
Appeal Decision

Hearing held on 7-8 September 2016

Site visit made on 7 September 2016

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 12 October 2016

Appeal Ref: APP/T2350/W/15/3130859

Land at 23-25 Old Row, Barrow

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Admiral Taverns Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2014/0846, dated 3 September 2014, was refused by notice dated 23 December 2014.
 - The development proposed is for the erection of 167 residential dwellings with access, parking and associated landscaping following demolition of Nos. 23 and 25 Old Row.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For reasons of clarity, I have shortened the description of development to remove unnecessary wording for the purposes of this appeal.
3. The application was submitted in outline with all matters reserved. This is the basis upon which this appeal has been determined.
4. An application for costs was made by the Council against the appellant. However, this was withdrawn during the Hearing and will not, therefore, be the subject of a separate decision.

Main Issues

5. The main issues are the effect of the proposal on the safe and efficient operation of the highway network and whether the proposal would affect future economic growth or the attainment of the sustainable development goals of the development plan.

Reasons

6. The appeal site is an L-shaped area of land of approximately 7 ha. It comprises a number of agricultural fields, an informal car park and two buildings that front onto Whalley Road. These buildings would be demolished to accommodate the main access to the proposed development which comprises around 167 residential dwellings. The existing parking area, which is currently used by local residents and parents whose children attend an adjacent primary school, would be retained and upgraded. The appeal site
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abuts the north-eastern boundary of the settlement of Barrow and extends to the curtilage of the A59 to the east. The Barrow Brook Business Village adjoins the southern site boundary and comprises a petrol station, convenience store, fast-food restaurant, food distribution centre, offices and a recent residential development.

Highway safety

7. The appeal site is approximately 5.5 km from the centre of the market town of Clitheroe and 2 km north of the village of Whalley. Whalley Road is the main route through Barrow connecting it with Clitheroe to the north and Whalley to the south. It is a well illuminated, single carriageway flanked by footways and has a width of approximately 7.3 m. There is a 30 mph speed restriction in the vicinity of the appeal site as well as a significant extent of on-street parking associated with nearby terraced properties. Various parking restrictions are in place that include double yellow lines, zig-zag yellow lines and disabled parking zones. There are no parking restrictions either side of the existing site access. The street scene is uncluttered and the line of the road is such that road users generally have clear sightlines when approaching the existing site access.
8. I note that Lancashire County Council (LCC) and the Council consider the proposed site access acceptable and I am inclined to agree bearing in mind the physical characteristics of Whalley Road and the proposed improvement measures. Both the Council and the appellant agree that these measures would mitigate the increased number of vehicle movements and improve the infrastructure for other road users and pedestrians. Both parties are also in agreement that any parking overspill issues would be avoided by the retention of approximately 40 communal parking spaces. Despite these facts, local residents have raised a number of concerns.
9. Whilst the appellant is of the opinion that there would be no net loss of on-street parking, I observed that the traffic calming measures would lead to a small reduction. However, this would not amount to more than two spaces because the proposed measures would overlap with areas where parking is already restricted and would be mitigated by the overspill parking area in any event. Although it was suggested that the occupiers of the proposed development might be inclined to use this area, or even park on Whalley Road, I do not find this a reasonable assumption. This is because each dwelling would have its own off-street parking. Consequently, leaving vehicles elsewhere would be inconvenient given the daily reliance on the use of private motor vehicles at this location.
10. The Parish Council has suggested that the proposal would exacerbate existing congestion and 'reduce the road to gridlock'. However, this was not supported by either the observed or predicted traffic flows of the Transport Assessment¹ which included all committed development in and around Barrow. Furthermore, the peak flows would be primarily associated with commuting activity at the beginning and end of the working day which would only have a limited overlap with the periods when children are being collected or dropped at the nearby school.

¹ Transport Assessment. Land off Whalley Road, Barrow Brook, Clitheroe, Lancashire. Opus International Consultants (UK) Ltd. August 2014.

11. I accept that conditions may vary at evenings and weekends but note that the carriageway is of sufficient width to allow movement in both directions even with cars parked on either side of the road. Whilst the appellant did not observe traffic flow during these periods, LCC indicated that visits had been made on up to 20 separate occasions at such times and that no significant congestion was observed.
12. Given the number of dwellings, it has been suggested that the proposal would lead to wider impacts on the strategic road network. The Transport Assessment identified a number of key locations that were considered to be vulnerable to the increased traffic flow from the proposal. During the Hearing it was accepted that the coverage of the assessment could be improved and the A59/A671 roundabout was consequently included in a refined assessment that was submitted on the second day of the Hearing. This was jointly undertaken by the appellant and LCC. The assessment included, among other things, more comprehensive data on committed development. Given these refinements and the use of established modelling techniques, I am satisfied that the agreed growth rate of 9% gives a broad indication of likely impacts of the proposed development on the wider road network.
13. It was agreed at the Hearing that this traffic growth would have the greatest impact on the operation of two King Street priority junctions that provide links to Station Road in the north and Accrington Road in the south. It was also agreed that a series of planned highway improvements along King Street would enable these junctions to operate more efficiently by reducing a number of existing operational issues along King Street, effectively making the flow of the traffic less 'turbulent'. After careful consideration of the proposed measures it is clear to me that some improvement in flow would be achieved. However, the physical constraints associated with the priority junctions are such that they would continue to act as bottlenecks. Moreover, disruption to the traffic flow would still be caused by, among other things, manoeuvring vehicles joining the road or attempting to park as well as stationary vehicles delivering goods to local businesses.
14. Given the high volume of traffic that already passes through Whalley and the significant extent of committed development in the local area, it seems to me that the road network is nearing its maximum capacity. The model outputs suggest that the proposed scheme will result in serious congestion prior to the construction of a link road that will be funded by another development on land at Lawsonsteads (Ref: 3/2013333/0137). Substantial increases in the length of queues during peak periods would occur across all locations with one queue increasing from 72 m to 794 m. It was confirmed at the Hearing that the next phase of development at Lawsonsteads has only reached pre-application stage. As the necessary funds for the link road would only be released when the first dwelling is occupied, I am not satisfied that this road would be operational in sufficient time to avoid severe, cumulative road traffic impacts on the wider road network.
15. Given the above, I conclude that whilst the proposal would not lead to a significant road traffic impact in Barrow it would nevertheless cause significant harm to the safe and efficient operation of the wider highway network contrary to DMG1 of the CS that seeks, among other things, to ensure that due consideration is given to the potential traffic implications of development. As a result, the proposal would not be in accordance with the development plan.

Bearing in mind the severity of the wider residual, cumulative road traffic impacts I also find that the proposal would be contrary to paragraph 32 of the Framework.

Economic growth

16. The appeal site is part of land that has been identified as a main location for employment within the Borough in Key Statement DS1 of the CS. This is known as the Barrow Enterprise Site and includes the Barrow Brook Business Village, immediately to the south of the appeal site. The site contributes 31% (7 ha) to the total area of land committed for employment within the Borough. Consequently, the Council are of the opinion that the proposal would undermine the CS and would have a detrimental effect on the local economy by limiting future growth prospects. When the original application was determined, the majority of the site had extant permissions for commercial use which have since lapsed. The appellant maintains that the site is not deliverable, alternatives exist and that there is no guarantee that any appropriate development would come forward in the future.
17. The viability of the site was questioned because of issues associated with securing a suitable access from the Barrow Brook Business Village and the A59 via North Road. The Council accept that the commercial use of the site is predicated on this access. This is required to accommodate the frequent movement of commercial vehicles. It was established at the Hearing that the negotiations with the Council to purchase the appeal site had not come to fruition because of the need to purchase an additional strip of land to meet the required pedestrian access standards and the presence of a 'ransom strip' that would have required leasehold negotiations. The appellant is of the opinion that a commercial investor would come to a similar conclusion and seek out less complicated sites that would provide quicker financial returns. Whilst this might prove to be the case, that is not to say that these issues would inevitably be insurmountable and could not be resolved through negotiation.
18. The appellant maintains that more deliverable alternatives exist and the Council indicated at the Hearing that up to 15% of the committed employment sites have come forward since the beginning of the plan period. However, the fact remains that the site constitutes a significant proportion of the total area that has been allocated to drive economic regeneration in the Borough. I accept that there is no guarantee that appropriate development proposals would come forward in the future but equally there is no guarantee that appropriate windfall sites would compensate for the loss of this major site.
19. The evidence before me suggests that the presence of appropriate development proposals for the site has not been adequately tested given the level of marketing that has occurred. In any event, the development plan has been recently adopted and covers a period up to 2028. Whilst developers would look to committed sites with the lowest risk, these would decline over time, thus making the appeal site more attractive. I am also mindful of the wider economic recessionary trends that may have affected the development of the site and the Council's undisputed evidence that this situation has recently changed with increased interest being shown in a number of other employment sites.
20. Given the above, I conclude that the proposal would adversely affect economic growth contrary to Key Statements DS1 and EC1 of the CS which identify the

role that the site has to play as a main location for delivering employment growth in the Borough. This would not be in accordance with the development plan or the economic role of the planning system which is to provide sufficient land of the right type to support growth and innovation as set out in paragraph 7 of the National Planning Policy Framework 2012 (the Framework).

Sustainable development

21. Barrow is classified as a Tier 1 settlement in Key Statement DS1 of the CS. This means that out of a total of 32 settlements it is recognised as being one of the more sustainable locations for development outside the strategic sites and principal settlements of Clitheroe, Longridge and Whalley. The distribution and scale of development intended to achieve a sustainable pattern of growth is set out in table 4.12 of the CS which shows a residual housing requirement of 145 dwellings across eight of the Tier 1 settlements over the plan period.
22. However, Barrow has a zero requirement because of the significant housing commitments that were present up to March 2014. Paragraph 4.13 goes on to state that further housing development will consequently not be promoted in Barrow. I accept that the specific wording of the policy does not set any limits on market housing or preclude the delivery of the stated requirement in a single Tier 1 settlement. However, when read objectively, within its proper context, it is clear that the majority of new housing will be directed to Tier 1 settlements other than Barrow on the basis of existing commitments within that village.
23. This is supported by paragraph 47 of the Framework which advises that an approach to housing density that reflects local circumstances is one of the factors that can significantly boost the supply of housing. The evidence before me suggests that there has been a significant increase in residential housing in the local area. The 2010 electoral register indicated that Barrow contained at least 304 households. Bearing in mind the development already committed, this would rise to around 1,014. Consequently, the Council's approach represents a robust response that has taken account of local circumstances thus ensuring a more spatially balanced delivery of new housing across the plan area.
24. Paragraph 47 also advises that a deliverable five year housing land supply is an important factor in boosting the supply of housing. Despite disputing the precise extent of the housing land supply, the appellant nevertheless accepted that a deliverable five year supply was present during the Hearing. Whilst it was suggested that there is a risk of under-delivery this was not substantiated when individual sites were considered. It was also established that the Council is well advanced in meeting its housing targets for the plan period despite under-delivery prior to the adoption of the CS. Furthermore, it was an undisputed fact that the annual delivery targets have been met over the last two years.
25. I accept that the proposal would be in a sustainable location, provide affordable housing, boost the supply of market housing and provide employment opportunities during its construction phase. In these respects the proposal would gain some support from the Framework. However, these benefits must be balanced against any adverse impacts. Given the harm that would be caused to highway safety and economic regeneration and having had regard to

the policies of the Framework as a whole I find that the proposal would not constitute a sustainable form of development.

26. Given the above, I conclude that the proposal would cause significant harm to the attainment of the sustainable development goals of the development plan. This would be contrary to Key Statement DS1 that seeks, among other things, to ensure that the scale of planned housing growth is managed to reflect the extent to which it can be accommodated in a local area and that development opportunities will be created for economic, social and environmental well-being and development for future generations. Consequently, the proposal would not be in accordance with the development plan in relation to this issue either.

Other Matters

27. The Council are of the opinion that the proposal would set a precedent that could further erode the provision of employment land in the Borough. However, each case should be judged on its individual merits and the evidence submitted. Given the complex and unique characteristics of this particular case, I am satisfied that the submission of an application which is the same in every respect would be extremely unlikely. Consequently, had I been minded to allow the appeal I do not find that it would create a realistic precedent.
28. A Section 106 Agreement and a Unilateral Undertaking have been provided that would improve local education and public open space provision and ensure that no less than 30% of the proposed units are sold or rented as affordable housing. As the appeal is being dismissed on other, substantive issues these obligations will not be considered in any further detail as they have not been determinative in my reasoning.

Conclusion

29. For the above reasons and having regard to all other matters raised I conclude that, on balance, the appeal should be dismissed.

Roger Catchpole

INSPECTOR

APPEARANCES

FOR THE COUNCIL

Mrs J Macholc, Senior Planner, Ribble Valley Borough Council

Mr J Macholc, Head of Planning, Ribble Valley Borough Council

Mr N Stevens, Highways Development Control Officer, Lancashire County Council

Mr C Hirst, Head of Regeneration, Ribble Valley Borough Council

Mr C Matthews, Regeneration Officer, Ribble Valley Borough Council

Mr A Proctor, AC Surveyors

FOR THE APPELLANT

Mr N Ozier BA (hons) MRTPI, Planning Consultant, Aitchison Raffety

Mr J Sturgess, Planning Consultant, Caldecotte Consultants Ltd

Mr P Sturgess, Planning Consultant, Caldecotte Consultants Ltd

Mr M Clegett, Highways Consultant, Opus

Mr T MacMahon, Head of Estates, Admiral Taverns Ltd

Mr M Cavannagh, Land Agent, Trevor Dawson

INTERESTED PARTIES

Ms J Brown, Barrow Parish Council

DOCUMENTS SUBMITTED

S1 Five year housing land supply report, April 2016

S2 Revised conditions

S3 Revised traffic modelling output