

ROSSENDALE LOCAL PLAN EXAMINATION

MATTER 10 HEARING STATEMENT OF THE PEEL GROUP (REPRESENTOR ID 5160)

Issue – Are the proposed housing allocations in Bacup, Stacksteads, Britannia and Weir justified, effective, developable/deliverable and in line within national policy?

Introduction

- 1.1 The Peel Group ('Peel') submitted representations to the Pre-submission Publication of the Rossendale Local Plan consultation in October 2018.
- 1.2 Paper 3 of Peel's submission identified a number of points of unsoundness in respect of the identified housing land supply which, as a result, would mean that the proposed housing requirements of the Local Plan would not be met. This included evidence that individual sites were either not proven to be deliverable or developable or where the Council had over-estimated the plan period yield. Further, these representations reveal that the Council has failed to put in place an adequate contingency plan in the event of under-delivery, including a sufficient flexibility allowance.
- 1.3 Paper 3 also identified that the spatial distribution of development would mean that little affordable housing would be provided, contrary to the evidence of need, due to reliance on allocations within weak housing market areas where affordable housing was unviable based on the Council's own evidence base. Further this assessment revealed that the housing land supply was not distributed in a sustainable manner with under provision in the most sustainable settlements of the Borough, most notably Rawtenstall, relative to less sustainable settlements.
- 1.4 Collectively these issues render the Local Plan unsound being in conflict with the National Planning Policy Framework, not justified by reference to a robust evidence base and not effective in being unable to meet the identified development needs.
- 1.5 Peel has submitted a number of Hearing Statements to the Local Plan Examination which should be read in conjunction with each other. Of most relevance to this Matter 10 Hearing Statement are Peel's Statements in relation to Matters 2 and 19. These consider the housing land supply as a whole including, building on its Pre-submission Publication representations, whether, when assessed on a cumulative basis, this supply will meet the overall housing requirement of the Borough, including the need for affordable housing (Matter 19), and is appropriately distributed in a sustainable manner (Matter 2).
- 1.6 This Matter 10 Statement considers individual allocations in Bacup, Stacksteads, Britannia and Weir. Each site is considered independently. Hearing Statements in relation to Matters 9 and 11 to 14 follow the same approach.
- 1.7 The General Questions (GQ) set out will be answered against each site and where appropriate the site specific questions will also be addressed:

H20: Old Market Hall, Bacup

Local Plan proposal: 16 dwellings within years 1 to 5

- 1.8 There are considerable concerns regarding the suitability of this site for residential development. Planning permission for residential development has previously been refused at the site (LPA reference: 2010/0101) and the Council's own evidence base (SHLAA: Evidence Base document EB005) shows that the site specific constraints may limit the site's capacity.
- 1.9 Further constraints include the presence of the adjacent Woodland Stepping Stone Habitat and heritage constraints including the Grade II Listing of the existing building on site and the sites location within Bacup Town Centre Conservation Area.
- 1.10 The Council have produced insufficient evidence to justify the proposed density of 100 dwellings per hectare at this site. It has not been demonstrated that the site is suitable or deliverable within the timescales envisaged in the draft LPS Policy HS2.

Conclusion: the site is not proven to be deliverable or developable and should be removed from the residential allocations.

H21: Reed Street, Bacup

Local Plan proposal: 13 dwellings within years 1 to 5

- 1.11 The Council's own evidence (Strategic Housing Land Availability Assessment 2017 (SHLAA) Evidence Base document EB005) identifies that only 'some' of the landowners are willing to release the site for residential development, thus the site is not proven to be available for development.

Conclusion: the site is not proven to be deliverable or developable and should be removed from the residential allocations.

H28: Sheephouse Reservoir, Britannia

Local Plan proposal: 63 dwellings within years 6 to 10

- 1.12 The landowner has expressed an interest to develop the site for housing and has specified that a parcel of the site will provide public open space (refer to the SHLAA: Evidence Base document EB005). In accordance with the landowner's intention of including an area of public open space, the density of development should be reduced to a lower and more applicable density – a density of 20 dwellings per hectare would result in a capacity of 42 dwellings.
- 1.13 There is no evidence suggesting a developer is connected to the site and in the absence of a planning application or evidence of marketing the site the timescales provided in draft LPS Policy HS2 (6 – 10 years) are realistic.

Conclusion: The realistic site capacity should be reduced to 42 dwellings.

H29: Land off Pennine Road, Bacup

Local Plan proposal: 84 dwellings within years 1 to 5

- 1.14 This site's suitability for housing development is questioned as there are a number of identified site constraints that have not been addressed by the submission of additional evidence.
- 1.15 Evidence is required to demonstrate the site can be safely accessed; currently access is proposed from Fieldfare Way or Goldcrest Avenue however these access arrangements are in separate ownerships and therefore the ransom strip will impact on the viability and deliverability of any residential scheme at the site.
- 1.16 Other site specific constraints that will limit the capacity of the site include the informal use of the site as public open space, surface water flood risk (0.06ha of the site), the requirement for further site investigation and the location of waste water pipes on site.
- 1.17 The site is in multiple land ownerships and the SHLAA (Evidence Base document EB005) refers to only one having expressed an interest in developing the site for housing in the short term.
- 1.18 The site cannot be considered available or deliverable without further evidence on access being made available to demonstrate safe access can be achieved.

Conclusion: the site is not proven to be deliverable or developable and should be removed from the residential allocations.

H30: Tong Farm, Bacup

Local Plan proposals: 51 dwellings within years 1 to 5

- 1.19 The site specific constraints at this site render this site unsuitable for residential development. Access will need to be taken from Tong Lane which is a single track road. Any highway improvements necessary to make a scheme safe along Tong Lane will impact the viability of any proposed scheme at the site and the deliverability of such improvements is unproven.
- 1.20 Further questions are raised regarding the site's suitability for residential development as an outline application (LPA reference: 2018/0271) for up to 33 dwellings on part of the site was withdrawn in January 2019. The reason for the withdrawal of the application is unknown but no further application has been submitted.
- 1.21 The SHLAA (Evidence Base document EB005) data suggests only one of the two landowners are known and have expressed an interest in developing the site.
- 1.22 The site is not sustainably located as it is c.5.5km to the strategic road network, c.5km to a secondary school and c.1.5km from community facilities. Further site specific constraints include the presence of a public right of way, the identification of potential land contamination issues, the landscape and visual impact of residential development on this site and ground instability concerns.
- 1.23 Lancashire County Council has provided a comment on another draft allocation (H69) in relation to Tong Lane which notes that:

"Tong Lane itself is constrained in width by buildings and has poor pedestrian provision. There is a higher than average percentage of HGV traffic on Tong lane due to the Quarry to the north."

- 1.24 This highlights the constrained nature of the site access for which no proven form of improvement to facilitate safe and effective access into the site has been proven.

Conclusion: the site is not proven to be deliverable or developable and should be removed from the residential allocations.

H31: Lower Stack Farm

Local Plan proposals: 10 dwellings within years 1 to 5

- 1.25 The Council's own evidence base (SHLAA: Evidence Base document EB005) identifies access as a major constraint to development and highlights that significant infrastructure is required to overcome this issue. Access to the site is proposed to be taken from Stack Lane, a steep and narrow single lane track. The achievement of a feasible access is unproven at this stage.
- 1.26 The site is not sustainably located as it is c.5.5km to the strategic road network, c.5km to a secondary school and c.1.5km from community facilities.
- 1.27 Further questions are raised regarding the site's suitability for residential development as an application (LPA reference: 2010/0010) for residential development was refused and subsequently dismissed at appeal on grounds of access, harm to character and appearance of Bacup and conflicts with development plan policy.
- 1.28 There is no evidence that there is a developer connected with the site at present and the refusal of planning permission indicates that the site is unsuitable and not deliverable.

Conclusion: the site is not proven to be deliverable or developable and should be removed from the residential allocations.

H32: Booth Road / Woodland Mount, Brandwood

Local Plan proposals: 10 dwellings within years 1 to 5

- 1.29 There is no clear evidence that a developer is connected to the site and there has been no planning application submitted or evidence of the site being available or deliverable within the LPS timescales envisaged (1 - 5 years). The Council's delivery timescale should be amended to 6 – 10 years and the site removed from the Council's housing land supply.

Conclusion: The site is likely to be developable but only beyond Year 5 of the Local Plan

H34: Land at Higher Cross Row, Bacup

Local Plan proposal: 17 dwellings within years 6 to 10

- 1.30 There are a number of site specific constraints to development at the site. There is a formal burial ground within the site, waste water pipes are on site and it adjoins the Bacup Town Conservation Area.

- 1.31 There is no evidence to justify the increase in capacity to 17 dwellings from that provided in the SHLAA (9 dwellings) (Evidence Base document EB005).

Conclusion: The realistic site capacity should be reduced to 9 dwellings

H35: Shadlock Skip, Stacksteads

Local Plan proposals: 22 dwellings within years 6 to 10

- 1.32 The site is not suitable for residential development as the developable parcel of the site the site is within Flood Zone 2. The sequential test in NPPF has not been satisfied in the context of there being alternative sites outside of Flood Zone 2 which are not proposed for allocation.
- 1.33 There is currently no evidence to suggest the landowners intend on developing the site for residential use and the site is currently in use by B2/B8 industrial units. The site is therefore occupied.
- 1.34 Access to the majority of the site is proposed to be taken from Newchurch Road. The SHLAA (Evidence Base document EB005) outlines that access improvements are required. There is no evidence to suggest these improvements can be viably delivered. Given the access and flood risk constraints it is considered that only 0.10ha of the site is likely to be available and suitable for residential development.
- 1.35 The site should not be included within the draft allocations at LPS Policy HS2 as its capacity is below the threshold for allocated sites (3 dwellings - 0.1ha at 30dph).

Conclusion: the site's realistic yield is too small to be included as an allocation in the Local Plan.

H36: Hare and Hounds Garage, Newchurch Road, Stacksteads

Local Plan proposals: 9 dwellings within years 6 to 10

- 1.36 Outline planning permission (LPA reference: 2015/0030) for 9 dwellings was approved in November 2015. A further planning application (LPA reference: 2015/0286) for the retention of the Public House with living accommodation above and a change of use of part of the building to Class B1 use was approved in September 2015. A subsequent application to discharge conditions (LPA reference: 2016/0288) attached to the permission to retain the public house has been submitted.
- 1.37 The most recent planning history indicates that the site will not be brought forward for residential development rather the public house will be retained and an additional single residential unit provided at first floor.

Conclusion: the site's realistic yield is too small to be included as an allocation in the Local Plan.

H37: Land off Gladstone Street, Bacup

Local plan proposals: 63 dwellings within years 6 to 10

- 1.38 The Council's own evidence base suggests this site is not suitable or available for residential development. The SHLAA (Evidence Base document EB005) indicates that the site is affected by ownership constraints as there are a number of landowners and only the area owned by Lancashire County Council is available for development. There is a

ransom strip at the point of access to the Council owned parcel of land. The impact of this ransom strip is likely to result in any residential development at the site being unviable or not available.

- 1.39 Site specific constraints to development include the adjoining Bacup Conservation Area, topography and possible ground instability issues.

Conclusion: the site is not proven to be developable and should be removed from the residential allocations.

H39: Land off Cowtoot Lane, Bacup

Local plan proposals: 151 dwellings within years 1 to 10

- 1.40 The Council's own evidence base (SHLAA: Evidence Base document EB005) suggests there are major constraints in relation to access and the resolution of these issues will require significant highway improvements. Access is proposed to be taken across existing football pitches, hence the development of the site will require a like for like replacement of the football pitch. The significant abnormal costs to the residential development of the site may therefore deem it unviable.
- 1.41 The residential development of the site would also have a high landscape impact - a landscape study conducted in 2015 confirms that the site is not suitable for development on landscape grounds except for a small area of 0.32ha.
- 1.42 The Council has identified a number of abnormal costs associated with the residential development of the site. It is located in a low value area and it has not been demonstrated that the site could be delivered viably.

Conclusion: the site is not proven to be developable and should be removed from the residential allocations.

H41: Thorn Bank, Bacup

Local Plan proposals: 46 dwellings within years 6 to 10

- 1.43 There is no clear evidence that a developer is connected to the site and there has been no planning application submitted or evidence of the site being available or developable.

Conclusion: the site is not proven to be developable and should be removed from the residential allocations.

H42: Land south of the Weir Public House

Local Plan proposals: 62 dwellings within years 6 to 10

- 1.44 The site is in multiple land ownerships and only one landowner has expressed an interest in developing the site (their parcel equates to 0.79 ha). The intentions of the landowners owning the remaining part (0.98ha) of the site are unknown.
- 1.45 The projected capacity of this site should reflect the parcel owned by the landowner intending to develop the site (0.79 ha).

Conclusion: The realistic site capacity should be reduced to 23 dwellings.

H43: Land west of Burnley Road, Weir

Local Plan proposals: 10 dwellings during years 6 to 10

- 1.46 Concerns regarding the suitability of this site for residential development are raised. The Council's own evidence base (SHLAA: Evidence Base document EB005) highlights concerns regarding site access. It is proposed that access be taken from Burnley Road via Deer Street however this would require considerable highway infrastructure improvements as it is a narrow lane. The achievability of a suitable access via the necessary improvement works is unproven at this stage with no tested solution presented by the Council. A further possible access point is proposed from Hill Side Crescent however this is subject to a ransom strip.
- 1.47 The Council also highlights in the SHLAA (Evidence Base document EB005) that there are severe instability issues and the site is entirely or partly within a high risk development area.

Conclusion: the site is not proven to be developable and should be removed from the residential allocations.

Summary of Draft Residential Allocations

- 1.48 Based on the above assessment, it is Peel's position that the cumulative and proven developable capacity of proposed allocations in Bacup, Stacksteads, Britannia and Weir is 362 dwellings, compared to 895 suggested by the Council.
- 1.49 A number of sites are not proven to be developable, in being affected by ownership and technical constraints (access particularly) for which no viable mitigation proposal is presented to the extent necessary to underpin their allocation in a Local Plan. In respect of a number of other sites, the Council has over-estimated the realistic capacity. Finally, this assessment has identified that 10 dwellings in the Bacup, Stacksteads, Britannia and Weir area which the Council has included in the year 1 to 5 supply are unproven to be deliverable and should instead be included in the Year 6 to 10 supply. The Council has therefore overestimated the five year supply from sites in this location.
- 1.50 Based on the assessment of the Bacup, Stacksteads, Britannia and Weir area alone, it is evident that the identified housing land supply is insufficient to deliver the Borough's development needs. This renders the plan unsound, principally in being at odds with the requirements of paragraph 67 of the NPPF and not being effective.
- 1.51 This conclusion is reinforced through the assessment of other proposed residential allocations across the Borough (see Matter 9 and 11 – 14 statements) and in considering the housing land supply as a whole (see Matter 2 and 19 statements).

Addressing the shortfall

- 1.52 Notwithstanding the comments provided in Peel's Matter 2, 3 and 19 statements, additional land needs to be allocated in this spatial area and across the borough as a

whole to address the shortfall of 533 dwellings in this market area and to deliver the number of dwellings which the Local Plan currently proposes for the area (895 units).