenity space. There would also be connecting amenity space along the existing Public Rights of Way (PRoWs) on the site and through the development.

19. I accept that some of the public open space would have limited surveillance, including part of the PRoW at the rear of Cottage Gardens and an area of open space behind dwellings at the southern end of the site. However, there is nothing before me to show that any concerns regarding anti-social behaviour or crime could not be addressed by measures secured by planning conditions. Such measures could include the types of boundary treatment and lighting in accordance with those that have been agreed with the Police Architectural Liaison Officer.
20. Paragraph 129 of the 2018 Framework mentions the use of assessment frameworks, such as Building for Life, to assess and improve the design of development. In this respect, the appellant has carried out a Building for Life 12 Assessment on the proposed design, dated June 2018. Whilst this exercise has only been carried out at a later stage in the design process and too late to make any significant changes to the design, it has arrived at an overall amber rating, which indicates that the proposed development is partially compliant with Building for Life 12 Standards and requires some additional consideration. I am satisfied that the compliance could be improved by the use of planning conditions and that some of the failures to meet the criteria are due to the constraints of the site, partly due to being close to motorways, or requirements of Council policies, such as parking standards. Furthermore, the design is one factor that has to be balanced against the need for housing and the allocation of the site for residential development.
21. Although the proposal would make use of a rural area, the site has been allocated for residential development, includes agricultural buildings and is included within the boundary of the urban area in the CLCS. Therefore, having regard to the above factors, I conclude on this main issue that the proposal would not have an adverse effect on the character and appearance of the surrounding area and would accord with SRLP Policy G17, as the layout, design and landscaping would be of a high quality and would provide an interesting visual environment which would respect the character of the site and local area.

Living Conditions

22. The Council's second reason for refusal is regarding the health and well-being of the future residents of the proposed dwellings due to unacceptable levels of noise and air pollution, particularly at those dwellings that would be nearest to the M61 Motorway. With regard to noise, an environmental noise survey was carried out to determine the existing noise climate from the M61 Motorway to enable the calibration of a noise model based on the Calculation for Road Traffic Noise guidance.
23. At the Inquiry, the appellant's noise expert acknowledged that the 24 hour periods in February when the noise readings were taken at two locations close to the Motorway may well have been during a half term school holiday. However, the expert explained that these readings were only used to calibrate the noise impact model and traffic flow data based on counts taken was used to calculate noise levels in the model. Therefore, I find no evidence to show that the accuracy of the model used to predict noise levels has been compromised by the use of noise readings taken during the school half term holidays.
24. The model has been used to predict facade noise levels based on the proposed site layout plan to evaluate the impact on gardens and public open space. The

survey was updated during the determination of the application following liaison with the Council's Environmental Health Officers (EHOs). The survey report concludes that, with the recommended mitigation in place which would include acoustic glazing and ventilation, the internal noise levels within the habitable rooms of all of the proposed dwellings would be below the recommended maximum levels defined in BS8233:2014.

25. The Council has accepted that there is no policy, guidance or industry standard relating to assessing noise levels in public open spaces. The appellant has suggested that the noise levels at the proposed public open space are predicted to be comparable with those that are currently experienced at the nearby Withy Grove Park. Whilst the Council has referred to proposals by Highways England to erect a noise barrier alongside the M6 Motorway adjacent to Withy Grove Park, I have insufficient details to attach any significant weight to it in my determination of this appeal. Nevertheless, I find that the noise levels that have been predicted at the proposed public open space would not prevent it from being suitable for recreational use, given that Withy Grove Park has been providing acceptable recreational amenity space for some time.
26. With regard to private open space, the Council has agreed with the appellant that the proposed mitigation has minimised the areas of garden spaces that would exceed the 55 dB target. The mitigation measures for external environments, recommended in the survey report, include a mixture of fencing, brick walls and a barrier along the adjacent motorway. However, the report identifies that some of the plots would experience external noise levels within gardens in excess of 55 dB but none would exceed 60 dB, even allowing for the stated tolerance of plus or minus 2 dB.
27. The recommendations for external noise levels are taken from the World Health Organisation (WHO) guidelines which state: *'For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments.'* This has been assessed as being equivalent to a Lowest Observed Adverse Effect Level (LOAEL). The appellant has agreed that 8 of the proposed properties have been assessed as experiencing sound levels equivalent to a Significant Observed Adverse Effect Level (SOAEL) in part of their gardens, which would be greater than 55 dB. Even though 3 dB is the smallest change in noise level that can be detected by normal human hearing, the sound levels would still be above the recommended levels.
28. The Council's EHOs have not raised an objection on the grounds of noise, subject to the imposition of planning conditions. BS8233:2014 allows exceedances of 55 dB in areas, such as city centres or urban areas adjoining the transport network, and the appeal site could be included as one of these exceptions. The 2018 Framework refers to the Defra Noise Policy Statement for England in footnote 60 to paragraph 180, which in paragraph 2.22 concedes that there is no single objective noise based measure that can define a SOAEL. Therefore, it is a matter of judgment whether or not the noise levels in the gardens and public open spaces would be acceptable. On this basis, I find that the proposed mitigation has avoided noise giving rise to significant impacts on health and the quality of life, in accordance with paragraph 180(a) of the 2018 Framework.

29. In terms of air quality, the Council's EHOs have not contested the conclusions of an Air Quality Assessment (AQA), by Redmore Environmental, September 2017, or those of a Supplementary Note, February 2018. The AQA used standard dispersion modelling and predicted that mean annual NO₂ concentrations at all the proposed dwellings and one hour mean NO₂ concentrations at all locations across the site, including all areas of public open space, would be below the relevant air quality objectives. The appellant's evidence also demonstrates that the same would apply to levels of PM₁₀.
30. The AQA also considered the potential for air quality impacts as a result of road traffic exhaust emissions associated with vehicles travelling to and from the site, and a review of pollutant levels across the development site. It has predicted that potential air quality impacts associated with traffic would be negligible in accordance with the Institute of Air Quality Management guidance and has determined the overall significance of effect as 'not significant'. It has concluded that the development would not result in an exceedance of the national air quality objective.
31. The Council has expressed concern that no on-site monitoring of air quality has been carried out at the appeal site and Defra predictions for air quality at the site show background levels to be higher than at Station Road, which is a designated Air Quality Management Area. However, I am satisfied that the method for calculating the predicted air pollution levels is in accordance with the recognised standard procedure and the results show that the objective levels would not be exceeded on the site. As such I find that there is no evidence before me to show that there would be any material risk to the health and well-being of future residents due to air quality.
32. Based on the above, I conclude on this main issue that the proposal would provide acceptable living conditions for future residents of the proposed dwellings.

Mixed Communities

33. The proposed development would offer 43 affordable homes, equating to 22.5% of the total number of units. Whilst it would be fewer than the target of 30% set in CLCS Policy 7(a), the Council has agreed that the site and development considerations justify the reduced percentage and the affordable housing mix that would include two and three bedroom homes available for affordable rent (60%) and shared ownership (40%) would meet housing need. Great Places Housing Group has been identified as the intended registered provider to acquire the affordable units. The affordable housing would be secured by the executed S106 Agreement. The Council's only concern with the affordable housing appears to me to be regarding the proposed location in clusters within the site.
34. The Central Lancashire Affordable Housing Supplementary Planning Document (SPD) refers in Section F to the design of affordable housing. This includes the need for affordable housing to be 'tenure blind', which the Council has accepted would be achieved in the proposed development, as well as 'pepper-potting', which it suggests is defined as the dispersal of affordable housing units within residential development to promote mixed communities and minimise social exclusion. There is no definition of 'pepper potting' in the 2018 Framework, the CLCS or the SRLP and it is not clear as to what degree of dispersal of the units would be required to meet the SPD definition.

35. I have not be provided with any substantive evidence, such as studies or surveys, to show that 'pepper potting' is a more effective means of integrating affordable housing within market housing so as to minimise social exclusion than clusters of 'tenure blind' affordable housing, similar to that proposed. The affordable units would be split into 4 separate clusters. One cluster would consist of 8 units on the northern boundary, facing public open space and another would be 9 units on the western boundary. A further cluster of 22 mainly terraced units would be in a row that would face the eastern boundary and would be some of the nearest dwellings to the M61 Motorway, but there would also be 14 market houses within that row and all would benefit from an outlook across green space and some of the predicted quietest rear gardens on the development. The remaining cluster would be 4 semi-detached units centrally located. As such, I am satisfied that the proposed clusters would be adequately integrated within the market housing to ensure that an inclusive and mixed community would be created by the proposed development.
36. Taking account of the evidence provided, I find that the proposed affordable housing would meet the sustainable community and social inclusion objectives of the SPD. I therefore conclude on this main issue that the proposal would assist in the creation of inclusive and mixed communities and would accord with the relevant national and local policies in this regard, including CLCS Policy 7, as it would make provision for sufficient affordable and special housing to meet local needs.

Other Matters

37. The views of local residents opposing the development were represented at the Inquiry by Brindle Road Action Group (BRAG) and the Campaign for the Protection of Rural England (CPRE). Most of their concerns are those that have been given in the reasons for refusal, which I have dealt with under the main issues above. In addition, their safety concerns regarding the relatively narrow width of part of the existing footway on the same side of Brindle Road as the entrance to the development should be able to be addressed by much of that footway being improved under the development and the remaining section of that footway being able to be avoided by the use of a new pedestrian crossing facility. This would assist with the provision of a safer pedestrian access to Withy Grove Park, which would also be able to be accessed from the proposed development via a footpath link through Cottage Gardens, avoiding the need to use the substandard footway.
38. I have noted the concerns expressed about the cumulative impact of traffic generated by all of the proposed new development in the area, including this appeal development, and in particular on congestion and highway safety in the vicinity of the railway level crossing. However, LCC as the local highway authority has not objected to the proposal, subject to conditions, and has confirmed that it considers a traffic signal solution near the level crossing, as suggested by Network Rail, would not be acceptable. I agree that such a proposal would result in an increase in queuing and congestion. Furthermore, LCC has confirmed that the current situation without the signals has a relatively good safety record, even though some drivers have been known to by-pass queues when the barriers have been lowered, which I observed at my unaccompanied site visit.

39. The roads in the area of the appeal site have a relatively good accident record and there is nothing before me to show that they would not be able to cope with the additional traffic that would be generated by the proposed developments. Therefore, based on the evidence before me, including the analysis that has been carried out at the Brindle Road/Bank Head Lane junction, I am satisfied that the proposed mitigation in the form of additional signage and road markings would ensure that there would not be a severe residual cumulative impact on the road network or an unacceptable impact on highway safety. Further measures could be introduced later if a problem arises.

Planning Balance

40. In arriving at the most appropriate planning balance to apply to the appeal proposal, I have considered whether the development plan policies that are most important in determining this appeal are to be considered out-of-date, for the purposes of paragraph 11 of the 2018 Framework. In terms of the evidence submitted on the 5 year housing land supply, the Council has put forward a revised housing requirement against its local housing need of 209 dwellings per annum (dpa), based on paragraph 73 of the 2018 Framework. However, I am not satisfied that it represents a true reflection of the Borough's housing requirements.
41. Firstly, the figure suggested by the Council would be significantly lower than a 'plan based' housing requirement of 785 dpa which has been arrived at through the CLCS full objectively assessed need. Although the policies are more than 5 years old, this housing requirement was endorsed by the three Central Lancashire Authorities, that include the South Ribble Borough Council, in a signed Memorandum of Understanding, dated September 2017. As such, the appellant has argued that the strategic policies have been reviewed and not found to require updating, in accordance with footnote 37 to paragraph 73 of the 2018 Framework, but I am not convinced that this represents a review of the policies.
42. Secondly, the reduced figure would not reflect the Government's objective given in paragraph 59 of the 2018 Framework to significantly boost the supply of homes. Nor would it assist in fulfilling the Council's 'City Deal' obligations.
43. Thirdly, the local housing need should be used to inform strategic policies, as indicated in paragraph 60 of the 2018 Framework. Before it is used as a basis for calculating the 5 year housing land supply, it should be agreed by the two neighbouring authorities that are included in the housing management area to address the overall requirements of the area, a relevant buffer should be applied and the backlog should be addressed. This exercise has not been carried out by the Council. It is not for an Inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure, as it is an elaborate process involving many parties who are not present at or involved in the Section 78 appeal¹.
44. Finally, Government guidance² indicates that the new methodology for assessing the housing needs is incomplete and so it would be premature to

¹ Court of Appeal Judgment in *Hunston v SSCLG [2013] EWCA Civ 1610*

² Housing and economic development needs assessments Guidance, updated 24 July 2018

make and rely upon such an assessment. For these 4 reasons, I find that the housing requirement figure suggested by the Council at the Inquiry should not be used for calculating the 5 year housing land supply in this appeal. Therefore, in the absence of any realistic alternative figure, I have taken the requirement as being the CLCS led figure of 785 dpa. The Council has indicated that, on this basis, it can demonstrate a 5.01 year supply of deliverable housing sites.

45. In examining whether the Council's housing supply is sufficient to meet the 5 year requirement, I have considered the larger sites relied upon by the Council, having regard to the definition of 'deliverable' given on page 66 of the 2018 Framework. In this respect, no clear evidence has been provided that homes on the Vernon Carus Site would not be deliverable in the 5 year period, as it benefits from full planning permission, even though it has been allocated for many years and Bovis are seeking to dispose of the site. I have been provided with limited evidence to support the trajectories allowed for by the Council or suggested by the appellant on the Moss Lane Test Track and Pickering's Farm sites. However, the Council did not dispute the appellant's claim that the Construction Management Plan assumes a start date of July 2018 which has not been met. On this basis, I accept the appellant's arguments that there would be a slippage to the delivery of housing on this site that would be sufficient to take the Council's calculated supply of deliverable housing sites below 5 years.
46. On the basis of the Council having failed to demonstrate that it has a 5 year supply of deliverable housing sites, paragraph 11(d) of the 2018 Framework is relevant to the determination of this appeal, in accordance with footnote 7. In this respect the benefits of the proposal have not been contested by the Council. These include the provision of much needed affordable housing, with a Registered Social Provider in place; and the provision of market housing that would contribute towards, and has been included in, the Council's 5 year housing supply and would help the Council deliver part of its requirement towards the City Deal housing target. In addition, the proposal would provide economic benefits during construction and as a result of additional local expenditure from the future residents; and social and environmental benefits as a result of the removal of a poultry farm that is adjacent to residential properties, the provision of noise mitigation measures that would also benefit existing local residents and improvements to Withy Grove Park that is used by the local community.
47. The proposal would accord with CLCS Policy 17, as I have found that its design would take account of the character and appearance of the local area and the amenities of occupiers of the proposed development would not be adversely affected by neighbouring uses. The site forms part of a wider site that has been allocated in the development plan for residential development and the evidence before me shows that the proposal would accord with the development plan as a whole. In the above circumstances, I conclude that any adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the 2018 Framework.

Planning Conditions

48. I have considered the conditions that have been agreed between the Council and appellant should the appeal be allowed, following discussions at the

Inquiry. Given the need for the development to contribute to the 5 year housing supply, a condition providing that it must begin within a timescale shorter than the relevant default period³ is necessary to ensure that development is carried out expediently. This is in accordance with paragraph 76 of the 2018 Framework, as there is no evidence that it would threaten the deliverability or viability of the development. A condition referring to the plans⁴ is necessary to provide certainty.

49. Conditions regarding materials⁵, the control of invasive species of plant⁶, the removal of the temporary sales area at an appropriate time⁷, and the protection of trees⁸ are necessary to ensure that there is no unacceptable harm to the character and appearance of the area. A condition requiring adherence to a Construction Environmental Management Plan⁹ is necessary for reasons of safety and amenity. Conditions to control the hours of working¹⁰ and piling activities¹¹ during construction are necessary to protect the living conditions of local residents. A condition to secure a Remediation Strategy¹² to prevent pollution is in the interests of health and safety.
50. Conditions to ensure the provision¹³ and maintenance¹⁴ of acoustic mitigation measures are necessary in the interests of health and residential amenity. Conditions to secure electric vehicle recharge points¹⁵ and energy efficiency and renewable energy measures¹⁶ are necessary for environmental and climate change reasons. A condition requiring the implementation of a Travel Plan¹⁷ is necessary to encourage the use of sustainable means of transport. Conditions to secure sustainable drainage¹⁸ and the management of the drainage system¹⁹ on the site are in the interests of preventing a risk from flooding and to ensure that the environment is protected from water pollution.
51. A condition to control the treatment of the existing PRoW on the site²⁰ is necessary for reasons of crime prevention and the protection of residential amenity. A condition requiring the implementation of an approved Landscape and Ecological Management Plan²¹ is in the interests of biodiversity and nature conservation. A condition requiring the implementation of a scheme to control vehicular access to the emergency access²² is for highway safety reasons. Conditions regarding bats and reptiles²³ and nesting birds²⁴ are to ensure the protection of the natural environment, including those species protected under the Wildlife and Countryside Act 1981.

³ Condition 1

⁴ Condition 2

⁵ Condition 3

⁶ Condition 9

⁷ Condition 15

⁸ Condition 20

⁹ Condition 4

¹⁰ Condition 5

¹¹ Condition 16

¹² Condition 6

¹³ Condition 7

¹⁴ Condition 8

¹⁵ Condition 10

¹⁶ Condition 25

¹⁷ Condition 11

¹⁸ Condition 12

¹⁹ Conditions 13 and 14

²⁰ Condition 17

²¹ Condition 18

²² Condition 19

²³ Condition 21

²⁴ Condition 22

52. A condition regarding new landscaping²⁵ is necessary in the interests of visual amenity. A condition to secure a programme of archaeological work²⁶ is in the interests of the history of the site. Conditions to ensure the provision of on-site and off-site highway works²⁷, safeguard the visibility splays²⁸ and secure the future maintenance of the streets on the site²⁹ are necessary for reasons of highway safety and convenience.
53. The Council has not provided sufficient substantive evidence to demonstrate that a condition to secure vehicular access to the remainder of 'Site S' lying to the west of the appeal site is reasonable or necessary, given that that adjacent site would have its own separate access and it does not benefit from planning permission.
54. I have amended the suggested conditions and combined some of them where I consider it to be an improvement. I am satisfied that all the conditions that I have included are reasonable and necessary and reflect the advice in the national Planning Practice Guidance.

Overall Conclusion

55. For the reasons given above and having regard to all relevant matters raised, I conclude that the appeal should succeed.

M J Whitehead

INSPECTOR

²⁵ Condition 23

²⁶ Condition 24

²⁷ Conditions 26 and 27

²⁸ Condition 28

²⁹ Condition 29

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ian Ponter	of Counsel, instructed by Dave Whelan, Legal Services Manager, South Ribble Borough Council
He called	
Councillor Barrie Yates	Borough Councillor for Samlesbury and Walton Ward
Councillor Mike Nelson	Borough Councillor for Walton-le-Dale West Ward
Zoe Harding AssocRTPI	Planning Policy Officer, South Ribble Borough Council
Claire Bradley MRTPI	Managing Director, Kirkwells Ltd
Michael Wellock MRTPI	Managing Director, Kirkwells Ltd

FOR THE APPELLANT:

David Manley	QC, instructed by Samantha Ryan, Turley
He called	
Timothy Russell	Croft Transport Solutions
BSc(Hons) MIHT	
Simon Webster	Red Acoustics
BEng(Hons) MIOA	
Jethro Redmore BEng	Redmore Environmental
MSc CEnv MIAQM	
MIEnvSc PIEMA	
Samantha Anne Ryan	Turley
BA(Hons) MRTPI	

FOR THE RULE 6 PARTY: Persimmon Homes (Lancashire) Ltd

Paul Tucker	QC, instructed by Jon Suckley, GVA How Planning
He called	
Mark Devenish CEng	SCP Transportation Planning
MCIHT	

INTERESTED PERSONS:

Matthew Lennie	Brindle Road Action Group
Elliott Stiling	Brindle Road Action Group
Matthew Jones	Brindle Road Action Group
Peter Carter	Brindle Road Action Group
Jackie Copley MRTPI MA	Campaign for the Protection of Rural England
BA(Hons) PgCert	

DOCUMENTS

- 1. Application Documents**
- 1.1 Application forms and certificates
- 1.2 Location Plan (MCK Associates Drawing No 15-081 SL01 Rev A)
- 1.3 Existing Site Plan (with topo) (MCK Associates Drawing No 15-081 TP01)
- 1.4 Proposed Site Layout (MCK Associates Drawing No 15-081 PL01 Rev AF)
- 1.5 Brindle Road, Bamber Bridge Housetype Range (February 2018)
- 1.6 Elevational Treatments (MCK Associates Drawing No 15-081 ET01 Rev B)
- 1.7 Hard Surfacing (MCK Associates drawing no. 15-081 HS01 Rev A)
- 1.8 Boundary Treatments (MCK Associates Drawing No 15-081 BT01 Rev B)
- 1.9 Refuse Plan (MCK Associates Drawing No 15-081 RP01 Rev A)
- 1.10 2.5m Closed Boarded Fence (Acoustic) (Bellway Drawing No BH/MAN/SD/FD014 Rev C)
- 1.11 Cross Sections Sheet 3 of 3 (Avie Consulting Drawing No P2427-15-03 Rev B)
- 1.12 Temporary Sales Area (MCK Associates Drawing No 15-081 SA01 Rev E)
- 1.13 Site Access and Emergency Access Visibility Plan (Croft Transport Solutions Drawing No 1401-F01 Rev F)
- 1.14 Proposed Off-Site Highway Safety Improvements at Brindle Road / Bank Head Lane Junction (Croft Transport Solutions Drawing No 1401-02)
- 1.15 Indicative Sections through Stephendale Avenue (MCK Drawing no. 15-081 SC01 Rev A)
- 1.16 Streetscenes (MCK Associates Drawing No 15-081 SS01 Rev B)
- 1.17 Landscape Specification LDS421(E)-LS
- 1.18 Planting Plan 1 of 3 (LDS Drawing No LDS421-01E)
- 1.19 Planting Plan 2 of 3 (LDS Drawing No LDS421-02E)
- 1.20 Planting Plan 3 of 3 (LDS Drawing No LDS421-03E)
- 1.21 Design & Access Statement prepared by MCK Associates (Rev A)
- 1.22 Planning Statement prepared by Turley (22 September 2017)
- 1.23 Statement of Community Engagement prepared by Turley (21 September 2017)
- 1.24 Addendum to Planning Statement & Statement of Community Engagement prepared by Turley (8 February 2018)
- 1.25 Affordable Housing Statement prepared by Bellway
- 1.26 Ecological Assessment prepared by TEP (Ref 6259.001 Version 4.0, February 2018)
- 1.27 Air Quality Assessment prepared by Redmore Environmental (Ref 1315r3, 22 September 2017)
- 1.28 Updated Air Quality note – Letter from Emily Pears-Ryding of Redmore Environmental to Alex Wigfield of Bellway dated 7 February 2018 (Ref 1315)
- 1.29 Transport Assessment prepared by Croft Transport Solutions (September 2017)
- 1.30 Response to LCC Comments – November 2017 prepared by Croft Transport Solutions (Ref 1401)
- 1.31 Flood Risk Assessment and Drainage Strategy Statement prepared

- 1.32 by Avie Consulting (Ref P2427 Rev 03)
Environmental Noise Study prepared by Red Acoustics (Ref R1336-REP01-PB Rev E)
- 1.33 Technical Note – Additional Monitoring Results prepared by Red Acoustics (Ref R1336-T01A-PB)
- 1.34 Site Investigation Report prepared by Coopers (Ref 6482si, 4 April 2017) with covering letter dated 20 September 2017 (Ref 6482BEL170920L)
- 1.35 Updated Ground Investigation note – Letter from B W Hill of Coopers to Bellway Homes dated 6 February 2018 (Ref 6482BEL180206L)
- 1.36 Energy Report prepared by JSP Sustainability (February 2018)
- 1.37 Arboricultural Impact Assessment prepared by Ascerta (February 2018)
- 1.38 Crime Impact Statement prepared by A P Martin (v1.0, September 2017)
- 1.39 Archaeological Desk Based Assessment prepared by L-P: Archaeology (Ref LP2206C-DBA-v1.5)
- 1.40 Utilities Statement prepared by Bellway (September 2017)
- 1.41 Employment and Skills Statement prepared by Bellway (October 2017), including Economic Benefits Infographic prepared by Turley Economics
- 1.42 Construction and Environmental Management Plan prepared by Bellway
- 1.43 Community Infrastructure Levy – Planning Application Additional Information Requirement form (dated 8 February 2018)
- 1.44 Officer’s report to Planning Committee meeting on 7 March 2018, including late updates
- 1.45 Decision notice (7 March 2018)

2. Development Plan

- 2.1 Central Lancashire Core Strategy (adopted July 2012)
- 2.2 South Ribble Local Plan (2012-2026) (adopted July 2015)

3. Supplementary Planning Documents

- 3.1 Central Lancashire Affordable Housing Supplementary Planning Document (SPD1) (October 2012)
- 3.2 Central Lancashire Design Guide Housing Supplementary Planning Document (SPD5) (October 2012)
- 3.3 Central Lancashire Open Space and Playing Pitch Housing Supplementary Planning Document (August 2013)
- 3.4 Central Lancashire Biodiversity and Nature Conservation Housing Supplementary Planning Document (July 2015)

4. National Legislation, Policy Documents & Guidance

- 4.1 National Planning Policy Framework (DCLG, March 2012)
- 4.2 Relevant paragraphs of National Planning Practice Guidance (DCLG, March 2014 and as amended)
- 4.3 Housing White Paper – ‘Fixing Our Broken Housing Market’ (DCLG, February 2017)
- 4.4 Planning for the right homes in the right places: consultation proposals (DCLG, September 2017)
- 4.5 Government response to the Housing White Paper consultation:

- 4.6 Fixing our broken housing market (MHCLG, March 2018)
- 4.6 Government response to the Planning for the right homes in the right places consultation (MHCLG, March 2018)
- 4.7 Consultation Draft Revised National Planning Policy Framework (MHCLG, March 2018)
- 4.8 Relevant extracts of Consultation Draft Revised National Planning Practice Guidance (MHCLG, March 2018)
- 4.9 Housing Delivery Test: draft measurement rule book (MHCLG, March 2018)
- 4.10 Noise Policy Statement for England (NPSE) (Defra, March 2010)
- 4.11 British Standard (BS) 8233:2014 'Guidance on sound insulation and noise reduction for buildings'
- 4.12 ProPG: Planning & Noise - Professional Practice Guidance on Planning & Noise: New Residential Development (ANC, IOA & CIEH, May 2017)
- 4.13 Guidelines for Community Noise (World Health Organisation, 1999)
- 4.14 Relevant extracts of Health Effect Based Noise Assessment Methods: A Review and Feasibility Study (National Physical Laboratory (NPL), September 1998) [NPL Report CMAM16]
- 4.15 Urban Design Compendium (Homes and Communities Agency, August 2000)
- 4.16 Urban Design Compendium 2 – Second Edition (Homes and Communities Agency)
- 4.17 Guidelines for Providing for Journeys on Foot (Chartered Institution of Highways and Transportation, May 2000)
- 4.18 Urban Design Lessons: Housing Layout & Neighbourhood Quality (Homes and Communities Agency, January 2014)
- 4.19 Tenure Integration in Housing Developments: A Literature Review (NHBC Foundation / Homes and Communities Agency, September 2015)
- 4.20 Green Infrastructure: An integrated approach to land use (Landscape Institute, March 2013)
- 4.21 National Planning Policy Framework (MHCLG, July 2018)
- 5. Local Plan Evidence Base, Monitoring & Related Documents**
- 5.1 Sustainability Appraisal of the Local Plan
- 5.2 Report to South Ribble Borough Council on the Examination into the Site Allocations and Development Management Policies Development Plan Document (Planning Inspectorate, 9 June 2015)
- 5.3 Housing Land Position incorporating update to Strategic Housing Land Availability Assessment: As at 31 March 2017
- 5.3a Housing Land Position incorporating update to Strategic Housing Land Availability Assessment: As at 31 March 2018
- 5.4 South Ribble Local Plan Monitoring Report Covering the period April 2016–March 2017
- 5.5 Central Lancashire Core Strategy Monitoring Report Covering the period April 2016–March 2017
- 5.6 Central Lancashire Strategic Housing Market Assessment (GL Hearn, September 2017)
- 5.7 City Deal Business & Delivery Plan – Six Monthly Monitoring Report 2017/18
- 5.8 Planning Guidance Note 1: Noise and Vibration (SRBC Environmental Health Department, April 2016)

- 5.9 City Deal Business & Delivery Plan 2017-20 (June 2017)
- 5.10 Central Lancashire Strategic Housing Market – Joint Memorandum of Understanding and Statement of Co-operation relating to the Provision of Housing Land (Chorley Council, South Ribble Borough Council and Preston City Council, September 2017)
- 5.11 Preston, South Ribble and Lancashire City Deal (2013)

6. Statements of Common Ground

- 6.1 Statement of Common Ground between the Appellant and South Ribble Borough Council (19 June 2018)
- 6.2 Highways Statement of Common Ground between the Appellant and Lancashire County Council (June 2018)
- 6.3 Highways Statement of Common Ground between Bellway Homes Limited (Manchester Division), Persimmon Homes and Lancashire County Council (June 2018)

7. Additional Document

- 7.1 Air Quality Technical Note, Redmore Environmental, 11 July 2018

8. Documents Submitted at the Inquiry

- 8.1 Letter, dated 31 July 2018, from Turley, submitted by the appellant on 14 August
- 8.2 Draft Unilateral Planning Obligation regarding link between the appeal site and the adjoining development site, submitted by the appellant on 14 August
- 8.3 Opening submissions on behalf of the local planning authority, submitted by the Council on 14 August
- 8.4 Opening statement on behalf of the Rule 6 Party, Persimmon Homes (Lancashire) Ltd, submitted by the Rule 6 Party on 14 August
- 8.5 Statement read at the Inquiry by Matthew Jones, submitted by Matthew Jones on 14 August
- 8.6 Statement read at the Inquiry by Jackie Copley on behalf of CPRE, submitted by Jackie Copley on 14 August
- 8.7 Statement read at the Inquiry by Elliott Stiling, submitted by Elliott Stiling on 14 August
- 8.8 Statement read by Peter Carter at the Inquiry, submitted by Peter Carter on 14 August
- 8.9 CIL Compliance Statement, submitted by the Council on 16 August
- 8.10 Lancashire County Council Highways Statement of Justification for the Planning Obligation relating to the provision of bus service funding, submitted by the Council on 16 August
- 8.11 E-mails regarding bus service funding, submitted by the Council on 16 August
- 8.12 Copy of e-mail notifying Network Rail of the Inquiry, submitted by the Council on 16 August
- 8.13 Copy of Guidance: Government Housing and Economic Development Needs Assessments, updated 24 July 2018, submitted by the appellant on 16 August
- 8.14 Planning Layout Plan Ref TGDP/BRBB/PL2 for application to develop the adjoining site to the appeal site, submitted by the Council on 16 August
- 8.15 Site Visit plan

- 8.16 Statement of Martin Topping, submitted by Martin Topping on 16 August
- 8.17 Executed S106 Agreement, dated 16 August 2018, submitted by the Council on 16 August
- 8.18 Executed S106 Unilateral Planning Obligation, submitted by the Council on 16 August
- 8.19 Closing submissions on behalf of the Council, submitted by the Council on 17 August
- 8.20 Appellant's closing notes, submitted by the appellant on 17 August
- 8.21 Council's response to appellant's application for a partial award of costs, submitted by the Council on 17 August

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 2 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan SL01 Rev A; Proposed Site Layout PL01 Rev AF; Housetype plans 2C0075 Conrad, (No Ref) Fairhaven; 40A115 Oakwood, 3WE103 Weston, 3JA098 Japonica, 4AD108 Addingham, 3ST100 Stirling, 3CE080 Cherry, 2ST062 Studley, 3CH073 Chatsworth, 3RO077 Rochester, and (No Ref) Single Detached Garage; Elevational Treatments ET01 Rev B; Hard Surfacing HS01 Rev A; Boundary Treatments BT01 Rev B; Refuse Plan RP01 Rev A; Streetscenes and Sections SS01 Rev B; 2.5m Closed Boarded Fence (Acoustic) BH/MAN/SD/FD014 Rev C; Landscape Specification LDS421(E)-LS; Planting Plan 1 of 3 LDS421-01E; Planting Plan 2 of 3 LDS421-02E; Planting Plan 3 of 3 LDS421-03E; and Site Access and Emergency Access Visibility Plan Croft Transport Solutions 1401-F01 Rev F.
- 3) No development above finished floor level of the dwellings hereby permitted shall commence until details/samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) No phase of development shall commence unless there has been submitted to and approved in writing by the local planning authority a Construction Environmental Management Plan for that phase which shall specify the provision to be made for the following matters:
 - (a) Overall strategy for managing environmental impact and waste which arise during demolition and construction;
 - (b) measures to control the emission of dust and dirt during construction, including wheel washing facilities and mechanical sweeping of the adjacent roads;
 - (c) control of noise emanating from the site during the construction period;
 - (d) designation, layout and design of construction access and egress points;
 - (e) directional signage (on and off site);
 - (f) provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
 - (g) provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
 - (h) routing agreement for construction traffic; and
 - (i) waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The construction of the development shall be carried out only in accordance with the approved Construction Environmental Management Plan relevant to that phase.
- 5) During the site preparation and construction of the development, no machinery, plant or powered tools shall be operated, no process carried out

and no deliveries taken at or dispatched from the site outside the following times:

0800 hours to 1800 hours on Mondays to Fridays; and

0830 hours to 1300 hours on Saturdays.

No activities shall take place on Sundays, Bank or Public Holidays.

- 6) The development hereby permitted shall not commence until a Remediation Strategy for the site has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall be in accordance with the submitted Site Investigation Report (Ref 6482si, dated 4 April 2017) prepared by Coopers. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The Remediation Strategy shall incorporate the approved additional measures. All remedial works shall be implemented in accordance with the approved Remediation Strategy. On completion of the development/remedial works a written confirmation in the form of a verification report shall be submitted to the local planning authority to confirm that all works have been completed in accordance with the approved Remediation Strategy. The development hereby permitted shall not be occupied until the verification report has been approved in writing by the local planning authority.
- 7) Prior to the first occupation of the development hereby permitted, the mitigation measures identified in the Environmental Noise Study (Ref. R1336-REP01-PB Revision E, dated 7 February 2018) prepared by Red Acoustics shall be installed and retained thereafter. The mitigation measures identified for each dwelling shall be erected prior to occupation of that dwelling.
- 8) Prior to the first occupation of the development hereby permitted, a maintenance plan detailing how acoustic mitigation measures not linked to individual plots will be maintained for the duration of the development shall be submitted to and approved in writing by the local planning authority. The acoustic mitigation measures shall thereafter be maintained in accordance with the approved maintenance plan.
- 9) The development hereby permitted shall not commence until a detailed method statement for the removal or long-term management/eradication of the invasive species Himalayan balsam, as identified under the Wildlife and Countryside Act 1981 has been submitted to and approved in writing by the local planning authority. The method statement shall include measures to prevent the spread of invasive plants during any operations such as mowing, strimming or soil movement; and measures to ensure that any soils brought to the site are free of the seeds, roots and/or stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- 10) Prior to first occupation of each dwelling within the development hereby permitted an Electric Vehicle Recharge point shall be provided to serve that dwelling. This shall consist of, as a minimum, a 13 amp electrical socket located externally or in the garage in such a position that a 3 metre cable will reach the designated car parking space(s). A switch shall be provided internally to allow the power to be turned off by the resident(s) which if located externally shall be fitted with a weatherproof cover.

- 11) Prior to the first occupation of any of the development hereby permitted, a full Travel Plan shall be submitted to and approved in writing by the local planning authority. Where the local planning authority agrees a timetable for implementation of the full Travel Plan, the elements shall be implemented in accordance with the approved timetable unless otherwise agreed in writing with the local planning authority.
- 12) No development (with the exception of demolition, site preparation and remediation works) shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- (a) Information about the lifetime of the development, design storm period and intensity (1 in 1, 1 in 2, 1 in 30 & 1 in 100 year + allowance for climate change in accordance with the Environment Agency advice 'Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- (b) the implementation of Avie Consulting Ltd Brindle Road, Bamber Bridge Flood Risk Assessment and Drainage Strategy Statement No P2427 revision 03 dated September 2017 with a variable discharge rate between 36.7 l/s and 54.7 l/s achieved by the use of a single vortex flow control outfall;
- (c) flood water exceedance routes;
- (d) a timetable for implementation, including phasing as applicable;
- (e) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates; and
- (f) details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the permitted dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 13) Prior to the first occupation of any of the development hereby permitted, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include, as a minimum:
 - (a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Management Company; and
 - (b) arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

- 14) Prior to first occupation of each dwelling within the development hereby permitted, the sustainable drainage scheme serving that dwelling shall be completed in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the sustainable drainage management and maintenance plan approved under Condition 13.
- 15) The temporary sales area, access and parking arrangements hereby permitted and shown on Drawing No. 15-081 SA01 Rev E shall be removed from the site within 5 years of the date of the show house first being brought into use and the land forming the temporary access completed as shown on drawing Ref 15-081 PL01 Rev AF within 3 months of its removal.
- 16) Prior to the commencement of any works on site, details of all piling activities, including mitigation measures to be taken, shall be submitted to and approved in writing by the local planning authority. Piling activities shall be limited to between the hours of 0800 and 1800 on Mondays to Fridays and 0830 and 1300 on Saturdays, with no activities permitted on Sundays and Bank Holidays.
- 17) Prior to the first occupation of the development hereby permitted, a scheme detailing the treatment of the existing Public Right of Way through the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the proposed surfacing materials, boundary treatments and lighting. The scheme shall be implemented in accordance with the approved details.
- 18) No development (with the exception of demolition, site preparation and remediation works) shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include details of the management regime for the woodland and wildflower grassland and commit to a minimum implementation covering a 5 year establishment period. This shall include:
 - A management regime for the woodland and wildflower grassland;
 - a schedule for management of the on-site pond;
 - the installation of 10 bat roosting features on buildings/retained trees; and
 - an amphibian friendly road scheme to the highway serving plots 8 to 13 and 20 to 23.

The LEMP shall be implemented as approved.

- 19) Prior to the first occupation of the development hereby permitted, a scheme for controlling vehicular access to the site via the emergency access from Brindle Road shall be submitted to and approved in writing by the local planning authority. The emergency access shall thereafter be operated in accordance with the approved scheme.
- 20) All trees shall be planted in accordance with BS 8545 2014 and prior to the commencement of the development hereby permitted protective fencing identified within the development (Drawing No P.828.17.03 Rev A) shall be

erected in accordance with BS5837 2012 and shall remain in-situ throughout the development. An inspection programme of the protective fencing shall be established and recorded as part of the overall site monitoring. Permission for access into the Root Protection Areas (RPAs) shall be agreed in writing with the local authority prior to entry. No machinery, tools and equipment shall be stored within the RPA of any trees on site.

- 21) Prior to the demolition of the existing buildings and the soft fell of any existing trees on the site, details of the Reasonable Avoidance Measures (RAMs) for bats and reptiles/common toad that will be adopted shall be submitted to and approved in writing by the local planning authority. The approved RAMs shall be implemented during the demolition/soft fell phase of the development.
- 22) No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place during the nesting season, normally between March and August, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given by the local planning authority.
- 23) The approved landscaping scheme (Drawing No LDS421-01E, LDS421-02E, LDS421-03E and Landscape Specification LDS421(E)-LS) shall be implemented in the first planting season following completion of the development and shall be maintained thereafter for a period of not less than 5 years, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. The maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species of a similar size to that originally planted.
- 24) No development shall commence until the implementation of a phased programme of archaeological work has been secured. This shall be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the local planning authority.
- 25) The energy efficiency and renewable energy measures detailed in the submitted Energy Report (Dated February 2018) prepared by JSP Sustainability Ltd shall be installed in each dwelling prior to the first occupation of that dwelling.
- 26) No part of the development hereby permitted (with the exception of demolition, site preparation and remediation works) shall commence until a scheme for the construction of all site access, emergency access and the off-site works of highway improvement has been submitted to and approved in writing by the local planning authority.

The highway works shall be constructed in accordance with the approved scheme prior to the first occupation of any part of the development hereby permitted.

The highway improvement works shall include:

- (a) New Site Access from Brindle Road – the provision of a new residential estate road access junction point from Brindle Road, together with an emergency access point (as shown on plan Ref 1401-F01 Rev F).

- (b) Bus stop improvements – the improvement of the existing east and west bound bus stops closest to the site entrance to Quality Bus Standard.
 - (c) Enhanced Heavy Goods Vehicle Weight Restrictions – the erection of 2 new advanced weight restriction signs at the junction of Kellet Lane and Tramway Lane.
 - (d) Pedestrian crossings – the provision of an uncontrolled pedestrian crossing on Brindle Road.
- 27) No part of the development hereby permitted (with the exception of demolition, site preparation and remediation works) shall commence until the approved access from Brindle Road (shown on plan Ref 1401-F01 Rev F) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.
- 28) No hedges, trees or shrubs planted within the visibility splays for the development hereby permitted shall have a height of over 1 metre above the adjacent carriageway level at any time.
- 29) The development hereby permitted shall not be occupied until details of the arrangements for future management and maintenance of the streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company established.



Appeal Decision

Inquiry opened on 25 July 2017

Site visit made on 31 July 2017

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2017

Appeal Ref: APP/X1355/W/16/3165490

Land to the south of Dalton Heights, Seaham, County Durham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bellway Homes Limited against the decision of Durham County Council.
 - The application Ref DM/15/03487/FPA, dated 9 November 2015, was refused by notice dated 16 June 2016.
 - The development proposed is 75 residential dwellings (Use Class C3), access and associated landscaping.
 - The inquiry sat for 5 days over the period 25 July to 1 August 2017.
-

Decision

1. The appeal is allowed and planning permission is granted for 75 residential dwellings (Use Class C3), access and associated landscaping on land to the south of Dalton Heights, Seaham, County Durham in accordance with the terms of the application, Ref DM/15/03487/FPA, dated 9 November 2015, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. Although this proposal was submitted as a fully detailed application, the appellant put forward a proposed amendment to the layout of plot numbers 57 to 65, at the inquiry, by means of a suggested condition, in order to address some of the concerns raised by Mrs Brooks, a resident of Dalton Heights who lives in a property adjacent to the proposed site entrance. I discuss this matter in more detail below, and have had regard to this suggested condition in coming to my decision. I have also had regard to an agreement made under Section 106 (S106) of the Town and Country Planning Act 1990, as amended, submitted at the inquiry, which seeks to make the necessary arrangements for the provision of 8 affordable housing units.
3. The Council and the appellant have prepared both a Planning Statement of Common Ground (SOCG)¹ and a Housing SOCG². This latter document confirms that the Council cannot demonstrate a 5 year supply of deliverable housing land, as required by the National Planning Policy Framework³ ("the Framework"). At the inquiry I held a Round Table Session to discuss matters of Objectively Assessed Housing Need (OAHN) and Housing Land Supply (HLS).

¹ Section 4 of Core Document (CD) 4.4

² CD4.5

³ CD6.1

4. On 18 September 2017, after the closure of the inquiry, the Council submitted further information relating to HLS⁴ which it had prepared following publication by the Government, on 14 September 2017, of consultation proposals entitled "Planning for the right homes in the right places". On the basis of the figures contained in this Government consultation, the Council asserts that it can demonstrate a 5 year HLS. To ensure that all relevant views were canvassed this Council document was circulated to the appellant and other interested persons for comment, and some responses were received⁵. I provide further details of these submissions later in this decision, and I have had regard to the views expressed in these various documents in reaching my conclusions.
5. I undertook a site visit of the appeal site and its surroundings on 31 July 2017 in the company of representatives of the Council, the appellant and a number of interested persons, including representatives of the Dalton-le-Dale Action Group Against Bellway (DL DAGAB). As part of this visit I viewed the appeal site from many of the adjoining and nearby properties. On the same day I undertook unaccompanied visits to other locations and viewpoints suggested by the parties, and I had also made additional unaccompanied visits during the first week of the inquiry⁶.

Background

6. All parties made reference to the planning history of the appeal site, set out in the Planning SOCG. In summary, an application for the development of 80 dwellings, served from an extension of Dalton Heights, on land more or less equivalent to the current appeal site, was refused planning permission in July 1997. A subsequent appeal was dismissed in May 1998. Then, in 1999, an inquiry was held into objections to the District of Easington⁷ Local Plan (ELP). The Inspector's Report⁸ recommended the inclusion of a new policy, allocating land south of Dalton Heights (including the current appeal site) for up to 40 dwellings, along with woodland, tracks and a picnic site, and the retention of some land as a field⁹. However, this recommendation was not accepted by Easington District Council and the land was not allocated for development in the ELP, which was adopted in 2001.
7. The larger agricultural field, of which the appeal site forms the northern and north-eastern part, was considered in the Council's 2013 Strategic Housing Land Availability Assessment¹⁰ (SHLAA). This concluded that the site was unacceptable for housing as it *"extends beyond the settlement limit of Seaham into open countryside and intrudes into the important strategic gap between Seaham and Dalton-le-Dale"*.
8. The next matter of note was the submission of a planning application in 2014 for 134 dwellings, extending further to the south than the current appeal site, to be served from a proposed new junction on the B1285 to the east of the site. This was refused in June 2015 for 2 reasons: firstly, that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale; and secondly, on detailed matters of layout¹¹.

⁴ Docs 41

⁵ Docs 42, 43 & 44

⁶ Site visit details in Document (Doc) 32

⁷ The former Easington District planning area now falls within the County of Durham planning area

⁸ CD6.8

⁹ Doc 7

¹⁰ CD6.11, CD6.28 & CD6.29

¹¹ Paragraph 8 of CD5.24

9. This was followed in November 2015 by submission of the appeal proposal which was recommended for approval by Council Officers, but was refused by Planning Committee Members. The single reason for refusal alleges that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale, and would also result in the loss of the best and most versatile (BMV) agricultural land. The Council maintains that these adverse impacts would significantly and demonstrably outweigh the benefits of the development and would be contrary to Policies 1 and 3 of the ELP and advice contained within paragraphs 17, 109 and 112 of the Framework.

Site description, surrounding area and details of the appeal proposal

10. The appeal site comprises some 5.31 hectares (ha) of arable land, currently in use for crop production. It is part of a larger arable field set on sloping land which ranges from about 110m above Ordnance Datum (AOD) in the north-west, to about 73m AOD in the south-east. It is located adjacent to the southern boundary of Seaham which is identified as a "main town" in the County Durham Settlement Study (2012)¹².
11. This larger field is bounded to the west by trees and hedgerows alongside the A19 trunk road; to the north by sporadic vegetation and the rear fences of dwellings within Dalton Heights; to the east by trees and hedgerows alongside the B1285 single-carriageway; and to the south by trees and hedging which form the boundary to a couple of residential properties at Dalton-le-Dale. The appeal site shares the same western, northern and eastern boundaries, but it has no clearly defined southern boundary – just the remainder of the arable field.
12. The appeal site contains no buildings or structures, although a World War II pillbox does lie just outside the site to the south-east, adjacent to the B1285. No recorded public rights of way cross the appeal site, and there are no statutory or locally designated landscapes or ecological sites within or immediately adjacent to the site. Furthermore, the site contains no watercourses although there is an existing culvert at the low point of the larger agricultural field, which discharges surface water to the Dawdon Dene, by means of a small tributary watercourse.
13. Dalton-le-Dale, a largely linear village centred on St Cuthberts Terrace/Dene Road, lies predominantly to the east of the B1285 and is located to the south and south-east of the appeal site. It contains the Grade II* listed St Andrews Church, which lies relatively close to the B1285, to the south of St Cuthberts Terrace. The area of Dalton-le Dale located closest to the appeal site is the small residential development of Overdene and South View, which is served directly from a priority junction with the B1285.
14. Under the appeal proposal the site would be developed with 75 dwellings, comprising a range of 2, 3, and 4-bedroom units, to include 8 affordable homes. Vehicular access to the proposed development would be from an extension of an existing cul-de-sac section of Dalton Heights, with an additional pedestrian-only access onto the B1285 at the site's north-eastern corner.
15. The land to the south of the housing would become public open space and would be landscaped and planted with clumps of trees. It would also contain a naturalistic play area for children. In addition, this landscaped area would include, in its south-eastern part, a sustainable urban drainage system (SUDS), comprising

¹² CD6.15

a water attenuation basin and a swale which would extend into the southernmost part of the site, to link to the culvert mentioned above. The public open space would be traversed by bark mulch paths which would also run round the perimeter of the wider agricultural field, outside the appeal site.

Main issues

16. I have based the main issues primarily on the matters which flow from the Council's reason for refusal. However, interested persons also raised a number of other issues which had not featured in the reason for refusal. Whilst I consider that most of these points can best be dealt with under an "other matters" heading, issues relating to residential amenity and living conditions were highlighted at my site visit and gave rise to the appellant putting forward a suggested amendment to part of the site layout, to be secured by condition, as referred to earlier. As such, I consider it appropriate for this to also be treated as a main issue.
17. With these points in mind I consider the main issues to be:
- i. The weight to be given to saved policies in the adopted development plan, in light of the Council's current position regarding its 5 year HLS;
 - ii. OAHN and the Council's 5 year HLS;
 - iii. Whether the appeal site should be considered to be a valued landscape, in the terms of paragraph 109 of the Framework;
 - iv. The effect of the proposed development on the character and appearance of the surrounding area, including on the separation between Seaham and Dalton-le-Dale;
 - v. The effect of the proposed development on the availability of BMV agricultural land in County Durham;
 - vi. The effect of the proposed development on residential amenity and on the living conditions of nearby residents; and
 - vii. How the appeal proposal performs against the 3 dimensions of sustainable development set out in the Framework.
18. I consider these issues in the following sections, and then address some other matters, including those raised by interested persons, before undertaking a final planning balance.

Reasons

The weight to be given to saved development plan policies

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which explains that development plan policies should be consistent with its provisions. I therefore summarise the national planning policy context first, before turning to look at the relevant adopted development plan policies.

National planning policy context

20. Paragraph 14 of the Framework explains that there is a presumption in favour of sustainable development at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 47 sets out what local planning authorities should do to boost significantly the supply of housing, whilst paragraph 49 indicates that relevant

policies for the supply of housing should not be considered up to date if a local planning authority is unable to demonstrate a 5 year supply of deliverable housing sites. Notwithstanding the information contained in the Council's submissions which followed the closure of the inquiry (which I deal with under the next main issue), the absence of a 5 year HLS was the agreed position of the parties at the inquiry, as detailed in the Housing SOCG. As such, the parties further agreed that the provisions of paragraph 49 were fully engaged, such that this appeal should be determined against the second bullet point of the decision-taking section of paragraph 14.

21. Paragraph 215 explains that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given to them. Paragraphs 17, 109 and 112 are all also relevant in this case as they are cited in the Council's reason for refusal.
22. Paragraph 17 sets out 12 "core planning principles", whilst paragraph 109 details a number of ways in which the planning system should contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes, geological conservation interests and soils; and by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 112 relates to the economic and other benefits of BMV agricultural land.
23. The Planning Practice Guidance¹³ (PPG), initially published in March 2014, is also relevant to this appeal.

The development plan

24. The development plan comprises the ELP which was adopted in 2001 and was intended to cover the period up to 2006. However, no replacement plan has yet been prepared, and some of the ELP policies were saved by a direction of the Secretary of State (SoS) in 2007. These policies are still operative, including Policies 1 and 3 which were referred to in the Council's reason for refusal.
25. Amongst other things, Policy 1 requires the Council to take account of whether development proposals would accord with sustainable development principles, and whether there would be any benefits to the community and the local economy. It sets out a number of principles to be applied to the location, design and layout of all new development, with the Planning SOCG confirming that it is only the first and fifth of these principles that form part of the Council's case here.
26. The first principle requires development to be located within defined settlement boundaries, except where development in the countryside would be allowed by other policies in the plan – with a reference made to Policy 3. The fifth principle seeks to protect BMV agricultural land, along with existing public rights of way, landscape character, trees, hedgerows, geology, geomorphology, wildlife and natural habitats. Cross-references are given to other ELP policies but some of these have not been saved, and those which have been saved relate to matters which are not relevant in this case.
27. Policy 3 explains that development limits are defined for the settlements of the District and are shown on the proposals map and the settlement inset maps. It states that development outside these "settlement limits" will be regarded as

¹³ CD6.2

development within the countryside, and that other than specifically allowed for by other policies, development in the countryside will not be approved.

28. In broad terms I share the Council's view that the Policy 1 requirement for development to accord with the principles of sustainable development is consistent with the Framework - as the Council concluded in an assessment it undertook in 2015¹⁴. However, the presumption in favour of sustainable development set out in the Framework makes it quite clear that the starting point for decision making should be an up-to-date Local Plan. Paragraph 12 of the Framework states that it is highly desirable that local planning authorities should have an up-to-date plan in place, whilst paragraph 157 makes it plain that, crucially, Local Plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon, should take account of longer term requirements, and be kept up-to-date.
29. As already noted, there is no up-to-date Local Plan covering the Council's area, and although work has commenced on a new County Durham Plan (CDP), which was subject to an Issues and Options consultation in June 2016¹⁵, the Planning SOCG indicates that preparation of this plan has been paused¹⁶. The parties agree that given its early stage of preparation, no weight can be given to the CDP in this appeal. I share that view.
30. Furthermore, many of this policy's individual principles are out of kilter with the Framework. In particular, the Framework does not seek a blanket protection of such things as BMV agricultural land, landscape character and wildlife and natural habitats, as set out in the policy's fifth principle, but rather requires any harm to such matters to be considered in an overall planning balance.
31. With all the above points in mind, I conclude that the first and fifth principles of Policy 1, and Policy 3, cannot be considered up-to-date in the context of paragraph 215 of the Framework. Therefore, although the appeal proposal would be in conflict with these policies, they can only carry limited weight in this appeal.
32. There is, of course, nothing in the Framework to prevent a local planning authority from defining settlement boundaries, but these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area, as is made clear in paragraph 158 of the Framework. This paragraph goes on to state that local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals. It is to this matter, and the Council's 5 year HLS, that I now turn.

OAHN and the Council's 5 year HLS

33. As noted earlier, on 18 September 2017, some time after the closure of the inquiry, the Council submitted further information on HLS, following the publication of the Government's consultation proposals entitled "Planning for the right homes in the right places". In its note, the Council points out that on the basis of the proposed, standard method for calculating local authorities' housing need, the indicative figure for County Durham would be 1,368 dwellings per

¹⁴ CD6.10

¹⁵ CD6.12

¹⁶ An earlier version of the CDP was submitted for examination in April 2014 and an interim report was published by the Inspector in February 2015. However, this report was quashed by the High Court following a successful judicial review challenge by the Council, and the Council subsequently withdrew that version of the CDP from examination

annum (dpa). This would be below all of the values for OAHN put forward by the Council in its 2016 Issues and Options consultation document prepared for the emerging CDP, as detailed below.

34. Using this figure of 1,368 dpa the Council argues that it can demonstrate either a 5.76 or 6.58 year supply of deliverable housing land, depending on whether a 5% or a 20% buffer is used. In these circumstances the Council requests that its HLS position in the context of this Government consultation is noted, particularly in terms of the weight to be afforded to the boost to the supply of housing.
35. Responding to the Council's note, the DLDAGAB¹⁷ argues that the introduction of these new standards is long overdue, and maintains that they should not be ignored or taken lightly. It argues that on the basis of this new information the Council's policies for the supply of housing must be considered up to date, such that the "tilted balance" set out in the first bullet point of the decision-taking section of paragraph 14 of the Framework should not apply, and that there cannot and should not be any presumption in favour of sustainable development. It further maintains that as a consequence, there is no requirement for adverse impacts of the appeal proposal to be weighed against benefits.
36. However, in its response of 20 September 2017 the appellant¹⁸ points out that in making this late submission the Council has not sought to revise the position set out in its closing submissions at the inquiry, which confirm that it cannot currently demonstrate a deliverable 5 year HLS, and that paragraph 14 of the Framework is therefore engaged. The appellant further points out that the Government's consultation runs until 9 November 2017, and maintains that the proposed standardised methodology for calculation housing need is a controversial topic and that there will undoubtedly be a significant level of response to the consultation. As such, the appellant contends that there is a considerable degree of uncertainty as to whether the suggested approach to calculating local housing need will remain, as presently drafted, following the consultation exercise.
37. In a final, further submission¹⁹, dated 28 September 2017, responding to the appellant's comments, the Council indicates that the information in its supplementary note of 18 September is intended to supplant the relevant sections of its closing submissions dealing with HLS. The Council also maintains that Government statements and consultations are material considerations which must be taken into account, where relevant, in the decision making process.
38. I have given full consideration to the points put forward by the Council, and have noted the support given to the Council's position by the DLDAGAB. However, the fact remains that the Council's revised figures relate only to a consultation process, which is still on-going, and can therefore carry little formal weight at this time. There is no certainty that the standard methodology suggested in the consultation document will be formally adopted, in due course – with or without amendment, and the indicative figures put forward by the Council as a result of this consultation have not been tested in any meaningful way.
39. In these circumstances I can only give this late information submitted by the Council, and its suggested, revised position on HLS, very limited weight. As a result, in my consideration of this main issue I concentrate on the positions of the parties as at the inquiry, and as detailed in the Housing SOCG. As such, and as paragraph 49 of the Framework makes it clear that housing applications should be

¹⁷ Doc 43

¹⁸ Doc 42

¹⁹ Doc 44

considered in the context of sustainable development, I also give little weight to the DLDAGAB's assertion that the tilted balance in paragraph 14 of the Framework should not apply in this case, and that there should not be any presumption in favour of sustainable development.

40. With these points in mind I have had regard to the fact that whilst the evidence submitted to the inquiry shows that the Council is unable to demonstrate a 5 year HLS, the Housing SOCG confirms that the extent of the shortfall is not agreed. This is of relevance as, in line with the "Phides" judgement²⁰, the weight to be given to a proposal's benefit in increasing the supply of housing will depend on, for example, the extent of the shortfall, how long the deficit is likely to persist, what steps the Council could readily take to reduce it, and how much of the deficit the proposed development would meet.
41. Matters relating to the OAHN for County Durham and the Council's 5 year HLS have recently been rehearsed at another inquiry in the Council's area at Sedgefield, which took place in June 2017, with that appeal decision being issued on 28 July 2017²¹ while the inquiry into this current appeal was still sitting. That decision letter has been drawn to my attention and both parties referred to it in their submissions and closing statements. Whilst some matters have changed over the intervening period since that evidence was heard I generally endorse the findings of my colleague Inspector, for the reasons set out below.
42. The 5 year HLS is dependent on the full OAHN for the market area in question, but the Council does not have, as yet, an agreed up-to-date OAHN or housing requirement which has been tested by examination. A planning appeal is not the appropriate vehicle to determine an OAHN, but like my colleague Inspector in the Sedgefield case I have considered the evidence placed before me in the light of guidance on housing needs assessments set out in the PPG, in order to reach a view on the robustness of the submitted figures.
43. As in the Sedgefield appeal the Council put forward 3 alternative figures for the OAHN, drawn from its 2016 Issues and Options consultation document prepared for the emerging CDP²². These are 1,533 dpa; 1,629 dpa and 1,717 dpa, with each of these figures being derived from demographic analysis, using both short-term and long-term historical migration trends, and then assessed to see what level of job growth they could support. The Council considers all 3 of these figures to be robust and reliable and have equal weight for the purposes of the 5 year HLS calculation.
44. However, the appellant argues that the lower, 1,533 dpa figure is not robust as it is based on short-term migration trends over a deep recessionary period; and also because this figure is shown, in the Council's evidence, to fall short of the number of homes needed to support employment growth forecasts in the context of 71% and 73% employment rates. For these reasons the appellant argues that the OAHN should, instead, be considered to lie at the mid to upper end of the Council's range.
45. The Council's figures are the result of modelling from Edge Analytics²³ (EA), with the 1,533 dpa scenario relying upon analysis of short-term migration trends over

²⁰ Phides Estates (Overseas) Ltd v Secretary of State for Communities and Local Government [2015] EWHC 827 (Admin)

²¹ App Ref APP/X1355/W/16/3163598

²² Paragraph 3.3 of CD6.12

²³ CD6.13

the 6 year period 2008/09 to 2013/14, whereas both the 1,629 dpa and the 1,717 dpa figures contain some element of long-term migration trends. There is no firm evidence before me to indicate which would be the most appropriate set of migration assumptions to use, but EA do refer to the short-term period 2008/09 to 2013/14 as one during which unprecedented economic changes have occurred. Because of this they state that it is appropriate to consider alternative time periods, but do not indicate that forecasts based on the short-term trends should be seen as unreliable. Indeed, in this regard the evidence indicates that within County Durham migration trends have not varied widely in either the short or long term scenarios.

46. I have, however, also noted that the Planning Advisory Service (PAS) guidance²⁴ states that when assessing housing need, it is generally advisable to test alternative scenarios based on a longer reference-period, probably starting with the 2001 Census. This guidance goes on to indicate that other things being equal, a 10 to 15 year base period should provide more stable and robust projections than shorter periods of 5 or so years. An exception to this would be where the longer period includes untypical one-off events, but no such occurrences have been brought to my attention here. Although these points are not determinative, they do suggest to me that the lower OAHN figure of 1,533 may not be as robust as those based on longer-term migration trends.
47. Turning to job growth forecasts, the EA modelling work utilises information supplied by the 3 forecasting houses of Cambridge Econometrics, Oxford Economics and Experian. There are, however, wide variations in the job growth predictions from these organisations, ranging in the EA report from 167 jobs per annum (jpa) to 996 jpa for the 2014-2033 period, giving an average of 634 jpa. However, the appellant argues that an average annual employment growth of around 750 jpa should be used, based on data from the government's Business Register & Employment Survey and the Annual Business Inquiry on past trends in County Durham, together with information on self-employed people in County Durham in the 2001 and 2011 Censuses²⁵.
48. More recent forecasts from these 3 forecasting houses indicate an even wider range, from about 390 jpa to 1,533 jpa over the same time period, giving an average of 916 jpa. Although this would drop to an average of about 835 jpa if the very latest Experian figure of 582 jpa is used, it is still well above both the appellant's assumed figure of 750 jpa and Council's assumed figure of 634 jpa.
49. These job forecasts have to be considered alongside those which are derived from the various demographic scenarios relating to the Council's 3 OAHN figures detailed above. The OAHN figures point to a range of some 406 jpa to 535 jpa assuming an employment rate (ER) of 71% for the 16-64 age group, as indicated by the Office for Budget Responsibility²⁶. However, the EA report indicates that the Council is seeking to target an overall ER of 73% for the 16-64 age group over the period up to 2033, and this would give rise to a range of 605 jpa to 740 jpa²⁷.
50. In considering these various figures it is clear that there is some considerable volatility in the employment forecasts provided by the 3 different forecasting houses – and indeed in forecasts provided by the same forecasting house over

²⁴ Paragraphs 6.21-6.25 of CD6.4

²⁵ Paragraphs 6.5-6.6 of CD4.12

²⁶ Paragraph 5.13 of CD6.13

²⁷ Figures 27 and 30 in CD6.13, and Figures 2 and 3 in Doc 6

relatively short time periods²⁸. There also seems to be quite a wide variance between the long-term average ER of 68% over the period since 1993, and what EA refer to as the Council's "target" of 73%. On this point I have noted that the ER has only reached and exceeded 71% for 3 periods of relatively short duration, and has only hit or exceeded 73% for 2, much shorter periods.

51. Although the Council comments that an EA of 73% is both realistic and evidence based, I am not persuaded that this evidence is conclusive as it appears to rely on pre-2008 recession trends and an assumption that the positive trend since 2008 will continue. Nevertheless, even if an ER of 73% could be achieved, the evidence before me indicates that the OAHN of 1,533 would fail to support the average forecast growth in jobs by about 29 jpa. It was because of this that the Inspector in the aforementioned Sedgefield appeal rejected the use of the figure of 1,533 dpa as an appropriate OAHN, and considered that a minimum OAHN of 1,629 dpa should be used as a basis for the housing requirement for County Durham.
52. Having separately assessed this information, I arrive at the same conclusion. In so doing, I have noted the Council's submission that in view of the volatility in job forecasts already referred to, a shortfall of just 29 dpa is insufficient to justify the rejection of the 1,533 dpa figure. However, this very volatility means that this shortfall could just as likely be an underestimate, as an overestimate. With these points in mind I consider it only reasonable to take the figures at face value, and because of this I, too, consider that it is appropriate to use the OAHN figure of 1,629 dpa as the minimum on which to base the housing requirement.
53. Disregarding the OAHN figure of 1,533 dpa means that on the basis of the remaining Council figures, and taking account of past under supply and an agreed buffer of 20%, the 5 year housing requirement amounts to 11,333 dwellings for the OAHN of 1,629 dpa, and 12,178 dwellings for the OAHN of 1,717 dpa²⁹.
54. Insofar as the supply of housing is concerned, there was a fair amount of agreement between the parties, with disputes only arising in respect of 8 sites. The Council's position is that 10,234 dwellings will be delivered over the next 5 years, amounting to a supply of between 4.2 years and 4.51 years, whereas the appellant argues that some 10,029 dwellings will be delivered, amounting to a supply of 4.12 to 4.42 years³⁰. These figures indicate a 5 year difference between the parties of just 205 dwellings, arising primarily because of different assumptions regarding the timing of the likely start of housing delivery on the various sites, along with some differences regarding likely rates of delivery.
55. Although I have no firm basis on which to favour one set of figures over another, I consider it reasonable to assume that the Council has a more extensive knowledge of the intricacies of housing delivery within its own area, and because of this I give greater weight to the Council's assessment. This still points to a significant housing shortfall of between 1,099 and 1,944 dwellings over the 5 year period.
56. The Council rightly points out that the application of a 5% or 20% buffer has nothing to do with need, of itself, but is simply to ensure choice and competition, and/or to deal with a record of persistent under-delivery. It goes on to argue that without this buffer, on the appellant's own figures, the housing supply would virtually satisfy the 5 year housing requirement, based on the higher OAHN of

²⁸ Paragraph 4.22 of CD4.20

²⁹ Doc 24

³⁰ Doc 24

1,717 dpa plus the past under-supply of 1,563 dwellings³¹. It further argues that as the appellant's assessment of housing supply is predicated on the Council achieving average housing delivery in excess of 2,000 dwellings each year, this demonstrates that the Council has taken steps to address under-supply, by granting planning permissions capable of delivering at that rate.

57. However, there is no basis to set aside the Framework's requirement for a buffer, and both parties agree in the Housing SOCG that 20% is appropriate in view of past under-supply by the Council. Indeed, on this point the submitted evidence is quite clear that the Council's annual net housing completions over the past 6 years have all fallen short of the minimum OAHN of 1,629 dpa, with many years being significantly below this figure³².
58. Overall, and as I can only give very limited weight to the Council's HLS information submitted after the close of the inquiry, the matters set out above lead me to conclude that the Council is likely to have an appreciable housing shortfall over the next 5 year period. In these circumstances I consider that significant weight should therefore be given to the appeal proposal's intended provision of 75 dwellings, to include 8 affordable homes.

Whether the appeal site should be considered a valued landscape

59. The reason for refusal makes no specific reference to the appeal site constituting a valued landscape, although it does allege a conflict with paragraph 109 of the Framework. The Council clarified its position at the inquiry, maintaining that the appeal site should be regarded as a valued landscape, and claiming further that paragraph 109 is a specific Framework policy which indicates that development should be restricted, and that this would bring the appeal proposal within the ambit of footnote 9 to the Framework's paragraph 14.
60. Taking a contrary view, the appellant argues that the appeal site is not a valued landscape – but that even if it should be so considered, this would not cause the paragraph 14 footnote 9 to be triggered; nor would it automatically prevent the proposal from being considered under the "tilted balance" set out in the first bullet point of the decision-taking section of paragraph 14. I explore these conflicting positions below.
61. Although paragraph 109 indicates that the planning system should protect and enhance valued landscapes, it gives no clear guidance on what constitutes a valued landscape. Some clarity has, however, arisen as a result of other appeals and subsequent legal judgements, with both parties making reference to the "Stroud"³³ and "Forest of Dean"³⁴ cases. These indicate that for a landscape to be valued it has to be more than just popular. It should have some demonstrable physical attribute which takes it out of the ordinary and beyond mere countryside. Further, the Stroud judgement appears to endorse the Guidelines for Landscape and Visual Impact Assessment, Third Edition³⁵ (GLVIA3), and in particular its "Box 5.1" (which sets out a range of factors that can help in the identification of valued landscapes), as a relevant consideration in such matters.

³¹ Paragraphs 66 and 67 of Doc 39, and Table 4.1 of CD 4.8

³² Table 1 of CD4.21

³³ CD7.16: High Court Decision - Stroud District Council v Secretary of State for Communities and Local Government - CO/4082/2014 - (6 February 2015)

³⁴ CD7.18: High Court Decision - Forest of Dean District Council vs Secretary of State for Communities and Local Government and Gladman Developments Ltd (4 October 2016)

³⁵ Published by the Landscape Institute and the Institute of Environmental Management and Assessment

62. The appeal site does not lie within any landscape designation at either national or local level, but as GLVIA3 points out this does not, of itself, mean that a landscape does not have any value. This guidance goes on to indicate that as a starting point, reference to existing Landscape Character Assessments (LCAs) may give an indication of which landscape types or areas are particularly valued, with a stated strategy of landscape conservation usually being a good indicator of this.
63. In this regard, a significant amount of detailed landscape evidence was placed before me, in the form of a Landscape and Visual Appraisal³⁶ (LVA) which was submitted with the application; a review and critique of this information by Mr Charrier, the Council's landscape witness³⁷; and a further Landscape and Visual Impact Assessment (LVIA) prepared for the inquiry by Mr Chard, the appellant's landscape witness³⁸.
64. These all explain that the appeal site lies within the Durham Magnesian Limestone Plateau National Character Area³⁹ (NCA), and that although this NCA covers a very large area, it nevertheless identifies a number of features that are apparent within the appeal site and its surroundings. These include an open agricultural landscape; rural landcover consisting of arable land and grazing pasture; and narrow valleys (or denes) running down to the coast.
65. A finer-grain analysis is provided by the County Durham LCA⁴⁰ which classifies and describes the Durham landscape and, together with the County Durham Landscape Strategy⁴¹ (LS) and Landscape Guidelines⁴², is intended to inform decisions about landscape management. The appeal site is shown as lying within the Coastal Limestone Plateau broad landscape type, within a wider area which is described as having few valued attributes and/or is in poor condition, and where a higher degree of change may be desirable. The LS explains that the strategy for such areas will depend on whether it is more appropriate to restore the landscape back to its former character, or to enhance it by developing entirely new features or characteristics. Along with much of the wider area, the appeal site lies falls into the "enhance" category.
66. Although this is a fairly broad-brush, desk-based study I concur with its general findings insofar as the appeal site is concerned as, on the basis of my accompanied and unaccompanied site visits, I do not consider that the site contains any significant, valued attributes in landscape character terms. I note that the Inspector who determined the 1998 appeal referred to the area containing the appeal site as providing a "*fine setting for the southern part of Seaham*", but it seems to me that in essence it is simply an agricultural field in active crop production. Whilst it is attractive as an area of countryside, it contains no notable features to elevate it above the ordinary.
67. Mr Charrier, for the Council, has considered the GLVIA3 Box 5.1 and argues that 4 of the 8 listed criteria would be impacted upon in this case. He considers that the appeal proposal would adversely affect the site's landscape quality and scenic quality, and that by encroaching into the upper slopes of Dawdon Dene it would bring built development down towards the more tranquil core of the dene. He also

³⁶ CD2.3 & CD2.4

³⁷ CD4.17-CD4.19 & CD4.22

³⁸ CD4.9-CD4.11

³⁹ CD6.30

⁴⁰ CD6.16

⁴¹ CD6.26

⁴² CD6.27

contends that the site's role in providing the setting to Seaham and Dalton-le-Dale means that it exhibits a good degree of rarity, and that this would be adversely impacted upon by the appeal proposal.

68. I examine the impact of the proposals under the next main issue and so do not comment on the Council's assessment at this stage – but I am not persuaded that any of the matters cited by Mr Charrier indicate that the site exhibits attributes that elevate it above the ordinary, as the Council appears to suggest. Indeed he has not identified any specific features of the appeal site itself which raises it above the ordinary in landscape terms.
69. Rather, his and the Council's case seem to hinge on the claimed value of the function of the appeal site in contributing to the open setting of Dalton-le-Dale; contributing to the setting of Seaham; and maintaining the separation of the settlements of Seaham and Dalton-le-Dale. Whilst I acknowledge that the appeal site does perform all of these functions, to a greater or lesser extent, in my opinion it does not automatically follow that this makes the site a valued landscape. I consider that such functions are largely separate from any attributes or characteristics of the landscape, and again this serves to reinforce my view that there is nothing special or out of the ordinary about this landscape.
70. In summary, whilst I acknowledge that the appeal site and wider area is popular and valued by those who live adjacent to it, and/or have views over it, it has not been shown to exhibit any attributes that elevate it above the ordinary. Because of this I conclude that it is not the sort of valued landscape that paragraph 109 of the Framework indicates should be protected and enhanced.

The effect on character and appearance, and on the separation between Seaham and Dalton-le-Dale

71. As has already been noted, the Council's reason for refusal alleges that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale. This has been elaborated upon in the course of the presentation of the Council's evidence, such that the Council maintained in its closing submissions that the proposed development would give rise to a number of significant and harmful permanent effects on the landscape. These are intrusion into open countryside; reduction in the physical separation and the perception of separation between the 2 distinct settlements of Seaham and Dalton-le-Dale; harm to the sense of place and tranquillity of Dawdon Dene; and loss of the open rural landscape setting to Dalton-le-Dale.
72. Unsurprisingly the appellant disputes these assertions, arguing both in the original LVA submitted with the application and in the fresh LVIA put forward as part of the appellant's evidence to the inquiry, that whilst there would be changes and impacts to the appeal site and its surroundings, these would not be unacceptable in either landscape or visual terms. In considering these conflicting views I have had regard to the detailed landscape evidence submitted by both the Council and the appellant, including the photomontages and photographs from a number of viewpoints, together with my own observations and assessments made at my accompanied and unaccompanied site visits.
73. Dealing first with the appeal site itself, it is clear that the character of its northern part would change significantly from being open and rural to being occupied by a suburban residential development. I note that the Inspector in the 1998 appeal

was critical that housing in this location would “*occupy the most elevated and prominent part of the site*”. However, the submitted contour plans indicate that the area proposed for housing forms a gentle east-facing slope, at the same general level as the existing Dalton Heights/Escallond Drive residential area to the north. In landform terms it would therefore form a natural extension to this existing residential area and, as such, would not appear unduly out of keeping with its surroundings. There would be no built development in the southern part of the site, which lies on a steep, south-facing slope, only the SUDS basin and swale.

74. Moreover, I share the appellant’s view that the proposed planting would provide a much softer and well-treed southern boundary to this part of Seaham than is currently the case. I have already noted that the Inspector who determined the 1998 appeal referred to the appeal site and larger field as providing a “*fine setting for the southern part of Seaham*”, but I favour the assessment of the 1999 Local Plan Inspector who described the smaller scheme for 40 dwellings put forward at that time as being able to “*ameliorate the stark impact of the southern edge of the existing estate at this ‘gateway’ to Seaham*”.
75. To my mind this is an apt description of the appearance of this current boundary, where sparse vegetation and a mix of wooden fencing is the only separation between the open field and the adjacent residential properties, many of which lie close to this boundary. With these points in mind, I am not persuaded that this incursion into currently undeveloped land would be unacceptably out of keeping with the character of the surrounding area, or that it would be unduly harmful in landscape or visual terms.
76. There is no formal public access to the appeal site, so the change in character which would arise from the proposed development would, inevitably, be most apparent to the occupiers of the dwellings adjacent to or close to the site. I do not seek to belittle this impact on the local residents concerned, but those affected would be relatively few in number and, provided residential amenity standards are met (see later), I do not consider that this impact on private views should be determinative or be given significant weight in this appeal.
77. Travellers on the A19 and the B1285 currently have glimpsed views of the appeal site, but in my assessment the impact of the development on these people would not be unacceptable. They would still have views of the remaining agricultural field and the proposed landscaped and newly treed area, as would those who park for short periods in the nearby A19 layby. In my opinion the setting of Seaham would not be harmed by the proposed development, when viewed from the A19.
78. Furthermore, I do not consider that the visual impact on the longer-distance views available to walkers on the wider public footpath network, as shown on Doc 32, would be unduly harmful. Built form would extend onto part of the wider agricultural field, but it would be seen in the context of the existing buildings at Dalton Heights, and would be accompanied by significant new planting which would shield and soften views of much of the new development.
79. Overall, in light of the above points, I share the appellant’s view that the appeal proposal would provide an attractive new landscaped edge to Seaham resulting in beneficial effects on landscape character over time, as the structural landscaping matures. As such, it would not harm the setting of Seaham.
80. Turning to the separation between Seaham and Dalton-le-Dale, it is clearly the case that the proposed development would reduce the physical distance between

the closest Dalton-le-Dale dwellings, at Overdene/South View, and dwellings at Dalton Heights. However, whilst this is apparent on plan, I am not persuaded that it would be anywhere near as obvious on the ground. Indeed, I saw at my site visit that the combination of the generally dense vegetation which borders the B1285, the fact that much of this road sits in deep cutting past the appeal site, and the steeply sloping nature of the southern part of the appeal site, all serve to create a structural separation between Dalton-le-Dale and the northern part of the appeal site, where the new housing is proposed.

81. Because of this, I share the appellant's view that there would be very limited perception of the reduction of separation between Seaham and Dalton-le-Dale for pedestrians, cyclists and vehicle occupants on the B1285. Travelling northwards, all of these road users would still experience a distinct sense of leaving the developed area of Dalton-le-Dale around the St Cuthberts Terrace junction, then passing the slightly divorced area of Overdene/South View on the right, before catching glimpses of new development at Dalton Heights through the roadside vegetation on the left. Overall, I consider that the experience of travellers on this road would be largely unchanged by the appeal proposal.
82. I do accept that when seen from some more distant viewpoints such as Falcon Point at Dalton Park to the south, and the public right of way FP1 to the east⁴³, the appeal proposal would result in the development at Dalton Heights appearing closer to the outlier development of Overdene/South View at Dalton-le-Dale than is currently the case. However, this juxtaposition of development would be only one small feature in quite wide-ranging vistas available to walkers at these locations, and I am not persuaded that the appeal proposal would give rise to any undue visual harm or sense of unacceptable coalescence.
83. In this regard I have noted Mr Cudlip's comments, on behalf of the DLDAGAB, that the appeal site forms a vital and important part of a swathe of continuous countryside of some 2.5 miles or so in width, stretching either side of the appeal site, which a good number of local residents would like to see allocated by the Council as Green Belt. He states that to allow building on the appeal site would cause disruption and incursion in the most major way, as it would interrupt the continuous flow of countryside and have the most detrimental and significant adverse effects.
84. However, having regard to the cross-hatched plan submitted by Mr Cudlip⁴⁴, and the actual area proposed to be built on through the appeal site, it is my view that whilst a relatively small part of this area would be lost to the proposed development, by far the greater part of this wider, countryside area would still remain undeveloped. As a result, I am not persuaded that the impact on this wider area of countryside would be anywhere near as severe as is claimed. Insofar as Mr Cudlip's comments about a desire to see this land allocated as Green Belt is concerned, there are no firm proposals to this effect before me and I can therefore give this matter no material weight.
85. With regard to the Council's assertions that the proposed development would harm the sense of place and tranquillity of Dawdon Dene and result in the loss of the open rural landscape setting to Dalton-le-Dale, I do not share these views for a number of reasons. Firstly, the proposed dwellings would be confined to the more gently sloping northern part of the appeal site, adjacent to existing housing

⁴³ The 2 locations of the photomontages

⁴⁴ Doc 16

and well away from the more steeply sloping southern part of the larger field and the southern part of the appeal site, which is characteristic of the valley landform of Dalton Dene and Dawdon Dene. As such I am not persuaded that the proposed development would have any materially adverse impact on the rural setting of Dalton-le-Dale.

86. Secondly, whilst the new dwellings would undoubtedly result in some additional noise and activity, this would simply be typical of a residential area and I see no reason why it should be any more objectionable than the noise and activity generated by the existing Dalton Heights area. In any case, whilst I acknowledge that a small amount of development within Dalton-le-Dale lies due south of the larger field, to the west of the B1285, by far the greater part of the settlement lies to the east of the B1285. It would therefore be separated from the proposed new housing area by this road and the activity associated with it. Because of this I do not consider that the proposed development would unduly impact upon the sense of place and tranquillity of Dawdon Dene and Dalton-le-Dale.
87. Finally, I have noted the assertions of the DLDAGAB that the SUDS infrastructure should be seen as development which would serve to reduce the separation between Seaham and Dalton-le-Dale. However, this infrastructure would include no structures, but would just comprise the SUDS basin and green swale. Moreover, whilst the landscaping in this area would include an informal pathway, and would therefore be likely to introduce some human activity into this part of the appeal site and the larger field, there is no firm evidence before me to suggest that this activity, of itself, would have any meaningful impact on the tranquillity of the area, or on the separation of the settlements.
88. Drawing all the above points together, I conclude that the appeal proposal would not have an unacceptable impact on the character and appearance of the surrounding area, or unacceptably reduce the physical and visual separation between Seaham and Dalton-le-Dale. It would therefore not be in conflict with ELP Policy 1, nor with the Framework's core planning principles which require new development to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside. Furthermore, whilst I acknowledge that there would be a loss of a small part of the natural environment, the appeal proposal would enhance other parts, through the proposed landscape strategy, such that overall it would not be in conflict with the Framework's core principle requiring the natural environment to be conserved and enhanced.

The effect on the availability of BMV agricultural land

89. In the supporting information submitted with the planning application, the appellant argued that the appeal site only contains Grade 3b land, which does not fall into the BMV agricultural land category⁴⁵. However, the Officer's report to Committee recorded that Natural England (NE), whilst not a statutory consultee for this proposal, disagreed with the appellant's survey and considered that sections of the site do, indeed, contain BMV agricultural land. The loss of BMV land was considered to be unacceptable by the Council, and this matter was therefore included in the reason for refusal.
90. Further investigative work has been undertaken by both the Council and the appellant⁴⁶, and the Planning SOCG now records that there is agreement between

⁴⁵ CD2.9

⁴⁶ CD4.13 & CD4.14, and Appendix 11 in CD4.8

the parties that the site does predominantly comprise BMV agricultural land, although there is still a disagreement regarding the actual grading of the land. The Council maintains that the site contains some 59% (3.1 ha) of Grade 2 land and about 34% (1.8 ha) of Grade 3a land, whereas the appellant considers the northern two-thirds of the site to be Grade 3a with the remainder being Grade 3b.

91. The Framework makes no distinction between the different grades of BMV land, with its paragraph 112 simply requiring local planning authorities to take account of the economic and other benefits of BMV agricultural land and to seek to use areas of poorer quality land in preference to that of a higher quality, where significant development of agricultural land is considered necessary. However, the fact that the site could well contain Grade 2 land, which would be lost if the proposed development was to proceed, was seen as particularly important by Dr Monahan and the DLDAGAB, especially as the proportion of Grade 2 land is very low within County Durham, at about 1.6% of all land in the county.
92. That said, the Council made it clear that for its part, it did not consider the issue of agricultural land quality alone to be a "show-stopper" as far as the appeal proposal is concerned. Furthermore, although a very low percentage of all land in the county, the amount of Grade 2 land is shown on the NE Agricultural Land Classification (ALC) map⁴⁷ to be some 3,590 ha. Applying Dr Leverton's "rule of thumb" that Grade 3 land shown on the ALC map would be split roughly 50/50 between Grade 3a and Grade 3b, this would put the total amount of BMV agricultural land within the county at well in excess of 40,000 ha.
93. At just about 5 ha in total, the amount of BMV land assumed to be present on the appeal site would clearly be a very small proportion of the county's total, and I am not persuaded that its loss could be seen as significant on any reasonable assessment.
94. The Framework also requires economic factors relating to BMV land to be taken into account, and the only evidence placed before me on this point is information from land agents acting for the appeal site's owners⁴⁸. This indicates that the economic loss would be in the region of £14,000 to £15,000 a year, based on a reasonable assessment of crop yield and the current price per tonne for wheat. This information was not disputed, and I shall have regard to this level of economic loss when considering the overall planning balance, later in this decision. At this point, however, I note that this figure is significantly less than the amount of additional local expenditure per annum and the other related economic benefits which the appellant estimates would arise from the appeal proposal⁴⁹.
95. Taking all the above points into account I conclude that the appeal proposal would not have a significant impact on the availability of BMV agricultural land in the county, and that the loss of this land to development would not give rise to any significant economic concerns.

The effect on residential amenity and on the living conditions of nearby residents

96. These matters are largely covered by ELP Policy 35 which, amongst other things, requires that the design and layout of development should have no serious adverse effect on the amenity of those living or working in the vicinity of the

⁴⁷ Appendix 12 in CD4.8

⁴⁸ Appendix 13 in CD4.8

⁴⁹ Paragraph 9.7 of CD4.6

development site. This policy is supported by Appendix 6 of the ELP which sets out specific space and amenity guidance for residential layouts. I share the Council's view that this policy and appendix is generally consistent with the Framework, with one of its core planning principles at paragraph 17 stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

97. The main concerns raised on this topic by occupiers of existing residential properties relate to the likely impact of the proposed development on their living conditions, including such things as loss of privacy, loss of light and the visual impact of the proposed housing. These matters are of particular concern to those residents whose properties immediately adjoin the appeal site, especially as many of these have taken advantage of the currently open views by having living rooms, conservatories and balconies at first floor level⁵⁰.
98. However, separation distances between existing and proposed properties generally exceed the standards set in Appendix 6 of the ELP, with some of the distances being well in excess of the recommended figures. That said, there is a particular concern raised by Mrs Brooks, regarding the relationship between south-facing windows at her bungalow property, 11 Dalton Heights, and the side wall of a proposed detached garage at plot 57. The submitted plans show that an area of open land, with planting, is proposed to be sited immediately to the south of No 11, but the detached garage at plot 57 would be just some 7m from No 11's southern elevation. This relationship would not impinge on privacy, as no windows are proposed in the garage's side elevation, but it would result in an awkward and somewhat uncomfortable juxtaposition.
99. As already noted, the appellant put forward a suggested condition at the inquiry to try to address this matter, following discussions with Mrs Brooks. This would amend the layout for plots 57 to 65, thereby relocating the garage, increasing the depth of the open, planted area, and achieving a minimum separation distance of 18m between No 11's southern elevation and the proposed plot 57 dwelling. Although Mrs Brooks acknowledged that this would be an improvement, she maintained her opposition to the proposed development. In my assessment this suggested amendment would be a beneficial improvement to the layout which would result in not unacceptable living conditions for occupiers of 11 Dalton Heights. Moreover, its adoption would not adversely prejudice others who may have an interest in the appeal proposal.
100. The existing bungalow dwelling at 12 Dalton Heights appears to have limited views of the appeal site, as a result of its tall rear fence and sunken rear amenity area. However, I understand that its occupants are particularly concerned about loss of light, and the submitted plans do indicate that a single garage at plot 1 is proposed close to the common boundary. As a result, part of the garage's walls and pitched roof would undoubtedly be seen by occupiers of No 12 and would have some impact on light. This is not an ideal situation, but as the garage would only occupy a relatively small part of the field of view from No 12, with the plot 1 dwelling itself being some 13.5m or so from the boundary, I consider that the impact on the living conditions of occupiers of No 12 would not be unacceptable.
101. Nos 14 and 25 Dalton Heights both sit close to the appeal site boundary and both have windows overlooking the site. However, the development layout shows a fairly wide, planted area adjacent to the site boundary alongside these existing

⁵⁰ Doc 34

properties, with acceptable separation distances to the proposed dwellings on the nearest plots. Finally, I note that the rear elevations of the dwellings proposed for plots 74 and 75 would face to the west, such that their first floor windows would offer some views across the rear garden areas of some properties on Dalton Heights. That said, these views would generally be at an angle and of a type not uncommon in residential areas. Because of this I do not consider that this relationship would result in any unacceptable loss of privacy for existing Dalton Heights residents.

102. With regard to the visual impact of the proposed dwellings, I acknowledge that the outlook for occupiers of the existing dwellings which adjoin the appeal site would be changed significantly. However, the resultant views would not be dissimilar to those currently available to other residents on the Dalton Heights estate whose properties do not directly abut the appeal site. No evidence has been submitted to suggest that such views from these other, existing properties are unacceptable and because of this, and as residential amenity standards would be met, I do not consider that this impact on private views should be seen as unduly harmful.
103. I have also had regard to the other, more general concerns raised, such as the impacts of construction traffic passing through the Dalton Heights Estate; that stress could be caused as a result of the development occurring on neighbouring land; the fact that there could be disturbance from flashing headlights; that the lighting at the proposed access would be poor; that the proposed parkland could generate anti-social behaviour; and that the SUDS infrastructure and basin could prove dangerous to children.
104. However, many of the concerns relating to the construction period could be addressed by a construction management strategy, which could be secured by condition and would have to be approved by the Council. Similarly, other matters such as the layout of the parkland and details of the SUDS scheme would also have to be approved by the Council. I consider that these procedures would ensure that the layout of all such features would be satisfactory. Finally, no firm evidence has been submitted to indicate that disturbance from vehicle headlights would be any more severe than in the rest of the Dalton Heights estate.
105. Overall, taking account of all the above points, I conclude that the appeal proposal would not have any unacceptable impacts on residential amenity or the living conditions of nearby residents, through loss of privacy, loss of light, or visual intrusion. Accordingly, I find no conflict with ELP Policy 35 or the relevant sections of the Framework.

The 3 dimensions of sustainable development

106. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to sustainable development - economic, social and environmental - and that these give rise to the need for the planning system to perform a number of mutually dependent roles. I explore how the appeal proposal would perform against each of these roles in the following paragraphs.

The economic role

107. The Council has not disputed the appellant's claim that a number of economic benefits would flow from this proposal, which would contribute to boosting housing supply, including providing much needed affordable housing. As set out in Mr Westwick's evidence, these benefits would include an estimated £5.8 million in

Gross Value Added per annum, an estimated £412,500 “first occupation” spend, and an estimated £650,000 net additional local expenditure per annum⁵¹. In this context, the assumed annual loss of £14,000 to £15,000, resulting from development on BMV land would not be material.

108. It is also estimated that some 110 direct and indirect jobs would be supported during the construction process, and that about 10 new full-time equivalent jobs would be created in the local economy, including in retail and leisure businesses. Furthermore, the Council would receive an estimated New Homes Bonus of about £515,000, and over £130,000 in Council Tax receipts each year.
109. In view of these points the appellant argues that the appeal proposal would make a significant contribution to the ongoing economic sustainability of Seaham and the wider region, and that the increased spend in the local area would help to support the town’s local independent shops, services and facilities. No contrary evidence was put to me on these points to cause me to take a different view.
110. These benefits would not be unique to this development, but would flow from any new housing development of this size within the county. However, this does not detract from the fact that the appeal proposal would give rise to these real benefits, and for this reason I consider that it should be regarded as satisfying the economic role of sustainable development. This weighs significantly in the appeal proposal’s favour.

The social role

111. The Framework summarises the social role of sustainable development as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being. In this regard the appellant comments that Seaham is a very sustainable settlement, with a vibrant community and a wide range of social infrastructure which would benefit new residents. This is not disputed, nor is there any dispute that the appeal site itself is sustainably located.
112. The Framework’s requirement that the planning system should deliver a wide choice of high quality homes would be furthered by the appeal proposal, which would deliver a range of 2, 3 and 4 bedroom dwellings, in a mix of detached and semi-detached units, to include 8 affordable houses. I understand that this proposed mix would generally accord with the Council’s 2016 Strategic Housing Market Assessment⁵² (SHMA). That said, I note the views of local estate and letting agents, reported in the SHMA, that whilst bungalows remain in short supply in Seaham there are no other major housing shortages within this area – a matter highlighted by the DLDAGAB. But notwithstanding these views, the fact remains that the Council’s 5 year HLS shows a significant shortfall, and Seaham is one of the main towns indicated in the SHMA where housing growth should be focussed.
113. Indeed the Council’s updated Seaham Masterplan⁵³ indicates that the town has been an attractive destination for housebuilders and buyers in the last decade, with a maximum of around 250 new houses being built in a single year, but that the rate of housebuilding has slowed in the last few years. This is stated to be

⁵¹ Paragraphs 9.7-9.8 of CD4.6

⁵² CD6.14

⁵³ CD6.23

partly due to the recession and partly due to the limited number of sites currently available. The appellant maintains that the slow rate of housing delivery in Seaham is primarily due to an over-reliance on previously developed sites.

114. This view appears to be borne out by the appellant's comment that the CDP – admittedly now withdrawn – was seeking to provide over 600 dwellings in Seaham on brownfield sites (out of a total of about 940 dwellings for the town) – but that only one of these sites (at Parkside for 116 dwellings) has been seriously progressed to date. Whilst housing proposals for other brownfield sites were highlighted by the DLDAGAB⁵⁴, they have not been put forward as formal planning applications to date, and there is no firm evidence before me to indicate that they would be capable of delivering houses within the next 5 years.
115. Leaving aside the Parkside proposal, for which the Council has recently resolved to grant planning permission subject to a S106 legal agreement, the Council's latest housing trajectory only shows 15 new houses proposed for Seaham over the next 5 years⁵⁵. In contrast, the appeal site is deliverable now, and I share the appellant's view that it provides an opportunity to deliver much needed housing in the short-term, which is especially important in view of the Council's housing shortfall, which I have already indicated amounts to between about 1,100 dwellings and 1,940 dwellings (depending on the assumed OAHN), over the next 5 year period. Even if the brownfield sites referred to by the DLDAGAB could deliver houses within the next 5 years, they would not eliminate this shortfall.
116. The appeal proposal would deliver well-designed dwellings in a substantial landscaped parkland setting, and would also provide a naturalistic play area for children. As such it would contribute to the health and well-being of new and existing residents, who would all be able to use the new facilities. In light of these points I conclude that the proposed development would satisfy the social role of sustainable development, and I give this matter significant weight.

The environmental role

117. The appeal proposal would clearly result in some environmental harm as an area of countryside, outside the current settlement boundary, would be lost to a new, suburban housing development. Further environmental harm would arise from the loss of an area of BMV agricultural land, as already discussed. However, the site lies immediately adjacent to existing housing and I have already concluded that the proposed development would read as a natural extension to this existing residential area. With the proposed landscape mitigation measures, I have further concluded that the appeal proposal would not have an unacceptable impact on the character and appearance of the surrounding area.
118. The Framework indicates that one aspect of the environmental role of sustainable development is for the planning system to meet the challenge of climate change and flooding. On this topic, a number of interested persons, including Mr Gustard for the DLDAGAB, raised various concerns about the existing drainage regime in the locality, and the impact which the proposed development and its SUDS scheme would be likely to have.
119. I acknowledge that local residents have first-hand knowledge of existing conditions and past flooding events, and it is perhaps unfortunate that this knowledge was not utilised by the appellant in designing the proposed drainage

⁵⁴ Docs 12, 32 & 37

⁵⁵ CD6.24

scheme. However, no firm, authoritative evidence on drainage matters has been put forward by objectors to cause me to disregard the clear evidence from the appellant, which has been endorsed by the Council's Drainage Officer and by the Council in its role as Lead Local Flood Authority.

120. This evidence, set out in the Flood Risk and Drainage Impact Assessment submitted with the planning application⁵⁶, concludes that the site is not within a flood risk area, and that the development would not increase the risk of flooding elsewhere. It also shows that there are no issues of sewer network capacity. I note that an updated Flood Risk Assessment⁵⁷ has been produced to address new guidelines which have been issued since the application was submitted, requiring a 40% increase in peak rainfall intensity to be applied to take account of climate change for "more vulnerable" residential proposals. The evidence shows that this could be satisfactorily accommodated in the existing SUDS scheme design without changing the footprint of the SUDS basin.
121. Furthermore, the submitted evidence indicates that the proposed drainage scheme would actually reduce flood risk. In terms of surface water drainage the development proposes to reduce the discharge rate by 43% in a 1 in 30 year event, and by 52% in a 1 in 100 year event⁵⁸. These figures indicate that not only would the proposed development not give rise to any additional flooding problems, it would result in a significant improvement to the existing situation. With these points in mind I am satisfied that there are no good reasons, on drainage and flood risk grounds, why the proposed development should be opposed. Indeed, the proposed drainage scheme would provide a clear benefit weighing in the appeal proposal's favour.
122. With regard to other environmental concerns, the Officer's report to Committee confirms that the forecast increase in vehicle movements is well below the appropriate threshold such that an air quality assessment is not required. In addition, the Noise Assessment⁵⁹ concludes that, with appropriate mitigation, acceptable noise levels can be achieved on the site. Furthermore, a number of general concerns were raised by interested persons, mainly in the written representations, regarding ecology and the various wildlife species which may use the site, and at the inquiry the DLGAB questioned the robustness of the bat transect surveys which had been carried out on behalf of the appellant.
123. However, the ecological assessment submitted with the application⁶⁰ demonstrates that the proposed parkland would provide valued habitat and that other biodiversity mitigation and enhancement measures would ensure that there should be no adverse ecological impacts. An updated assessment undertaken in June 2017⁶¹ shows that there has been no change in circumstances since the original report was produced and, indeed, that opportunities exist to enhance the biodiversity value of the site. In particular the assessments indicate that the landscaping scheme would be of benefit to local bat species, due to the large area of compensatory habitat proposed to the south of the housing area.
124. On this matter, there are clearly both environmental benefits and disbenefits of the appeal proposal, as detailed above. On balance it is my assessment that the

⁵⁶ CD2.12 & CD3.8

⁵⁷ Appendix 10 in CD4.6

⁵⁸ Appendix 10 in CD4.8

⁵⁹ CD2.16

⁶⁰ CD2.10

⁶¹ Appendix 6 in CD4.8

benefits would just outweigh the disbenefits, and because of this I conclude that the proposed development would also satisfy the environmental role of sustainable development, and that this would add moderate weight in the proposal's favour.

Summary

125. On this issue as a whole, and having regard to all the above points, it is my overall conclusion that the appeal proposal would satisfy all 3 dimensions of sustainable development.

Other matters

126. Highways and safety. The planning application was supported by a detailed Transport Assessment⁶² and an Interim Residential Travel Plan⁶³. These were considered to be satisfactory by the local highway authority (HA) who raised no objection to the appeal proposal on highway or safety grounds. However, many highway-related objections were raised in written representations, and also by a number of those who spoke at the inquiry, including Mr Richards who provided highways evidence for the DLDAGAB. Although Dr Bunn, for the appellant, provided no formal highway evidence, he did attend the inquiry to answer questions from Mr Richards covering such matters as the detailed access arrangements; capacity on the local highway network; and safety concerns, including the safety of pedestrians using the footway alongside the B1285.
127. The existing carriageway width at the proposed access point between 11 and 12 Dalton Heights measures a fraction less than 5.5m, and there would be a smooth transition to the proposed carriageway width within the new development of 4.8m. The Department for Transport publication Manual for Streets indicates that this width is adequate for cars and heavy goods vehicles to pass, and I consider it quite appropriate for a residential development of this type. The HA raises no objections regarding the number of dwellings to be served by the proposed access, and it has indicated that a second vehicular access is not necessary.
128. There would only be a footway on one side of the road at the approach to the new development, but such arrangements are not uncommon in residential areas, and I see no reason why this should present any unacceptable safety problems. The fact that there is a dispute over land ownership at the western side of the proposed access, involving land claimed by 12 Dalton Heights⁶⁴, is not central to the provision of a safe access. It is therefore not a matter upon which I need to form any clear view.
129. A separate pedestrian access proposed to link with the B1285 footway at the north-eastern corner of the site, was criticised on safety grounds by the DLDAGAB, particularly as it was stated that cyclists often use this footway. However, no firm evidence has been submitted to suggest that this footway could not safely accommodate the numbers of pedestrians likely to be generated by the development, even in the context of its unauthorised use by cyclists.
130. The amount of traffic predicted to be generated by the appeal proposal has been shown to give rise to no undue capacity problems on the local road network, even allowing for additional traffic from the nearby Dalton Park Phase 2 development. Moreover, the number of recent accidents in the locality is low, with nothing to indicate that the highway network has safety issues requiring remedial work.

⁶² CD2.17

⁶³ CD2.18

⁶⁴ Docs 25 & 37

131. Concerns were also raised regarding the likely impact of parked vehicles on traffic movements within Dalton Heights. However, there is nothing to suggest that the existing and proposed residential roads have not all been designed to appropriate standards, and in such circumstances I share the appellant's view that it is down to individuals to park responsibly, in accordance with the Highway Code.
132. Finally, I have noted the concerns expressed by Mr Richards and others regarding visibility for drivers approaching Overdene on the B1285, and for drivers entering the B1285 at the Overdene junction. That said, this is an existing junction and I am not persuaded that the relatively low numbers of vehicles that the proposed development would add to the B1285 traffic flows, on an hourly basis, would unacceptably worsen the situation for drivers undertaking these manoeuvres.
133. Drawing these points together, and having had regard to the originally submitted highways information, supplemented by an updated Transport Assessment Addendum⁶⁵, and the oral evidence provided by Dr Bunn, I am satisfied that highways matters should not weigh against the appeal proposal.
134. Human Rights. A number of interested persons maintained that the proposed development would harm their human rights. However, the right to respect for family and private life contained within the Human Rights Act is a qualified right. As such, it is lawful for these rights to be interfered with, so long as the interference is in accordance with the law and it is necessary to do so in a democratic society for the protection of the rights and freedoms of others. In this case, the interference is in accordance with sound planning principles regarding residential amenity, and it is necessary and proportionate in connection with the proposed development. Accordingly, a grant of planning permission in this case would not be at odds with the Human Rights Act.
135. S106 agreement. I have also had regard to the completed S106 agreement which would secure the provision of 10% affordable housing (8 dwellings). Having considered the joint note on this matter prepared by the Council and the appellant⁶⁶, I am satisfied that the S106 agreement accords with Regulation 122 of the Community Infrastructure Levy Regulations 2010. As such, it also satisfies the requirements of paragraph 204 of the Framework, and I therefore give this agreement weight in this appeal.

Summary, planning balance and overall conclusion

136. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 I am required to assess this proposal in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. In this regard I have also been mindful of the September 2017 submissions from the Council in which it asks that indicative housing need figures based on a Government consultation process be taken into account, but for reasons given earlier I can only give this matter very limited weight. In these circumstances I see no reason to deviate from the position set out in the Housing SOCG, namely that the Council is currently unable to demonstrate a 5 year supply of deliverable housing land. As such, policies for the supply of housing, which include ELP Policies 1 and 3 have to be considered out-of-date, although they still carry some weight. The other ELP Policy referred to in this decision, Policy 35, is

⁶⁵ Appendix 8 in CD4.8

⁶⁶ Doc 27

not out-of-date and in my assessment it accords with the guidance and approach of the Framework and can therefore carry full weight.

137. These points lead to paragraph 14 of the Framework which explains that proposals that accord with the development plan should be approved without delay; and that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.
138. Although the Council argued that Paragraph 109 of the Framework falls into this latter category, I am not persuaded that that is the case. The only evidence put to me on this point was the SoS's decision in the Kidnappers Lane appeal⁶⁷, which to my mind did not prove determinative on this matter as, despite concluding that the appeal site in that case was a valued landscape, both the Inspector and the SoS then proceeded to apply the Framework's paragraph 14 tilted balance. Be that as it may, in the current case, for the reasons set out above, I do not consider the appeal site to be a valued landscape in the Framework's terms and, as a result, footnote 9 to paragraph 14 does not come into play.
139. It is therefore necessary to assess whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposed development. I have concluded, as detailed above, that some adverse impacts would arise from this proposal, notably the environmental harm of the loss of the open, countryside nature of the appeal site, and the economic and environmental harm arising from the loss of about 5 ha of BMV agricultural land. There would also be the impacts arising from the adverse effects on the private views of residents who live adjacent or close to the appeal site.
140. However, on the other side of the scale I have to count the significant weight to be given to both the economic and the social dimensions of sustainable development, including the boost to the supply of both market and affordable housing which would flow from the proposed development. In addition, notwithstanding the adverse environmental impacts just outlined, I have found that there would also be a number of clear environmental benefits, such that overall the proposal would also satisfy the environmental role of sustainable development. This adds further, moderate weight in the proposal's favour. Moreover, I have not found against the appeal proposal on any of the identified main issues, or on any of the other matters raised.
141. I therefore conclude that the appeal proposal should benefit from the Framework's presumption in favour of sustainable development. This is a material consideration in the proposed development's favour and, in my assessment, it outweighs the conflict with the development plan, as I have earlier concluded that ELP Policies 1 and 3 can only carry limited weight in this appeal.
142. I do realise that many local residents will be very disappointed and upset by my findings in this case, especially those who spoke with such passion and feeling against the scheme at the inquiry. However, in light of all the above points my assessment of the planning balance leads to the overall conclusion that this proposal should be allowed, subject to the imposition of a number of conditions,

⁶⁷ CD7.21

as discussed at the inquiry and set out in the attached Schedule. I have made slight adjustments to the order of the conditions in the interests of clarity.

Conditions

143. Condition 1 is the standard condition for full planning permissions, whilst Condition 2 is imposed to provide certainty and to ensure that the development is carried out in accordance with the approved plans and details. Condition 3 was put forward by the appellant to improve the living conditions of occupiers of 11 Dalton Heights, and I consider it to be necessary in order to achieve high quality design and a good standard of residential amenity.
144. Condition 4 is imposed to ensure appropriate highway design, whilst Condition 5 is required in order to fully define the development in respect of site levels, in the interests of ensuring good design, preserving the character and appearance of the area and reducing flood risk. Condition 6 is necessary to control the works to, and the protection of, trees and hedges, and is necessary in the interests of the visual amenity of the area. Condition 7 is required in order to ensure adequate surface water disposal measures for the development, so as to reduce the risk of flooding.
145. Condition 8 is imposed to maximise the economic and employment opportunity benefits arising from the development, whilst Conditions 9, 12 and 15 are necessary to safeguard the living conditions of existing, neighbouring occupiers and proposed occupiers of the new dwellings. Condition 15 is also needed to safeguard the character and appearance of the surrounding area, as is Condition 13, which is also imposed in the interests of good design.
146. Condition 10 is needed to safeguard the preservation of archaeological assets, with Condition 11 being imposed to ensure sustainable construction and energy conservation. Condition 14 will ensure the provision of recreational space and is also needed in the interests of visual amenity and biodiversity conservation. Condition 16 is imposed in the interests of highway safety, whilst condition 17 is needed to define the details of foul water disposal arising from the development, and to ensure adequate drainage of the site. Finally, Condition 18 is imposed in the interests of sustainable transport and to reduce the potential for air pollutants arising from the development.
147. I have had regard to all other matters raised, including the points put forward in opposition to the proposal by Grahame Morris MP, Dalton-le-Dale Parish Council and Seaham Town Council, but they are not sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed.

David Wildsmith

INSPECTOR

Schedule of conditions (18 in total)

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in strict accordance with the following approved plans:
 - Site Location Plan 001 Rev A
 - Proposed Site Layout 13-020-P00 Rev U 16.02.2016
 - Housetype Plans:
 - A-965-Std/00/01
 - A-965-Std/00/02
 - A-959-Std/00/01
 - A-959-Std/00/02
 - A-931-Std/00/01
 - A-931-Std/00/02
 - A-915-Std/00/01
 - A-915-Std/00/02
 - A-860-Std/00/01
 - A-860-Std/00/02
 - A-796-Std/00/01
 - A-796-Std/00/02
 - A-1698-Std/00/01
 - A-1698-Std/00/02
 - A-1417-Std/00/01
 - A-1417-Std/00/02
 - A-1226-Std/00/01
 - A-1226-Std/00/02
 - A-1194-Std/00/01
 - A-1194-Std/00/02
 - L6808/C
 - L6806/D
 - A-SAL-GAR-STD/00
- 3) Notwithstanding the details shown on Proposed Site Layout 13-020-P00 Rev U 16.02.2016 no development shall take place until an adjustment to plots 57-65 so as to increase the distance between buildings on plot 57 and 11 Dalton Heights to at least 18m has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details.
- 4) Notwithstanding the details shown on Proposed Site Layout 13-020-P00 Rev U 16.02.2016 no development shall take place until an adjustment to the highway layout serving the proposed plots 16-21 so as to address/redesign the access drive length serving those properties has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details.
- 5) No development shall take place until details of the finished site levels and finished floor levels of the dwellings have been submitted to and approved in writing by the local planning authority. No development shall take place until details of the height, materials and location of any retaining walls/structures required as part of the development have also been submitted and approved in writing by the local planning authority. The details must include confirmation that finished floor levels are 150mm above the external ground level. The

development shall thereafter be implemented in accordance with the approved details.

- 6) No development shall take place until a schedule of works to be undertaken to trees and hedgerows as part of the development, including details of any felling and those to be retained as part of the development, has been submitted to and approved in writing by the local planning authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges scheduled for retention as agreed are protected by the erection of fencing in accordance with BS 5837:2012. Thereafter works to trees and hedges shall be implemented in accordance with the approved details and the protection measures retained until the cessation of the development works.
- 7) No development shall take place until a detailed Sustainable Urban Drainage system (SUDS) has been submitted to and approved in writing by the local planning authority. The said SUDS scheme should accord with the hierarchical approach to surface water disposal. The SUDS scheme shall include, but not necessarily be restricted to the following:
- Detailed designs of SUDS features, infrastructure and any associated works and landscaping;
 - Full details of all surface water run-off rates and discharge rates to any watercourse;
 - Full details of the management and maintenance proposals/ regime.

The development shall thereafter be implemented in accordance with the approved SUDS scheme. The approved SUDS scheme shall be managed, maintained and operated in accordance with the approved details and in perpetuity.

- 8) No development shall take place until a scheme/programme for the provision of targeted recruitment and training opportunities arising as a result of the development has been submitted to and approved in writing by the local planning authority. Such a scheme could include but may not necessarily be restricted to the following:
- Job Opportunities;
 - Apprenticeships;
 - Traineeships;
 - Graduate Internships;
 - Work Placements.

Thereafter the approved scheme/programme shall be implemented.

- 9) No development shall take place until a construction management strategy has been submitted to and approved in writing by the local planning authority. The said management strategy shall include:
- Details and methods of dust suppression which will include a Dust Action Management Plan;
 - Details and methods of construction noise reduction;
 - Confirmation that the burning of combustible material shall be prohibited on site;
 - Details and methods of reducing the potential for mud on the roads in the vicinity of the site;
 - A management plan for the construction vehicle and delivery vehicle movements to and from the site including confirmation of site

access point, details of predicted movements and any Banksmen and Signallers to be employed;

- Details of parking arrangements for site staff and visitors;
- Compound location and details for the storage of plant and materials used in constructing the development;
- Details of the site construction hours within which construction activities including any deliveries to and from the site shall be permitted.

The construction phase of the development shall be implemented in accordance with the approved construction management strategy.

- 10) No development shall take place until a programme of archaeological work including a mitigation strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:
- Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
 - Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
 - Post-fieldwork methodologies for assessment and analyses;
 - Report content and arrangements for dissemination, and publication proposals;
 - Archive preparation and deposition with recognised repositories;
 - A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
 - Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
 - A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details. No dwellings hereby approved shall be occupied until a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy has been deposited at the County Durham Historic Environment Record and the receiving archive.

- 11) Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the local planning authority. The scheme shall consist of measures that minimise energy consumption or carbon emissions. Thereafter, the development shall be carried out in complete accordance with the approved scheme.
- 12) No dwellings hereby approved shall be erected above damp proof course level until a noise mitigation strategy based on the Noise Assessment Report BH/DH/NA/10/14 Version: 2 05 November 2015 by QEM to reduce the impact of noise upon the prospective occupiers of the development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved mitigation strategy and the mitigation measures retained in perpetuity.
- 13) No dwellings hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction

of those dwellings have been submitted to and approved in writing by the local planning authority. The roads, private driveways and in-curtilage hardstands shall not be constructed until details of the surface materials have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include plans/details which define the distribution of those materials/surfaces across the development layout. The development shall thereafter be implemented in accordance with the approved details.

- 14) No dwelling hereby approved shall be occupied until a detailed open and recreational space, landscaping and ecological mitigation scheme for the development based upon the principles contained within Barton Wilmore illustrative landscape masterplan Drawing No. L8 (Figure MDC-8 within Appendix MDC-1 to Matthew Chard's Proof of Evidence), Extended Phase 1 Habitat Survey report No. 5 October 2015 and Extended Phase 1 Habitat Survey report no. 7 June 2017 (Appendix 6 of Neil Westwick's Proof of Evidence) has been submitted to and approved in writing by the local planning authority. The scheme shall include but not necessarily be restricted to the following:
- Precise details of the location and design of a children's playspace area;
 - Details of all soft landscaping including planting species, sizes, layout, densities, numbers;
 - Details of planting procedures or specification;
 - Finished topsoil levels and depths;
 - Details of temporary topsoil and subsoil storage provision;
 - Details of any hard landscaped areas;
 - Ecological mitigation measures including but not restricted to alternative bat roost creation.

The scheme must include a management and maintenance regime for all features/elements. The approved open and recreational space, landscaping and ecological mitigation scheme shall be carried out in the first available planting season following the completion of the development. Thereafter, the scheme shall be managed and maintained in perpetuity.

- 15) No dwelling hereby approved shall be occupied until full details of all means of enclosure to be erected within the site have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved details.
- 16) No dwelling hereby approved shall be occupied until a scheme for the improvement of traffic signs and road markings on the B1285 from the junction of the B1432 at Cold Hesledon up to and including the Graham Way roundabout has been implemented. The scheme must first have been submitted to and approved in writing by the local planning authority.
- 17) Foul waters resulting from the development shall be discharged to the sewer at manholes 7102 and/or 7401 and in accordance with the details contained within the submitted Flood Risk Assessment F November 2015 and Flood Risk Assessment J June 2017 (Appendix 10 of Neil Westwick's Proof of Evidence).
- 18) The development shall be implemented in accordance with the measures, monitoring proposals and action plan statements contained within the submitted Interim Residential Travel Plan A087216/ DG2 November 2015.

APPEARANCES

FOR THE COUNCIL	
John Barrett of Counsel	instructed by Clare Cuskin, Solicitor, Legal & Democratic Services, Durham County Council (DCC)
He called:	
Thomas Charrier BA(Hons) CMLI	Principal Landscape Architect, Stephenson Halliday, independent environmental planning and landscape architecture consultants
Mark Russell MA(Hons) MRTPI	Steve Hesmondhalgh and Associates Ltd
Raymond Leverton BSc PhD CBIol MRSB FLSoilSci	Independent Consultant, Leverton Land Quality Surveys
<i>In addition, the following witnesses did not formally present evidence, but appeared at the inquiry to participate in the Round Table Session on Objectively Assessed Housing Need and Housing Land Supply (David Usher and Thomas Bennett) and to assist with the Conditions session (Henry Jones)</i>	
David Usher MA(Hons) PhD	Principal Research & Intelligence Officer, Spatial Policy Team, DCC
Thomas Bennett BSc(Hons) MSc MRTPI	Senior Spatial Policy Officer, Spatial Policy Team, DCC
Henry Jones BA(Hons) DipTP PGCert MRTPI	Senior Planning Officer, Strategic Planning Development Team, DCC

FOR THE APPELLANT	
Andrew Williamson BA(Hons) DipTP MRTPI <i>assisted by</i> Josh Kitson BA(Hons)	Consultant, Walker Morris Solicitors, Kings Court, King Street, Leeds, LS1 2HL Senior Associate, Walker Morris Solicitors
They called:	
Matthew Chard BA(Hons) Dip(Hons) MAUD CMLI	Partner, Landscape Planning & Design Group, Barton Willmore LLP
Neil Westwick BA(Hons) DipTP MRTPI	Planning Director, Lichfields
<i>In addition, the following witnesses did not formally present evidence, but appeared at the inquiry to participate in the Round Table Session on Objectively Assessed Housing Need and Housing Land Supply (Darren Wisher) and to answer highways-related questions from interested persons (Nick Bunn)</i>	
Darren Wisher BA MA Econ	Managing Director, Regeneris Consulting
Nick Bunn BSc(Hons) PhD MSc MCIHT CMILT	Engineering Director, Queensberry Design Ltd

INTERESTED PERSONS OPPOSING THE PROPOSAL

Grahame Morris MP	Local Member of Parliament
Marian Oliver JP	Chair, Dalton-le-Dale Parish Council
Mabel Hepplewhite	Vice-Chair, Dalton-le-Dale Parish Council
Paul Fletcher	Deputy Town Clerk, Seaham Town Council
Stan Cudlip	Local resident, speaking on behalf of the Dalton-le-Dale Action Group Against Bellway (DL DAGAB)
Howard Richards	Local resident, speaking on behalf of the DL DAGAB
Kelly Monahan PhD	Local resident, speaking on behalf of the DL DAGAB
Gerald Gustard	Local resident, speaking on behalf of the DL DAGAB
Angela Sandwith	Local resident
Edwin Mason BSc(Hons) PhD MIET CEng	Chair, Dalton Heights Residents Association; Vice-Chair, Durham Heritage Coast Partnership; and local resident
Elaine Brooks	Local resident

CORE DOCUMENTS**Submitted Planning Application Documents and Plans (December 2015)**

CD1.1	Applications Forms and Certificate
CD1.2	Covering Letter
CD1.3	Site Location Plan 445-BEL-001
CD1.4	Site Plan As Existing 445-BEL-002
CD1.5	Proposed Site Layout 445-BEL-13-020-P00 Rev T
CD1.6	Adoption Plan 445-BEL-13-020-P01
CD1.7	Boundary Treatment Plan 445-BEL-13-020-P02
CD1.8	Proposed Colour Site Layout 445-BEL-13-020-P03
CD1.9	Spatial Syntax Plan 445-BEL-13-020-P04
CD1.10	Proposed Site Sections 445-BEL-13-020-P10
CD1.11	Landscape Masterplan 868_PJ1740_01
CD1.12	Landscape Photomontage Viewpoint 3 868(PJ1740)
CD1.13	Landscape Photomontage Viewpoint 6 868(PJ1740)
CD1.14	1000mm High Railings S6/D03
CD1.15	1800mm High Wall & Close Boarded Fence S6/D06
CD1.16	1800mm to 900mm "Transitions" Close Boarded S6/D08
CD1.17	1800mm High Acoustic Fencing S6/D10
CD1.18	3000mm to 2100mm High Acoustic Fencing Sections S6/D10
CD1.19	1200mm High Post & Rail Fence S6/D17
CD1.20	Double Shared Garage L6808
CD1.21	Single Garage
CD1.22	Sales Garage
CD1.23	Planning Layouts Standard Acacia A1417-std/00/01
CD1.24	Planning Elevations Standard Acacia A1417-std/00/02
CD1.25	Planning Layouts Standard Cherry A796-std/00/01
CD1.26	Planning Elevations Standard Cherry A796-std/00/02
CD1.27	Planning Layouts Standard Chestnut A965-std/00/01
CD1.28	Planning Elevations Standard Chestnut A965-std/00/02
CD1.29	Planning Layouts Standard Hawthorn A931-std/00/01

CD1.30	Planning Elevations Standard Hawthorn A931-std/00/02
CD1.31	Planning Layouts Standard Hazel A915-std/00/01
CD1.32	Planning Elevations Standard Hazel A915-std/00/02
CD1.33	Planning Layouts Standard Maple A1194-std/00/01
CD1.34	Planning Elevations Standard Maple A1194-std/00/02
CD1.35	Planning Layouts Standard Plane A1698-std/00/01
CD1.36	Planning Elevations Standard Plane A1698-std/00/02
CD1.37	Planning Layouts Standard Rowan A1226-std/00/01
CD1.38	Planning Elevations Standard Rowan A1226-std/00/02
CD1.39	Planning Layouts Standard T2 A860-std/00/01
CD1.40	Planning Elevations Standard T2 A860-std/00/02
CD1.41	Planning Layouts Standard T3 A959-std/00/01
CD1.42	Planning Elevations Standard T3 A959-std/00/02
Submitted Planning Application Plans and Reports (December 2015)	
CD2.1	Planning Statement
CD2.2	Design and Access Statement
CD2.3	Landscape and Visual Appraisal Report
CD2.4	Landscape and Visual Appraisal Figures
CD2.5	868_PJ1740_01_Landscape Masterplan
CD2.6	868(PJ1740)_LVA Photomontage - Viewpoint 6
CD2.7	868(PJ1740)_LVA Photomontage - Viewpoint 3
CD2.8	Summary Statement
CD2.9	Agricultural Land Classification
CD2.10	Extended Phase 1 Habitat Survey
CD2.11	Habitats Regulations Assessment Scoping Opinion
CD2.12	Flood Risk Assessment
CD2.13	Geoenvironmental Appraisal
CD2.14	Geophysical Survey
CD2.15	Historic Environment Desk Based Assessment
CD2.16	Noise Assessment Report
CD2.17	Transport Assessment
CD2.18	Interim Residential Travel Plan
Revised Planning Application Documents (February 2016)	
CD3.1	445-BEL-001A - Site Location Plan
CD3.2	445-BEL-002A - Site Plan as Existing
CD3.3	445-BEL-13-020-P00U - Proposed Site Layout - 01-02-16
CD3.4	445-BEL-13-020-P01A - Adoption Plan
CD3.5	445-BEL-13-020-P02A - Boundary Treatment Plan
CD3.6	868_PJ1740_01_Rev A Landscape Masterplan
CD3.7	Signed Covering letter
CD3.8	Flood Risk Assessment (Updated)
CD3.9	QD975-00-01 Rev D - Engineering Layout
CD3.10	445-BEL-13-020-P00U - Proposed Site Layout - 16-02-16
Statement of Case / Statement of Common Ground /Proofs of Evidence	
CD4.1	DCC Appeal Questionnaire

CD4.2	Appellant Statement of Case
CD4.3	DCC Statement of Case
CD4.4	Planning Statement of Common Ground
CD4.5	Housing Statement of Common Ground
CD4.6	Evidence of Neil Westwick
CD4.7	Summary of Evidence of Neil Westwick
CD4.8	Appendices to Evidence of Neil Westwick
CD4.9	Evidence of Matthew Chard
CD4.10	Appendix MDC 1 to Evidence of Mathew Chard
CD4.11	Appendices MDC 2 – 5 to Evidence of Matthew Chard
CD4.12	Evidence (and Appendices) of Darren Wisher
CD4.13	Evidence of Ray Leverton
CD4.14	Summary of Evidence of Ray Leverton
CD4.15	Evidence of Mark Russell
CD4.16	Summary of Evidence of Mark Russell
CD4.17	Summary of Evidence Tom Charrier
CD4.18	Evidence of Tom Charrier and Appendices A, B and C
CD4.19	Appendices D – H to Evidence of Tom Charrier
CD4.20	Rebuttal Evidence of David Usher
CD4.21	Rebuttal Evidence of Thomas Bennett
CD4.22	Rebuttal Evidence of Tom Charrier
Consultation Responses	
CD5.1	Affordable Housing (Mrs Angela Stephenson)
CD5.2	Air Quality (David Gribben)
CD5.3	Archaeology Response
CD5.4	Design and Conservation Comments (Judith Miller)
CD5.5	Drainage and Coastal Protection (John Anderson) (1) – 28.01.2016
CD5.6	Drainage and Coastal Protection (John Anderson) (2) – 09.03.2016
CD5.7	Durham Constabulary (Steven Drabik)
CD5.8	Ecology
CD5.9	Economic Development (Adam Richardson)
CD5.10	Education (Graeme Plews)
CD5.11	Environmental Health (Emma Tindall)
CD5.12	Highways (Alan Glenwright) (1) – 19.01.2016
CD5.13	Highways (Alan Glenwright) (2) – 18.04.2016
CD5.14	Highways (Alan Glenwright) (3) – 24.05.2016
CD5.15	Landscape (John Lochen)
CD5.16	Local Air Quality (David Gribben)
CD5.17	Natural England (Dawn Kinrade)
CD5.18	Neighbourhood Services (Mr Stuart Clasper)
CD5.19	Noise Action Team (Mark Anslow)
CD5.20	Northumbrian Water (Daniel Woodward)
CD5.21	Rights of Way (Owen Shaw)
CD5.22	Sustainability (Mr Stephen Macdonald)

CD5.23	Sustainable Travel
CD5.24	Committee Report (June 2016)
CD5.25	Decision Notice
CD5.26	Landscape (John Lochen) - 11.08.14 DM/14/02017/FPA
Other Core Documents	
CD6.1	National Planning Policy Framework (March 2012)
CD6.2	National Planning Practice Guidance - Extracts
CD6.3	Planning Inspectorate Good Practice Advice Note 09
CD6.4	PAS Objectively Assessed Need and Housing Targets Technical Advice Note, Second Edition (July 2015)
CD6.5	Housing White Paper (2017)
CD6.6	Saved Policies of the Easington Local Plan (2001)
CD6.7	Relevant Extract from Easington Local Plan Maps
CD6.8	Report into Objections to the Easington District Local Plan (Extract) (2000)
CD6.9	Assessing Development Proposals in County Durham Council - Policy Position Statement - March 2016
CD6.10	Easington Local Plan – Consistency Assessment of Saved Policies with National Planning Policy Framework and Guidance (2015)
CD6.11	Durham County Council Strategic Housing Land Availability Assessment (2013)
CD6.12	County Durham Plan Issues and Options (2016)
CD6.13	Edge Analytics – County Durham Demographic Analysis and Forecasts (February 2016)
CD6.14	County Durham Strategic Housing Market Assessment (2016)
CD6.15	County Durham Settlement Study (2012)
CD6.16	County Durham Landscape Character Assessment (Sheils Flynn and Durham County Council) (2008) – with East Durham Limestone Plateau Extract
CD6.17	County Durham Core Evidence Base Technical Paper No.22 - Landscape (2009)
CD6.18	Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and Institute for Environmental Management and Assessment), 3rd edition (2013)
CD6.19	County Durham and Darlington Historic Landscape Characterisation (Durham County Council and English Heritage, 2013)
CD6.20	Natural England Technical Information Note TIN049
CD6.21	Agricultural Land Classification (Ray Leverton)
CD6.22	Open Space Needs Assessment (2010)
CD6.23	Seaham Masterplan Update (December 2016)
CD6.24	DCC Housing Trajectory (April 2017)
CD6.25	Draft S106 Legal Agreement
CD6.26	County Durham Landscape Strategy (Sheils Flynn and Durham County Council) (2008)
CD6.27	County Durham Landscape Guidelines (Sheils Flynn and Durham County Council) (2008)
CD6.28	2013 SHLAA Seaham Map

CD6.29	2013 SHLAA Individual Site Report for site 5/SE/15
CD6.30	National Character Area 15: Durham Magnesian Limestone Plateau (Natural England, April 2013)
CD6.31	Report into Objections to the Easington District Local Plan
CD6.32	Easington District Local Plan Review - Proposed Modifications to the Deposit Draft Plan: Report of Cabinet (2001)
CD6.33	Agricultural Land Classification of England and Wales, Revised Guidelines and Criteria for Grading the Quality of Agricultural Land (MAFF 1988)
CD6.34	FRCA Agricultural Land Classification of Objectors Sites Map and Report Easington District Local Plan Sept 1998
CD6.35	Planning Policy Guidance 7, The Countryside- Environmental Quality and Economic and Social Development (1997)
CD6.36	Planning Policy Statement 7 (2004)
CD6.37	Local Plan Expert Group Report to the Communities Secretary and to the Minister of Housing and Planning (March 2016)
Relevant Case law, Appeal Decisions and Evidence	
CD7.1	Supreme Court Judgment - Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council (10 May 2017)
CD7.2	High Court Decisions – Hopkins Homes v Suffolk Coastal DC and Richborough Estates vs Cheshire East B C (17 March 2016)
CD7.3	High Court Decision - Daventry District Council v Secretary of State - CO/3447/2015 - (2 December 2015)
CD7.4	Appeal Decision – Land at Dalton Heights (5/APP/11/97) (May 1998)
CD7.5	Appeal Decision – Land West of Holborn View, Derbyshire (APP/M1005/A/13/2199128) (11 February 2014)
CD7.6	Appeal Decision – Land adjacent to Mandarin Hotel, Derby (APP/F1040/W/16/3160135) 06/02/16
CD7.7	Appeal Decision – Land at Henfield in West Sussex (APP/Z3825/A/12/2172558. 26.09.12)
CD7.8	Appeal Decision – Feniton, to the north of Ottery St Mary (APP/U1105/A/12/2172708). 25.09.12)
CD7.9	Appeal Decision – Land at Congleton in Cheshire (APP/R0660/A/11/2158727. 16.08.12)
CD7.10	Appeal Decision – Land at Ottery St Mary in Devon (APP/U1105/A/12/2180060, 14.12.12)
CD7.11	Appeal Decision – Land at Coalville in Leicestershire (APP/G2435/A/11/2158154. 20.08.12)
CD7.12	Appeal Decision – Land at Bishops Cleeve in Gloucestershire (APP/G1630/A/11/2159796. 16.07.12)
CD7.13	Appeal Decision - Land at Winterley, Cheshire (APP/R0660/A/14/2216767, 14.01.15)
CD7.14	Appeal Decision – Land to the west of Mount Park Drive and to the north of Newbiggen Lane, Lanchester (APP/X1355/W/15/3135895. 20.07.16)
CD7.15	Evidence – Proof of Evidence of Darren Wisner for Land to the west of Mount Park Drive and to the north of Newbiggen Lane, Lanchester (APP/X1355/W/15/3135895)

CD7.16	High Court Decision - Stroud District Council v Secretary of State - CO/4082/2014 - (6 February 2015)
CD7.17	High Court Decision – Forest of Dean District Council vs Secretary of State For Communities and Local Government and Gladman Developments Ltd (4 March 2016)
CD7.18	High Court Decision - Forest of Dean District Council vs Secretary of State For Communities and Local Government and Gladman Developments Ltd (4 October 2016)
CD7.19	Appeal Decision – Land to the North East and South West of the B1200 (Legbourne Road), Louth, Lincolnshire (APP/D2510/A/14/2218774)
CD7.20	Evidence – Proof of Evidence of Thomas Bennet for Land at former Community Hospital, Sedgefield (APP/X1355/W/16/3163598)
CD7.21	Appeal Decision – Land at Kidnappers Lane, Leckhampton
CD7.22	Court of Appeal Decision – Barwood and East Staffs BC (30 June 2017)
CD7.23	Appeal Decision – Land North of Southam Road and East and West of Church Lane, Radford Semele, Warwickshire (APP/T3725/A/14/2222868)

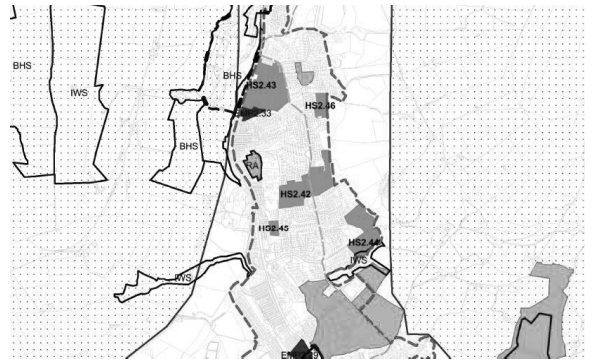
DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

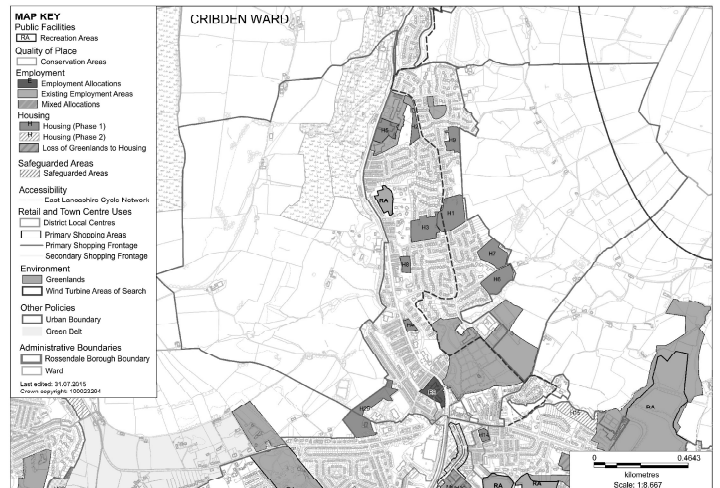
Document	1	Appearances on behalf of the appellant
Document	2	Appearances on behalf of the Council
Document	3	Opening statement on behalf of the appellant
Document	4	Opening statement on behalf of the Council
Document	5	Figure MDC-13 - Local Landscape Types, Spatial Strategies Plan – submitted by the appellant
Document	6	Information Sheet – key differences between the appellant and the Council on the Objectively Assessed Need for housing – prepared 25 July 2017
Document	7	Plan presumed to represent proposals presented to the 1999 Easington Local Plan Inquiry – submitted by the appellant
Document	8	Figure MDC-11 – Aerial Photograph & Contours Plan – submitted by the appellant
Document	9	Summary of Rebuttal Evidence on Housing Land Supply from Thomas Bennett, submitted by the Council
Document	10	Note on Common Ground on Housing Land Supply
Document	11	Agenda for Round Table Session dealing with Objectively Assessed Housing Need and Housing Land Supply
Document	12	Bundle of 2 plans submitted by Mr Cudlip, showing proposals for housing on brownfield sites in Seaham
Document	13	Statement of Marian Oliver
Document	14	Statement of Mabel Hepplewhite
Document	15	Statement of Stan Cudlip on behalf of the DLDAGAB
Document	16	Aerial photograph submitted by Mr Cudlip, showing countryside areas to west, south and east of the appeal site
Document	17	Statement of Howard Richards on behalf of the DLDAGAB
Document	18	Statement of Kelly Monahan on behalf of the DLDAGAB
Document	19	Statement of Gerald Gustard on behalf of the DLDAGAB
Document	20	Statement of Angela Sandwith
Document	21	Statement of Edwin Mason
Document	22	Statement of Elaine Brooks

Document	23	Extract of the County Durham 2013 Strategic Housing Assessment Update Report – referred to by the DLDAGAB and submitted by the appellant
Document	24	Note on Common Ground on Housing Land Supply (updated following the Round Table Session)
Document	25	Letter from George F White dated 25 July 2017, with attachments including Land Registry details, relating to 12 Dalton Heights – submitted by the appellant
Document	26	Drawing No 13-020-P01 Rev B - Adoption Plan at 1:500 scale, dated 27 July 2017 - submitted by the appellant
Document	27	Note dealing with the Community Infrastructure Levy Regulations 2010 – submitted by the Council
Document	28	Secretary of State Appeal Decision Ref APP/J3720/A/11/2163206 – submitted by the Council
Document	29	Appeal Decision Ref APP/R0660/A/14/2229034 – submitted by the Council
Document	30	Appeal Decision Ref APP/R0660/A/14/2228681 – submitted by the Council
Document	31	Accompanied and unaccompanied site visit itinerary
Document	32	Council Position Statement regarding possible development on 3 brownfield sites referred to by Mr Cudlip
Document	33	Appeal Decision Ref APP/X1355/W/16/3163598 – submitted by the Council
Document	34	Details of “upside down” houses at Dalton Heights on the boundary of the appeal site – submitted by Mr Cudlip
Document	35	List of agreed conditions
Document	36	Signed and executed S106 Agreement between The County Council of Durham, Gordon John Bulmer, Colin David Bulmer and Martin Robert Bulmer and Bellway Homes Limited
Document	37	Final Summary Statement by Stan Cudlip on behalf of the DLDAGAB, with attached letter from Mortons Law, relating to land at 12 Dalton Heights
Document	38	Photographs of the appeal site under cultivation, submitted by Mr Cudlip
Document	39	Closing Submissions on behalf of the Council
Document	40	Closing Submissions on behalf of the appellant

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

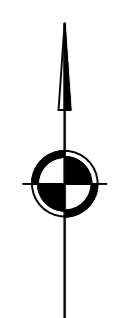
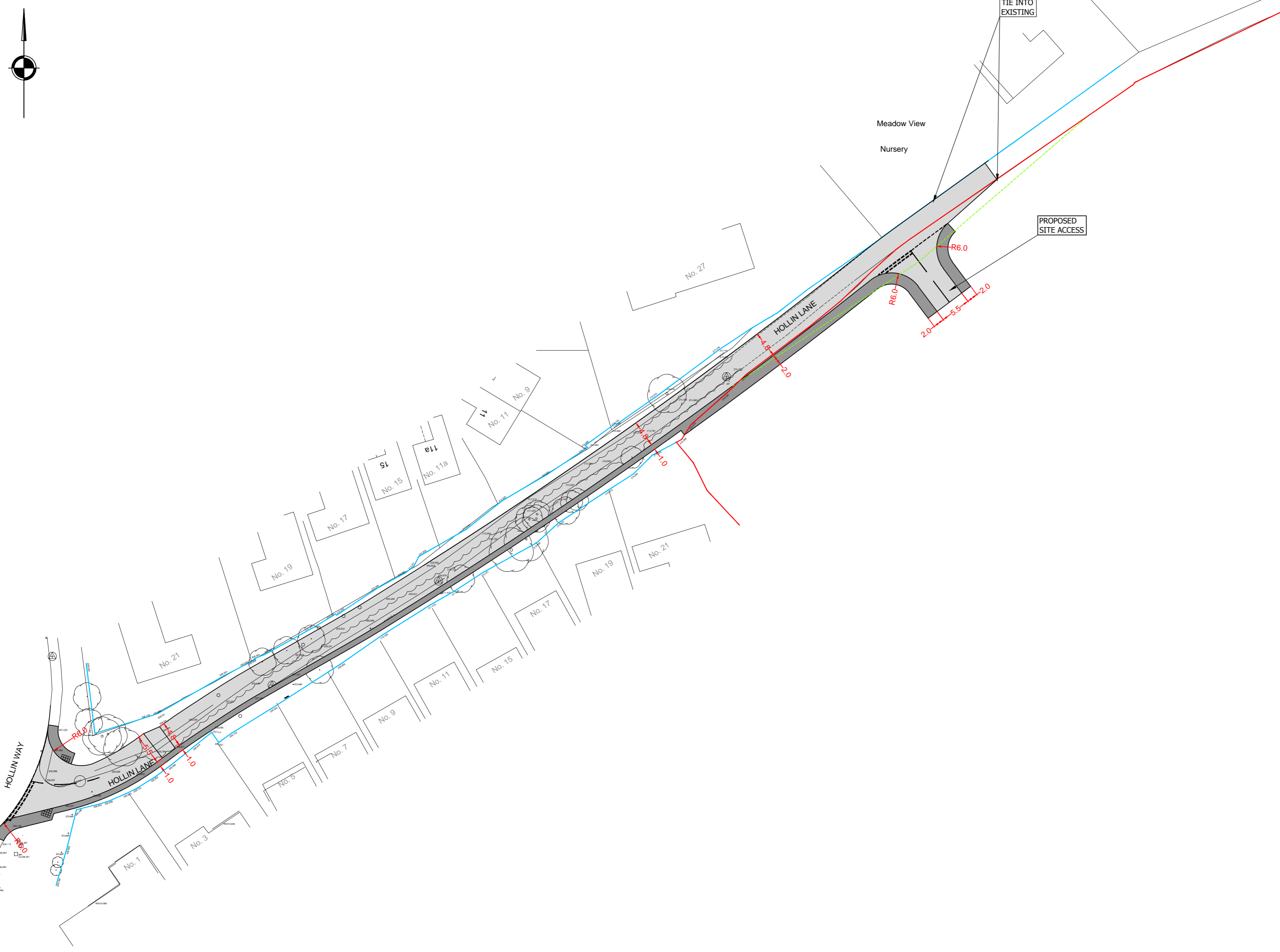
Document	41	Update by the Council to the release of “Planning for the right homes in the right places” consultation – 5 Year HLS – 18 September 2017
Document	42	Response by the appellant on 20 September 2017 to the Council’s submission of 18 September 2017
Document	43	Response by the DLDAGAB to the Council’s submission of 18 September 2017
Document	44	Further submissions from the Council in an email dated 28 September 2017





EP4

FILENAME : J:\2014\A085961_HOLLIN LANE, RAINTENSTALL\CAD\SSA DRAWINGS\A085961-P001 REV.A.DWG | PLOTTED BY : LUKASZ BARAN | PLOTTED DATE : 01 April 2014 11:57:33



DO NOT SCALE: CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS

NOTE:
THIS DRAWING IS BASED ON TOPOGRAPHICAL SURVEY

- KEY:
- APPROXIMATE OWNERSHIP BOUNDARY OF EXISTING PROPERTIES IN THE VICINITY OF HOLLIN LANE
 - APPROXIMATE DEVELOPMENT SITE BOUNDARY
 - - - 2.4m BY 40m VISIBILITY SPLAY
 - PROPOSED CARRIAGEWAY
 - PROPOSED FOOTWAYS

PRELIMINARY ISSUE

A	General Revision	LB	AK	AK	01/04/14
REV	DESCRIPTION	BY	CHK	APP	DATE

QUAY WEST at MediaCity UK
 TRAFFORD WHARF ROAD
 TRAFFORD PARK
 MANCHESTER
 M17 1HH
 TEL: +44 (0)161 872 3223
 FAX: +44 (0)161 872 3193
 e-mail: manchester@wyg.com



Project:
**HOLLIN LANE,
 ROSSENDALE**

Drawing Title:
**PROPOSED SITE ACCESS AND
 HIGHWAY IMPROVEMENTS TO HOLLIN LANE**

Scale @ A2 1:500	Drawn LB	Date 26/03/14	Checked AK	Date 28/03/14	Approved AK	Date 28/03/14
Project No. A085961	Office 27	Type C	Drawing No. P001		Revision A	

Development Control
Rossendale Borough Council

Phone: 0300 123 6780
Email: highways@lancashire.gov.uk

Your ref: PRE-APP
Our ref:
Date: 13th October 2017

Pre-Planning application advice
Land at Hollin Lane, Rawtenstall
Outline - Erection of 9 dwellings

The following comments are made in response to the indicative site plan - no reference and not to scale.

The following comments will cover access and layout. Should an outline/full application be submitted please can you ensure that this pre-application advice is included within the submission and that any changes that have been made to the access or layout are clearly highlighted.

The outline application should include a detailed Transport Statement which details National and Local Policy guidance – NPPF, MfS, Rossendale Borough Councils Core Strategy, planning history, sustainable travel options, pedestrian and cycle routes and collisions on the surrounding network.

Construction traffic

A detailed construction traffic management and construction phasing plan will be required prior to the commencement of any works on site.

It will be necessary to complete the agreed access improvement and widening scheme on Hollin Lane (from Hollin Way to the site access) prior to the commencement of any construction works on site to ensure that there is a safe and suitable access for construction and operative traffic. This will be a condition on any approval.

This should include, amongst other things, a restriction on HGV movements/deliveries during school start and finish times at St. Paul's Primary and Alder Grange High Schools for HGV traffic and a car park within the site for the operative parking and an area for HGV's to enter, turn and exit onto Hollin Lane in forward gear. A wheel washing area should be provided.

This can be submitted as part of the application to reduce the number of pre-commencement conditions.

Phil Barrett
Director of Community Services
Cuerden Way • Bamber Bridge • Preston • PR5 6BS

Traffic impact

The assessment of the impact on the wider highway network would not be necessary for the number of dwellings proposed at this site. There is congestion on Burnley Road and queuing of vehicles travelling southbound for a period during the am peak. This is intensified during the school start times when queuing of westbound traffic on Hollin Way occurs. The junction of Burnley Road and Hollin Way has a good safety record and provides a right turn ghost island with central pedestrian refuge. The Transport Statement should cover this junction and recommend any potential improvements (see off-site highway works).

Site access junction Hollin Way / Hollin Lane

The visibility splay at the junction should be provided at X-2.4m x Y-25m for the 20mph speed limit. This appears achievable and within the adopted highway. The visibility on the inside of the bend on Hollin Way opposite Hollin Lane is hindered by fast growing vegetation. This vegetation should be removed and replaced with a bound porous surface to maximise visibility at the junction and the junction of Calder Road.

There are existing parking restrictions protecting the visibility splay at the junction on Hollin Way. On-street parking at this location is generated by the nearby schools at start and finish times. There will be no displacement of this parking or a requirement to introduce further parking restrictions.

The existing junction of Hollin Lane and Hollin Way should be re-aligned to ensure that the adequate spacing between this junction and the junction Calder Road is provided. The spacing of junctions is based upon the SSD and this is 25 metres. This appears achievable within the grass verge, however the verge rises up over the area in question and details of the level changes and re-grading should be looked at in detail (there should be no retaining walls introduced), including the position and depth of underground services, the status of the grass verge is undetermined at this stage (discussed in detail later).

The existing footways on Hollin Way shall be widened as part of the junction design to increase pedestrian safety at the junction.

The junction should have tactile paving on both sides and the radius kerb arrangement should be kept as small as possible to provide a direct and short pedestrian route across the junction on Hollin Way. Hollin Way is a well used walking to school route and a small radius kerbed arrangement will keep vehicle speeds low. The design should be accompanied by a swept path analysis of a refuse wagon to support the design.

Hollin Lane

Hollin Lane itself between the junction of Hollin Way and the site access is currently a single vehicle track width road with heavy vegetation on both sides within sloping verges. There is no separate footway or street lighting. There is record of a surface water drainage scheme on Hollin Lane.

The carriageway itself, varying in width between 3 – 4 metres, is recorded as adopted highway for approximately 250 metres from its junction with Hollin Way. It is then recorded as public footpath 193. The lane is bounded by private gardens on both sides. The status of the verges is unknown.

The lane is currently unsuitable to carry any development traffic and will require improvement and widening works. This will result in the loss of the verges (and vegetation/trees) on both sides of the existing carriageway for the whole length.

The widening of the lane should be designed in accordance with Manual for Streets. The carriageway can be of variable width which will encourage low vehicle speeds over the straight section of lane of approximately 200 metres. A swept path analysis should be used to form the basis of the design to allow vehicles, refuse and farm traffic to pass and re-pass safely.

The provision of a separate footway with a width of 1.8 metres is necessary along the lane (between Hollin Way and the visibility splay at the site access).

The lane lies at a lower level than the gardens which bound on both sides and this is a concern when considering the width constraints on the lane.

In order to assess the full impact a detailed level survey of the lane and adjacent gardens and cross and long sectional details should be supplied to accompany the detailed design as part of the planning application submission. The Highway Authority would need these details as part of the submission, rather than as a condition.

Details of retaining structures must be supplied and where necessary the appropriate structural agreements will be required. All structures (including embankments) will need to be built to adoptable standards.

The gradient of the road must not exceed 1:12 and must be level at the junctions for the length of a refuse vehicle.

The provision of street lighting and a surface water drainage scheme will be required as part of the design.

A 20mph speed limit order will be required on Hollin lane and the estate road which will be completed under the S278 agreement.

Site access junction Hollin Lane

The visibility splay at the site access should be provided at X-2.4m x Y-25m. The splay should be provided within the new footway on Hollin Lane. The indicative layout is not to scale however it appears acceptable.

Sustainability

The site is within walking distance of Primary and High Schools and a food convenience store. The town Centre of Rawtenstall is within 1km walking distance which has all other local facilities.

There are bus stops within an acceptable walking distance of the development site served by a frequent mainline bus service. The nearest bus stops have quality bus stop markings and bus shelters.

The development site is considered acceptable and in accordance with the transport sustainability policies of the NPPF.

Off-site highway works

The provision of tactile paving at the existing pedestrian refuges on Hollin Way and Burnley at the junction would bring the uncontrolled crossing point up to the current standards and provide an enhanced facility for pedestrians.

The works, including the Hollin Lane works within the adopted highway will be completed under a S278 agreement with Lancashire County Council.

Adoption, Land Dedication and Future Maintenance

As you are aware after receiving the highway adoption records for Hollin Way and Hollin Lane, the grass verges are not recorded as adopted highway.

The verges are required to provide a safe and suitable access to the development and therefore the status and land ownership forms an essential part of this application.

There is evidence to suggest that this stage of our investigation that the verges do form part of the highway. Unless the original record and minutes of the meeting specifically exclude the verges, it can be assumed that the verges are part of the highway. Our solicitor is currently completing further investigative work into the original adoption record completed in May 1928 and I will provide an update once that information is available.

Internal Layout

The internal estate road should be built to adoptable standards and subsequently dedicated to the Highway Authority for formal adoption under Section 38 of the Highways Act 1980.

1. A 5.5 metre carriageway and 2 metre footways are required. A swept path analysis shall be supplied to show a refuse wagon can enter, turn and exit in forward gear onto Hollin Lane.
2. The turning head shall be constructed to the LCC turning head specification.
3. A 20mph speed limit will be implemented under the agreement.

Parking

The vehicle parking should be provided in accordance with the Rossendale BC parking standards, e.g. 2/3 bedrooms = 2 spaces and 4+ bedrooms = 3 spaces.

Single garages should have internal dimensions of 3m x 6m, where there is no garage a secure, covered cycle store is necessary. Each dwelling should have a electric vehicle charging point.

Conclusion

To conclude the Highway Authority would raise no objection to the proposal subject to the Hollin Lane improvement and widening works being designed to provide a safe and suitable access in accordance with Manual for Streets to accommodate the development traffic and the existing farm traffic and pedestrian movements. The additional minor pedestrian improvement works on Burnley Road at the pedestrian refuge and the footway widening on Hollin Way should be included within the off-site highway works.

Yours faithfully

Kelly Holt
Highways Development Control
Lancashire County Council

Amjid Khan
WYG Consultants

Phone:
Email:

Your ref: Pre-app Hollin Lane
Our ref:
Date: 27th September 2018

**Pre-application advice
Hollin Lane, Rawtenstall**

Further to my email dated the 14th March 2018 and your subsequent request for the information relating to the status of the verges on upper section of Hollin Lane, please find my comments re-iterated below.

There are no conclusive records to show that the verges are adopted highway, however they are definitely 'highway' as I stated previously and upon inspection of the evidence that is available to us, we have determined that the verges are adopted highway.

Yours faithfully

Kelly Holt
Highways Development Control
Lancashire County Council

Phil Barrett
Director of Community Services

GENERAL INFORMATION

Site Ref **SHLAA16184** Most Recent Source **SHLAA 2015** Site Gross Area (ha) **1.27**

Site Name **Land south of Hollin Lane, Rawtenstall**

Greenfield versus Brownfield **Greenfield** Designations **None**

Site Location - Urban Area, Countryside or Green Belt **Countryside adjoining the urban area**

Current Land Use **Grassland**

Characteristics of the site reducing the development area **Area at high risk of surface water flooding, woodland stepping stone habitat**

Area available for development **0.9** Net Development Area (ha) **0.81** Density **30 dwellings per hectare**

Yield calculated **24** Yield proposed by applicant Current planning permission



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AVAILABILITY

Land ownership **single ownership**

Comments **Private ownership**

Intentions of landowner **developer/landowner willing to deliver residential units in the short term (next 5 years)**

Comments **The landowner is willing to develop the site for residential use (letter received 07.09.2015)**

Legal constraints / ownership issues **no legal or ownership constraints known**

Comments

SUITABILITY

Topography **flat site or very gentle slope**

Comments

Vehicular access **access is a major constraint and significant new infrastructure is required**

Comments **Via Hollin Lane which is a long narrow lane. Major improvements are needed to improve the access.**

Distance to strategic road network **between 1.5km (approximately 1 mile) and 5.5km (approximately 3.5 miles)**

Comments **3.6km /2.2 miles to A56/A682 junction**

Access by public transport **no bus services within 400m (0.24 miles)**

Comments **510m to bus stop with frequent bus services (X43)**

Access to primary school **access within 500m (0.31 miles)**

Comments	300m to St Paul's Constablee Church of England Primary School
Access to secondary school	access within 1.5km (approximately 1 mile)
Comments	300m to Alder Grange Community and Technology School
Access to GP surgery	access within 1km (0.6 miles)
Comments	665m to nearest GP
Access to a local centre or convenience shop	access within 1.5km (approximately 1 mile)
Comments	750m to Spar at petrol station on Burnley Road
Access to a park or play area	no access within 1.5km (approximately 1 mile)
Comments	1885m to nearest play area
Flood risk	less than 50% in flood zone 2 or affected by medium surface water flood risk
Comments	Less than 10% of the site is at high and medium risk of surface water flooding. More than 10% of the site is at low risk of surface water flooding.
Ecological value	located in a Biological Heritage Site, Local Geodiversity Site or Core Area or Stepping Stone areas
Comments	The southern part of the site (about 10%) is within a woodland stepping stone area as identified on the Lancashire ecological network maps. There is an Important Wildlife Site to the south of the site.
Recreational value	presence of Public Rights Of Way or informal use
Recreational value comment	A public right of way goes along Hollin Lane and through the northern part of the site.
Heritage assets	site does not contain or adjoin a Listed Building and site is not within or adjoins a Conservation Area
Comments	No listed building adjoins the site, however 3 listed buildings (grade II) are located on the hill surrounding the site.
Landscape value	low landscape impact
Comments	
Land contamination	no known issues
Comments	
Mineral sterilisation	if entirely within or partly within a Mineral Safeguarding Area or surface coal area
Comments	May require further site investigation
Land instability	if no known issues and situated in a low risk development area
Comments	
Proximity to dangerous structures	not within any HSE consultation zones

Comments

Bad neighbour **site in residential or retail area**

Comments

Constraints due to utilities **no known utilities infrastructure on site**

Comments

ACHIEVABILITY

Extra costs of development **if some extra costs required**

Comments Vehicular access improvement. Flood risk, ecological and heritage assets assessment.

Market are **high value market area (£190 to £210/sqm)**

Comments

CONCLUSION

Availability summary **Available now**

Justification The landowner is willing to develop the site for residential use. The site is available now.

Suitability summary **Suitable in medium to long term**

Justification The land is flat but the vehicular access is an issue that requires significant improvements. The site is situated close (2.2 miles) to a strategic road but further than 400m from a bus stop (510m). Most local services are available within walking distances, except for a play area. A small part of the site is at high and medium risk of surface water flooding, while a larger part of the site is at low risk of surface water flooding. A flood risk assessment would be required prior to development. The southern strip of the site is within a woodland Stepping Stone. This habitat should be protected and has therefore been excluded from the area available for development. The public rights of way would need to be retained. Although no listed buildings adjoin the site, 3 heritage assets are located on the hill surrounding the site, thus the view from those properties might be affected by the development (Higher and Lower Chapel Hill Farm, Friends Burial Ground). A heritage impact assessment is recommended. The site is considered suitable in the future provided that the access is improved, the woodland habitat is protected and that the development does not affect the setting of the listed buildings.

Viability and achievability summary **Achievable now**

Justification There are extra cost associated with the development (i.e. making the vehicular access suitable for a housing scheme), however the site is within a high value market area, therefore the development is considered viable. Once the barriers to development have been addressed, the site could be delivered in the short term.

Conclusion **Developable in the medium to long term (within 6 to 10 years, or after 10 years)**

Justification The site is available now. However it is not currently suitable due to vehicular access issues (narrow lane). The site can become suitable if the access is improved, if the woodland habitat situated along the southern boundary of the site is protected and if the development does not affect the settings of the listed properties

situated further up the hill. The development is considered viable and achievable within the medium to long term.

Delivery (next 5 years)

0

Delivery (6 to 10 years)

24

Delivery (11 to 15 years)

0

LAND OFF EXCHANGE STREET, EDENFIELD

(Local Plan Reference: H72)



DEVELOPMENT STATEMENT

October 2018

NEXUS
PLANNING

This Development Statement has been prepared by:-



CONTACT:



T: [Redacted]

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1. INTRODUCTION

This Development Statement has been prepared by Nexus Planning on behalf of The Methodist Church in relation to a parcel of land off Exchange Street in Edenfield. It is submitted to inform the emerging Rossendale Local Plan (2019-2034). It demonstrates that the site is in an appropriate location for housing, is deliverable and its proposed release from the Green Belt for residential development is wholly justified.

The site comprises predominantly greenfield land, with the buildings and grounds of Chatterton Hey care home in its north west corner. The site lies to the immediate north west of the settlement of Edenfield and is surrounded by man-made features on all sides. It is in close proximity to the services and facilities in the centre of the village and would represent a sustainable and logical extension to the existing settlement.

The site has been identified, along with land to the north, as a strategic housing allocation (H72: Land West of Market Street) in the Regulation 19 Draft Local Plan (August 2018).

Purpose of this Document

This document provides an overview of the technical constraints and opportunities presented by land off Exchange Street and demonstrates that the site is available, suitable, achievable and can therefore be considered deliverable and well placed to contribute towards meeting future housing needs in Rossendale.

It demonstrates how with regard to relevant technical and design considerations, the site is able to accommodate approximately 90

dwellings. It also considers how the site is able to come forward as part of the wider H72 allocation.

The remainder of this document is structured as follows:

- Site Location and Description
- Planning Context
- Green Belt Assessment
- Sustainable Location
- Deliverable Site
- Design Principles
- Summary and Conclusions

2. SITE LOCATION AND DESCRIPTION

The Site

Land off Exchange Street ("the site") lies to the immediate north west of the village of Edenfield. The site comprises part brownfield/part greenfield land and extends to approximately 5.3 hectares. In the north west corner of the site is a complex of approximately 4 buildings which make up the Chatterton Hey care homes which are managed by the Langley House Trust. A belt of dense woodland surrounds the Chatterton Hey complex. The rest of the site comprises approximately 4.4 hectares of un-used greenfield land.

The site is accessed via Exchange Street to the east, which connects to Market Street in the centre of the village. A single lane road extends from the end of Exchange Street providing access to Chatterton Hey care home and this forms the north eastern and northern boundaries of the site. A designated public right of way also runs along this road.

To the east of the site, on the other side of the access road, is Edenfield Recreation Ground, east of which is built development comprising a mix of commercial and residential properties fronting onto Exchange Street and Market Street. To the north of the site are pastoral fields and beyond these the A56 dual carriageway.

The western boundary of the site is formed by a belt of established woodland, beyond which runs the A56 dual carriageway in a north-south direction.

To the south east and south, the site abuts existing residential properties along Eden Avenue, Oaklands Road and Woodland

Road. A wooded ditch runs along the southern boundary of the site, to the rear of the adjacent houses and gardens.

The site is predominantly grassland, with existing trees and hedgerows mostly limited to the southern boundary around the watercourse, the woodland in the westernmost part of the site and the woodland around the care home.

The main part of the site forms a relatively flat plateau before dropping away in the west towards the care home and the A56.



Plan 1: Site location

Surrounding Area

Edenfield is located in the south of the Borough. It is approximately 2 kilometres to the north east of Ramsbottom, and approximately 4 kilometres to the south of the built up area of Helmshore, Haslingden and Rawtenstall. It lies to the east of the M66 which ends at the village and continues northwards as the A56 dual carriageway.

The village lies within the Rossendale Valley, with the land rising in the east up to Scout Moor and in the west up to Holcombe Moor. The main built up area of Edenfield lies to the immediate south of the site. The A56 dual carriageway lies to the west of the site, beyond which are further agricultural fields and the River Irwell. To the north of the site are pastoral fields and ribbon development along Market Street leading north out of the village.

The Chatterton and Strongstry Conservation Area is located on the other side of the A56 from the site. It is wholly screened from the site by virtue of the dual carriageway and the dense woodland along the site's western boundary. There are no listed buildings or other designated heritage assets on or adjacent to the site itself. The Grade II listed Edenfield Parish Church is located approximately 600 metres north of the site, and adjacent to the wider H72 allocation proposed in the emerging Local Plan.

The site lies only approximately 200 metres from the centre of the village. It is therefore easily accessible to the range of local shops and services within Edenfield. This includes several pubs and takeaways, a bakery, a butchers, a barbers, a pharmacy, a newsagents,

Parish Church and cricket club. Edenfield Church of England Primary School is located approximately 750 metres walking distance from the site on Market Street. An equipped children's play area and recreational open space (including football pitches) are located adjacent to the site on Exchange Street, both within 200 metres walking distance. Further detail about the proximity of the site to local services and facilities is contained in Section 5.

The dwellings adjacent to the site to the south, along Eden Avenue, Oaklands Road and Woodlands Road are a mix of detached, semi-detached and mews properties. These are predominantly two storeys, although there are some bungalows along Eden Avenue. The existing dwellings are a mix of materials including red brick, stone and clay tile roofs.

Photos of the site and surrounding area



3. POLICY CONTEXT

Adopted Development Plan

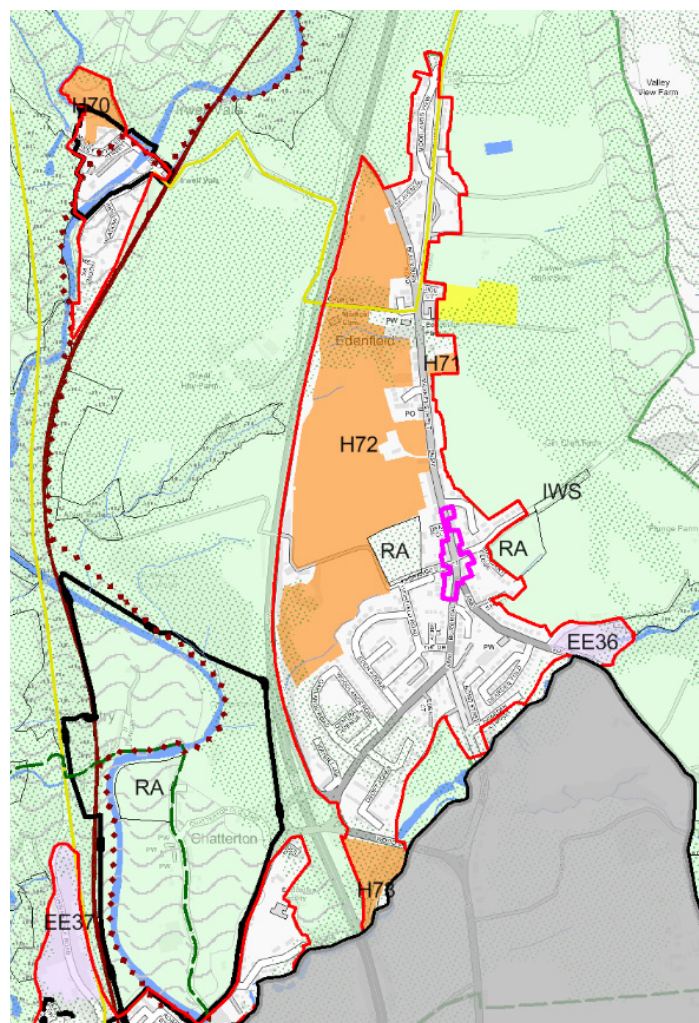
The currently adopted Development Plan for the area comprises the Rossendale Core Strategy (2011-2026) which was adopted in November 2011. The site is located within the designated Green Belt which tightly surrounds the existing settlement of Edenfield.

Emerging Rossendale Local Plan (2019-2034)

The Council are currently progressing a new Local Plan (2019-2034) in order to take account of up-to-date evidence on the Borough's growth needs as required by the National Planning Policy Framework ('the Framework').

The Council consulted on the Regulation 19 Draft Local Plan between August to October 2018. This Development Statement has therefore been updated to respond to that consultation.

The Regulation 19 Draft Local Plan identifies 'Land West of Market Street' (H72) as a strategic housing allocation for approximately 400 dwellings. This allocation encompasses the existing land between the A56 and Market Street and includes the land owned by the Methodist Church (land off Exchange Street). The strategic allocation is shown on the plan opposite.



Plan 2: Extracts from Policies Map Regulation 19

Evidence Base

Strategic Housing Land Availability Assessment (SHLAA) (2018)

The Council have published an updated SHLAA (2018). Land off Exchange Street (the site) is identified in the SHLAA under reference SHLAA 16263, having been promoted by the landowner through the Call for Sites exercise. The SHLAA anticipates the site as having capacity for 70 dwellings. The site is identified as being available with no known legal or ownership constraints and both suitable and achievable for housing development.

The overall conclusion of the SHLAA was that the site is developable in the medium to long term (within 6 to 10 years, or after 10 years).

The SHLAA considers the potential constraints to development on the site. The rest of this Statement goes on to provide further detail of these constraints and confirms the achievability of the site, thereby demonstrating there is nothing that would preclude development of the site in the short term.

Green Belt Review (2016)

A review of the Green Belt within the Borough has also been undertaken. The site is assessed as part of wider parcel of land (identified under Parcel ref: 44) which includes the recreation ground to the east, and extends further south than the site to include a wooded strip of land between the A56 and the properties on Oaklands Road.

The findings of the GBR are considered in more detail in Section 4.

There are other technical evidence base documents prepared to inform the Local Plan. These are referred to where relevant in Section 6.

4. GREEN BELT ASSESSMENT

The site is currently within the Green Belt which tightly surrounds the existing settlement of Edenfield. The Green Belt Review (November 2016), undertaken to inform the emerging Local Plan, concluded that the site is potentially suitable for release from the Green Belt along with land to the north. This section considers the findings of the Green Belt Review in more detail and demonstrates that the site makes an overall limited contribution towards the purposes of the Green Belt such that it represents a suitable release for residential development.

Paragraph 133 of the Framework establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

Paragraph 134 states that Green Belt serves five purposes:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbourhood towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Green Belt Assessment of the Site

As set out above, the Green Belt Review (GBR) assesses the site along with the recreational ground to the immediate east together - under the reference 'Parcel 44'. It provides the following overall assessment of the Parcel's contribution towards the five purposes of the Green Belt set out in paragraph 80 of the Framework.

Table 4.1: Overall Assessment of Parcel 44 in GBR.

Parcel Ref.	Purpose 1: To check unrestricted sprawl of large built-up areas	Purpose 2: To prevent neighbouring towns merging into one another	Purpose 3: To assist in safeguarding the countryside from encroachment	Purpose 4: To preserve the setting and special character of historic towns	Purpose 5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	Overall Assessment
44	Moderate	Weak	Weak	No Contribution	n/a*	Medium

*all parcels are assessed as making the same contribution towards this purpose

The GBR states:

“This parcel is adjacent to Edenfield which forms part of the large built up area of Ramsbottom/ Bury...The A56 dual-carriageway defines the western boundary forms a strong barrier feature to prevent the possible outward sprawl of development. The northern boundary of the parcel comprises an access road and dry stone wall and does not form a strong defensible barrier to prevent the outward sprawl of development. The parcel contains little urban development, although the presence of the

A56 and adjacent urban edge has weakened the rural character. Its release is unlikely to have substantial negative effect on the function of neighbouring parcels under purpose 3. Releasing this parcel is unlikely to have a substantial negative effect on the integrity of the wider Green Belt.”

In Appendix 4.1, the GBR provides the following more detailed commentary of the assessment of the Parcel against each purpose. Having reviewed the GBR, we strongly support its conclusions in respect of the site.

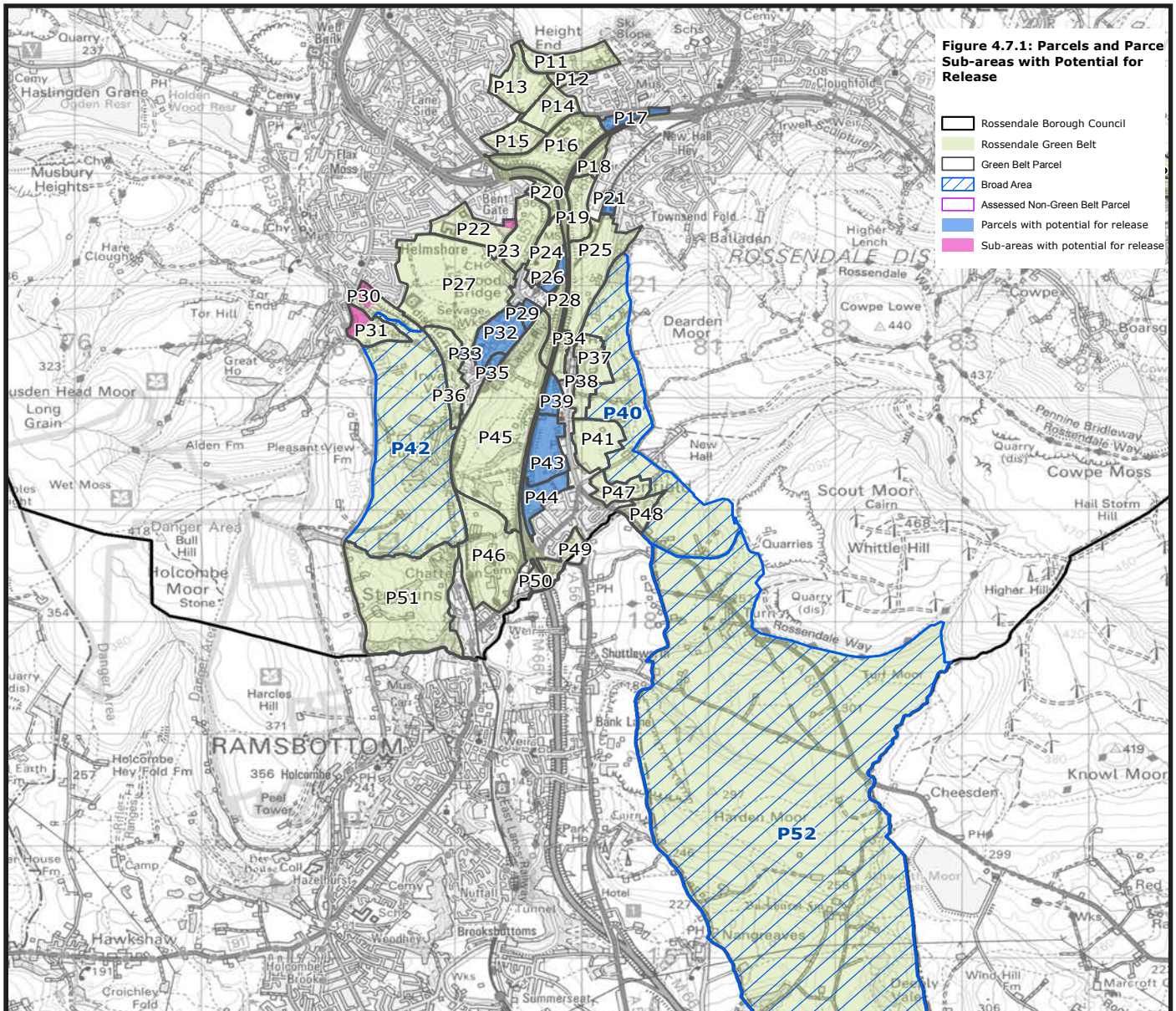
Purpose 1: To check the unrestricted sprawl of large built-up areas	
GBR Assessment of Parcel 44	<p>This parcel is adjacent to Edenfield which forms part of the large built up area of Ramsbottom/ Bury. There are few urbanising features within the parcel apart from a small cluster of residencies in the north-west. The influence of these urbanising features is limited with the parcel displaying a sense of openness. However, the A56 dual-carriageway defines the western boundary and detracts from the sense of openness in parts.</p> <p>Rating: Moderate Contribution</p>
Purpose 2: To prevent neighbouring towns merging into one another	
GBR Assessment of Parcel 44	<p>This parcel is adjacent to Edenfield and lies directly between Edenfield and Helmshore. At this point the settlements are more than 2km apart with limited intervisibility. The parcel, along with neighbouring parcels forms part of the settlement gap but it is not of critical importance and does not play an essential role in preventing the merging or erosion of the visual and physical gap between these settlements.</p> <p>Rating: Weak Contribution</p>

Purpose 3: To assist in safeguarding the countryside from encroachment	
GBR Assessment of Parcel 44	<p>There is a sense of encroachment within the parcel as a result of the visual influence the adjoining settlement edge to the east and south and the A56 dual-carriageway which defines the western boundary. The majority of the parcel comprises open farmland and a recreational grounds, it displays some of the characteristics of the open countryside but lacks a strong and intact rural character.</p> <p>Rating: Weak Contribution</p>
Purpose 4: To Preserve the Setting and Special Character of Historic Towns	
GBR Assessment of Parcel 44	<p>Digital analysis, based on bare earth height data, indicates that this parcel is theoretically visible from the historic settlement of Ramsbottom. In practice, this parcel has little to no intervisibility with this historic settlement. The openness of the land within the parcel is not considered to be important to its setting or historic significance. Therefore, any new development that took place within the parcel is considered unlikely to affect the special character of this historic settlement.</p> <p>Rating: No Contribution</p>
Purpose 5: To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	
GBR Assessment of Parcel 44	All parcels make an equally significant contribution to this purpose.

The following extract of the GBR demonstrates that Parcel 44 is one of only three sites in Edenfield that are assessed as having the potential for release, all of which lie to the east of the settlement between the existing development and the A56 dual-carriageway.

The subsequent identification of this parcel of land as a Housing Allocation can therefore be fully justified.

Plan 3: Extract from Green Belt Review showing Parcel 39, 43 and 44 having the potential for release.



The GBR identifies how, in contrast to Parcel 44, land to the east of Edenfield makes a strong contribution towards Purpose 1 of the Green Belt (to check the unrestricted sprawl of large built-up areas) due to limited urbanising features and a strong sense of openness in this area. Several of the parcels to the east of Edenfield were also assessed as having a greater role to play than Parcel 44 in safeguarding the countryside from encroachment (Purpose 3). This is in view of their relationship with the large area of rising open countryside of Scout Moor and Dearden Moor to the east which have distinctive moorland landscape characteristics.

The other two parcels identified as having the potential for release and included within allocation H72 (Parcel 43 and 39) lie to the immediate north of the site, and comprise the wider area of land between the built development along Market Street to the east and the A56 dual-carriageway to the west.

The GBR then describes how:

“The planned release of parcel P44, P43 and P39, in that order, could be perceived as the main block of settlement within Edenfield growing incrementally north and filling the gap between A56 and the linear settlement along Market Street. This could create a stronger Green Belt boundary and settlement edge.”

Mitigation Measures

For those parcels identified as being potentially suitable for release in Green Belt terms, the GBR also provides an overview of some potential mitigation measures which could be incorporated into development to minimise effects on the wider Green Belt. For Parcel 44,

the following potential mitigation measures are suggested:

- Development within the parcel should be restricted to appropriate and attractive small scale and low-density housing.
- New properties should be a maximum of two storeys to minimise the negative impact on the openness of the adjacent Green Belt land.
- The belt of mature woodland along the western boundary of the parcel should be retained and enhanced to preserve the visual screen of the A56 and to help screen any new development from Green Belt land to the west.
- The existing line of trees should be retained and a framework of new planting along the northern boundary should be developed to soften the appearance of any development from the adjacent Green Belt land to the north.
- A new dry stone wall should be built along the minor road which defines part of the northern boundary of the parcel.

The Green Belt Review demonstrates **that the site makes the most limited contribution towards the purposes of the Green Belt when compared with all other Parcels assessed around Edenfield. From a review of the evidence base, it is apparent that Parcel 44 represents the most immediately suitable and sensible site for release from the Green Belt in the short term and therefore its identification for release in the Draft Local Plan is fully justified. It is proposed allocation for development in the draft Local Plan is therefore logical and justified in Green Belt terms.**

5. SUSTAINABLE LOCATION

A wide variety of services and facilities are available within a short walking and cycling distance of the site and as a result it is considered to be an entirely sustainable location for new housing.

Shops and Services

The site is within an easy walking distance of a range of local shops and services being only 200 metres from the centre of the village. Here, a number of amenities are available at the Exchange Street/ Market Street/ Bury Road junction.

The site is approximately 1500 metres away from facilities within nearby Stubbins, including The Village Chippy and Stubbins Tandoori. It is approximately 3 kilometres from the centre of Ramsbottom which provides a greater range of facilities including a Morrisons supermarket and Tesco Superstore. The centres of the larger settlements of Haslingden and Rawenstall are both approximately 5 kilometres away, just a 20 minute journey via a frequent bus service from the village.

Ref:	Name of Facility	Distance from Site (metres)
1	Rostron Arms (Public House)	200
2	Valentines Butchers	200
3	The Village Barbers	200
4	Sixsmith Bakery	200
5	My Plaice Fish and Chips	200
6	Golden Kitchen Chinese Take Away	220
7	The Drop Off Café	300
8	Edenfield Mini Market Convenience Store	500
9	The Coach at Edenfield	700
10	Morrisons Supermarket, Ramsbottom	3000
11	Tesco Superstore, Ramsbottom (including ATM)	3000

Community Facilities

There are a number of community facilities within Edenfield village, including opportunities for outdoor recreation.

Further facilities are available in Rawtenstall and Ramsbottom which are within 5 kilometres of the site.

Ref:	Name of Facility	Distance from Site (metres)
1	Edenfield Recreation Ground	200
2	Children's Play Area	200
3	Community Centre	200
4	Edenfield Cricket Club	350
5	Edenfield Parish Church	800
6	Rosendale Golf Club	2500
7	Ramsbottom Pool & Fitness Centre	2400

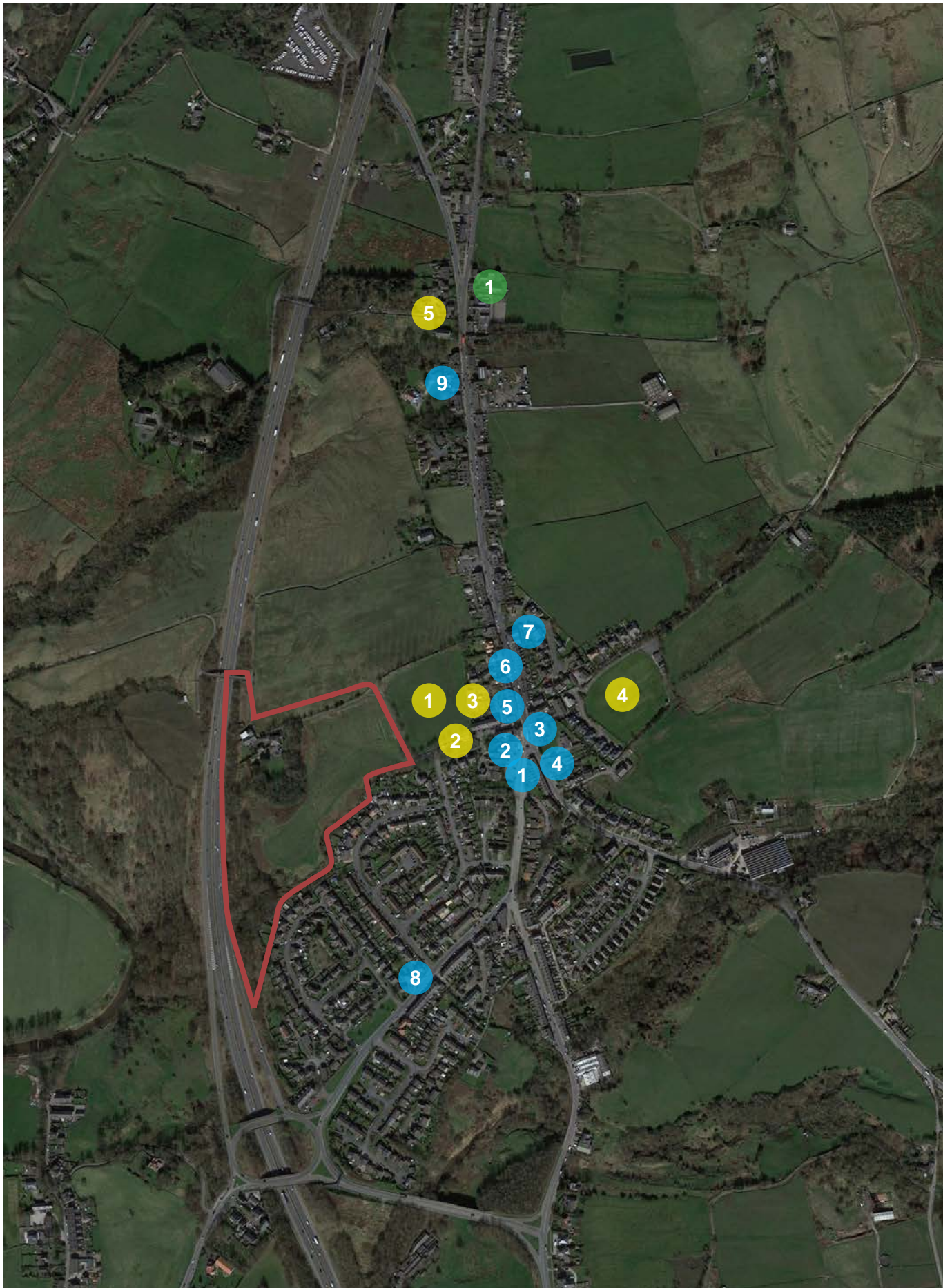
Education

The site is well located in relation to Edenfield Church of England Primary School which is approximately 800 m away on Market Street.

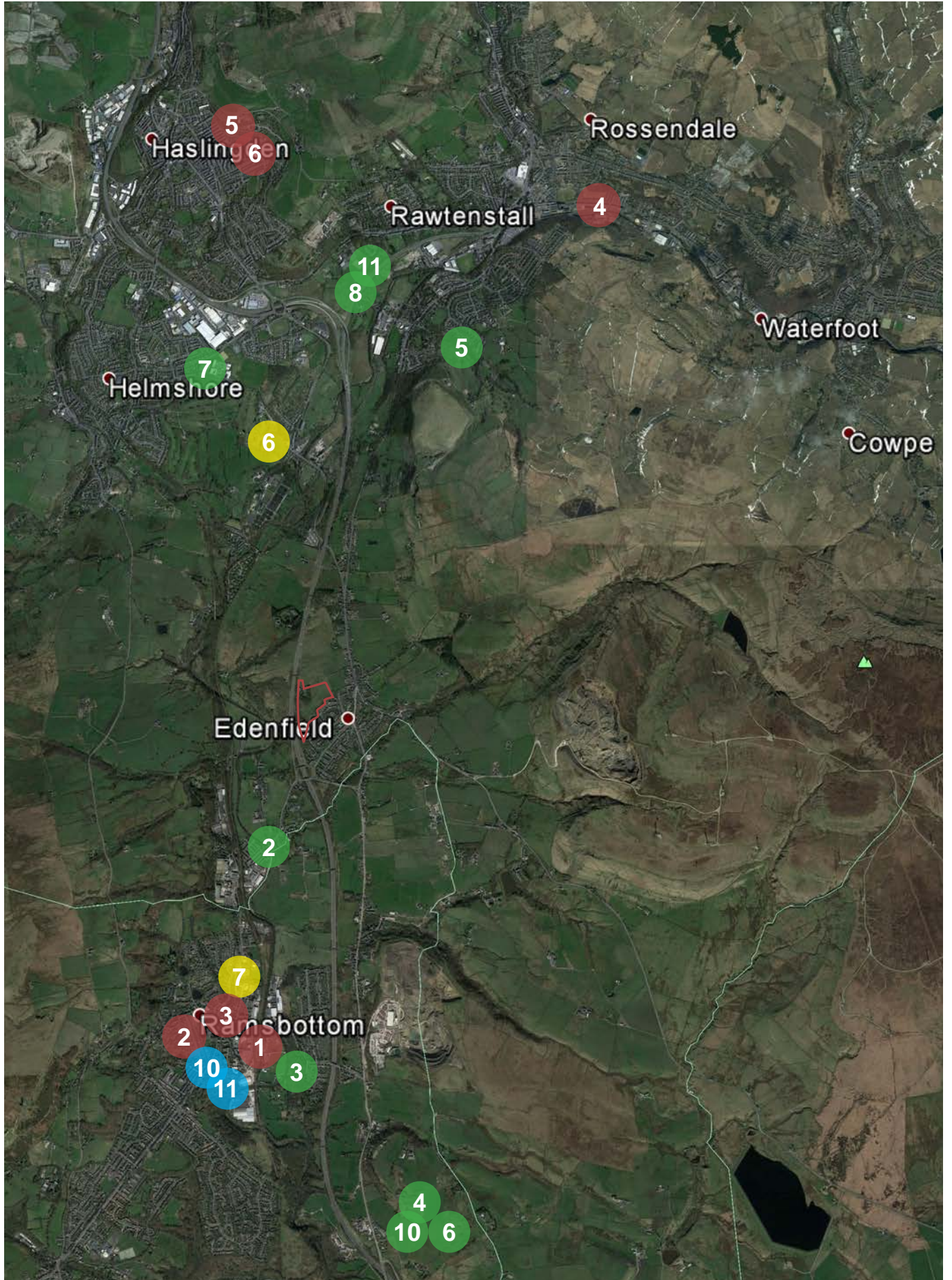
Secondary School provision is available in either nearby Haslingden or Ramsbottom.

Ref:	Name of Facility	Distance from Site (metres)
	Primary Schools	
1	Edenfield Church of England Primary School	800
2	Ramsbottom Stubbin Primary School	1100
3	Peel Brow School, Ramsbottom	3000
4	Rosendale School, Ramsbottom	3200
5	Rawtenstall Balladen Community Primary School	3500
	Secondary Schools	
6	Rosendale School, Ramsbottom	3200
7	Haslingden High School and Sixth Form	3000
8	All Saint's Roman Catholic High School, Rawtenstall	4500
	Post-16 Education	
9	Haslingden High School and Sixth Form	3000
10	Rosendale School, Ramsbottom	3200
11	All Saint's Roman Catholic High School, Rawtenstall	4500

Plan 4: Local Facilities in Edenfield



Plan 5: Local Facilities further afield



Healthcare Provision

There are a number of doctors and dentist surgeries in the local area.

Ref:	Name of Facility	Distance from Site (metres)
1	Parkhouse Dental Practice, Ramsbottom	2600
2	Ramsbottom Health Centre, Ramsbottom	2700
3	Bolton Street Dental Practice, Ramsbottom	2800
4	Ramsbottom Dental Surgery, Ramsbottom	3000
5	Fairmore Medical Practice, Rawtenstall	4600
6	Haslingden Health Centre, Haslingden	4700
7	Dr F W Moujaes & Partner, Haslingden	4800
8	Rossendale Valley Medical Practice, Haslingden	4800

Public Transport

The site is within 400 metres of bus stops on Market Street that are served by the 482/483 service providing multiple services each hour to nearby Rawtenstall, Bacup and further afield to Burnley and Bury. The stops are also served by the 273 which provides services to Rawtenstall, Ramsbottom and Bolton and the 892 which goes to Rawtenstall, Ramsbottom, Greenmount and Tottington.

The site is well located within walking distance of a range of local services and facilities and with access to good public transport links. It is therefore in a suitable and sustainable location for new housing.



6. DELIVERABLE SITE

The National Planning Policy Framework (2018) confirms that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing can be delivered within the next 5 years.

Land at Exchange Street can be considered deliverable in this context and the reasoned justification for this is now provided.

Available

The entire site is under single ownership. This Statement confirms that the landowner is supportive of development of the site for residential dwellings. The land is not subject to any ransom strips or any covenants that would restrict its development for new housing.

As such, these representations confirm that the site is available.

The Methodist Church can also confirm its commitment to working together with the other landowners of the emerging allocation H72: Land West of Exchange Street to support the delivery and comprehensive masterplanning of the wider site.

The suitability of the site for residential development in terms of relevant physical characteristics and constraints is set out below.

What is more, the site is considered the most suitable site on the edge of Edenfield to deliver new housing. Its close proximity to the village centre means it is within a more sustainable location than other potential housing sites, maximising opportunities for new residents to use existing village facilities and provide a boost to the local community. As described in Section 5, the Green Belt Review identifies how the site is also located in a less sensitive location in terms of landscape impact and the future durability of the Green Belt.

Suitable

Edenfield benefits from a range of local facilities and services, as well as frequent public transport connections to nearby higher order settlements such as Rawtenstall and Bury. New housing development in the village would help to sustain the existing local community and facilities. The sustainable location of the site, within close walking distance to the centre of the village has been considered in Section 5.

Achievable

The following is a summary of the technical factors associated with development of the site. To confirm the deliverability of the site for housing, the Methodist Church have commissioned a suite of technical survey work to understand the physical considerations to developing the site. The findings of these surveys are summarised below. It can be confirmed that there are no physical constraints which would prevent the site from coming forward for housing in a manner which would respond appropriately to the site's constraints and context.

Access and Highways

CBO Transport Consultants have been commissioned to advise on the potential for residential development at the site. The existing access to the site is currently via Exchange Street. Lancashire County Council (LCC) Highways records show Exchange Street is adopted meaning that the public highway can be extended into the site without constraint from third party ownerships.

The existing carriageway width on Exchange Street is 5.5 metres which is a standard width for a residential road and would pose no constraint to the proposed development of the site. There is an existing footway along the south side of Exchange Street which provides pedestrian connectivity between the site and the village centre. This existing footway is 1.3 metres in width which is considered sufficient to serve the proposed development.

The assessment undertaken by CBO Transport Consultants has found that a safe and suitable access can be achieved to the site to serve the proposed development of 90 dwellings.

Ecology

Given the vegetation on the main part of the site is limited to grassland, the majority of habitats to be found here are likely to be common and of limited value. The existing trees and woodland do however provide opportunities for wildlife. The SHLAA states that about 1 hectare of the woodland is identified as Stepping Stone Habitat for woodland. The woodland and the majority of trees will be retained and incorporated as part of any future development.

The site lies within the Impact Risk Zones of the Hodge Clough SSSI (approximately 1000 metres to the north west) and the Lower Red Lees (approximately 2 kilometres to the south west). These SSSI's are separated from the site by the River Irwell and the M66/A56 such that there is very limited connectivity between the site and these habitats.

Appletons have undertaken a Phase 1 Ecology Survey of the site. Overall, given the nature and location of the site, there are not anticipated to be any overriding constraints to its development in terms of ecology and development on the site can come forward in a manner which provides appropriate mitigation and biodiversity enhancements in line with local and national policy.

Arboriculture

Existing vegetation on the site is limited predominantly to the boundaries – with several mature trees lining the southern boundary of the site along the stream. An area of dense woodland surrounds the buildings and grounds of Chatterton Hey in the north western corner

of the site. Appletons have undertaken a Tree Survey of the site.

It is anticipated that existing trees and woodland will be retained and incorporated into the scheme and will play an important role in screening the new development from the surrounding existing properties and softening its visual impact in the surrounding area. Opportunities to enhance the green infrastructure on site will also be provided through a careful landscape led approach to design such that there will be an overall net gain in vegetation on the site.

Landscape Character Impact

The 'Lives and Landscapes Assessment' (July 2017) assesses land off Exchange Street as part of the wider H72 allocation. The land is identified as being within the 8b Irwell Valley south Settled Valley Landscape Character Area. The Assessment divides it into 4 areas – A to D. Land off Exchange Street is identified as 'Area D'.

The Assessment recognises that Area D is less visible than the more open land to the north by reason of the existing vegetation. It describes how the site could be 'developed sensitively and incorporated successfully into the village boundary', concluding that the site is suitable for development with mitigation.

The site was one of the few sites in the village to be assessed as being 'developable with mitigation', with the majority of other potential housing land considered to be 'undevelopable' with regard to landscape character impact.

Flood Risk and Drainage

Hydrock have undertaken a Flood Risk Assessment which confirms the entire site lies

within Flood Risk 1 and is therefore at low risk of flooding. Residential development would therefore be entirely acceptable in line with national guidance on flood risk. There is a watercourse running along the southern boundary of the site but this does not present a flood risk. It is anticipated that adequate drainage for the site could be designed in a manner which utilises the natural topography of the site, and incorporates sustainable drainage systems.

Utilities

It is anticipated that residential development on the site will be able to connect to the existing utilities networks which serve the area. Further investigations and enquiries would reveal any improvement works or on site provision deemed necessary.

A review of technical considerations has confirmed that there are no physical characteristics or other constraints that would prevent the delivery of housing at the site. Overall, it is demonstrated that the site is available, suitable, achievable and therefore deliverable.

7. DESIGN PRINCIPLES

An Indicative Masterplan has been produced by Broadway Malyan on behalf of The Methodist Church to demonstrate how the site could be delivered for residential development in a manner which responds appropriately to the specific opportunities and constraints of the site and integrates itself into the surrounding area. A combined Illustrative Masterplan has also been produced by Randall Thorp to show how the site can come forward as part of the wider H72 allocation.

Context of the Surrounding Area

Land off Exchange Street is located to the immediate north west of the existing settlement of Edenfield. The boundaries of the site are clearly defined by the access road along the northern and eastern boundaries, and the established woodland and strong boundary of the A56 to the west. Along the southern boundary, separated from the site by a watercourse and belt of trees, are the rear gardens of properties along Eden Avenue, Woodlands Road and Oaklands Road.

Whilst responding to the architecture of the adjacent existing development, it is also important that development of the site respects the rural character of Edenfield.

The dwellings adjacent to the site to the south, along Eden Avenue, Oaklands Road and Woodlands Road are a mix of detached, semi-detached and mews properties. These are predominantly two storeys, although there are some bungalows along Eden Avenue. The existing dwellings are a mix of materials including red brick, stone and clay tile roofs. Older stone properties are located along Exchange Street and Market Street.



Semi-detached Houses on Eden Avenue



Terraced houses on Exchange Street

Plan 6: Site characteristics



Site Considerations

Architects Broadway Malyan have undertaken an analysis of the physical characteristics of the site and identified the opportunities and constraints which will be important considerations in the design of the development. These are shown on the Site Characteristics Plan above.

The following physical features will be important considerations when establishing the design principles for the development:

- **Trees and Hedgerows.** There are existing areas of woodland around the buildings of the Chatterton Hey care home and in a belt along the western and southern boundaries of the site. These trees offer important buffers to visually screen the development from the adjacent A56, the existing Chatterton Hey care home and the residential properties to the south. The woodland will also mitigate against noise from the A56. Accordingly, the existing trees on site should be retained as far as possible and integrated into a green infrastructure network.

- **Ecology.** The trees on and adjacent to the site could provide habitats for some species, including birds and bats. The watercourse along the southern boundary could also provide some value for wildlife. These features should be retained and enhanced where possible.
- **Relationship with adjacent properties.** The development must be carefully designed to respect the adjacent residential properties and ensure the amenity of existing neighbours is preserved.
- **Topography.** The main part of the site forms a plateau which falls away towards the southern and western boundaries of the site. Development should be designed to work with the natural topography of the site.
- **Connectivity to village centre.** The site is located in close proximity to the local facilities in the centre of Edenfield and good pedestrian connectivity is crucial to maximise this sustainable location. The site also presents the opportunity to relate positively to the adjacent Recreation Ground.
- **Relationship with Chatterton Hey care home.** The development must be designed to ensure compatibility with the adjacent care home.
- **Relationship with wider countryside.** Development needs to respect and preserve the rural character of the village and minimise any landscape visual or character impact ensuring strong and durable Green Belt boundaries for the future.

Indicative Masterplan

The design principles shown on the Indicative Masterplan overleaf and how they respond positively to the context of the site and surrounding area can be described as follows:

- Existing trees and areas of woodland are retained and new landscaped greenspace is proposed to soften the development ensuring a rural feel, and bolster the buffer between the new housing and existing residents to the south and the care home in the north west. This is in line with the suggested mitigation measures for the site in the 'Lives and Landscapes Assessment' (July 2017).
- As well as providing character and visual screening, these areas of landscaping will also provide opportunities for ecological mitigation and enhancement and for Sustainable Urban Drainage systems including swales and ponds.
- At a density of approximately 25 dwellings per hectare, the proposals are for a relatively low-density development of two-storey dwellings. This is in line with the suggested mitigation measures in the Green Belt Review (November 2016) and will soften the visual impact on the adjacent Green Belt land.
- The primary access to the site forms a continuation of Exchange Street and leads into a primary route which loops through the site. This design approach helps achieve permeability in the layout.
- Opportunities to maximise pedestrian connectivity are also shown on the Masterplan, with an improved pedestrian link suggested to Woodland Road helping to

integrate the development with the rest of the village.

- The existing access road to Chatterton Hey is retained providing a clearly defined edge to the new development and a new durable Green Belt boundary. This can be reinforced by careful boundary treatment, in line with the recommended mitigation measures of the Green Belt Review (November 2016) which envisages a dry stone wall along this boundary.
- Development of approximately 90 dwellings is arranged in parcels with important frontages identified. Careful design will be essential to ensure a development which is legible, has an attractive sense of place and most of all is in keeping with and adds to the existing character of Edenfield.

The Indicative Masterplan demonstrates how appropriate mitigation measures can be incorporated to achieve a sensitive development which would be experienced as a natural extension to the existing settlement with limited harm caused to the wider landscape character or purposes of the Green Belt.

Plan 7: Proposed indicative masterplan



Combined Masterplan for H72: Land West of Market Street

Following the identification of the wider parcel of land to the north as a Strategic Housing Allocation for approximately 400 dwellings, a combined Illustrative Masterplan for the whole allocation has also been produced jointly by the landowners. This is shown overleaf.

This shows how land off Exchange Street can come forward as part of the wider allocation.

Draft Policy HS3 of the Regulation 19 Local Plan requires development of H72 to come forward in accordance with an agreed Design Code. It sets out key design principles for the whole site.

The Combined Illustrative Masterplan shown on Plan 8 demonstrates how these key design criteria can be incorporated. The design criteria will be secured at detailed design stage and through the design code.

In accordance with Part b) c) of Policy HS3, the Combined Illustrative Masterplan demonstrates how green infrastructure will be incorporated through the development to build upon the existing green infrastructure – for example the woodland area around Chatterton Hey - creating ecological linkages across the site, and ensuring an appropriate relationship with the surrounding uses. For example, the Illustrative Masterplan shows a significant landscape buffer between the new dwellings and the A56. It also shows the enhancement of landscaping to preserve the setting of the Church, as well the potential for open green space along the frontage of Market Street.

In accordance with Part b) d) of Policy HS3, the Combined Illustrative Masterplan shows how the existing public rights of way crossing the site will be retained and new linkages created providing connections with the centre of the village and the surrounding countryside.

It has also been demonstrated how new development will be off-set from Edenfield Parish Church by a considerable landscape buffer. The existing woodland surrounding the Church to the south and north lies outside of the boundary of the allocation. As such, it will remain untouched as a result of the development and there will be limited impact on the setting of the Church. In accordance with Part b) p) of Policy HS3 new development is shown as fronting onto the existing recreation ground to create natural surveillance and create a positive sense of place, helping to integrate the development with the rest of the village.

In terms of the requirement for Primary School provision, as required by the policy, the supporting text confirms that the Education Authority's preferred course of action would be to expand Edenfield School onto adjacent land. There is no evidence that this would not be possible and as such at this stage it is anticipated that the development at H72 would make contributions to support the future expansion of the Primary School.



Plan 8: Combined Illustrative Masterplan for Site H72: Land West of Market Street

8. SUMMARY AND CONCLUSIONS

Land off Exchange Street represents a sustainable, logical opportunity for housing development on the edge of Edenfield. It is ideally placed to contribute towards meeting local housing needs in the village and across Rossendale as a whole. The site is being actively promoted by the landowners and is considered capable of delivering around 90 new homes in a manner which responds positively to the context of the site and surrounding area.

This Development Statement has demonstrated the following:

- Land off Exchange Street is well related to the existing settlement of Edenfield and its development will form a natural extension to the village.
- The site is in a highly sustainable location, within 800 metres walking distance to the majority of local facilities in the village centre including Edenfield Primary School, a convenience store, several pubs and a butchers and bakers.
- Frequent public transport to the nearby larger settlements of Ramsbottom, Helmshore and Rawtenstall is also accessible from the site.
- The Council's Green Belt Review (November 2016) has found that the site makes a relatively limited contribution towards the five purposes for including land within the Green Belt set out in paragraph 80 of the Framework. From a review of the evidence base, it is apparent this is a suitable and sensible site for release from the Green Belt.
- The Council's Draft Local Plan (August 2018) has identified the site for potential release from the Green Belt (Policy HS3) and has allocated the site, as part of a wider Housing Allocation (H72).
- There are no physical or other technical constraints which would prevent the development of the site for housing.
- The Indicative Masterplan establishes key design principles which would ensure the development responds positively to its context – preserving the existing woodland on site, protecting the amenity of neighbouring residents and achieving a durable new boundary to the surrounding Green Belt. The Combined Illustrative Masterplan for the wider housing allocation further demonstrates how the site will be fully integrated into the development proposed to the north, addressing the key design criteria set out in Emerging Policy H3.

It has been demonstrated that the site is eminently suitable for release from the Green Belt and should be allocated for housing in the new Local Plan. The site is available, suitable, achievable and therefore a deliverable site, capable of facilitating new homes in the short term.

Land off Exchange Street, Edenfield Development Statement



KEY:

- Draft housing allocation boundary
- Existing Public Right of Way
- Existing vegetation
- Proposed development cell
- Proposed indicative frontage

- Proposed green space
- Proposed woodland
- Proposed highway access
- Proposed primary road
- Proposed secondary road

- Proposed pedestrian/cycle routes
- Potential footpath links
- Potential pedestrian/cycle/emergency connection
- Potential area for SuDS (subject to drainage strategy)

Date: 01.10.2018
 Drawn by: SR
 Checker: JF
 Rev by:
 Rev checker:
 QM Status: checked
 Product Status:
 Client Review

**North West
Edenfield Local Plan
Representations**

**Combined Illustrative
Masterplan**

Drwg No: 610C-02C Scale: 1: 5,000 @ A3

Rossendale Draft Local Plan Regulation 19 Consultation August 2018

Representations

on behalf of The Methodist Church

October 2018

Contact

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1.0 Introduction

- 1.1 We are pleased to submit, on behalf of our client The Methodist Church, representations in relation to the Rossendale Draft Local Plan Regulation 19 Consultation (August 2018) ('the Regulation 19 Local Plan').
- 1.2 These representations build upon comments submitted on behalf of the Methodist Church in response to the Regulation 18 Local Plan Consultation in July 2017.
- 1.3 The Methodist Church own land off Exchange Street in Edenfield and are promoting it for residential development. The Development Statement provided at Appendix A demonstrates how land off Exchange Street represents an available, suitable, achievable site for housing that can be considered deliverable in line with the definition within Annex 2 of the National Planning Policy Framework ('the NPPF') (2018). Accordingly, the Methodist Church support the proposed allocation of the site, along with land to the north, under the proposed 'Major Site' allocation '*H72: Land West of Market Street*' in the Regulation 19 Local Plan.
- 1.4 These representations confirm our view that the Spatial Strategy set out in the Regulation 19 Local Plan, and specifically the allocation of *H72: Land West of Market Street*, can be considered 'sound' with regard to the tests set out in Paragraph 35 of the NPPF (July 2018). We confirm that land owned by the Methodist Church can be considered deliverable and can come forward as part of the wider proposed allocation *H72: Land West of Market Street*.
- 1.5 Our comments specifically relate to the following policies:
 - Strategic Policy SS: Spatial Strategy
 - Strategic Policy SD2: Urban Boundary and Green Belt
 - Strategic Policy HS1: Meeting Rossendale's Housing Requirement
 - Policy HS2: Housing Site Allocations
 - Policy HS3: Edenfield

2.0 Strategic Policy SS: Spatial Strategy

- 2.1 We consider the proposed Spatial Strategy contained in **Strategic Policy SS** to be an appropriate and justified strategy for delivering the identified growth required in Rossendale over the plan period with regard to the specific characteristics and constraints of the Borough.
- 2.2 In line with national planning policy advice the Spatial Strategy seeks to direct development towards the most sustainable 'key' settlements in the Borough, whilst ensuring some growth is directed elsewhere. It therefore maximises the use of brownfield land in accordance with paragraph 117 of the NPPF, whilst ensuring a good distribution of new development elsewhere to meet needs across the Borough and provide a range of sites to ensure the Local Plan has sufficient flexibility to adapt to changing circumstances.
- 2.3 It is recognised that the Spatial Strategy has been shaped in large part in consideration of the relatively constrained nature of the Borough. As set out in the Strategy Topic Paper (August 2018) and the Green Belt Topic Paper (August 2018) prepared by the Council to inform the Local Plan, 23% of the Borough is designated as Green Belt and less than 10% lies within the urban area. As well as this expansive Green Belt, Rossendale faces several environmental constraints to development. It is characterised by extensive areas of moorland, which restricts development due to topography and landscape impact considerations. There are also a number of environmental designations such as the West Pennine SSSI and South Pennine SPA which further limit the areas suitable for development.
- 2.4 In this context, we welcome the Council's proposed Spatial Strategy which appears to achieve an appropriate balance between delivering the growth required and protecting the Borough's environmental and heritage assets. The evidence base documents supporting the Local Plan show how the Council has fully assessed the reasonable alternative options for accommodating the required levels of development, as required by Paragraph 35 of the NPPF.
- 2.5 In particular, we support the proposed Strategy of allocating a number of 'Major Sites' in suitable sustainable locations. These sites offer an alternative source of housing and employment land supply in the interests of flexibility. What is more, by delivering a critical mass of development, they can realise

significant benefits in the form of planning contributions and infrastructure delivery that smaller sites may be less able to support.

2.6 This Strategy is considered 'sound', with regard to the following tests set out under paragraph 35 of the NPPF (2018):

- a) Positively prepared** – the Strategy, and in particular the identification of 'Major Sites' that are of a significant scale (in terms of recent development in Rossendale) reflects the need to meet the area's objectively assessed needs over the Plan Period.

- b) Justified** – the Sustainability Appraisal and Strategic Environmental Assessment Regulation 19 Report (August 2018) shows how the proposed Spatial Strategy has been identified following an examination of reasonable alternative strategies and has been informed by evidence in relation to the numerous constraints facing the Borough.

- c) Effective** – The identification of 'Major Sites' as part of the Spatial Strategy, improves the deliverability of the Local Plan and therefore its effectiveness in meeting the identified housing needs and overall growth aspirations of the Council. The Council has recognised that as available, suitable, achievable and deliverable sites, the 'Major Sites' represent important opportunities to work with several key landowners to deliver the scale of development required. The delivery of development on 'larger' sites presents the opportunity to secure real benefits in terms of high quality design (through the use of Design Codes and Masterplanning), infrastructure contributions and enhancements (which larger schemes can viably support) and control over the phasing of development (through the agreement of Phasing Plans). They are therefore a highly effective way of delivering high quality development over the plan period.

3.0 Policy SD2: Urban Boundary and Green Belt

- 3.1 **Policy SD2** identifies land which is proposed to be removed from the Green Belt to accommodate future development needs. The Methodist Church agree with the Council that all possible alternatives have been considered and that 'exceptional circumstances' exist to justify the release of Green Belt land in accordance with paragraph 136 of the NPPF.
- 3.2 We therefore consider Policy SD2 to be **positively prepared, justified, consistent with national policy** and therefore 'sound' in accordance with the tests set out under paragraph 35 of the NPPF.
- 3.3 The existence of 'exceptional circumstances' is demonstrated through the Council's evidence base and can be summarised as follows:

Duty to Co-operate

- 3.4 The national standard methodology for calculating housing needs has identified a minimum figure of 212 new homes per year in Rossendale over the plan period. For the reasons we set out in our representations to Policy SS1, we consider this housing figure should be treated as an absolute minimum at this stage. The Council have worked with neighbouring Councils and none have offered to accommodate any of Rossendale's housing requirement. This is confirmed in the Duty to Cooperate and Statement of Common Ground (August 2018).
- 3.5 Accordingly the Local Plan accords with Paragraph 137 of the Framework, and as required by Paragraph 35, the Local Plan must seek to meet the area's objectively assessed need within the Borough.

Lack of Deliverable Brownfield Sites

- 3.6 As set out in the Council's Housing Topic Paper (August 2018), and in accordance with the guidance in Paragraph 137 of the Framework, the Council has undertaken extensive additional work since the publication of the Regulation 18 Local Plan consultation to identify additional brownfield sites capable of delivering housing and to increase densities proposed on sites which are included in the existing supply wherever possible. The proportion of housing allocations on Greenfield sites has been decreased and the average density of development on the proposed brownfield sites increased (paragraph 3.5.3 and 3.5.4 of the Housing Topic Paper, August 2018).

- 3.7 However, this work has confirmed that there is a lack of available and deliverable brownfield sites across the Borough as a whole to meet the overall housing requirement during the Plan period, such that it is necessary to look outside of the urban areas.

Lack of non-Green Belt Land outside of the Urban Area

- 3.8 As set out in the Strategy Topic Paper (August 2018) and the Green Belt Topic Paper (August 2018) prepared by the Council to inform the Local Plan, 23% of the Borough is designated as Green Belt and less than 10% lies within the urban area. In addition to the expansive areas of Green Belt, Rossendale also faces several environmental constraints to development. It is characterised by extensive areas of moorland, which restrict development due to topography and landscape impact. There are also a number of environmental designations such as the West Pennine SSSI and South Pennine SPA which further limit the areas suitable for development.

The Need for a Balanced Approach to Supply

- 3.9 We also support the recognition on Page 15 of the Regulation 19 draft Local Plan of the '*need for a balanced portfolio of sites within the Borough that reflect need; are attractive to the market and address past under-delivery, particularly for housing*'. As well as the need to find sites which are suitable and deliverable from a technical point of view, the Local Plan must also provide a range types and sizes of sites in different locations across the Borough to ensure a flexible and deliverable supply of sites. This is essential to ensure an adequate distribution of development to meet needs. It will also ensure the Local Plan is not overly reliant on the deliverability of a few key sites and has the flexibility to adapt to changing market circumstances over the plan period.

Viability

- 3.10 The evidence base (for example the Green Belt Topic Paper, 2018) describes how viability is also an essential constraint shaping the Spatial Strategy in Rossendale, with low values for residential development in the eastern parts of the Borough bringing the deliverability of strategic housing growth here into doubt.
- 3.11 There is therefore strong justification for identifying housing allocations in those areas with higher values (Edenfield and the south west of Rossendale) even though this necessitates the release of some Green Belt land. Not only do the higher values increase the certainty that the sites in these areas will be delivered but, as the Green Belt Topic Paper (August 2018) also points out, it means there is sufficient

value in developments to fund affordable housing and other infrastructure improvements. This is considered in more detail in our representations to Policy HS3 in relation to proposed allocation *H72: Land West of Market Street*.

Summary on Exceptional Circumstances

- 3.12 In light of the above factors, we agree that fully evidenced and justified 'exceptional circumstances' exist which justify the proposed alterations of the Green Belt boundaries in Rossendale. It is clear the Council have fully reviewed all other reasonable options for meeting its identified development need. The draft Local Plan still seeks to direct the vast majority of development within the urban boundary (68%) and on greenfield land outside of the Green Belt (20%), thereby proposing only the remaining 5% of the housing sites to be released from the Green Belt. This amounts to less than 1% of the total Green Belt in the Borough, which is considered wholly justified in the light of the above considerations.
- 3.13 We consider the specific case for Green Belt release in relation to proposed allocation *H72: Land West of Market Street*, in our response in relation to Policy HS3.

4.0 Policy HS1: Meeting Rossendale's Housing Requirement

- 4.1 **Policy HS1** establishes a net housing requirement of at least 3,180 dwellings, or 212 dwellings per annum (dpa). This is based on the Government's standard method for calculating housing need, consulted on in 2017.
- 4.2 The revised National Planning Practice Guidance (ID: 2a-002-2080913) makes clear that the standard method figure should be viewed as a minimum housing needs figure. It does not produce a housing requirement. Furthermore, the Government is currently (at time of writing) reviewing the standard methodology in light of the publication of the 2016-based Household Projections and so its application as a tool for assessing housing requirements, and whether it will persist in its current form, is still unknown. It is therefore entirely possible that the overall housing requirement will be higher than the 212 dpa which is now being consulted on and that this figure should be treated as an absolute minimum at this stage.
- 4.3 We support the inclusion within Policy HS1 that the Housing Requirement figure for Edenfield is 456 dwellings. This is consistent with national policy which requires strategic policies to *'set out a housing requirement for designated neighbourhood areas which reflect the overall strategy for the pattern and scale of development and any relevant allocations'* (paragraph 65, NPPF) and provides clarity for all relevant stakeholders.

5.0 Policy HS2: Housing Site Allocations

- 5.1 For the reasons set out in our representations to Policy HS3, the Methodist Church support the proposed allocation *H72: Land West of Market Street* under **Policy HS2**.
- 5.2 It is considered that the Church's part of the site (referred to as 'land off Exchange Street') is capable of accommodating around 90 dwellings, and has the potential to come forward as the first phase of the wider allocation with a realistic prospect that housing can be delivered on the site within the next 5 years.

6.0 Policy HS3: Edenfield

- 6.1 The Methodist Church are fully supportive of the proposed strategic housing development at Edenfield (Housing Allocation H72: Land West of Market Street).
- 6.2 As set out in our representations to SD2: Urban Boundary, we support the Council's case that 'exceptional circumstances' exist to justify the proposed release of Green Belt land to meet development needs over the plan period.

Allocation to Edenfield

- 6.3 In terms of the proposed allocation dwellings to Edenfield, it is with regard to the following evidenced reasons that the Council are justified in directing this scale of development to Edenfield through Housing Allocation H72: Land west of Market Street. The allocation is justified and will ensure the effective delivery of the Local Plan. As such, it can be considered 'sound' in accordance with paragraph 35 of the Framework.

Housing Need

- 6.4 The evidence base prepared to support the Local Plan demonstrates that the Council have examined all other reasonable options for meeting its identified need for development (in accordance with Paragraph 137 of the NPPF). The SHMA also clearly points towards the need to accommodate housing growth in the south of the borough and specifically in Edenfield. Affordable Housing needs are also particularly acute in this area of the borough, with Tables 8.2 and 8.3 of the SHMA confirming that the Helmshore & Edenfield sub area has the highest proportion of both existing and newly formed households unable to purchase market housing. There is insufficient land available within the existing settlement boundary of Edenfield to accommodate this affordable housing need.

Suitability and Sustainability of Edenfield

- 6.5 The Strategy Topic Paper (2018) provides more information regarding the hierarchy of settlements in Rossendale. The Appendix of the document distinguishes between different 'levels' of settlement based on their facilities and public transport connections. Rawtenstall is recognised as the primary centre, with Bacup, Haslingden and Whitworth below - recognising their role as the main settlements within their immediate catchment area. Below this, Waterfoot and Crawshawbooth are identified as 'Level 2' settlements and Edenfield, Helmshore, Stacksteads and Rising Bridge as 'Level 3' settlements. The draft

Local Plan then goes on to identify all those settlements identified as 'Level 2 and 3' as 'Local Service Centres'. This approach recognises the intertwined nature of the settlements in Rossendale, which often follow the linear form of the valleys. It shows how with regard to existing services and facilities, Edenfield is among the most sustainable settlements in the Borough, below Rawtenstall and the Key Service Centres.

- 6.6 In addition to the facilities within Edenfield itself, it is important to consider how Edenfield is closely related to Bury to the south, and Greater Manchester beyond, with regular direct bus services to Bury Interchange approximately 25 minutes away. It is well related to the strategic network – having easy access to the A56. The centre of Ramsbottom is also located approximately 3 kilometres away and provides a range of higher order services including a Morrisons supermarket and Tesco Superstore. Ramsbottom is also accessible by frequent bus services from Edenfield.
- 6.7 In consideration of the above, Edenfield represents one of the most sustainable locations to accommodate new housing, with regards to access to local facilities and public transport links.

Environmental Suitability

- 6.8 As set out elsewhere in our representations, and throughout the Council's evidence base, Rossendale faces several physical and environmental constraints to development, particularly in the form of topographical make-up, flood risk and environmental designations. As we go on to demonstrate, *H72: Land West of Market Street* does not face any severe constraints to development such that it can accommodate housing without unacceptable harm to the environment or character of the wider environment. It is recognised that the proposed development will fundamentally alter the existing character of the site, and would result in a significant growth of the village of Edenfield. However, the Council's evidence base shows how with regard to the physical characteristics of the site, the proposed development would not cause harm to the wider, fundamental character of the settlement or this part of the Borough.
- 6.9 We take the opportunity below to reinforce these findings below and in the appended Development Statement, with reference to the technical surveys and assessments of the site undertaken on behalf of the Methodist Church.

Viability

- 6.10 The Green Belt Topic Paper (2018) describes how it is vital to ensuring an effective and deliverable development strategy that the Local Plan directs a proportion of the housing allocations towards higher value areas. Edenfield is one such area. Through these representations we can confirm that the landowners are confident that land west of Market Street represents a viable and deliverable site for housing, which will come forward for development in the plan period. Furthermore, we can confirm the site is able to support the provision of affordable housing and a mix of house types and sizes in to help redress the current imbalance in house types as identified in the evidence base. The development will also be able to support other local infrastructure improvements in line with policy requirements.

Availability and Suitability of Strategic Site

- 6.11 The Council is right to recognise this site as an important opportunity within the Borough to bring forward a significant proportion of the housing requirement on a single site of a strategic size. The size of the site presents the opportunity to plan for the growth of Edenfield in a comprehensive manner – ensuring high quality design, the inclusion of a good range of dwelling types and sizes. In delivering a critical mass of development, the site will be able to support the provision of planning contributions and infrastructure delivery to support the new development and ensure the future sustainability of Edenfield.

Deliverability and Suitability of Land off Exchange Street

- 6.12 To support the promotion of the site and confirm its deliverability for housing, the Methodist Church have commissioned a suite of technical survey work to understand the physical considerations to developing the site. The findings of this survey work is summarised within the Development Statement contained in Appendix A. The Development Statement also provides a Constraints and Opportunities Plan and Illustrative Masterplan of the site. It also contains a Combined Illustrative Masterplan prepared jointly by the landowners of H72 to show how the wider allocation would work as one integrated site. This Combined Illustrative Masterplan is also provided in Appendix B.
- 6.13 We provide a summary of the key technical constraints associated with development of land off Exchange Street below.
- 6.14 **Landscape Impact:** The Council's Landscape Assessment of H72 'Lives and Landscapes Assessment – Volume 2: Site Assessments' (July 2017) concludes that subject to suitable mitigation measures, the

majority of the site is suitable for development from a landscape point of view. The Study identifies the most sensitive part of the wider allocation H72 is in the north.

6.15 Under the Assessment, the Site was divided into separate areas, with the land owned by the Methodist Church ('land off Exchange Street') being identified as Area D. The Assessment describes how Area D is enclosed by mature trees to the north and west and by the boundaries of neighbouring properties to the south. It concludes that Area D could be *'developed sensitively and incorporated successfully into the village boundary'* taking account of recommended mitigation measures.

6.16 The Combined Illustrative Masterplan now submitted shows how the mitigation measures recommended for land off Exchange Street in the Lives and Landscape Assessment can be incorporated into the scheme. These can be incorporated into the final agreed Masterplan/ Design Code for the site as required under draft Policy HS3:

- The existing trees on the site are to be retained;
- New areas of open space/ landscaping and tree planting created alongside the stream to the south of the site;
- The existing pedestrian access from Woodlands Road is to be retained and pedestrian links enhanced across the site to encourage access to the woodland and to the public footpath network in the surrounding countryside;
- The existing track to Chatterton Hey is retained and the hedgerow can be incorporated into the development;
- The positioning of development parcels responds to the natural topography of the site and long views towards Peel Tower can be retained;
- The new dwellings around the existing recreational field will front onto it to create a positive sense of place and engender natural surveillance.

6.17 Overall, whilst the development will result in the loss of existing greenfield land and will change the immediately surrounding environment, the technical work undertaken shows how land off Exchange Street has low landscape sensitivity and the development can be successfully incorporated with the existing village without adverse impact on the wider landscape.

- 6.18 **Green Belt:** As set out elsewhere in our Representations to the Local Plan, we strongly support the Council's case that 'exceptional circumstances' exist to justify the release of Green Belt for development, including within Edenfield.
- 6.19 The Council have undertaken a thorough assessment of the Green Belt across the Borough (Green Belt Review, November 2016). This identified land to the west of Market Street (site H72) as the only land around the edge of Edenfield which would be 'potentially suitable' for release from the Green Belt, without causing harm to the purposes or integrity of the wider Green Belt in Rossendale. The Green Belt Review found that the site performed weakly in Green Belt terms, partly because it is contained by the A56 which forms a strong physical and visual barrier.
- 6.20 The Development Statement contained in Appendix A considers the findings of the Green Belt Review in relation to the Church's parcel of land (land off Exchange Street) specifically. The Review describes how '*releasing this parcel is unlikely to have a substantial negative effect on the integrity of the wider Green Belt*'.
- 6.21 In its consideration of the land to the north (Parcels P43 and P39), the Review recognises that '*the planned release of parcel P44, P43 and then P39, in that order, could be perceived as the main block of settlement within Edenfield growing incrementally north and filling the gap between the A56 and the linear settlement along Market Street. This could create a stronger Green Belt boundary and settlement edge.*'
- 6.22 We support strongly support the Council's recognition in the evidence base that the strong and defensible boundaries of the A56 and the existing development along Market Street presents a key opportunity to release a well contained area of Green Belt which makes only a limited contribution to the purposes of the Green Belt. With regard to the five purposes of the Green Belt set out in paragraph 134 of the Framework, the development of the land west of Market Street (H72) will:
- a) not result in unrestricted sprawl of the existing built-up area by virtue of the existing strong barrier of the A56;
 - b) not result in the merging of settlements, since the development will extend no further north than the existing edge of the settlement of Edenfield which stretches north along Market Street/ Burnley Road. The gap between Edenfield and Rawtenstall will therefore be retained;

- c) be experienced as an incremental expansion of development on land which is already closely related to the existing urban edge which runs along the entire eastern boundary. The A56 on the other side contains the site meaning the development would not amount to an encroachment into the countryside surrounding the settlement;
- d) not have any significant impacts on the setting of the historic settlement of Ramsbottom;
- e) not harm the prospects of recycling urban land within the Borough since a thorough review undertaken to inform the Local Plan has demonstrated there are insufficient existing urban sites to meet the growth required over the entire Plan Period.

6.23 **Heritage:** The nearest Conservation Area to the site is the Chatterton/ Strongstry Conservation Area to the west. The Site has no association or visual connection with the Conservation Area by virtue of the A56 and area of dense woodland in the south-western part of the site, which provides a strong visual barrier. In Edenfield itself, the Grade II* Listed Edenfield Parish Church lies to adjacent to the eastern boundary of the northern part of the wider allocation. The Combined Illustrative Masterplan shows that through careful design, the setting of the Church will be preserved.

6.24 Accordingly, it is confirmed that the site presents an opportunity for development without causing harm to any designated heritage assets. The Heritage Impact Assessment of Housing and Employment Sites (August 2018) produced by the Council to inform the Local Plan concludes that the development of the site is acceptable in heritage terms, subject to appropriate mitigation measures.

6.25 The heritage and character of the existing village will be reflected through the architectural detailing and choice of materials in the new development. This can be secured through the Design Code.

6.26 **Highways:** CBO Transport have been commissioned to advise in relation to access to land at Exchange Street specifically. They have confirmed that access can be provided for the proposed residential development of the Church's land via Exchange Street. The existing carriageway width on Exchange Street is 5.5 metres which is a standard width for a residential road and would pose no constraint to the proposed development of the site. There is an existing footway along the south side of Exchange Street which provides pedestrian connectivity between the site and the village centre.

6.27 The Council published a Highways Capacity Study on the 2nd October 2018, which looks at the impact on the strategic road network. The joint landowners will be reviewing this document and providing further comment in due course.

- 6.28 **Flooding:** The entire site is located within Flood Risk Zone 1 with reference to the Environment Agency flood maps. Residential development would therefore be entirely acceptable in line with national guidance on flood risk. Hydrock have been instructed to prepare a Flood Risk Assessment, which confirms that the proposed development of the site would not give rise to increased flood risk elsewhere. It has also been demonstrated that adequate drainage for the site could be designed in a manner which utilises the natural topography of the site and incorporates sustainable drainage systems.
- 6.29 **Ecology:** The Methodist Church has commissioned Appletons to undertake an Ecology Survey of land off Exchange Street. This confirms that the majority of habitats on the site are common and of limited value. The existing trees and woodland do however provide opportunities for wildlife. The woodland and majority of trees will be retained and incorporated as part of any future development and the Ecology Appraisal submitted to support these representations recommends measures to enhance the retained woodland and achieve a net gain for biodiversity as a result of the development.
- 6.30 Overall, given the nature and location of the site, there are not anticipated to be any overriding constraints to its development in terms of ecology and development on the site can come forward in a manner which provides appropriate mitigation and biodiversity enhancements in line with local and national policy.
- 6.31 **Pollution:** In recognition of the site's location adjacent to the A56, the Methodist Church have commissioned consultants Hydrock to assess the suitability of the site for development in terms of the existing acoustic environment. The Acoustic Assessment confirmed how the part of the site at Exchange Street proposed to be developed, is predicted to fall into the 'low' and 'medium' risk categories for noise impacts from the A56. Accordingly, it confirms that subject to the incorporation of suitable mitigation measures in the detailed design process, the site can be considered suitable for housing development from a noise impact perspective.
- 6.32 Hydrock have also undertaken a Ground Conditions Desk Study. The overall risk from land contamination at the site is considered to be low, as the area of the proposed housing development has remained an undeveloped field throughout time.

Comments on HS3 Draft Policy Wording

6.33 The Methodist Church welcome draft Policy HS3. Overall, we consider the Policy sets out clear requirements for the delivery of the site providing certainty for the Council, the developers and the local community whilst retaining a degree of flexibility to ensure the Policy can adapt to changing circumstances over the Plan period. The requirement of a Masterplan for the site enables detailed decisions about the nature of the development to be undertaken at an appropriate point in the future, through discussion with the Council and the local community. We therefore consider draft Policy HS3 to be positively prepared, justified and effective in ensuring the proposed allocation represents high quality development. The Policy is therefore considered to be 'sound' in accordance with the tests set out in Paragraph 35 of the NPPF.

6.34 We set out below our specific comments on each element of the draft Policy.

Part a) of Policy HS3 requires that comprehensive development of the entire site is demonstrated through a masterplan;

6.35 The Methodist Church can confirm their commitment to work together with the other landowners of Site H72 to ensure that a combined and comprehensive approach is taken in respect of the whole allocation. The landowners have worked together to understand the technical constraints and produced a Combined Illustrative Masterplan for the whole site.

6.36 This shows how the site can come forward comprehensively to deliver a high quality and attractive development which respects and will deliver benefits to the existing settlement.

6.37 The Methodist Church is committed to working with the other landowners in partnership with the Council and other relevant stakeholders, including the local community in and around Edenfield in the development of the masterplan.

Part b) of draft Policy HS3 requires the implementation of the development in accordance with an agreed Design Code. It sets out key design principles for the whole site that will be incorporated in the Design Code;

6.38 The Methodist Church can confirm that the design principles set out under part b) will be implemented through the detailed design of the scheme. The Combined Illustrative Masterplan contained in the Appendix B demonstrates how several of the key design criteria can be incorporated.

- 6.39 In accordance with Part b) c) of the Policy, the Combined Illustrative Masterplan demonstrates how green infrastructure will be incorporated through the development to build upon the existing green infrastructure – for example the woodland area around Chatterton Hey - creating ecological linkages across the site, and ensuring an appropriate relationship with the surrounding uses. For example, the Illustrative Masterplan shows a significant landscape buffer between the new dwellings and the A56. It also shows the enhancement of landscaping to preserve the setting of the Church, as well as the potential for open green space along the frontage of Market Street.
- 6.40 In accordance with Part b) d) the Combined Illustrative Masterplan shows how the existing public rights of way crossing the site will be retained and new linkages created across the site providing connections with the centre of the village and the surrounding countryside.
- 6.41 In accordance with Part b) n), it has also been demonstrated how new development will be off-set from Edenfield Parish Church by a considerable landscape buffer. The existing woodland surrounding the Church to the south and north lies outside of the boundary of the allocation. As such, it will remain untouched as a result of the development and there will be limited impact on the setting of the Church. In accordance with Part b) p) new development is shown as fronting onto the existing recreation ground to create natural surveillance and create a positive senses of place, helping to integrate the development with the rest of the village.
- 6.42 In terms of the requirement for Primary School provision, as set out in Part b) q), the supporting text to Policy HS3 confirms that the Education Authority's preferred course of action would be to expand Edenfield School onto adjacent land. There is no evidence that this would not be possible and as such at this stage it is anticipated that the development at H72 would make contributions to support the future expansion of the Primary School.

Part c) of the Policy requires a phasing and infrastructure delivery schedule for the area;

- 6.43 The technical work undertaken so far confirms that the infrastructure requirements established under this policy can be provided as part of the scheme. We scheme will comply with policies requiring affordable housing and public open space.
- 6.44 The submitted technical information and Combined Illustrative Masterplan indicates how the above elements can be incorporated within the overall scheme and secured through a phasing and infrastructure delivery schedule.

Part d) of the Policy required an agreed programme of implementation in accordance with the masterplan;

- 6.45 The Methodist Church can also confirm their willingness to commit to a programme of implementation for the development. These representations and the supporting documents, confirms that there is nothing preventing the development of the land off Exchange Street for housing within the next 5 years.
- 6.46 This part of the wider H72 allocation is the most closely associated with the existing settlement, and it is considered best placed to come forward as the first phase of the wider site. We therefore take the opportunity to support the recognition of this in the Green Belt Review which suggests the land should be developed from south to north.

Part e) of the Policy requires the identification of mechanisms to enhance the quality of, and access to, Green Belt land in the area between the development site and Rawtenstall/Haslingden.

- 6.47 It is anticipated that it will be agreed through the masterplanning process and drafting of the design code what measures can be secured under this part of the policy.
- 6.48 There will be opportunities within the site to enhance connections between the existing village and proposed development into the surrounding Green Belt land and surrounding countryside. The existing public rights of way which cross the site will be retained through the development and any opportunities to encourage connections to the footpath network in the wider area and therefore enhanced access to the wider Green Belt will be explored. This is in accordance with paragraph 138 of the NPPF which requires Local Plans to consider the ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

Compliance with Other Emerging Local Plan Policies

6.49 As well as fully according with the elements of emerging Policy HS3, we confirm below that the development will accord with all other relevant policies of the new Local Plan (as currently drafted).

Regulation 19 Local Plan Policy	Assessment of compliance of proposed development on land off Exchange Street
Policy HS6: Affordable Housing	<p>The Methodist Church are confident that the development of their land will be able to support the provision of affordable housing, in line with the requirements of this policy.</p> <p>The proposed allocation will therefore make an important contribution towards the affordable housing requirements of the Borough and help to provide a range of house types in Edenfield.</p>
Policy HS7: Housing Density	The Illustrative Masterplan demonstrates how the site can accommodate the proposed amount of development in a manner that will not have a detrimental impact on the amenity, character, appearance, distinctiveness or environmental quality of the area in accordance with this draft Policy.
Policy HS8: Housing Standards	<p>Draft Policy HS8 sets out requirements for new housing to provide for the needs of elderly or disabled residents and accord with the nationally described space standards where possible.</p> <p>It is anticipated the Design Code to be produced for the strategic site under Policy HS3 can establish these requirements such that the detailed design of the scheme will come forward in line with this requirement.</p>
Policy HS10: Open Space Requirements	The Illustrative Masterplan appended to these representations provides for public open space across the site, including space for a NEAP. Whilst the specific location and quantity of this open space area will be identified at the detailed masterplanning stage, it has been demonstrated that the site can accommodate good levels of public open space and green landscaping, as required by draft Policy HS10.
Policy HS11: Playing Pitch Requirements in New Housing Developments	It is anticipated that any requirement for playing pitches/ contribution to playing pitches to support the development of Site H72 will be identified through the comprehensive masterplan approach under Policy HS3.
Policy HS12: Private Outdoor Amenity Space	The technical and masterplanning work undertaken demonstrates that the site can accommodate predominantly family houses, which each will benefit from good levels of private outdoor amenity space in line with this draft Policy.
Strategic Policy ENV1: High Quality Development	<p>Draft Policy ENV1 sets out how all new development will be expected to take account of the character and appearance of the local area. The policy sets out design criteria that new development should seek to achieve.</p> <p>These are reflected in the detailed wording of Policy HS3 and we set out above how the development will meet these requirements and achieve a high quality housing scheme in accordance with the specific Design Code for the site which is to be drawn up for the allocation.</p>

<p>Strategic Policy ENV2: Heritage Assets</p>	<p>As set out above and demonstrated in the accompanying supporting documents, the development of H72 will not cause harm to the setting and significant of any historic towns, conservation areas or other heritage assets. The nearest Conservation Area is Chatterton/Strongstry Conservation Area to the south-west but this is separated from the site by the A56 and dense woodland. The Listed Edenfield Parish Church located to the east of the site. The Illustrative Masterplan shows how the setting of the Church will be preserved through a development off-set and use of landscaping. Use of local architectural features and sympathetic materials will also reflect the heritage and character of the existing settlement.</p>
<p>Policy ENV3: Landscape Character and Quality</p>	<p>The evidence base informing the Local Plan describes the landscape sensitivity of land west of Market Street (site H72) and concludes that subject to mitigation measures, the development of the site would not cause harm to the wider landscaping setting and character.</p> <p>In accordance with Policy ENV3, the development will be designed to respond to the natural context and setting of the site and protect and wherever possible enhance the character and quality of the landscape.</p>
<p>Policy ENV4: Biodiversity, Geodiversity and Ecological Networks</p>	<p>An Ecology Survey of the site has been undertaken to support the promotion of the site. The Illustrative design of the site shows how existing features of biodiversity will be retained. Habitat enhancement measures, including enhancements to the retained woodland on the Church's land will be incorporated throughout the development.</p>
<p>Policy ENV6: Environmental Protection</p>	<p>The technical work undertaken by both the Council and the Methodist Church in relation to the site demonstrates that the site can accommodate the proposed development without any unacceptable adverse impact on health, amenity, biodiversity, air or water quality.</p>
<p>Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality</p>	<p>A Flood Risk Assessment and Drainage Strategy has been prepared by Hydrock to demonstrate the development of the site is suitable in flood risk terms and sustainable drainage systems can be incorporated in line with this Policy.</p>
<p>Policy ENV10: Trees and Hedgerows</p>	<p>The vast majority of the existing trees on site will be retained. A Tree Survey and Ecology Survey have been undertaken in respect of land off Exchange Street which describes how opportunities will be taken to enhance the existing woodland and include new planting across the rest of the site thereby making a positive contribution to Green Infrastructure and Biodiversity in accordance with Policy ENV10.</p>
<p>Strategic Policy TR1: Strategic Transport</p>	<p>This policy encourages proposals which reduce the need to travel and sets out opportunities to enhance the Borough's external and internal connectivity. Site H72 represents a sustainable location for new housing, within walking distance of the range of everyday facilities in Edenfield, and benefiting from good public connections.</p>
<p>Policy TR2: Footpaths, Cycleways and Bridleways</p>	<p>The Combined Illustrative Masterplan shows how the existing Public Rights of Way across the site will be preserved and new connections incorporated across the scheme. Opportunities to enhance the public footpath network in the surrounding area will also be explored.</p>

Policy TR4: Parking	The Design Code required under Policy HS3 can ensure the development provides an adequate level of parking in accordance with this policy.
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Appendix A: Exchange Street, Edenfield – Development Statement October 2018

Appendix B: Combined Illustrative Masterplan prepared jointly for H72: Land West of Market Street



Rossendale Draft Local Plan
Regulation 19 Consultation (August 2018)
Representations
on behalf of The Methodist Church
October 2018

London

Birmingham

Manchester

Thames Valley

Rossendale Draft Local Plan Regulation 19 Consultation August 2018

Representations

on behalf of The Methodist Church

October 2018

Contact

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1.0 Introduction

- 1.1 We are pleased to submit, on behalf of our client The Methodist Church, representations in relation to the Rossendale Draft Local Plan Regulation 19 Consultation (August 2018) ('the Regulation 19 Local Plan').
- 1.2 These representations build upon comments submitted on behalf of the Methodist Church in response to the Regulation 18 Local Plan Consultation in July 2017.
- 1.3 The Methodist Church own land off Exchange Street in Edenfield and are promoting it for residential development. The Development Statement provided at Appendix A demonstrates how land off Exchange Street represents an available, suitable, achievable site for housing that can be considered deliverable in line with the definition within Annex 2 of the National Planning Policy Framework ('the NPPF') (2018). Accordingly, the Methodist Church support the proposed allocation of the site, along with land to the north, under the proposed 'Major Site' allocation '*H72: Land West of Market Street*' in the Regulation 19 Local Plan.
- 1.4 These representations confirm our view that the Spatial Strategy set out in the Regulation 19 Local Plan, and specifically the allocation of *H72: Land West of Market Street*, can be considered 'sound' with regard to the tests set out in Paragraph 35 of the NPPF (July 2018). We confirm that land owned by the Methodist Church can be considered deliverable and can come forward as part of the wider proposed allocation *H72: Land West of Market Street*.
- 1.5 Our comments specifically relate to the following policies:
 - Strategic Policy SS: Spatial Strategy
 - Strategic Policy SD2: Urban Boundary and Green Belt
 - Strategic Policy HS1: Meeting Rossendale's Housing Requirement
 - Policy HS2: Housing Site Allocations
 - Policy HS3: Edenfield

2.0 Strategic Policy SS: Spatial Strategy

- 2.1 We consider the proposed Spatial Strategy contained in **Strategic Policy SS** to be an appropriate and justified strategy for delivering the identified growth required in Rossendale over the plan period with regard to the specific characteristics and constraints of the Borough.
- 2.2 In line with national planning policy advice the Spatial Strategy seeks to direct development towards the most sustainable 'key' settlements in the Borough, whilst ensuring some growth is directed elsewhere. It therefore maximises the use of brownfield land in accordance with paragraph 117 of the NPPF, whilst ensuring a good distribution of new development elsewhere to meet needs across the Borough and provide a range of sites to ensure the Local Plan has sufficient flexibility to adapt to changing circumstances.
- 2.3 It is recognised that the Spatial Strategy has been shaped in large part in consideration of the relatively constrained nature of the Borough. As set out in the Strategy Topic Paper (August 2018) and the Green Belt Topic Paper (August 2018) prepared by the Council to inform the Local Plan, 23% of the Borough is designated as Green Belt and less than 10% lies within the urban area. As well as this expansive Green Belt, Rossendale faces several environmental constraints to development. It is characterised by extensive areas of moorland, which restricts development due to topography and landscape impact considerations. There are also a number of environmental designations such as the West Pennine SSSI and South Pennine SPA which further limit the areas suitable for development.
- 2.4 In this context, we welcome the Council's proposed Spatial Strategy which appears to achieve an appropriate balance between delivering the growth required and protecting the Borough's environmental and heritage assets. The evidence base documents supporting the Local Plan show how the Council has fully assessed the reasonable alternative options for accommodating the required levels of development, as required by Paragraph 35 of the NPPF.
- 2.5 In particular, we support the proposed Strategy of allocating a number of 'Major Sites' in suitable sustainable locations. These sites offer an alternative source of housing and employment land supply in the interests of flexibility. What is more, by delivering a critical mass of development, they can realise

significant benefits in the form of planning contributions and infrastructure delivery that smaller sites may be less able to support.

2.6 This Strategy is considered 'sound', with regard to the following tests set out under paragraph 35 of the NPPF (2018):

- a) **Positively prepared** – the Strategy, and in particular the identification of 'Major Sites' that are of a significant scale (in terms of recent development in Rossendale) reflects the need to meet the area's objectively assessed needs over the Plan Period.
- b) **Justified** – the Sustainability Appraisal and Strategic Environmental Assessment Regulation 19 Report (August 2018) shows how the proposed Spatial Strategy has been identified following an examination of reasonable alternative strategies and has been informed by evidence in relation to the numerous constraints facing the Borough.
- c) **Effective** – The identification of 'Major Sites' as part of the Spatial Strategy, improves the deliverability of the Local Plan and therefore its effectiveness in meeting the identified housing needs and overall growth aspirations of the Council. The Council has recognised that as available, suitable, achievable and deliverable sites, the 'Major Sites' represent important opportunities to work with several key landowners to deliver the scale of development required. The delivery of development on 'larger' sites presents the opportunity to secure real benefits in terms of high quality design (through the use of Design Codes and Masterplanning), infrastructure contributions and enhancements (which larger schemes can viably support) and control over the phasing of development (through the agreement of Phasing Plans). They are therefore a highly effective way of delivering high quality development over the plan period.

3.0 Policy SD2: Urban Boundary and Green Belt

- 3.1 **Policy SD2** identifies land which is proposed to be removed from the Green Belt to accommodate future development needs. The Methodist Church agree with the Council that all possible alternatives have been considered and that 'exceptional circumstances' exist to justify the release of Green Belt land in accordance with paragraph 136 of the NPPF.
- 3.2 We therefore consider Policy SD2 to be **positively prepared, justified, consistent with national policy** and therefore 'sound' in accordance with the tests set out under paragraph 35 of the NPPF.
- 3.3 The existence of 'exceptional circumstances' is demonstrated through the Council's evidence base and can be summarised as follows:

Duty to Co-operate

- 3.4 The national standard methodology for calculating housing needs has identified a minimum figure of 212 new homes per year in Rossendale over the plan period. For the reasons we set out in our representations to Policy SS1, we consider this housing figure should be treated as an absolute minimum at this stage. The Council have worked with neighbouring Councils and none have offered to accommodate any of Rossendale's housing requirement. This is confirmed in the Duty to Cooperate and Statement of Common Ground (August 2018).
- 3.5 Accordingly the Local Plan accords with Paragraph 137 of the Framework, and as required by Paragraph 35, the Local Plan must seek to meet the area's objectively assessed need within the Borough.

Lack of Deliverable Brownfield Sites

- 3.6 As set out in the Council's Housing Topic Paper (August 2018), and in accordance with the guidance in Paragraph 137 of the Framework, the Council has undertaken extensive additional work since the publication of the Regulation 18 Local Plan consultation to identify additional brownfield sites capable of delivering housing and to increase densities proposed on sites which are included in the existing supply wherever possible. The proportion of housing allocations on Greenfield sites has been decreased and the average density of development on the proposed brownfield sites increased (paragraph 3.5.3 and 3.5.4 of the Housing Topic Paper, August 2018).

- 3.7 However, this work has confirmed that there is a lack of available and deliverable brownfield sites across the Borough as a whole to meet the overall housing requirement during the Plan period, such that it is necessary to look outside of the urban areas.

Lack of non-Green Belt Land outside of the Urban Area

- 3.8 As set out in the Strategy Topic Paper (August 2018) and the Green Belt Topic Paper (August 2018) prepared by the Council to inform the Local Plan, 23% of the Borough is designated as Green Belt and less than 10% lies within the urban area. In addition to the expansive areas of Green Belt, Rossendale also faces several environmental constraints to development. It is characterised by extensive areas of moorland, which restrict development due to topography and landscape impact. There are also a number of environmental designations such as the West Pennine SSSI and South Pennine SPA which further limit the areas suitable for development.

The Need for a Balanced Approach to Supply

- 3.9 We also support the recognition on Page 15 of the Regulation 19 draft Local Plan of the '*need for a balanced portfolio of sites within the Borough that reflect need; are attractive to the market and address past under-delivery, particularly for housing*'. As well as the need to find sites which are suitable and deliverable from a technical point of view, the Local Plan must also provide a range types and sizes of sites in different locations across the Borough to ensure a flexible and deliverable supply of sites. This is essential to ensure an adequate distribution of development to meet needs. It will also ensure the Local Plan is not overly reliant on the deliverability of a few key sites and has the flexibility to adapt to changing market circumstances over the plan period.

Viability

- 3.10 The evidence base (for example the Green Belt Topic Paper, 2018) describes how viability is also an essential constraint shaping the Spatial Strategy in Rossendale, with low values for residential development in the eastern parts of the Borough bringing the deliverability of strategic housing growth here into doubt.
- 3.11 There is therefore strong justification for identifying housing allocations in those areas with higher values (Edenfield and the south west of Rossendale) even though this necessitates the release of some Green Belt land. Not only do the higher values increase the certainty that the sites in these areas will be delivered but, as the Green Belt Topic Paper (August 2018) also points out, it means there is sufficient

value in developments to fund affordable housing and other infrastructure improvements. This is considered in more detail in our representations to Policy HS3 in relation to proposed allocation *H72: Land West of Market Street*.

Summary on Exceptional Circumstances

- 3.12 In light of the above factors, we agree that fully evidenced and justified 'exceptional circumstances' exist which justify the proposed alterations of the Green Belt boundaries in Rossendale. It is clear the Council have fully reviewed all other reasonable options for meeting its identified development need. The draft Local Plan still seeks to direct the vast majority of development within the urban boundary (68%) and on greenfield land outside of the Green Belt (20%), thereby proposing only the remaining 5% of the housing sites to be released from the Green Belt. This amounts to less than 1% of the total Green Belt in the Borough, which is considered wholly justified in the light of the above considerations.
- 3.13 We consider the specific case for Green Belt release in relation to proposed allocation *H72: Land West of Market Street*, in our response in relation to Policy HS3.

4.0 Policy HS1: Meeting Rossendale's Housing Requirement

- 4.1 **Policy HS1** establishes a net housing requirement of at least 3,180 dwellings, or 212 dwellings per annum (dpa). This is based on the Government's standard method for calculating housing need, consulted on in 2017.
- 4.2 The revised National Planning Practice Guidance (ID: 2a-002-2080913) makes clear that the standard method figure should be viewed as a minimum housing needs figure. It does not produce a housing requirement. Furthermore, the Government is currently (at time of writing) reviewing the standard methodology in light of the publication of the 2016-based Household Projections and so its application as a tool for assessing housing requirements, and whether it will persist in its current form, is still unknown. It is therefore entirely possible that the overall housing requirement will be higher than the 212 dpa which is now being consulted on and that this figure should be treated as an absolute minimum at this stage.
- 4.3 We support the inclusion within Policy HS1 that the Housing Requirement figure for Edenfield is 456 dwellings. This is consistent with national policy which requires strategic policies to *'set out a housing requirement for designated neighbourhood areas which reflect the overall strategy for the pattern and scale of development and any relevant allocations'* (paragraph 65, NPPF) and provides clarity for all relevant stakeholders.

5.0 Policy HS2: Housing Site Allocations

- 5.1 For the reasons set out in our representations to Policy HS3, the Methodist Church support the proposed allocation *H72: Land West of Market Street* under **Policy HS2**.
- 5.2 It is considered that the Church's part of the site (referred to as 'land off Exchange Street') is capable of accommodating around 90 dwellings, and has the potential to come forward as the first phase of the wider allocation with a realistic prospect that housing can be delivered on the site within the next 5 years.

6.0 Policy HS3: Edenfield

- 6.1 The Methodist Church are fully supportive of the proposed strategic housing development at Edenfield (Housing Allocation H72: *Land West of Market Street*).
- 6.2 As set out in our representations to SD2: Urban Boundary, we support the Council's case that 'exceptional circumstances' exist to justify the proposed release of Green Belt land to meet development needs over the plan period.

Allocation to Edenfield

- 6.3 In terms of the proposed allocation dwellings to Edenfield, it is with regard to the following evidenced reasons that the Council are justified in directing this scale of development to Edenfield through Housing Allocation H72: Land west of Market Street. The allocation is justified and will ensure the effective delivery of the Local Plan. As such, it can be considered 'sound' in accordance with paragraph 35 of the Framework.

Housing Need

- 6.4 The evidence base prepared to support the Local Plan demonstrates that the Council have examined all other reasonable options for meeting its identified need for development (in accordance with Paragraph 137 of the NPPF). The SHMA also clearly points towards the need to accommodate housing growth in the south of the borough and specifically in Edenfield. Affordable Housing needs are also particularly acute in this area of the borough, with Tables 8.2 and 8.3 of the SHMA confirming that the Helmshore & Edenfield sub area has the highest proportion of both existing and newly formed households unable to purchase market housing. There is insufficient land available within the existing settlement boundary of Edenfield to accommodate this affordable housing need.

Suitability and Sustainability of Edenfield

- 6.5 The Strategy Topic Paper (2018) provides more information regarding the hierarchy of settlements in Rossendale. The Appendix of the document distinguishes between different 'levels' of settlement based on their facilities and public transport connections. Rawtenstall is recognised as the primary centre, with Bacup, Haslingden and Whitworth below - recognising their role as the main settlements within their immediate catchment area. Below this, Waterfoot and Crawshawbooth are identified as 'Level 2' settlements and Edenfield, Helmshore, Stacksteads and Rising Bridge as 'Level 3' settlements. The draft

Local Plan then goes on to identify all those settlements identified as 'Level 2 and 3' as 'Local Service Centres'. This approach recognises the intertwined nature of the settlements in Rossendale, which often follow the linear form of the valleys. It shows how with regard to existing services and facilities, Edenfield is among the most sustainable settlements in the Borough, below Rawtenstall and the Key Service Centres.

- 6.6 In addition to the facilities within Edenfield itself, it is important to consider how Edenfield is closely related to Bury to the south, and Greater Manchester beyond, with regular direct bus services to Bury Interchange approximately 25 minutes away. It is well related to the strategic network – having easy access to the A56. The centre of Ramsbottom is also located approximately 3 kilometres away and provides a range of higher order services including a Morrisons supermarket and Tesco Superstore. Ramsbottom is also accessible by frequent bus services from Edenfield.
- 6.7 In consideration of the above, Edenfield represents one of the most sustainable locations to accommodate new housing, with regards to access to local facilities and public transport links.

Environmental Suitability

- 6.8 As set out elsewhere in our representations, and throughout the Council's evidence base, Rossendale faces several physical and environmental constraints to development, particularly in the form of topographical make-up, flood risk and environmental designations. As we go on to demonstrate, *H72: Land West of Market Street* does not face any severe constraints to development such that it can accommodate housing without unacceptable harm to the environment or character of the wider environment. It is recognised that the proposed development will fundamentally alter the existing character of the site, and would result in a significant growth of the village of Edenfield. However, the Council's evidence base shows how with regard to the physical characteristics of the site, the proposed development would not cause harm to the wider, fundamental character of the settlement or this part of the Borough.
- 6.9 We take the opportunity below to reinforce these findings below and in the appended Development Statement, with reference to the technical surveys and assessments of the site undertaken on behalf of the Methodist Church.

Viability

- 6.10 The Green Belt Topic Paper (2018) describes how it is vital to ensuring an effective and deliverable development strategy that the Local Plan directs a proportion of the housing allocations towards higher value areas. Edenfield is one such area. Through these representations we can confirm that the landowners are confident that land west of Market Street represents a viable and deliverable site for housing, which will come forward for development in the plan period. Furthermore, we can confirm the site is able to support the provision of affordable housing and a mix of house types and sizes in to help redress the current imbalance in house types as identified in the evidence base. The development will also be able to support other local infrastructure improvements in line with policy requirements.

Availability and Suitability of Strategic Site

- 6.11 The Council is right to recognise this site as an important opportunity within the Borough to bring forward a significant proportion of the housing requirement on a single site of a strategic size. The size of the site presents the opportunity to plan for the growth of Edenfield in a comprehensive manner – ensuring high quality design, the inclusion of a good range of dwelling types and sizes. In delivering a critical mass of development, the site will be able to support the provision of planning contributions and infrastructure delivery to support the new development and ensure the future sustainability of Edenfield.

Deliverability and Suitability of Land off Exchange Street

- 6.12 To support the promotion of the site and confirm its deliverability for housing, the Methodist Church have commissioned a suite of technical survey work to understand the physical considerations to developing the site. The findings of this survey work is summarised within the Development Statement contained in Appendix A. The Development Statement also provides a Constraints and Opportunities Plan and Illustrative Masterplan of the site. It also contains a Combined Illustrative Masterplan prepared jointly by the landowners of H72 to show how the wider allocation would work as one integrated site. This Combined Illustrative Masterplan is also provided in Appendix B.
- 6.13 We provide a summary of the key technical constraints associated with development of land off Exchange Street below.
- 6.14 **Landscape Impact:** The Council's Landscape Assessment of H72 'Lives and Landscapes Assessment – Volume 2: Site Assessments' (July 2017) concludes that subject to suitable mitigation measures, the

majority of the site is suitable for development from a landscape point of view. The Study identifies the most sensitive part of the wider allocation H72 is in the north.

6.15 Under the Assessment, the Site was divided into separate areas, with the land owned by the Methodist Church ('land off Exchange Street') being identified as Area D. The Assessment describes how Area D is enclosed by mature trees to the north and west and by the boundaries of neighbouring properties to the south. It concludes that Area D could be *'developed sensitively and incorporated successfully into the village boundary'* taking account of recommended mitigation measures.

6.16 The Combined Illustrative Masterplan now submitted shows how the mitigation measures recommended for land off Exchange Street in the Lives and Landscape Assessment can be incorporated into the scheme. These can be incorporated into the final agreed Masterplan/ Design Code for the site as required under draft Policy HS3:

- The existing trees on the site are to be retained;
- New areas of open space/ landscaping and tree planting created alongside the stream to the south of the site;
- The existing pedestrian access from Woodlands Road is to be retained and pedestrian links enhanced across the site to encourage access to the woodland and to the public footpath network in the surrounding countryside;
- The existing track to Chatterton Hey is retained and the hedgerow can be incorporated into the development;
- The positioning of development parcels responds to the natural topography of the site and long views towards Peel Tower can be retained;
- The new dwellings around the existing recreational field will front onto it to create a positive sense of place and engender natural surveillance.

6.17 Overall, whilst the development will result in the loss of existing greenfield land and will change the immediately surrounding environment, the technical work undertaken shows how land off Exchange Street has low landscape sensitivity and the development can be successfully incorporated with the existing village without adverse impact on the wider landscape.

- 6.18 **Green Belt:** As set out elsewhere in our Representations to the Local Plan, we strongly support the Council's case that 'exceptional circumstances' exist to justify the release of Green Belt for development, including within Edenfield.
- 6.19 The Council have undertaken a thorough assessment of the Green Belt across the Borough (Green Belt Review, November 2016). This identified land to the west of Market Street (site H72) as the only land around the edge of Edenfield which would be 'potentially suitable' for release from the Green Belt, without causing harm to the purposes or integrity of the wider Green Belt in Rossendale. The Green Belt Review found that the site performed weakly in Green Belt terms, partly because it is contained by the A56 which forms a strong physical and visual barrier.
- 6.20 The Development Statement contained in Appendix A considers the findings of the Green Belt Review in relation to the Church's parcel of land (land off Exchange Street) specifically. The Review describes how '*releasing this parcel is unlikely to have a substantial negative effect on the integrity of the wider Green Belt*'.
- 6.21 In its consideration of the land to the north (Parcels P43 and P39), the Review recognises that '*the planned release of parcel P44, P43 and then P39, in that order, could be perceived as the main block of settlement within Edenfield growing incrementally north and filling the gap between the A56 and the linear settlement along Market Street. This could create a stronger Green Belt boundary and settlement edge*'.
- 6.22 We support strongly support the Council's recognition in the evidence base that the strong and defensible boundaries of the A56 and the existing development along Market Street presents a key opportunity to release a well contained area of Green Belt which makes only a limited contribution to the purposes of the Green Belt. With regard to the five purposes of the Green Belt set out in paragraph 134 of the Framework, the development of the land west of Market Street (H72) will:
- a) not result in unrestricted sprawl of the existing built-up area by virtue of the existing strong barrier of the A56;
 - b) not result in the merging of settlements, since the development will extend no further north than the existing edge of the settlement of Edenfield which stretches north along Market Street/ Burnley Road. The gap between Edenfield and Rawtenstall will therefore be retained;

- c) be experienced as an incremental expansion of development on land which is already closely related to the existing urban edge which runs along the entire eastern boundary. The A56 on the other side contains the site meaning the development would not amount to an encroachment into the countryside surrounding the settlement;
- d) not have any significant impacts on the setting of the historic settlement of Ramsbottom;
- e) not harm the prospects of recycling urban land within the Borough since a thorough review undertaken to inform the Local Plan has demonstrated there are insufficient existing urban sites to meet the growth required over the entire Plan Period.

6.23 **Heritage:** The nearest Conservation Area to the site is the Chatterton/ Strongstry Conservation Area to the west. The Site has no association or visual connection with the Conservation Area by virtue of the A56 and area of dense woodland in the south-western part of the site, which provides a strong visual barrier. In Edenfield itself, the Grade II* Listed Edenfield Parish Church lies to adjacent to the eastern boundary of the northern part of the wider allocation. The Combined Illustrative Masterplan shows that through careful design, the setting of the Church will be preserved.

6.24 Accordingly, it is confirmed that the site presents an opportunity for development without causing harm to any designated heritage assets. The Heritage Impact Assessment of Housing and Employment Sites (August 2018) produced by the Council to inform the Local Plan concludes that the development of the site is acceptable in heritage terms, subject to appropriate mitigation measures.

6.25 The heritage and character of the existing village will be reflected through the architectural detailing and choice of materials in the new development. This can be secured through the Design Code.

6.26 **Highways:** CBO Transport have been commissioned to advise in relation to access to land at Exchange Street specifically. They have confirmed that access can be provided for the proposed residential development of the Church's land via Exchange Street. The existing carriageway width on Exchange Street is 5.5 metres which is a standard width for a residential road and would pose no constraint to the proposed development of the site. There is an existing footway along the south side of Exchange Street which provides pedestrian connectivity between the site and the village centre.

6.27 The Council published a Highways Capacity Study on the 2nd October 2018, which looks at the impact on the strategic road network. The joint landowners will be reviewing this document and providing further comment in due course.

- 6.28 **Flooding:** The entire site is located within Flood Risk Zone 1 with reference to the Environment Agency flood maps. Residential development would therefore be entirely acceptable in line with national guidance on flood risk. Hydrock have been instructed to prepare a Flood Risk Assessment, which confirms that the proposed development of the site would not give rise to increased flood risk elsewhere. It has also been demonstrated that adequate drainage for the site could be designed in a manner which utilises the natural topography of the site and incorporates sustainable drainage systems.
- 6.29 **Ecology:** The Methodist Church has commissioned Appletons to undertake an Ecology Survey of land off Exchange Street. This confirms that the majority of habitats on the site are common and of limited value. The existing trees and woodland do however provide opportunities for wildlife. The woodland and majority of trees will be retained and incorporated as part of any future development and the Ecology Appraisal submitted to support these representations recommends measures to enhance the retained woodland and achieve a net gain for biodiversity as a result of the development.
- 6.30 Overall, given the nature and location of the site, there are not anticipated to be any overriding constraints to its development in terms of ecology and development on the site can come forward in a manner which provides appropriate mitigation and biodiversity enhancements in line with local and national policy.
- 6.31 **Pollution:** In recognition of the site's location adjacent to the A56, the Methodist Church have commissioned consultants Hydrock to assess the suitability of the site for development in terms of the existing acoustic environment. The Acoustic Assessment confirmed how the part of the site at Exchange Street proposed to be developed, is predicted to fall into the 'low' and 'medium' risk categories for noise impacts from the A56. Accordingly, it confirms that subject to the incorporation of suitable mitigation measures in the detailed design process, the site can be considered suitable for housing development from a noise impact perspective.
- 6.32 Hydrock have also undertaken a Ground Conditions Desk Study. The overall risk from land contamination at the site is considered to be low, as the area of the proposed housing development has remained an undeveloped field throughout time.

Comments on HS3 Draft Policy Wording

6.33 The Methodist Church welcome draft Policy HS3. Overall, we consider the Policy sets out clear requirements for the delivery of the site providing certainty for the Council, the developers and the local community whilst retaining a degree of flexibility to ensure the Policy can adapt to changing circumstances over the Plan period. The requirement of a Masterplan for the site enables detailed decisions about the nature of the development to be undertaken at an appropriate point in the future, through discussion with the Council and the local community. We therefore consider draft Policy HS3 to be positively prepared, justified and effective in ensuring the proposed allocation represents high quality development. The Policy is therefore considered to be 'sound' in accordance with the tests set out in Paragraph 35 of the NPPF.

6.34 We set out below our specific comments on each element of the draft Policy.

Part a) of Policy HS3 requires that comprehensive development of the entire site is demonstrated through a masterplan;

6.35 The Methodist Church can confirm their commitment to work together with the other landowners of Site H72 to ensure that a combined and comprehensive approach is taken in respect of the whole allocation. The landowners have worked together to understand the technical constraints and produced a Combined Illustrative Masterplan for the whole site.

6.36 This shows how the site can come forward comprehensively to deliver a high quality and attractive development which respects and will deliver benefits to the existing settlement.

6.37 The Methodist Church is committed to working with the other landowners in partnership with the Council and other relevant stakeholders, including the local community in and around Edenfield in the development of the masterplan.

Part b) of draft Policy HS3 requires the implementation of the development in accordance with an agreed Design Code. It sets out key design principles for the whole site that will be incorporated in the Design Code;

6.38 The Methodist Church can confirm that the design principles set out under part b) will be implemented through the detailed design of the scheme. The Combined Illustrative Masterplan contained in the Appendix B demonstrates how several of the key design criteria can be incorporated.

- 6.39 In accordance with Part b) c) of the Policy, the Combined Illustrative Masterplan demonstrates how green infrastructure will be incorporated through the development to build upon the existing green infrastructure – for example the woodland area around Chatterton Hey - creating ecological linkages across the site, and ensuring an appropriate relationship with the surrounding uses. For example, the Illustrative Masterplan shows a significant landscape buffer between the new dwellings and the A56. It also shows the enhancement of landscaping to preserve the setting of the Church, as well as the potential for open green space along the frontage of Market Street.
- 6.40 In accordance with Part b) d) the Combined Illustrative Masterplan shows how the existing public rights of way crossing the site will be retained and new linkages created across the site providing connections with the centre of the village and the surrounding countryside.
- 6.41 In accordance with Part b) n), it has also been demonstrated how new development will be off-set from Edenfield Parish Church by a considerable landscape buffer. The existing woodland surrounding the Church to the south and north lies outside of the boundary of the allocation. As such, it will remain untouched as a result of the development and there will be limited impact on the setting of the Church. In accordance with Part b) p) new development is shown as fronting onto the existing recreation ground to create natural surveillance and create a positive senses of place, helping to integrate the development will the rest of the village.
- 6.42 In terms of the requirement for Primary School provision, as set out in Part b) q), the supporting text to Policy HS3 confirms that the Education Authority’s preferred course of action would be to expand Edenfield School onto adjacent land. There is no evidence that this would not be possible and as such at this stage it is anticipated that the development at H72 would make contributions to support the future expansion of the Primary School.

Part c) of the Policy requires a phasing and infrastructure delivery schedule for the area;

- 6.43 The technical work undertaken so far confirms that the infrastructure requirements established under this policy can be provided as part of the scheme. We scheme will comply with policies requiring affordable housing and public open space.
- 6.44 The submitted technical information and Combined Illustrative Masterplan indicates how the above elements can be incorporated within the overall scheme and secured through a phasing and infrastructure delivery schedule.

Part d) of the Policy required an agreed programme of implementation in accordance with the masterplan;

- 6.45 The Methodist Church can also confirm their willingness to commit to a programme of implementation for the development. These representations and the supporting documents, confirms that there is nothing preventing the development of the land off Exchange Street for housing within the next 5 years.
- 6.46 This part of the wider H72 allocation is the most closely associated with the existing settlement, and it is considered best placed to come forward as the first phase of the wider site. We therefore take the opportunity to support the recognition of this in the Green Belt Review which suggests the land should be developed from south to north.

Part e) of the Policy requires the identification of mechanisms to enhance the quality of, and access to, Green Belt land in the area between the development site and Rawtenstall/Haslingden.

- 6.47 It is anticipated that it will be agreed through the masterplanning process and drafting of the design code what measures can be secured under this part of the policy.
- 6.48 There will be opportunities within the site to enhance connections between the existing village and proposed development into the surrounding Green Belt land and surrounding countryside. The existing public rights of way which cross the site will be retained through the development and any opportunities to encourage connections to the footpath network in the wider area and therefore enhanced access to the wider Green Belt will be explored. This is in accordance with paragraph 138 of the NPPF which requires Local Plans to consider the ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

Compliance with Other Emerging Local Plan Policies

6.49 As well as fully according with the elements of emerging Policy HS3, we confirm below that the development will accord with all other relevant policies of the new Local Plan (as currently drafted).

Regulation 19 Local Plan Policy	Assessment of compliance of proposed development on land off Exchange Street
Policy HS6: Affordable Housing	<p>The Methodist Church are confident that the development of their land will be able to support the provision of affordable housing, in line with the requirements of this policy.</p> <p>The proposed allocation will therefore make an important contribution towards the affordable housing requirements of the Borough and help to provide a range of house types in Edenfield.</p>
Policy HS7: Housing Density	<p>The Illustrative Masterplan demonstrates how the site can accommodate the proposed amount of development in a manner that will not have a detrimental impact on the amenity, character, appearance, distinctiveness or environmental quality of the area in accordance with this draft Policy.</p>
Policy HS8: Housing Standards	<p>Draft Policy HS8 sets out requirements for new housing to provide for the needs of elderly or disabled residents and accord with the nationally described space standards where possible.</p> <p>It is anticipated the Design Code to be produced for the strategic site under Policy HS3 can establish these requirements such that the detailed design of the scheme will come forward in line with this requirement.</p>
Policy HS10: Open Space Requirements	<p>The Illustrative Masterplan appended to these representations provides for public open space across the site, including space for a NEAP. Whilst the specific location and quantity of this open space area will be identified at the detailed masterplanning stage, it has been demonstrated that the site can accommodate good levels of public open space and green landscaping, as required by draft Policy HS10.</p>
Policy HS11: Playing Pitch Requirements in New Housing Developments	<p>It is anticipated that any requirement for playing pitches/ contribution to playing pitches to support the development of Site H72 will be identified through the comprehensive masterplan approach under Policy HS3.</p>
Policy HS12: Private Outdoor Amenity Space	<p>The technical and masterplanning work undertaken demonstrates that the site can accommodate predominantly family houses, which each will benefit from good levels of private outdoor amenity space in line with this draft Policy.</p>
Strategic Policy ENV1: High Quality Development	<p>Draft Policy ENV1 sets out how all new development will be expected to take account of the character and appearance of the local area. The policy sets out design criteria that new development should seek to achieve. These are reflected in the detailed wording of Policy HS3 and we set out above how the development will meet these requirements and achieve a high quality housing scheme in accordance with the specific Design Code for the site which is to be drawn up for the allocation.</p>

<p>Strategic Policy ENV2: Heritage Assets</p>	<p>As set out above and demonstrated in the accompanying supporting documents, the development of H72 will not cause harm to the setting and significant of any historic towns, conservation areas or other heritage assets. The nearest Conservation Area is Chatterton/Strongstry Conservation Area to the south-west but this is separated from the site by the A56 and dense woodland. The Listed Edenfield Parish Church located to the east of the site. The Illustrative Masterplan shows how the setting of the Church will be preserved through a development off-set and use of landscaping. Use of local architectural features and sympathetic materials will also reflect the heritage and character of the existing settlement.</p>
<p>Policy ENV3: Landscape Character and Quality</p>	<p>The evidence base informing the Local Plan describes the landscape sensitivity of land west of Market Street (site H72) and concludes that subject to mitigation measures, the development of the site would not cause harm to the wider landscaping setting and character.</p> <p>In accordance with Policy ENV3, the development will be designed to respond to the natural context and setting of the site and protect and wherever possible enhance the character and quality of the landscape.</p>
<p>Policy ENV4: Biodiversity, Geodiversity and Ecological Networks</p>	<p>An Ecology Survey of the site has been undertaken to support the promotion of the site. The Illustrative design of the site shows how existing features of biodiversity will be retained. Habitat enhancement measures, including enhancements to the retained woodland on the Church's land will be incorporated throughout the development.</p>
<p>Policy ENV6: Environmental Protection</p>	<p>The technical work undertaken by both the Council and the Methodist Church in relation to the site demonstrates that the site can accommodate the proposed development without any unacceptable adverse impact on health, amenity, biodiversity, air or water quality.</p>
<p>Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality</p>	<p>A Flood Risk Assessment and Drainage Strategy has been prepared by Hydrock to demonstrate the development of the site is suitable in flood risk terms and sustainable drainage systems can be incorporated in line with this Policy.</p>
<p>Policy ENV10: Trees and Hedgerows</p>	<p>The vast majority of the existing trees on site will be retained. A Tree Survey and Ecology Survey have been undertaken in respect of land off Exchange Street which describes how opportunities will be taken to enhance the existing woodland and include new planting across the rest of the site thereby making a positive contribution to Green Infrastructure and Biodiversity in accordance with Policy ENV10.</p>
<p>Strategic Policy TR1: Strategic Transport</p>	<p>This policy encourages proposals which reduce the need to travel and sets out opportunities to enhance the Borough's external and internal connectivity. Site H72 represents a sustainable location for new housing, within walking distance of the range of everyday facilities in Edenfield, and benefiting from good public connections.</p>
<p>Policy TR2: Footpaths, Cycleways and Bridleways</p>	<p>The Combined Illustrative Masterplan shows how the existing Public Rights of Way across the site will be preserved and new connections incorporated across the scheme. Opportunities to enhance the public footpath network in the surrounding area will also be explored.</p>

Policy TR4: Parking	The Design Code required under Policy HS3 can ensure the development provides an adequate level of parking in accordance with this policy.
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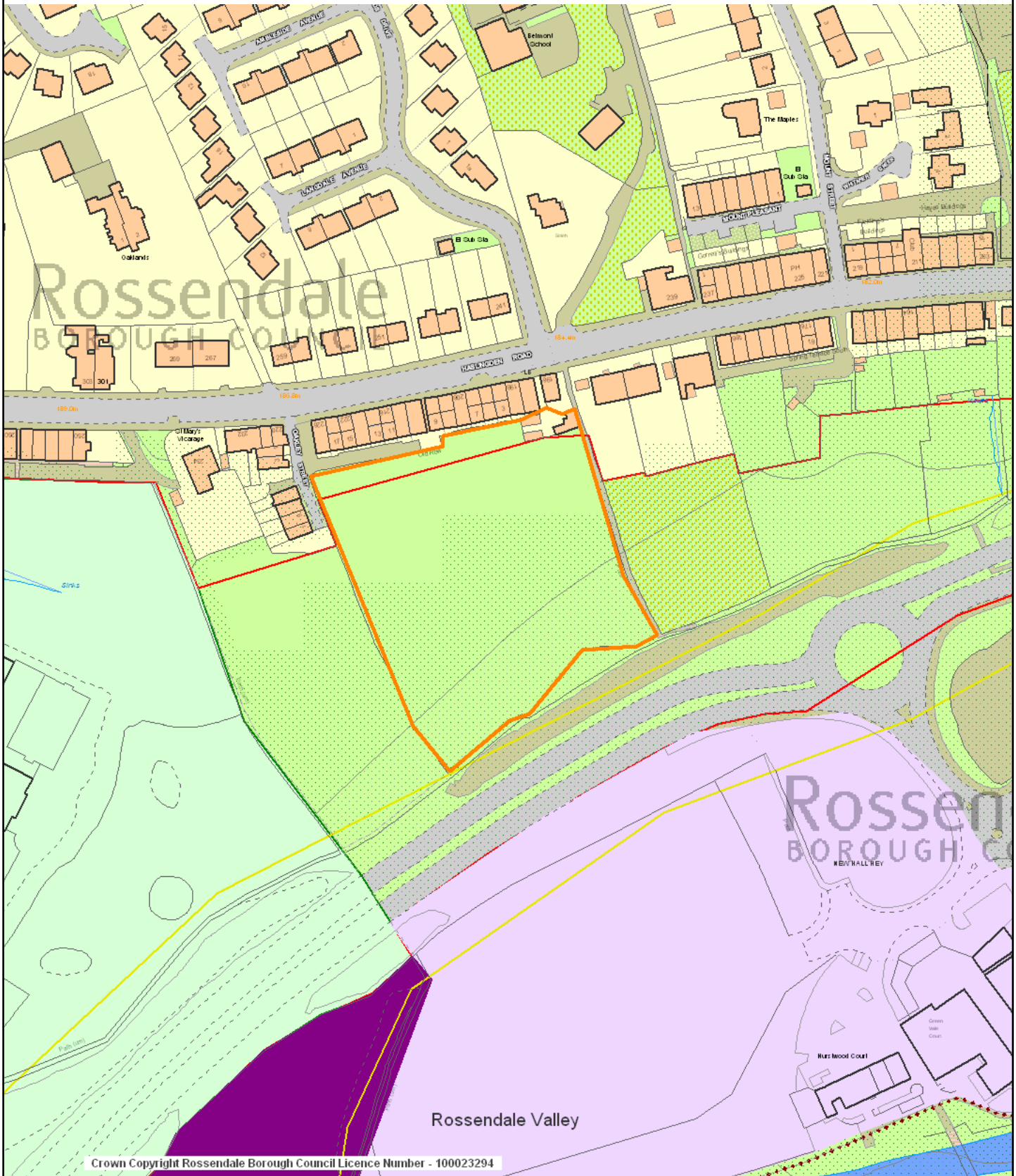
Appendix A: Exchange Street, Edenfield – Development Statement October 2018

Appendix B: Combined Illustrative Masterplan prepared jointly for H72: Land West of Market Street



Rossendale Draft Local Plan
Regulation 19 Consultation (August 2018)
Representations
on behalf of The Methodist Church
October 2018

Land at the rear of 198 Haslingden Road, Rawtenstall



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Rossendalealife
BOROUGH COUNCIL

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Scale 1/1937

Centre = 380255 E 422467 N

Date 5/10/2018

From: Rachael Marsden < >
Sent: 05 October 2018 13:29
To: Forward Planning
Subject: Forward plan comments

Good afternoon

I realise today is the deadline for comments in the local plan and that I have left it rather late. I tried to complete the online response form and have managed to add some basic comments. I understand the form asks what is legally required by the authority to discharge their responsibilities but it's an awful form! I bet half the borough who looked at it changed their minds about giving any feedback because of the technical wording, the legal jargon and off putting approach

I therefore wanted to share my thoughts in an email where I can describe my concerns in better detail. I hope this is ok.

1. The suggested traveller site at Futures Park- the documents suggest there are some cons to this site such as the master plan for Futures Park. However there are much wider implications for this whole area which have not been considered. These include the proposals underway for Stubbylee Hall, Stubbylee park, the trail head centre and St Saviours Church. The viability of all these projects becomes highly unlikely in the event of a traveller site being created here. You cannot possibly have both a tourist attraction and traveller site. The two do not mix. It is likely to deter potential investors and operators for the trail head centre, hall and church, all of which are sites of interest to the council. It jeopardises your own interests

2. Proposed housing sites in Loveclough (h5, h13 and h4)- I know the authority has targets to meet and I know these sites are desirable in terms of places to live. I just moved here and love it. However, I am concerned about the cumulative impact of the suggested 172 houses from these 3 sites will have on schools and the road network when combined with the other 202 houses proposed in sites h6, h7, h11, h12 and h17. Traffic at the junction at st marys way/Burnley road is awful anyway and there is a bottle neck in crawshawbooth. The impact of around 800 extra cars will be awful. And there are a lack of places at the popular schools in the area too As there hasn't been any community consultation on these suggested sites there has been no opportunity for people to voice their concerns or see how they can be addressed through measures like s106. It is this that most concerns me and why I believe these sites should be reassessed as the plan is taken forward

I hope these comments can be considered as part of the forward planning consultation

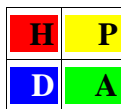
Kind regards
Rachael

Sent from my iPhone

Objection to the emerging local plan on behalf of Mrs S Downham with regard to the proposed exclusion of a site to the south of Grane Road, Haslingden within the Urban Boundary and for its excluded allocation for housing development.

GR 377081;422682

Planning Statement



October 2018

Prepared by Hartley Planning and Development Associates Ltd

This objection is submitted on behalf of Mrs S. Downham

The objection relates to the Housing Topic paper, paragraph 3.3 and in particular to the evidence base paper, the Strategic Housing land Availability Assessment (2018),

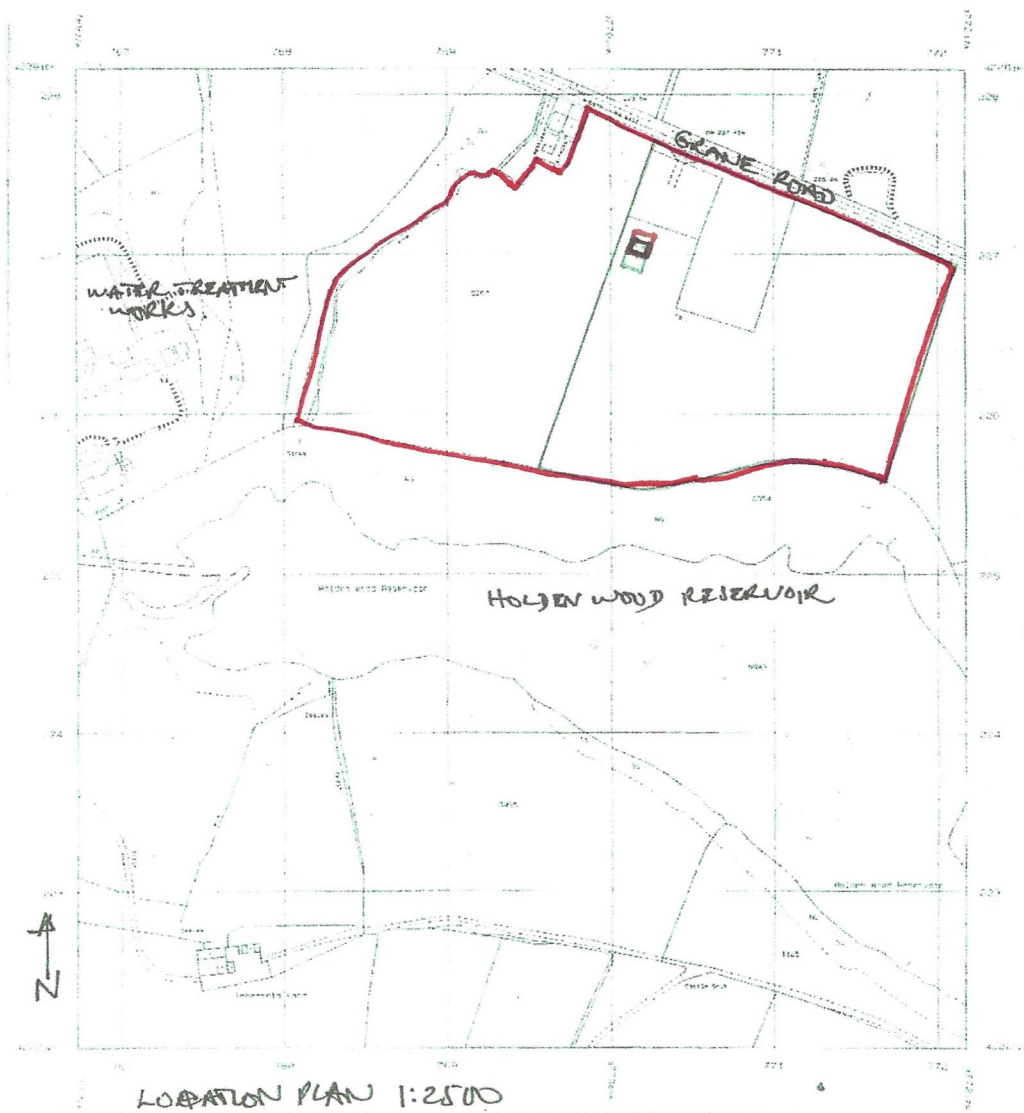
The current consultation document does not propose its inclusion within the Urban Boundary or for housing purposes even though the adjoining site no SHLAA 18305 is considered suitable for housing purposes in the Strategic Housing land Area Assessment albeit within “6 to 10 years, or after 10 years”.

The emerging local plan is looking to the period 2019-2034 and it seems sensible therefore that the site forming this application site is included within the Urban Boundary at this stage.

SH.051018

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GENERAL INFORMATION

Site Ref **SHLAA18305** Most Recent Source **Officer suggestion** Site Gross Area (ha) **8.94**

Site Name **Land south of Grane Road and west of Holcombe Road, Helmshore**

Greenfield versus Brownfield **Greenfield** Designations **None**

Site Location - Urban Area, Countryside or Green Belt **Countryside adjoining the urban area**

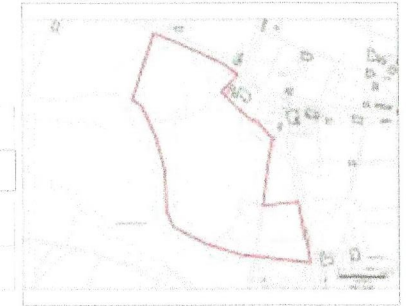
Current Land Use **Grazing land and access road**

Characteristics of the site reducing the development area **Area at high risk of surface water flooding (0.12ha)**

Area available for development **8.82** Net Development Area (ha) **6.61** Density **30 dwellings per hectare**

Yield calculated **198** Yield proposed by applicant Current planning permission

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AVAILABILITY

Land ownership **multiple ownership**

Comments **Private ownerships**

Intentions of landowner **landowner willing to sell the site or to deliver residential units in the medium to long term**

Comments **The landowner owning has no plans at the current time for development but would welcome any interest (letter received 01.12.2016).**

Legal constraints / ownership issues **no legal or ownership constraints known**

Comments

SUITABILITY

Topography **flat site or very gentle slope**

Comments

Vehicular access **access requires improvements**

Comments **Potential access off Holcombe Road or Grane Road.**

Distance to strategic road network **within 1.5km (approximately 1 mile)**

Comments **within 1km to A56/ Grane Road junction**

Access by public transport **medium frequency bus service (hourly) or low frequency (less than hourly) bus service within 400m (0.24 miles)**

Comments **Within 100m to bus stop with two hourly services**

Access to primary school **no access within 1.5km (approximately 1 mile)**

Comments More than 1.5km to Helmshore Primary School

Access to secondary school access within 5km (approximately 3 miles)

Comments Approximately 2.5km to Haslingden High School Specialist Arts College

Access to GP surgery access within 3km (1.8 miles)

Comments Approximately 1.5km to nearest GP

Access to a local centre or convenience shop access within 1.5km (approximately 1 mile)

Comments 1.4km to Haslingden Town Centre

Access to a park or play area access within 1.5km (approximately 1 mile)

Comments 1km to Flax Moss Sports Ground

Flood risk less than 50% in flood zone 2 or affected by medium surface water flood risk

Comments Less than 10% of the site is at high and medium risk of surface water flooding. The area has been excluded from the area available for development

Ecological value adjacent to a SSSI, LNR, Biological Heritage Site, Local Geodiversity Site or Core Area or Stepping Stone areas

Comments The site adjoins Haslingden Grane, Valley and reservoirs Biological Heritage Site and a wetland and heath Core Area

Recreational value presence of Public Rights Of Way or informal use

Recreational value comme Public right of way 252 running through the site

Heritage assets site contains or adjoins a Listed Building

Comments Site adjoins St Stephen listed building

Landscape value medium landscape impact

Comments Mainly within Reservoir Valleys and small area within Settled Valleys

Land contamination no known issues

Comments

Mineral sterilisation not within a Mineral Safeguarding Area or surface coal area

Comments

Land instability if severe instability issues or entirely or partly within a high risk development area

Comments May require further site investigation or a coal mining risk assessment

Proximity to dangerous structures not within any HSE consultation zones

Comments

Bad neighbour **site in mixed-use area (employment and residential area)**

Comments Reservoir, residential properties, cemetery, public house, fields and offices

Constraints due to utilities **no known utilities infrastructure on site**

Comments

ACHIEVABILITY

Extra costs of development **if some extra costs required**

Comments Heritage impact assessment. Coal mining risk assessment.

Market are **high value market area (£190 to £210/sqm)**

Comments

CONCLUSION

Availability summary **Available in medium to long term**

Justification The landowners are not interested in developing the site in the short term, however they remain open to suggestions for development in the long term. The site can therefore become available in the future.

Suitability summary **Suitable in medium to long term**

Justification The site is not within walking distances to local services but it has good access to two hourly bus services. Less than 10% of the site is at high risk of surface water flooding, but this area has been excluded from the area available for development. The site adjoins Haslingden Grane, Valley and reservoirs Biological Heritage Site, therefore the development should protect and enhance this area and landscape screening might be required to act as a buffer. The site adjoins the listed building of St Stephen situated on Grane Road. A heritage impact assessment is required stating how the development can maintain the character of the local area and the setting of the listed building. Most of the site is within the Reservoir Valley landscape character type, therefore a landscape impact assessment is recommended. Also, approximately a fifth of the site is within the Coal Authority high risk development area, so a coal mining risk assessment is important to understand the legacy from the coal mining and how it can affect the development of the site.
The site is considered suitable in the long term provided that the constraints identified are adequately addressed.

Viability and achievability summary **Achievable in medium to long term**

Justification Extra costs have been identified in relation to the development of the site (e.g. heritage impact assessment, coal mining risk assessment and potential mitigation), but since the site is within a high value market area, the development is considered viable. No developer has expressed an interest to develop the site, therefore the site is likely to be delivered in the long term.

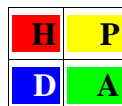
Conclusion **Developable in the medium to long term (within 6 to 10 years, or after 10 years)**

Justification The site is not available now for development but can become available in the future. The site is not currently suitable but can become suitable if the constraints identified can be adequately addressed. The development is considered viable and achievable in the long term.

Objection to the emerging local plan on behalf of Ms S Riley with regard to the proposed exclusion of a site to the south of Grane Road and West of Holcombe Road, Haslingden within the Urban Boundary and for its excluded allocation for housing development.

GR 377356;422514

Planning Statement



October 2018

Prepared by Hartley Planning and Development Associates Ltd

This objection is submitted on behalf of Ms S. Riley

The objection relates to the Housing Topic paper, paragraph 3.3 and in particular to the evidence base paper, the Strategic Housing land Availability Assessment (2018),

The current consultation document does not propose its inclusion within the Urban Boundary or for housing purposes even though the site no SHLAA 18305 is considered suitable for housing purposes in the Strategic Housing land Area Assessment albeit within “6 to 10 years, or after 10 years”.

The emerging local plan is looking to the period 2019-2034 and it seems sensible therefore that the site forming this application site is included within the Urban Boundary at this stage.

SH.051018

□

□

GENERAL INFORMATION

Site Ref **SHLAA18305** Most Recent Source **Officer suggestion** Site Gross Area (ha) **8.94**

Site Name **Land south of Grane Road and west of Holcombe Road, Helmshore**

Greenfield versus Brownfield **Greenfield** Designations **None**

Site Location - Urban Area, Countryside or Green Belt **Countryside adjoining the urban area**

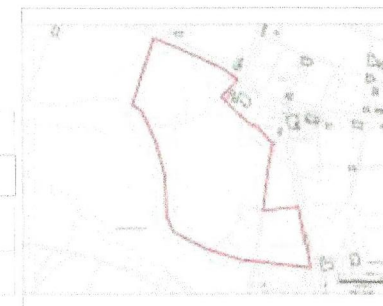
Current Land Use **Grazing land and access road**

Characteristics of the site reducing the development area **Area at high risk of surface water flooding (0.12ha)**

Area available for development **8.82** Net Development Area (ha) **6.61** Density **30 dwellings per hectare**

Yield calculated **198** Yield proposed by applicant Current planning permission

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AVAILABILITY

Land ownership **multiple ownership**

Comments **Private ownerships**

Intentions of landowner **landowner willing to sell the site or to deliver residential units in the medium to long term**

Comments **The landowner owning has no plans at the current time for development but would welcome any interest (letter received 01.12.2016).**

Legal constraints / ownership issues **no legal or ownership constraints known**

Comments

SUITABILITY

Topography **flat site or very gentle slope**

Comments

Vehicular access **access requires improvements**

Comments **Potential access off Holcombe Road or Grane Road.**

Distance to strategic road network **within 1.5km (approximately 1 mile)**

Comments **within 1km to A56/ Grane Road junction**

Access by public transport **medium frequency bus service (hourly) or low frequency (less than hourly) bus service within 400m (0.24 miles)**

Comments **Within 100m to bus stop with two hourly services**

Access to primary school **no access within 1.5km (approximately 1 mile)**

Comments More than 1.5km to Helmshore Primary School

Access to secondary school access within 5km (approximately 3 miles)

Comments Approximately 2.5km to Haslingden High School Specialist Arts College

Access to GP surgery access within 3km (1.8 miles)

Comments Approximately 1.5km to nearest GP

Access to a local centre or convenience shop access within 1.5km (approximately 1 mile)

Comments 1.4km to Haslingden Town Centre

Access to a park or play area access within 1.5km (approximately 1 mile)

Comments 1km to Flax Moss Sports Ground

Flood risk less than 50% in flood zone 2 or affected by medium surface water flood risk

Comments Less than 10% of the site is at high and medium risk of surface water flooding. The area has been excluded from the area available for development

Ecological value adjacent to a SSSI, LNR, Biological Heritage Site, Local Geodiversity Site or Core Area or Stepping Stone areas

Comments The site adjoins Haslingden Grane, Valley and reservoirs Biological Heritage Site and a wetland and heath Core Area

Recreational value presence of Public Rights Of Way or informal use

Recreational value comme Public right of way 252 running through the site

Heritage assets site contains or adjoins a Listed Building

Comments Site adjoins St Stephen listed building

Landscape value medium landscape impact

Comments Mainly within Reservoir Valleys and small area within Settled Valleys

Land contamination no known issues

Comments

Mineral sterilisation not within a Mineral Safeguarding Area or surface coal area

Comments

Land instability if severe instability issues or entirely or partly within a high risk development area

Comments May require further site investigation or a coal mining risk assessment

Proximity to dangerous structures not within any HSE consultation zones

Comments

Bad neighbour **site in mixed-use area (employment and residential area)**

Comments Reservoir, residential properties, cemetery, public house, fields and offices

Constraints due to utilities **no known utilities infrastructure on site**

Comments

ACHIEVABILITY

Extra costs of development **if some extra costs required**

Comments Heritage impact assessment. Coal mining risk assessment.

Market are **high value market area (£190 to £210/sqm)**

Comments

CONCLUSION

Availability summary **Available in medium to long term**

Justification The landowners are not interested in developing the site in the short term, however they remain open to suggestions for development in the long term. The site can therefore become available in the future.

Suitability summary **Suitable in medium to long term**

Justification The site is not within walking distances to local services but it has good access to two hourly bus services. Less than 10% of the site is at high risk of surface water flooding, but this area has been excluded from the area available for development. The site adjoins Haslingden Grane, Valley and reservoirs Biological Heritage Site, therefore the development should protect and enhance this area and landscape screening might be required to act as a buffer. The site adjoins the listed building of St Stephen situated on Grane Road. A heritage impact assessment is required stating how the development can maintain the character of the local area and the setting of the listed building. Most of the site is within the Reservoir Valley landscape character type, therefore a landscape impact assessment is recommended. Also, approximately a fifth of the site is within the Coal Authority high risk development area, so a coal mining risk assessment is important to understand the legacy from the coal mining and how it can affect the development of the site.
The site is considered suitable in the long term provided that the constraints identified are adequately addressed.

Viability and achievability summary **Achievable in medium to long term**

Justification Extra costs have been identified in relation to the development of the site (e.g. heritage impact assessment, coal mining risk assessment and potential mitigation), but since the site is within a high value market area, the development is considered viable. No developer has expressed an interest to develop the site, therefore the site is likely to be delivered in the long term.

Conclusion **Developable in the medium to long term (within 6 to 10 years, or after 10 years)**

Justification The site is not available now for development but can become available in the future. The site is not currently suitable but can become suitable if the constraints identified can be adequately addressed. The development is considered viable and achievable in the long term.

Consultation on the emerging Local Plan for Rossendale Borough Council

REPRESENTATIONS IN RESPECT TO LAND NORTH OF HUD HEY, HASLINGDEN

CASSIDY + ASHTON | [REDACTED]
[REDACTED]

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1.0 INTRODUCTION

- 1.1 Cassidy + Ashton act in respect of the emerging Local Plan for the Borough (2019 to 2034), which will replace The Rossendale Core Strategy Development Plan Document (adopted in 2011), and in particular, in relation to how the plan relates to Land North of Hud Hey, Haslingden.
- 1.2 This statement sets out the case in support of the release of Land North of Hud Hey from the Green Belt. It is considered that this parcel of land could accommodate a future employment site, particularly due to its close proximity to the A 56. Accordingly, the remainder of this statement sets out why the site should be released from the Green Belt, as shown in the emerging Local Plan for Rossendale Borough Council (2019 to 2034).

2.0 LAND NORTH OF HUD HEY, HASLINGDEN

- 2.1 The site, as shown in Figure 1, is designated as 'NE2', allocated and protected for employment use, in the emerging Local Plan. The site is situated between Haslingden Bypass (The A56) and Blackburn Road (the A 680) and located to the south west of Acre, a Victorian Village along Blackburn Road.
- 2.2 The site extends to approximately 3.43 ha.
- 2.3 To the north of the site is Hall Park, a residential park home development. To the south of the site is Hud Hey, as an employment site, which is protected for business, general industrial or storage and distribution (Use Classes B1, B2 or B8 respectively), in the period up to 2034 (Policy EMP2). It is also stated that the need for industrial premises is greatest in the west of the Borough, which has the closest proximity to the A56 and M 66, which connects Rossendale District to Rochdale and Manchester City Centre.

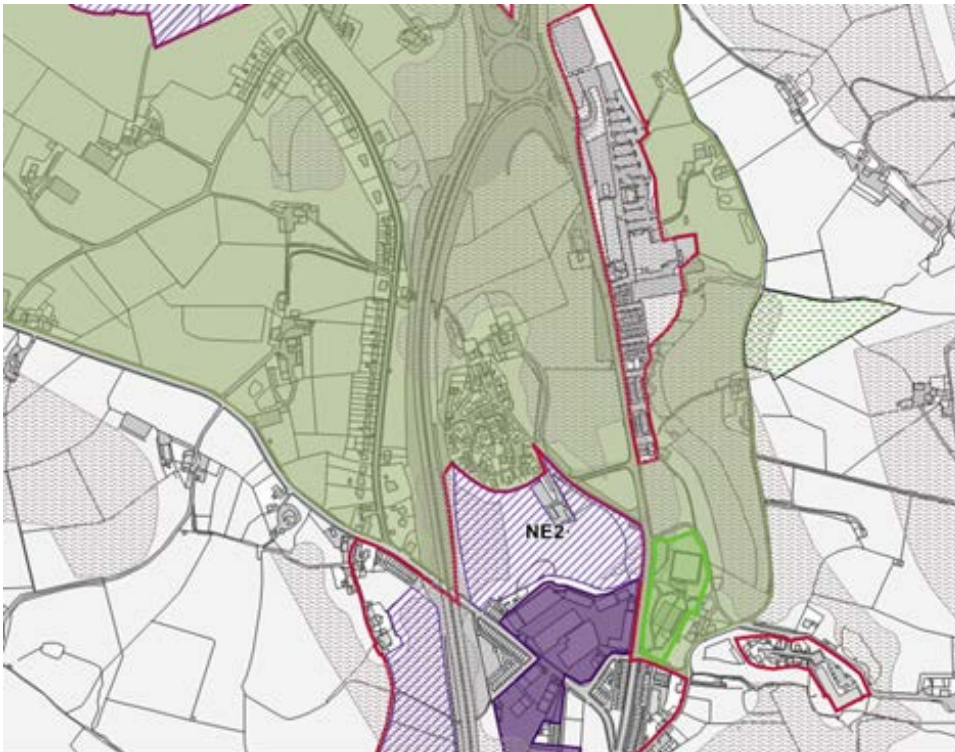


Fig. 1 Site Location on the emerging Local Plan Interactive Proposals Map

- 2.4 To the south east of the site is Worsley Park, falling under Policy LT 1, which focuses on protecting playing pitches, existing open space, sport and recreation facilities.
- 2.5 The site is approximately one mile north of Haslingden town centre.

3.0 PLANNING STATUS

- 3.1 The emerging Local Plan for Rossendale Borough Council (2019 to 2034) allocates the site for employment use (NE2) within an Urban Boundary. The site in question is recommended for release from the Green Belt, on the basis that 'exceptional circumstances' exist.

3.2 It is stated in Strategic Policy SD2 in the emerging Local Plan, that the Borough is experiencing a current shortfall of employment land and the market for employment land is constantly changing and some older stocks may not be suitable to meet current business requirements, which is considered to be an exceptional circumstance. Therefore, it is recommended that the release of certain land, including the subject site, from the Green Belt is required to enable this shortfall to be addressed.



Fig. 2 Site Location

3.3 It is not necessary in this representation to consider the need for additional employment land, as the Council has considered this matter in detail. However, it is appropriate to consider the suitability of the site for such a use. The identified site is bound by the A56 to the east and the A680 to the west, with an existing residential development to the north and an existing employment site to the south. As such, there is a sense of enclosure to the site and the existence of surrounding development is such that, it is considered, this site would be more appropriate for built development.

3.4 To the south of the land is an existing employment site, protected for business, general industrial or storage and distribution. It is therefore appropriate to develop the Land north of Hey Hud for employment use, to align with the character of the immediate location and integrate the uses. The site is also well linked to other employment sites, such as Carrs Industrial Estate and the Business Hub at Rising Bridge.

- 3.5 The site does not significantly fulfil the purposes of the Green Belt and its development would not harm the wider openness beyond the site boundaries.
- 3.6 The site is located in a highly accessible location, situated between the Haslingden Bypass (the A56) and Blackburn Road (the A680). The A56 is a key highway, connecting to the M66 towards Manchester. The site may also be accessible via Hud Hey Road (the B6236); therefore its redevelopment would not create a traffic hazard (Policy EMP3).
- 3.7 This is also a highly sustainable area, with two bus stops directly outside neighbouring Hall Park residential development, situated on Blackburn Road (the A680), with the 464 bus service running northward to Accrington and southward to Rochdale and Manchester City Centre, six times every hour. There are also designated cycle lanes along the road.

4.0 CONCLUSION

- 4.1 It is considered that the removal of Land North of Hud Hey from the Green Belt to enable employment development is appropriate. For the reasons given above, we support the proposal for the site to be released from the Green Belt and to be allocated for employment uses, utilising the site's good access to the A56 and mirroring the character of the wider area.

Consultation on the emerging Local Plan for Rossendale Borough Council

REPRESENTATIONS IN RESPECT TO LAND AT RISING BRIDGE ROAD, HASLINGDEN

CASSIDY + ASHTON |



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1.0 INTRODUCTION

- 1.1 Cassidy + Ashton act in respect of the emerging Local Plan for the Borough (2019 to 2034), which will replace The Rossendale Core Strategy Development Plan Document (adopted in 2011), and in particular, in relation to how the plan relates to the land at Rising Bridge Road.
- 1.2 This statement sets out the case for the release of an area of land from the Green Belt, which does not serve a Green Belt function, which will also allow the development of an unused strip of land to the east of Rising Bridge Road for residential use.

2.0 LAND AT RISING BRIDGE ROAD

- 2.1 The site proposed for release from the Green Belt is highlighted as Site 1, in Figure 1. The site extends to a approximately 8.1ha. The site covers the majority of the built-up area at Rising Bridge Road, as well as the development at Hall Park to the east of Haslingden Bypass (the A56).
- 2.2 The site which would be released for residential use is situated on the east side of Rising Bridge Road. The site extends to approximately 0.58ha and would have the capacity for some 20 dwellings. The immediate site location is positioned on a small area of land, highlighted within Site 1 in Figure 1, between Rising Bridge Road and Haslingden Bypass (the A56), a key highway, connecting to the M66 towards Manchester. The site is also identified as lying within the Green Belt on the Policies Map.
- 2.3 Located on the other side of the A56 is Hall Park residential scheme, an existing employment site and a proposed employment site (NE2) on the emerging Local Plan 2019 to 2034.



Fig. 1 Site Location

3.0 PLANNING STATUS

- 3.1 The land which is the subject of this representation is designated in both the adopted and emerging Local Plan for Rossendale Borough Council as lying within the Green Belt. The fundamental role of the Green Belt, which will be consistently addressed throughout this section, is to prevent urban sprawl by keeping land permanently open. However, given that the land is already built up, this serves no purpose and the land should be excluded from the wider Green Belt.
- 3.2 The NPPF states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified (Paragraph 136). Rossendale Borough Council have determined that there are exceptional circumstances that currently apply which means that through the preparation of a new Local Plan, it is appropriate to allow alterations to Green Belt boundaries as there is a need for the provision of a balanced portfolio of sites within the

Borough that reflect need, are attractive to the market and address past under-delivery, particularly for housing.

3.3 Moreover, in the adopted Core Strategy Development Plan Document, Rossendale Borough Council stated that future changes to the Green Belt would take into account the effect on openness, the overall integrity of the Green Belt, the significance of local and longer distance views into and out of sites and the five purposes of the Green Belt, as stated in the NPPF (paragraph 3.6 of this representation).

3.4 The Council have therefore already determined that there are exceptional circumstances that justify a review of the Green Belt within the Borough. Given that one of the essential characteristics of the Green Belt is its permanence, this Green Belt review will endure for a substantial period of time and therefore any anomalies within the Green Belt boundary should be addressed at this time.

3.5 Paragraph 139(a) of the NPPF states that when defining Green Belt Boundaries, plans should not include land which is unnecessary to keep permanently open. The area of land proposed for release from the Green Belt has the character of a built-up area and clearly does not have the character of 'openness', which has been defined by the Courts as:

"the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact" [R (Lee Valley Regional Park Authority) v Epping Forest DC (2016) EWCA Civ 404].

A built-up area cannot therefore be seen as 'open' and therefore the land does not satisfy the primary characteristic of the Green Belt, which adds weight to argument for the release of the land from the Green Belt.

3.6 Furthermore, as stated in the NPPF, paragraph 134, the Green Belt is intended to serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns;
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.7 Considering the land against the purposes of the Green Belt it is noted that the area proposed for release from the Green Belt is already a built-up area. The subject site proposed for residential development is the only area of land within the boundary which is undeveloped, yet

is entirely tightly enclosed and represents only some 14% of the whole area of land. The release of this area from the Green Belt would not extend the physical or visual nature of the built up area as the land is already intensely built up. It would therefore not result in an unrestricted sprawl of development (purpose a), and there is no conflict with this purpose.

- 3.8 Similarly, the release of the land would not result in the merging of towns, in line with purpose (b) of the Green Belt. The extent of the built up area would be unchanged by this release. There is therefore no conflict with purpose b.
- 3.9 A primary purpose of the Green Belt is to assist in safeguarding the countryside from encroachment (purpose c). Again, the subject land proposed for release from the Green Belt is already a built-up area and therefore by releasing the land from the Green Belt and allowing the development of the small area of land within for residential development, there will be no adverse effect on the openness of the countryside.
- 3.10 The area proposed for release from the Green Belt does not have the special character of historic towns and therefore purpose (d) of the Green Belt is not applicable in this instance.
- 3.11 Finally, in relation to purpose (e) of the Green Belt, as the wider area is already urban, releasing the site from the Green Belt will in fact facilitate urban regeneration within the highlighted area as a whole, whereas at present development is restricted due to its Green Belt status.
- 3.12 It is therefore considered that the land (outlined in Figure 1), should be released from the Green Belt and the settlement boundary revised accordingly. This area of land serves none of the purposes of the Green Belt, does not have any characteristics of openness and is in fact an established urban, built-up area.
- 3.13 The residential development land that would also be released would have no impact upon the wider character of the area or the openness of the Green Belt beyond the built up area. It has existing access from Rising Bridge Road, connecting to the A56 via Blackburn Road to the north of the site (the A680), which would make it highly desirable for built development.
- 3.14 The site is in a highly sustainable location, approximately one mile north of the town centre and with easy access to a variety of local facilities and services. Located on the adjoining Blackburn Road are a range of restaurants, a gym and a number of bus stops, with services running northwards to Accrington and southwards to Rochdale and Manchester City Centre. The site is located in walking proximity to the countryside, including access to the Shoe Trail and Kings Highway, as well as Worsley Park, which serves a recreational purpose, to the other side of the A56 Haslingden Bypass.
- 3.15 The Council's 5 Year Housing Land Supply Statement of 2017 states that there is an under delivery, as Rossendale currently does not meet the required completion rate (294 dwelling each year) over the period 2011-2026. As stated, Rossendale Borough Council can only

achieve a maximum of 2.6 years supply of deliverable housing sites. It is considered that this land would make a tangible contribution to increasing this figure.

4.0 CONCLUSION

- 4.1 Given the opportunity to review the Green Belt within Rossendale, it is considered that the release of the outlined land from the Green Belt is appropriate. The land already has the character of a built-up area, which does not serve any of the five purposes of the Green Belt, and does not have the characteristic of openness, which justifies its release from the Green Belt. This will in turn encourage a small area of land to the east of Rising Bridge Road to be developed for residential use, mirroring the surrounding area's settlement pattern and providing some 20 dwellings in a sustainable location.