

# Rossendale Local Plan Examination

## MATTERS, ISSUES AND QUESTIONS (MIQs)



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### **Matter 4 – Other housing needs**

**Issue – Have affordable housing needs, traveller accommodation needs and the housing needs of other groups been satisfactorily assessed and addressed in the Plan, in line with national policy?**

**[Policies HS6 – H20]**

#### **Questions**

#### **Affordable housing including rural exception sites**

**a) What is the total affordable housing need over the plan period (overall and by affordable housing type)?**

SHMA Assessment of Affordable Housing Need

4.1 The outcome from the 2019 SHMA Update calculations is that between 102 and 170 affordable dpa are required (depending on whether the proportion of household income that is assumed to be devoted to meeting housing needs is 33 % or 25%). The SHMA identifies that, assuming delivery of affordable housing is at 30% of total delivery (in line with Local Plan Policy HS6), this would amount to a total housing requirement of between **340** dpa (assuming 33% income) and **567** dpa (assuming 25% income) to meet affordable housing needs in full<sup>1</sup>.

4.2 Alternatively, if the affordable housing were simply added to the proposed LHN of 212 dpa, the need would be 314 dpa (33% income) or 382 dpa (25% income).

4.3 The 2019 SHMA Update considered that it is extremely unlikely that this level of housing delivery will ever be achieved in Rossendale, which has averaged 43 net dpa since 1996/97.

#### **Types of Affordable Housing**

4.4 In relation to specific types and sizes of affordable housing, the 2019 SHMA Update analysed the relative need for social rent, affordable rent<sup>2</sup> and

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<sup>1</sup> Derived by assuming that 30% of overall delivery should be affordable - to achieve 102 affordable dpa a total of 340 dwellings would need to be provided i.e. 102 is 30% of 340 (and 170 is 30% of 567)

<sup>2</sup> Affordable Rent – the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable).

intermediate affordable housing within the overall affordable housing need figure.

4.5 The SHMA analysed demographic trends and concluded that in line with wider trends, the number of older households is expected to grow fastest in Rossendale Borough, although in 2034 families will still remain the largest group of households. Based on overall household growth and existing occupancy patterns, Lichfields' assessment showed that housing need in Rossendale Borough is predominantly made up of 2-3 bed dwellings.

4.6 However, the SHMA found that as regards affordable housing, the need is specifically weighted towards 1 and 2-bed dwellings although the waiting list and Census both suggest that overcrowding remains a problem. Within the social rented sector, there is likely to be some scope for more efficient use of the existing stock. However new development of affordable family sized housing could help to alleviate overcrowding.

4.7 Based on the housing waiting list, the Estimated Mix Requirements for Affordable Housing were as follows:

- 56% 1-bed
- 30% 2-bed
- 13% 3-bed
- 1% 4-bed +

4.8 Lichfields' analysis concluded that in terms of tenure, around 70% of affordable housing needs are for rented accommodation, with the remainder for shared (or intermediate) accommodation. Whilst intermediate needs were only based on those unable to afford market rents, there is likely to be a range of needs which intermediate housing can help to meet, including households in the private rented sector wishing to move toward home ownership.

Starter Homes:

4.9 The SHMA Update recognises that, as market housing is already comparatively affordable in Rossendale, Starter Homes have very limited potential to bring new households into home ownership (many low-income households would still be forced to remain in the private rented sector). Whilst areas such as Rawtenstall, Crawshawbooth, Stubbins and Edenfield have potential for greater demand for Starter Homes, it is not advised that the Council significantly reduces the affordable housing requirement in lieu of Starter Homes (although this should be monitored).

**b) How will the affordable housing need be met (overall and by affordable housing type and from which sources)?**

4.10 Local Plan policy HS6: Affordable Housing states that new housing developments of ten or more dwellings will be required to provide 30% on-site affordable housing from market housing scheme subject to site and development considerations (such as financial viability) and this should include affordable home ownership.

4.11 It is acknowledged that the policy wording is not entirely clear regarding the percentages required. The Council would wish to amend the policy wording as a Main Modification, to read as follows:

- 30% on-site affordable housing from market housing scheme subject to site and development considerations (such as financial viability);
- Of this overall affordable housing contribution, at least 10% should be available for affordable home ownership unless the proposal provides solely for Build for Rent, provides specialist accommodation to meet specific needs, is self-build or is exclusively for affordable housing, entry level exception site or rural exception sites, with the remaining c.20% for Affordable/Social Rent;
- On any rural exception site there will be a requirement of 100% on-site affordable housing, unless a small element of market housing is needed to make the scheme viable.

4.12 The policy goes on to say that the affordable housing shall be provided in line with identified needs of tenure, size and type and set out in the latest available information on housing needs. The policy specifically refers to a requirement for older people's housing and housing suitable for disabled people.

4.13 The split of affordable housing size / tenure identified in the 2019 SHMA Update is set out in the response to part a) above. The explanatory text for HS6 states that the requirement in terms of tenure will be based on the housing need at the time of submission of the planning application and that further details will be provided in a Supplementary Planning Document.

4.14 To summarise, an indication of how the affordable housing needs will be met is as follows:

- 30% of all developments of ten dwellings or more shall be affordable housing, and at least 10% of these should be available for affordable home ownership with the remaining c.20% for Affordable/Social rent.

4.15 This has been refined by the SHMA Update analysis which suggests the overall affordable housing requirement should be split as follows:

- Social Rent and Affordable Rent – 70%
- Intermediate Housing/Starter Homes – 30% (i.e. affordable home ownership)

4.16 To use an example of a scheme for 100 dwellings:

- 30 of these would be expected to be affordable housing (30% of 100);
- Under Policy HS6 at least 10% of the 30 should be available for affordable home ownership, so at least 3 homes should be available for this, the remaining 27 would be for social or affordable rent;
- Under the more specific SHMA assessment, 9 out of the 30 affordable homes would be available for affordable home ownership (30%) and the remaining 21 would be for social or affordable rent (70%).

#### Affordable housing supply

4.17 Policy HS6 requires all new housing developments of 10 dwellings or more to provide on-site affordable housing. Table 1 below provides an indication of how many affordable dwellings could be provided within the Plan period (2019-

34) if HS6 is applied to all relevant sites identified in the updated housing land supply trajectory (see Appendix 2: [EL1.002j\(iii\)](#)).

**Table 1: Potential no. of affordable dwellings to be provided 2019-34**

A	Total no. of dwellings on sites within the housing land supply that have the potential to provide affordable housing*	2015
B	Potential no. of affordable dwellings @30% of A	604
C	No. of affordable dwellings currently committed**	159
D	Total no. of affordable dwellings which could be provided (B+C)	<b>763</b>

\*i.e. total number of dwellings on sites of 10 or more which do not have an existing permission and therefore could potentially provide 30% affordable housing if policy HS6 is applied (this could include some sites where permission is still awaiting determination); this excludes sites with an existing permission where on-site affordable housing has not been required

\*\*This is made up of 26 dwellings on part of allocation H33 which is under construction; 33 dwellings on sites with an outline permission (part of H13 and part of H60) and 100 dwellings on H59 which has a resolution to grant permission.

4.18 Table 1 indicates that there is potential to provide 604 affordable dwellings over the Plan period if HS6 is applied in full to all sites over 10 dwellings in the current housing land supply which do not already have planning permission. A further 159 are to be provided on sites which have full or outline permission or where there is a resolution to grant permission, giving a potential total of 763 affordable dwellings to be provided over the Plan period.

**c) Is the requirement of 30% on site affordable housing on sites of 10 or more (0.35ha or part thereof) justified and consistent with national policy? What is the justification for 0.35ha when the Planning Practice Guidance states 0.5ha or more?**

*Is the requirement of 30% on site affordable housing on sites of 10 or more (0.35ha or part thereof) justified and consistent with national policy?*

4.19 Yes, the requirement for 30% affordable housing on sites over 10 dwellings in policy HS6 is consistent with national policy. Paragraph 63 of NPPF states that affordable housing should only be required on developments involving ten or more dwellings (i.e. major residential development). NPPF only specifies the minimum amount of affordable home ownership that is required *as part of* the overall affordable housing contribution – it does not set a limit on the overall requirement.

4.20 The 30% requirement has been carried forward from the previous Core Strategy, which was informed by the 2008 SHMA and 2009 Affordable Housing Economic Viability Assessment ([AHEVA](#)). Both studies concluded that a 30% affordable housing contribution would be appropriate and, given the continuing significant need for affordable housing in the Borough, this requirement was retained in the Local Plan.

*What is the justification for 0.35ha when the Planning Practice Guidance states 0.5ha or more?*

4.21 The size threshold of 0.35ha is not in accordance with national policy. If the Inspector deems it appropriate, the size threshold stated within policy HS6 can be changed to 0.5ha as a Main Modification. It would then be in line with the definition of major development in NPPF.

**d) How will the requirement for older peoples housing and housing suitable for disabled people set out in Policy HS6 be applied to development proposals? Have these requirements been appropriately considered in the Local Plan viability evidence?**

4.22 Criteria c) of Policy HS6 states that affordable housing shall be provided in line with identified needs of tenure, size and type and set out in the latest available information on housing needs. The policy specifically refers to a requirement for older people's housing and housing suitable for disabled people.

4.23 In relation to older people's housing, the 2019 SHMA Update indicates that there is need for 607 additional C3 Extra Care/Sheltered Housing spaces, or 40 dpa and 419 bedspaces in C2 nursing/care homes. The SHMA states that the identified need for C3 elderly housing units is included within the LHN because it relates to the need associated with a specific sub-group of households counted in the projections used to calculate the LHN.

4.24 In relation to housing for disabled people, the SHMA states that at least 10% of new affordable homes should meet the M4(3) [Building Regulations] requirement for wheelchair users. This is reinforced in Policy HS8 Housing Standards which includes a requirement that at least 20% of any new housing (not just affordable) should be specifically tailored to meet the needs of elderly or disabled residents or be easily adaptable in line with the Optional Standards<sup>3</sup>.

4.25 [A response to the question on viability evidence has been provided in part l\) below.](#)

**Gypsies, Travellers and Travelling Showpeople**

**e) Does the Council's Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2016) provide a robust assessment of needs in Rossendale?**

4.26 Yes, it has been prepared in line with the most up to date national guidance from Central Government contained within Planning Policy for Traveller Sites (PPTS). The GTAA assessed the need for pitches for different sectors of the Travelling Community including permanent and transit pitches; those living in caravans as well as the settled community; and the needs of Travelling Showpeople. Therefore, the GTAA is considered to be a robust and comprehensive assessment of needs in the Borough.

**f) What is the identified requirement for the provision of additional permanent pitches in the borough over the Plan period? Does Policy**

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<sup>3</sup> [MHCLG \(2015\) Housing: optional technical standards](#)

**HS18 reflect these needs and set a clear strategy for provision, in line with national policy?**

4.27 The identified requirement for additional permanent pitches is four. This is derived from the recommendations of the GTAA that suggested there is a shortfall of two pitches from existing sites which would be required over the period up to 2031/32. In addition, the GTAA recommended, the Council should acknowledge an aspirational need for two pitches from individuals currently living in bricks and mortar accommodation. It states at para. 5.23 that, *'the Council should be aware of the potential of the need to increase pitch provision over the period to 2030/1 to accommodate newly formed households living in bricks and mortar accommodation.'*

4.28 Policy HS18 refers to the provision of four additional pitches which is based on the need identified in the GTAA and described above. Consequently, it is considered policy HS18 reflects those needs.

4.29 In terms of a clear strategy for provision, the policy explains that additional pitches will be provided by intensification on the two existing private sites at Tong Lane and Cobland View. Also, with regard to Gypsies and Travellers living in the settled community, the GTAA recommends at para 8.2 that, *'the Council should therefore consider any future pitch applications through the normal planning application process from households and emerging households moving from bricks and mortar accommodation and that this need does not need to be identified as allocations in the Local Plan.'*

4.30 Given this recommendation, it would be inappropriate for policy HS18 to allocate sites to meet this need. Therefore, it is considered a clear strategy for provision has been identified, in line with national policy.

**g) Is the proposed intensification of use on existing sites at Tong Lane and Cobland View justified and deliverable, and sufficiently clarified in the Plan?**

4.31 Tong Lane and Cobland View are the two authorised private sites in the borough. With reference to emerging households, the GTAA at para 5.14 identified that one household is expected to form in the next 5 years and expects to remain on the current site of residence. Also, on one site, there are some children who could potentially form new households during the period from 2016/17 to 2020/21 but they were not identified as emerging households and if they were to form separate households, these could be accommodated on the current site. Consequently, the intensification of the existing sites is justified, in order to meet emerging needs within the families on the respective sites. The sites are also deliverable as the GTAA at para 5.16 states, *'there is potential to expand both sites (Sunnyside Lodge could be sub-divided into two pitches and Cobland View by several pitches if needed).'* Observations of these two sites by Planning Officers would also re-inforce the view that they are each sufficiently large enough to accommodate the extra pitch suggested in the GTAA.

4.32 With regard to the intensification of the use being sufficiently clarified in the emerging Plan, the policy as written lacks sufficient clarity. The policy states, *'four additional pitches will be provided by the intensification on two*

*existing private sites,' whereas greater clarity would be provided if the policy stated, 'two additional pitches will be provided. One pitch shall be at Tong Lane, Bacup and one at Cobland View, Stacksteads, subject to the necessary planning permission.'*

**h) Is the proposed transit site at Futures Park suitable, achievable and available? Does the flexible approach to the land-use mix at Futures Park, as set out in Policy EMP6, have implications for delivery of the transit site?**

4.33 No, following planning permission being issued for an industrial building on one of the plots at Futures Park in April 2019, a lease has been signed by the Council and the occupier of the building in August 2019 which would preclude the development of anything other than an employment use on land owned by the Council at or adjacent to Futures Park.

4.34 Following the recent signing of the lease pertaining to the industrial unit at Futures Park, Council Officers have identified a potential alternative Transit Site and are seeking political sanction for this prior to the Examination In Public commencing. An update on progress regarding this matter will be provided at the EIP. The Council would be willing, if necessary to use its Compulsory Purchase Powers to acquire the site. The Council, therefore, proposes incorporating a commitment to use Compulsory Purchase powers to secure the Plan's policies and proposals where it is necessary to do so.

**i) Do the criteria in the bullets in Policy HS18 provide a robust and fair framework for assessing potential windfall sites that come forward over the Plan period?**

4.35 The criteria listed are not exhaustive and other considerations as outlined in the PPTS could reasonably be expected to be included within the policy, for example:

- Access to health services;
- Promoting opportunities for healthy lifestyles;
- Ensuring sites are not developed on contaminated land; and
- Sites can be drained satisfactorily and are not in Flood Risk Zones.

4.36 If these criteria were included it would assist in creating a fairer framework for assessing potential windfall sites that come forward over the plan period.

**Other housing provision**

**j) Would Policy HS7 optimise the use of land in the area and achieve a significant uplift in average density in line with national policy?**

4.37 Policy HS7 should be considered alongside the indicative capacity identified for the housing allocations in Policy HS2. The table in HS2 shows an average density of 53 dwellings per hectare (dph) for the allocations. This is considered to be relatively high and supports NPPF's aim of making the most

efficient use of land, particularly of brownfield land. The brownfield allocations have an average of nearly 100 dph.

4.38 Policy HS7 is considered to be in accordance with NPPF as it encourages higher density development, especially in town centres and areas with good public transport access. However, it also allows for some flexibility where a lower density may be more appropriate due to factors such as topography, flood risk and landscape and to avoid other detrimental impacts. This is also in line with NPPF which states in paragraph 117 that policies should promote effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions and paragraph 122 which states that the desirability of maintaining an area's prevailing character and setting should be taken into account.

4.39 The flexibility in policy HS7 also takes account of the fact that some sites have viability issues and it may be more appropriate to encourage the provision of larger, lower density homes on these sites to attract higher value development. This approach supports the need to rebalance the housing stock away from high density, small terraced properties to provide for larger, more aspirational property types (as recognised in Policy HS1).

**k) Is the threshold of 10 or more new dwellings (0.35 hectares or part thereof) set out in Policies HS10 and HS11 justified and consistent with national policy?**

4.40 Yes. Policies HS10 and 11 relate to the provision of open space and playing pitches in new housing developments. The threshold of ten dwellings or more is in line with other policy requirements such as for affordable housing. This reflects the Government's view that tariff-style developer contributions should not be sought for small scale development as this creates a disproportionate burden on this type of development<sup>4</sup>. This view is displayed in the affordable housing section of NPPF, which only requires this for major residential development.

4.41 Paragraph 96 of NPPF recognises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. It states that planning policies should be based on assessments of the need for these facilities and opportunities for new provision. It does not, however, specify the threshold of development which would trigger the need for provision and PPG on Open space, sports and recreation facilities states that it is for local planning authorities to assess the need for open space and opportunities for new provision in their areas.

**l) Is Policy HS8 justified? Specifically, is it viable and are there any implications for the delivery of other requirements such as**

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<sup>4</sup> See Written Statement from Nov. 2014 on support for small scale developers, custom and self-builders <https://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf>

## **infrastructure and affordable housing? Does it apply to all development? Was a threshold considered?**

*The discussion below also provides a response to the question on viability evidence in part d).*

4.42 NPPF is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion, including buildings and surrounding spaces. It states that local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need. The SHMA 2019 demonstrates that there is such a need in the Borough and this policy seeks to address this.

4.43 In relation to the specific standards set out in the policy, NPPF 2019 includes a much greater emphasis on design standards than previously. Paragraph 127 (in the section on Achieving well-designed places) states that “planning policies should ensure that developments...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. This paragraph has a footnote which refers to the use of the Optional Standards and the nationally described space standard. Paragraph 129 goes on to recommend the use of assessment frameworks such as Building for Life. All these documents are referred to in the policy and it is considered to be clearly in line with the aims of NPPF in seeking to achieve good quality and accessible housing.

4.44 NPPF or other guidance does not specify a size threshold at which the standards are expected to be used. However, the 20% requirement means that the policy can only be applicable to development of at least 5 dwellings. The requirements of this policy would be incorporated into the design of the homes and do not constitute a developer/financial contribution as such. Therefore a trigger threshold is not necessarily considered to be appropriate as it is equally valid for a small scale scheme.

4.45 The Local Plan Viability Assessment ([EB019](#)) includes policy HS8 in its viability modelling for the various housing allocations. This assesses the viability of a development (in terms of additional costs) if the policy was applied. The base position assumes a development of entirely market housing. The assessment has translated the policy requirement to be the equivalent of meeting Optional Requirement M4 (2) of Part M of the Building Regulations with a cost of £1,100 per house and £750 per apartment (on 20% of dwellings). In addition this policy requires all new dwellings to meet the requirements of the Nationally Described Space Standard and this was taken into account in the size of the dwellings that have been adopted for the purpose of the testing. The mix that was adopted for the purpose of the viability testing was also inclusive of 3% of the dwellings being 2 bed bungalows. This was introduced to reflect the findings of the SMHA particularly in relation to elderly provision and single level accommodation.

4.46 The Assessment splits the locations of the housing allocations into four value zones with Zone 1 considered to be the least viable and Zone 4 to most viable. The results of the testing showed that the requirements to achieve M4

(2) generally have a relatively limited impact on viability with a cost of around £2 per sq.m. Where development is viable, then these standards can generally be supported and do not have a significant impact on viability.

4.47 It is to be noted that the policy does allow for some flexibility in this requirement and will take into account specific factors such as the size of the site, topography, flooding, viability and so on.

**m) Does Policy HS9 apply only to residential gardens in the urban area boundaries? If so what is the justification for this?**

4.48 Yes. The object of Policy HS9 is to recognise that urban gardens can provide a source of additional housing land but to ensure that their loss is only be supported if additional justification is provided to demonstrate that this will not result in an unacceptable form of development.

4.49 The policy specifically relates to gardens within the urban boundary as this is considered in the NPPF definition of previously developed land to be greenfield development. This states that "land in built-up areas such as residential gardens" is excluded from the definition of previously developed land. The Local Plan has interpreted "land in built-up areas" to mean land within the urban boundary (as opposed to the countryside or Green Belt). Any development of a residential garden within these areas would therefore be considered to be greenfield development.

**n) Is the 100 dwelling threshold for the provision of open space on site in Policy HS10 justified?**

4.50 The current SPD on Open Space and Play Equipment Contributions ([SU004](#)) has a threshold of 50 dwellings for on-site open space. The Council consider it may be more appropriate to use this threshold.

**o) Is Policy HS10 clear as to when and where development will be expected to contribute towards Suitable Alternative Natural Green Space (SANG). Will the Supplementary Planning Document (SPD) referred to in Policy HS10 also deal with SANG's and when is it expected that the SPD will be adopted?**

4.51 Please refer to the responses to parts d) and e) of Matter 16 to answer the first two parts of this question. In relation to the adoption of the SPD, the Council will begin work on this once the Local Plan is adopted and intend to publish this as soon as practicable.

**p) Does Policy HS11 apply to all new housing development above the threshold or only where there is an identified need for playing pitches (new or required improvements to existing)?**

4.52 The policy states that the contribution towards improvements to existing playing pitches will be where there is an identified need. The explanatory text to the policy goes on to state that "Where usage by residents of new development

contributes to the inadequacy of pitches or where additional provision is needed whether for formal or informal purposes, contributions will be expected”.

**q) Does Policy HS14 appropriately deal with the effect of replacement dwellings on protected species?**

4.53 The policy does not specifically refer to potential impact on protected species but this should be covered in the standard consultation procedure undertaken by Development Management on all applications involving existing buildings where there may be protected species present on site. Other policies in the Local Plan which do require consideration of protected species (such as ENV1 and ENV4) will also apply to applications for replacement dwellings.

**r) Is Policy HS14 consistent with national policy with particular regard to replacement dwellings in the Green Belt? What is the justification for an increase of up to 30% (volume) not considered to be materially larger?**

4.54 In relation to development in the Green Belt, one of the exceptions listed in paragraph 145 of NPPF which may make the construction of new buildings appropriate is “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”.

4.55 NPPF does not define what is meant by “materially larger”. The figure of 30% has been taken from the Council’s adopted SPD on Alterations and Extensions to Residential Properties ([SU002](#)).

4.56 However, the Council acknowledge that it may be appropriate to remove the specific percentage.

**s) Is Policy HS16 consistent with national policy? Does HS16 apply to proposals in the Green Belt? Do all of the criteria have to be met for a proposal to accord with the Policy? Should proposals be expected to deliver a net gain in biodiversity?**

4.57 Paragraph 79 of NPPF lists a number of circumstances where the development of isolated homes in the countryside could be acceptable, including if the development would re-use redundant or disused buildings and enhance its immediate setting. PPG on Housing needs of different groups also includes guidance on rural housing but, aside from essential workers dwellings, does not go into detail on specific housing types. The policy is not considered to be inconsistent with national policy.

4.58 All the criteria would be expected to be taken into account but not all of them will be relevant so this is not considered to be overly onerous.

4.59 The policy could apply to proposals in the Green Belt, which would also be subject to Green Belt policy.

4.60 NPPF refers to providing net gains for biodiversity but does not specifically relate this to certain types of development such as housing in the countryside.

Policy ENV4 also seeks a net gain in biodiversity to compensate for any development which may have an adverse impact on areas of biodiversity and this is applicable to any proposal being assessed under HS16.

**t) What is the justification for the threshold of 50 dwellings in Policy HS20?**

4.61 National policy does not specify the threshold at which self-build and custom-build homes should be provided. The Council considers that sites of 50 dwellings or more is an appropriate scale of development to expect some plots to be set aside to allow for self-build in order to encourage the delivery of this type of housing. It is not considered reasonable to expect smaller sites to specifically provide self-build plots but the policy does not preclude smaller sites coming forward for this and in fact many small sites are already self-build projects.