

## 1.0 INTRODUCTION AND CONTEXT

- 1.1 This note has been prepared by Gladman Developments Ltd (Gladman) in response to the list of sites issued by the Council as examples of flexible decision making in Ribble Valley. The list sets out the number of dwellings considered by the Council to have been granted in accordance with policies of the Ribble Valley Core Strategy where a five-year supply could be demonstrated.
- 1.2 The Council has sought to provide this list further to matters raised in Gladman’s hearing statement (and subsequent discussion during the hearings) which highlighting concerns regarding the Council’s implementation of the adopted policies within the Core Strategy and the extent these policies could be relied upon to meet both residual needs of the plan and to provide sufficient flexibility over and above the housing requirement.
- 1.3 Gladman welcome the publication of this evidence by the Council and is grateful of the opportunity provided by the Inspector to make comments. It is hoped that the comments made within this note will be helpful in assisting the Inspector in arriving at his conclusions on the soundness of the HED DPD.
- 1.4 The list provided by the Council includes 8 sites totalling 769 dwellings. For ease of reference a copy of this list has been provided in Table 1 below.

Table 1: RVBC List of Sites Approved under Flexible Policies where the Council could Demonstrate a Five-Year Supply

Application Reference	Site/Location	Date of Decision	5 Year Land Supply Position	No of Dwellings Proposed
3/2014/0764	Chipping Lane, Longridge	29/10/2015	5.59	363
3/2015/0715	Oakhill College, Whalley	15/10/2015	5.59	6
3/2015/0065	Dilworth Lane, Longridge	31/03/2016	5.54	195
3/2016/0146	Old Row, Barrow	03/01/2017	5.54	26
3/2017/0433	Henthorn Road, Clitheroe	06/06/2018	5.73	25
3/2018/0910	Sheepfold, Barrow	14/01/2019	6.1	26
3/2018/0844	Longsight Road, Langho	10/01/2019 (committee)	6.1	28
3/2018/0688	Henthorn Road, Clitheroe	10/01/2019	6.1	110

- 1.5 Examining Table 1, a notable inclusion is Gladman’s land interest at Henthorn Road, Clitheroe (application reference 3/2018/0688), which was refused at planning committee on the 10<sup>th</sup> January 2018 contrary to officer recommendations.
- 1.6 As outlined during the hearings, there was no objection made to the planning application on technical grounds, and the application was refused on grounds of accessibility (see decision notice dated 11<sup>th</sup> January 2019).

- 1.7 Gladman attended the committee at which the application was resolved for refusal. It was clear from the discussion that members were keen to refuse the application on any ground owing to their unwillingness to support the principle of further development at Clitheroe despite the officer recommendation.
- 1.8 The approach of the committee to the application can be clearly seen with the reason for refusal applied to the development proposal (grounds of accessibility to services) which conflicts with other recent decisions made by the Council inclusive of application reference 3/2017/0433. It was only when officers reported back to the committee that a highways reason for refusal could not be sustained at appeal that this additional reason for refusal was dropped by the committee. For this reason, and noting that the application was ultimately refused, Gladman do not consider that the Site can legitimately be included within this list.
- 1.9 For the remaining sites, Gladman has reviewed the context with which each application was made and how the officer approached the judgement process as provided within each officer report to consider on what basis a recommendation for approval was made. It must be acknowledged that Gladman was not present at the majority of the planning committees at which these sites were determined, and as such our response does not account for the discussion which may have taken place during each committee. The conclusions outlined within this note are therefore made only on the basis of information provided within the officer reports.
- 1.10 The only site Gladman has not reviewed in the list provided by the Council is the site at Oakhill College. Gladman accept that the Council will more than likely approve small scale schemes (development of 10 dwellings or less) under the policies of the plan regardless of the supply position in order to ensure that sufficient windfall is delivered over the plan period as required and relied upon by the Core Strategy.
- 1.11 Gladman's principle concern is the application of policies towards major developments, and as such, the comments provided within the note relate only to this scale of development.

## **2.0 EVALUATION OF IDENTIFIED SITES**

### **2.1 Land off Chipping Lane, Longridge (3/2014/0764)**

- 2.1.1 Land off Chipping Lane, Longridge was approved by the Council in October 2015 for 363 dwellings. The application was the second attempt by the Applicant to secure planning permission on the site, with the original application refused for four reasons relating to impact on the cricket club, design/layout, ecological impact, and highways (see application reference 3/2014/0438).
- 2.1.2 Reviewing the officer report for the second application relating to this Site, Gladman consider that the pertinent matter weighing in favour of the application's approval was the significant level of residual housing needed in Longridge which at the time of the application amounted to 438 dwellings. The scale of the development proposed, at 363 dwellings, would therefore go a significant way in achieving this outstanding need, meaning significant weight could be attached to the benefit the proposal would have in meeting this residual need.
- 2.1.3 Gladman do not consider that this planning application provides a relevant example of flexible decision making by the Council. The application was not approved aligned to Policy DMG2 of the Core Strategy, with no reference made to the policy in the officer report. The only policy with any particular weight given within the officer report is Policy DS1 which only confirms the

Site's broad compliance with the spatial strategy by being adjacent to principle settlement of Longridge.

- 2.1.4 Instead the application was approved in the context of significant outstanding housing need at Longridge as identified by the Core Strategy. At the time of the application, the HED DPD at an early stage of its preparation and as such attracted limited weight. There was therefore no resolution as to how the housing requirements of the Core Strategy would be met.
- 2.1.5 Gladman consider that flexibility in decision making is required to ensure that the housing requirement is met in full, by allowing a level of supply up and above requirements. Therefore, moving forwards, there is unlikely to be the context of significant residual needs which existed for this application, and officers would need to balance the benefits of strengthening the supply against the associated adverse effects. Clearly this was not the context for this planning application and as such the Site should be removed from this list.

## **2.2 Dilworth Lane, Longridge (3/2015/0065)**

- 2.2.1 Land off Dilworth Lane, Longridge (for 195 dwellings), was approved at the second attempt in March 2016. The initial application for 220 dwellings (see application reference 3/2014/0517) was refused by the members on grounds of visual effects. This was contrary to the advice of officers whom recommended approval of the application and even warned against the application of this reason for refusal (see update note provided by officers on page 191 of the 13<sup>th</sup> November 2014 committee report).
- 2.2.2 Examining the officer report, it is clear, that the context within which the approval of this application was eventually made, is very similar to that experienced at Chipping Lane (see section 2.1). At the time of the application the residual housing need in Longridge was 629 dwellings. The Core Strategy was newly adopted and the HED DPD had not reached an advanced stage of its preparation. As such the application was approved on the basis of its response to this residual housing need with no reference made to the flexible policies of the Core Strategy in the Officer Report (for example Policy DMG2). As a result, for the reasons set out in relation to Chipping Lane, Longridge, Gladman consider that the Site should be removed from the list.

## **2.3 Old Row, Barrow (3/2016/0146)**

- 2.3.1 Land off Old Row, Barrow for 26 dwellings, was approved by the Council in January 2017. The application sought to renew an existing planning permission which was originally granted prior to the adoption of the Core Strategy on the 27<sup>th</sup> February 2013 (see application reference 3/2012/0623).
- 2.3.2 Reviewing the officer report for the renewed application, Policy DMG2 of the Core Strategy has been referenced as a relevant policy for the determination of the application. That said, as outlined above, the application relates to a renewal of a pre-existing consent which already formed part of the Council's housing land supply. As reference in Paragraphs 5.1.3 and 5.1.4 of the Officer Report the need to maintain the supply was a fundamental reason in why the application was recommended for approval by the officer. In addition, it was the original planning permission which established the principle of developing the site for housing rather than any policy of the development plan (see Paragraph 5.1.5 of the Officer Report).

2.3.3 Taking the above into account, Gladman do not consider that the application was approved owing to its compliance with Policy DMG2, but rather that it was a renewal of an existing commitment whereby the principle of development had already been established. For this reason, Gladman conclude that the Site should not be included as an example of flexible decision making.

#### **2.4 Henthorn Road, Clitheroe (3/2017/0433)**

2.4.1 Land at Henthorn Road, Clitheroe for 25 dwellings, was approved by the Council in June 2018. Having regard to the content of the Officer Report, Gladman accept that the approval of this application was an example of flexible decision making. The officer report clearly shows that despite a reported lack of residual need for additional housing in Clitheroe at that time, the considered compliance of the proposed development with Policy DMG2 of the Core Strategy and the overall benefits to the approval of the application would bring to the supply in terms of providing additional flexibility resulted in a recommendation for approval. Gladman therefore consider that the inclusion of this site within this list is justified.

#### **2.5 Sheepfold, Barrow (3/2018/0910)**

2.5.1 Land at Sheepfold, Barrow was approved by the Council for 26 dwellings in January 2019. The application represented the third attempt by the Applicant to develop the Site. All applications on the site relate to the erection of specialist elderly accommodation for over 55's with associated affordable housing. The officer assessed the applications as being in the open countryside despite the potential for logical rounding off as set out under Policy DMG2 and as such required to pass an additional test of responding to a local housing need in order to be approved.

2.5.2 The two previous attempts to secure planning permission were refused by the Council in December 2017 (see Application reference 3/2017/0962) and September 2018 (see Application Reference 3/2018/0488). The refusals were consistent with officer recommendations which set out that the overall residual need for housing in Barrow as set by the Core Strategy had been met by commitments at that time and as such there was no justification for housing in a countryside location given that the proposal was for open market over 55 provision. As such the applications provide clear evidence of settlement requirements being treated by the Council as a cap to development, regardless of their potential benefits to the supply in providing additional flexibility.

2.5.3 Reviewing the accompanying officer report for the third and most recent application, it is clear that it was only the change in circumstances that was provided by an evidenced shortfall in provision against the residual housing requirements for Barrow and marginality of the five-year requirement, that caused the application to be recommended for approval.

2.5.4 Based on the above, Gladman do not consider that the site provides an example of the Council operating in a flexible manner. Indeed, it was only the persistence of the applicant and good timing that resulted in planning permission on the Site finally being granted. The Site should not be therefore included within this list.

**2.6 Longsight Road, Langho (3/2018/0844)**

- 2.6.1 Land off Longsight Road, Langho for 42 dwellings was minded to approve at the January 10<sup>th</sup> Planning Committee. The Site benefits from existing outline and detailed planning consent (see planning application references 3/2015/0010 and 3/2018/0392 respectively) for the erection of 18 dwellings at a time when the Council could not demonstrate a five-year supply. The application recently determined seeks to increase this by 28 dwellings.
- 2.6.2 The Officer Report makes direct reference to Policy DMG2 including the wording of the policy which permits a consolidation, expansion or rounding-off settlements so that it is closely related to the main built up area. Reference is also made to the pre-existing planning consent for 18-dwellings which is considered to establish in broad terms of developing the site for housing. Notably the officer considers the potential for harm to the development strategy given that the requirements for Langho had already been met, ultimately concluding that there would be no such harm, and as a result recommended approval.
- 2.6.3 Whilst the pre-existing planning approval for the development of the site for housing held substantial weight in reaching a recommendation for approval for this planning application, Gladman accept that the Council applied a flexible approach to decision making in this instance given that the requirements for this settlement had already been met and noting balancing exercise undertaken by the officer. As a result, Gladman consider that the inclusion of this site is justified.

**2.7 Henthorn Road, Clitheroe (3/2018/0688)**

- 2.7.1 See comments made in paragraphs 1.5 to 1.7 of this note.

**2.8 Summary of Conclusions**

- 2.8.1 For clarity, a summary of the conclusions made within this note relating towards each identified site is set out in Table 2 below.

Table 2 – Summary of Conclusions

Application Reference	Site/Location	Comments	No. of Dwellings Approved because of Flexible Decision Making (GLADMAN VIEW)
3/2014/0764	Chipping Lane, Longridge	Application approved on account of significant residual need in Longridge.	0
3/2015/0715	Oakhill College, Whalley	Not assessed.	6
3/2015/0065	Dilworth Lane, Longridge	Application approved on account of significant residual need in Longridge.	0
3/2016/0146	Old Row, Barrow	Application renewal of existing consent. Application approved due to contribution made to supply and because the principle had already been established.	0

Application Reference	Site/Location	Comments	No. of Dwellings Approved because of Flexible Decision Making (GLADMAN VIEW)
3/2017/0433	Henthorn Road, Clitheroe	Site assessed under provisions of Policy DMG2.	25
3/2018/0910	Sheepfold, Barrow	Application approved due to changing circumstances with supply and residual settlement need.	0
3/2018/0844	Longsight Road, Langho	Principle of development already broadly established by a pre-existing planning consent. Notwithstanding this a flexible approach was implemented given the resulting oversupply that the approval of the development would result in.	28
3/2018/0688	Henthorn Road, Clitheroe	Application refused at planning committee	0
<b>Total</b>			<b>59</b>

### 3.0 CONCLUSIONS

3.1 Based on observations made in this note, Gladman consider that the amount of development permitted under the flexible policies of the Plan is far lower than claimed by the Council at just 59 dwellings (or just 7.7% of the total put forward by the Council).

3.2 Gladman acknowledge that the majority of the sites put forward within this list have been approved by the Council and were granted on sites which were not specifically allocated for housing development. However, regard must also be had to the wider context under which these planning applications were approved, which included the following material considerations:

- The Core Strategy identified housing requirements for each settlement which had not yet been met by committed development, and which were significantly higher than experienced today;
- The HED DPD was in the early stages of its production and held little to no weight in providing a solution to supply problems;
- For some sites, the principle of developing the Site had already been established by a previous planning application;
- Some sites already formed part of the Council's housing land supply; and
- A marginal five-year land supply position meant that the Council could not be certain it could claim a sufficient and defensible five-year land supply position.

3.3 There are relatively few examples where specific policies of the Core Strategy (such as Policy DMG2) have been used by the Council to justify the approval of submitted planning application. Where this has occurred (above a certain scale) members have sought to refuse development for other reasons. Evidence of this is provided by Gladman's application at

Henthorn Road, Clitheroe (see application reference 3/2018/0688) and also the first application at Dilworth Lane, Longridge (see application reference 3/2014/0517).

- 3.4 The conclusions arrived at in this note serves to underline Gladman's concerns that the considered flexibility of policies within the Core Strategy have not been applied with sufficient regularity in decision making to provide sufficient certainty that additional supply granted over and above the minimum requirements of the plan will be made. As a consequence, Gladman maintain their position that without clarification of existing policies, further allocations are necessary to ensure sufficient certainty that the housing requirement will be delivered in full.
- 3.5 A further and pressing justification for additional allocations is provided by the evident shortfall in housing land supply experienced at Clitheroe which has emerged as a result of the delayed delivery of the Standen SUE to date (a point raised during the hearings by Emery on behalf of Hallam Land Management). Taking into account completions, committed development (inclusive of Standen) and proposed main modifications, Gladman consider that this shortfall amounts to 180 dwellings. Gladman agree, that the lack of response to this shortfall represents a failure of the HED DPD in responding to its purpose of meeting the requirements set by the Core Strategy and failing to implement the adopted spatial strategy.
- 3.6 Based on the above, Gladman therefore respectfully requests that the Inspector considers the need for the allocation of further sites through the HED DPD to ensure its overall effectiveness in supporting the delivery of Core Strategy requirements and strategic approach to development.