

28 October 2019
Delivered by email

Mr Tony Blackburn
FAO. Ms Katie Child and Mr Luke Fleming
15 Ottawa Close
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Dear Ms Child and Mr Fleming

RESPONSE TO EL4.014 – HOUSING LAND SUPPLY UPDATE REPORT – OCTOBER 2019

Further to discussions at the Hearing Session on Matter 19: Housing Supply and Delivery, we have been instructed by The Peel Group (“Peel”) to prepare and submit a response to item EL4.014.

Item EL4.014 is a Housing Land Supply Update Report comprising a short summary note, housing trajectory for proposed allocations and a list of committed sites. The document is prepared by Rossendale Borough Council (“RBC”) at the request of the Inspectors.

GENERAL

Following the Hearing Sessions the Inspectors requested an update to RBC’s Housing Land Supply Report to reflect adjustments/conclusions made in their Matter 19 Hearing Statement and those made as a result of discussions during the Hearing Sessions. The update is meant to reflect RBC’s most up to date position in terms of housing land supply and provide full justification/explanation for the sites included within the trajectory.

Peel considers a further update to the Local Plan evidence base in relation to residential allocations is required to make the position on housing land supply transparent and accessible. In accordance with national guidance¹ it is fundamental to the soundness of the Local Plan that all information on the availability and deliverability of sites is publicly accessible.

The Housing Land Supply Update Report identifies what amendments have been made in terms of estimated delivery timescale and capacity of sites, however the report fails to provide commentary or justification about why the amendments have been made. It therefore fails to provide any commentary on specific sites and does not explain why some sites are now considered to be developable rather than deliverable and vice versa, a point Peel made at the Hearing Sessions.

¹ National Planning Practice Guidance Reference: 68-007-20190722

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AVAILABILITY

Discussions at Hearing Sessions revealed information that was not previously publicly available. The information disclosed at the Hearing sessions raised concerns over the Council's assessment of the availability of some sites within the trajectory. For example the following matters were raised on a number of sites (as previously outlined within our Hearing Statements for Matters 9 – 15) and need to be fully referenced and addressed as part of any update to the Council's draft allocation trajectory:

- The existing use of the site as formal open space or children's play space
- Ownership constraints – i.e. the lack of a willing landowner, sites in multiple landownerships, presence of a ransom strip
- Topography and the resulting impact on estimated site capacity

The above matters relate specifically to the availability of sites and therefore has a direct and significant impact on the deliverability of sites within RBC's supply, thus affecting RBC's ability to meet its housing needs.

The matters raised above which were common points of discussion at the site specific Hearing Sessions should have been considered by RBC during the preparation of the Local Plan. It's alarming that these fundamental assessment criteria for sites to be included within the Council's 5 year housing land supply have not been addressed by the Council before the Examination in Public and that there is still a lack of clarity within RBC's evidence base.

Item EL4.014 does not satisfy paragraph 67 of the National Planning Policy Framework as the document does not provide a detailed understanding or scrutiny of the availability or suitability of specific sites, thus impacting their overall deliverability/developability.

DELIVERABILITY/DEVELOPABILITY

As detailed within Peel's Matter 19 Hearing Statement RBC has failed to demonstrate the deliverability of some sites within its housing trajectory. The National Planning Practice Guidance (PPG) states² that evidence to demonstrate deliverability may include:

- Current planning status (i.e. submission or approval of a planning application)
- Evidence of firm progress being made towards the submission of an application
- Evidence of progress with site assessment work
- Provision of clear and relevant information about site viability, ownership constraints or infrastructure provision.

The trajectory within item EL4.014 shows that, for some sites, the Hearing Sessions were instrumental in exposing issues of relevance to the assessment of the deliverability of some sites. The updated trajectory shows that following the close of the Hearing Sessions 379 units have been removed from years 1 – 5 of the Plan Period (2019/20 to 2023/24) and as a result 252 units have been added to the estimated trajectory for delivery between 2024/25 and 2033/34. The total estimated yield from the allocations has

² National Planning Practice Guidance Reference ID: 68-007-20190722

reduced by 164 units to 2,714 units. No sites have been added to the supply; however the yield of eleven sites has been amended to reflect the intentions of landowners (i.e. by the submission of a planning application or request for pre-application discussion). Two sites with a total estimated capacity of 49 units (sites H53 and H67) have been removed from the trajectory entirely.

It is clear from the above that RBC had incorrectly assessed a number of sites within its trajectory, which has led to a dramatic decrease in the number of deliverable sites. Furthermore, Peel does not consider item EL4.014 adequately addresses all issues raised about specific sites during the Hearing Sessions on Matters 9 – 15, and that further amendments are therefore needed to the trajectory.

The below table identifies our understanding of the conclusions drawn at the Hearing Sessions for some sites and the conclusions drawn by RBC. The information is supported by Peel’s Hearing Statements.

Housing Allocation Reference	Site Name	RBC’s conclusion within item EL4.014	Our response
H37	Land off Gladstone Street, Bacup	No amendment to the trajectory - the site is developable from year 6 in the Plan Period. Capable of delivering 63 units.	RBC agreed at the Hearing Session that the site is in multiple ownerships and the landowner in control of the access is not promoting the site for development and therefore the site cannot be considered available. As stated within our Matter 10 Hearing Statement the site is not proven to be developable and should be removed from the residential allocations.
H40	Land off Todmorden Road, Bacup	No amendment to the trajectory - the site is deliverable within years 1-5. Capable of delivering 53 units.	RBC acknowledged there are ownership constraints regarding access. It is understood that land owned by RBC will need to be crossed to safely access the site. Hollins Land (the landowner) stated at the Hearing Session that they have no interest in developing this land due to viability concerns as a result of the market area and density attributed to the site by the Council. This site cannot therefore be considered available or achievable. The site cannot be considered deliverable within the first 5 years. Furthermore, the site is not proven to be developable and should be removed from the residential allocations.
H42	Land south of The Weir Public House	No amendment to the trajectory - the site is deliverable within years 1-5. Capable of delivering 52 units.	There are two landowners on the site, both of which have previously been involved with its promotion. There is no evidence of recent landowner interest

			<p>in developing the site and therefore it cannot be considered available.</p> <p>The site cannot be considered deliverable within the first 5 years.</p> <p>Furthermore, the site is not proven to be developable and should be removed from the residential allocations.</p>
H46	1 Laburnum Street, Haslingden	Amendment to the trajectory - the site is developable from year 6 in the Plan Period. Capable of delivering 8 units.	<p>RBC agreed at the Hearing Session that the outline planning permission has expired and no pre-application discussion request has been submitted. Similarly, there has been no contact with the landowner to ascertain their intentions regarding the development of the site and therefore the site cannot be considered available.</p> <p>The site is not proven to be developable and should be removed from the residential allocations.</p>
H48	Land off Highfield Street, Haslingden	Amendment to the trajectory - the site is developable from year 6 in the Plan Period. Capable of delivering 13 units.	<p>RBC agreed at the Hearing Sessions that no pre-application discussion requests have been submitted. Similarly, there has been no contact with the landowner to ascertain their intentions regarding the development of the sites and therefore the sites cannot be considered available.</p>
H49	Land adjacent 53 Grane Road, Haslingden	Amendment to the trajectory - the site is developable from year 6 in the Plan Period. Capable of delivering 4 units.	<p>As stated within out Matter 11, 12 and 15 Hearing Statements these sites are not proven to be developable and should be removed from the residential allocations.</p>
H63	Hollin Farm, Waterfoot	No amendment to trajectory - the site is developable from year 6 in the Plan Period. Capable of delivering 5 units.	
M1	Waterside Mill, Bacup	No amendment to trajectory - the site is developable from year 6 in the Plan Period. Capable of delivering 39 units.	

The above table highlights eight sites with a total of 237 units where RBC’s conclusions in relation to the availability/achievability and deliverability/developability within the Housing Land Supply Update is incorrect or not as agreed at the Hearing Sessions. Taking into consideration the implications of Peel’s comments on the sites within the above table only, the total cumulative yield of RBC’s draft allocations reduces to just c.2,477 dwellings. However, Peel considers that this amount of delivery which can be expected from the proposed allocations is actually much lower; this is because there are more sites that have incorrectly been assessed by RBC as developable, when in reality they are not available or achievable. Peel’s full comments in this respect are set out in its Matter 19 Statement – the clarity of evidence provided by RBC in relation to the housing land supply position – and the suitability, availability

and achievability of specific sites – has hindered Peel’s ability to draw a full and comprehensive conclusion on this matter.

LAND OFF MANCHESTER ROAD AND CLOD LANE, HASLINGDEN

Item EL4.014 includes an updated table of committed sites that form part of the overall housing land supply (as of 01/04/2019). A site referred to as Land off Manchester Road and Clod Lane, Haslingden has been added to this schedule with an estimated total capacity of 187 that will begin delivering units from 2024-25.

A submission to the Regulation 18 consultation process from the landowner confirms that a planning application (reference: 13/02/2758) was approved in October 1972 for 216 dwellings. The submission confirms that in or about 1974 part of the site (44 dwellings) were constructed pursuant to application 13/02/2758 and therefore the site has extant full planning permission. The Green Belt Review (2016) confirms at paragraph 1.2 that RBC designated the extent of Green Belt across the borough in 1979 and only minor amendments have been made to its boundary since this time. The site was therefore designated as Green Belt as part of its introduction only 5 years after full planning permission was granted.

The landowner has now promoted the allocation of the site for residential development, which would require its removal from the Green Belt, to enable the delivery of the outstanding units on the implemented permission. The Council have updated the list of committed sites within item EL4.014 to include the delivery of this site with the first units being delivered in 2024/25.

There are no planning grounds upon which the site can be sustainably brought forward. In particular:

- The site cannot be brought forward under the existing permission or by the submission of a new planning application because of the following:
 - While there are no documents available on the Council’s website in relation to this application (the online planning history dates back no further than 2008), it is reasonable to assume that material alterations to the permission would be required. This assumption is made because no developer will be able to implement a permission that is almost 50 years old whilst also according with building regulations, design standards and adoptable highway regulations. As material alterations are required it would be necessary for a new full or outline planning application to be submitted.
 - The Council’s current Development Plan, and indeed the emerging Local Plan, include the remainder of this site within the Green Belt. Any application for its residential development would therefore be considered ‘inappropriate’ and would need to demonstrate very special circumstances for its development³. Government guidance makes clear that housing issues alone are unlikely to comprise the necessary “very special circumstances”.
- In preparing the evidence base for the draft Local Plan the Council instructed a Green Belt Review (2016) that assessed this area of Green Belt. When assessing the area against the five purposes of the Green Belt it was concluded that it had a strong contribution to preventing neighbouring towns merging into one another and a moderate contribution to assisting in the safeguarding of

³ National Planning Policy Framework paragraph 144

the countryside from encroachment. RBC's own evidence base concludes that development in this area of the borough has the potential for a high degree of harm to the Green Belt.

This site should therefore not be included within the list of committed sites as the planning permission, although extant, cannot be implemented and there is not a planning policy basis (existing or emerging) that would support its development for residential purposes. The release and allocation of the site as part of the new Local Plan would therefore be unsound.

The late addition of this site, despite it being contrary to conclusions within RBC's own evidence base regarding the suitability of the site for development, further exacerbates concerns regarding RBC's capacity to undertake a thorough and transparent site assessment process. There is no evidence to suggest RBC undertook a comparative assessment of other sites being promoted through the Local Plan consultation process before adding this site to the supply.

We noted at the Hearing Session that RBC agreed to prepare a note which justifies the inclusion of this site within the housing land supply trajectory and justification for the estimated delivery timescale (from year 6 onwards). For the reasons stated above Peel do not consider this necessary or appropriate at this stage of Local Plan preparation and the site should be removed from the list of committed sites and the total capacity of committed sites reduced from 455 to 268 dwellings. The loss of this site from RBC's housing land supply for the Plan Period further highlights the need to allocate additional sites for residential development.

MEETING THE HOUSING NEEDS OF THE BOROUGH

The above conclusions in relation to RBC's housing trajectory and list of committed sites reduces the overall housing land supply for the Plan Period (2019-2034) to no more than 2,745 dwellings (183 dwellings per annum). As highlighted above, Peel considers a number of other sites within the trajectory to have availability and achievability concerns in line with the conclusions drawn within the site specific Hearing Statements. Nevertheless, based on the identified housing requirement at Policy HS1 of 3,180 dwellings, it is clear RBC are a considerable way from being able to demonstrate a sufficient supply of housing land to meet the needs of the Borough.

As demonstrated within Peel's Hearing Statements for Matters 9, 11 and 14 there are a number of sites which Peel have an interest in which are suitable and available for residential development. As noted by RBC's earlier SHLAA the following sites have been promoted through the Local Plan consultation process by Peel:

- Haslam Farm, Rawtenstall (approximately 155 dwellings) – refer to Matter 9 Hearing Statement
- Moorland Avenue, Haslingden (approximately 60 dwellings) – refer to Matter 11 Hearing Statement
- Land at Burnley Road, Edenfield (approximately 65 dwellings) – refer to Matter 14 Hearing Statement.

Technical assessments of each site have been undertaken and the reports appended to the Hearing Statements. The above sites are available and deliverable and have the cumulative capacity to deliver 280 dwellings with development able to commence on these sites within the first 5 years of the Local Plan – a considerable contribution to meeting RBC's housing need.

It is evident that RBC are going to have to add sites to their housing trajectory to meet the housing needs of the Borough. Peel considers RBC's existing assessment/justification for the inclusion and exclusion of sites is substandard and unclear. As outlined in detail within Peel's Matter 8 Hearing Statement, RBC has not undertaken a fair comparative assessment of sites that justify the inclusion of those currently within the trajectory and those sites identified through the call for sites consultation but not proposed for removal from the Green Belt. Any further work to address the shortfall within the housing evidence base will need to comprise a robust and clear site assessment that draws consistent conclusions on availability and achievability of sites.

SUMMARY

The Housing Land Supply Update Report is currently not what was requested by the Inspectors at the Hearing Sessions as it provides insufficient evidence/justification for the proposed amendments to the trajectory and therefore cannot be relied upon as part of the Local Plan evidence base. The amended trajectory has also failed to address all points covered at the Hearing Sessions in regards to the deliverability and developability of sites. The Hearing Sessions highlighted an inconsistency between RBC's assessment of specific sites' availability and achievability and the criteria against which national guidance require sites to be assessed. This inconsistency impacts RBC's ability to meet its housing need as sites are re-categorised as developable instead of deliverable.

RBC has also added a site to its committed sites list that is not able to be brought forward for development as the extant permission is not capable of being implemented and the site is within the Green Belt. The site is identified within RBC's evidence base as having a strong contribution to one of the five purposes of the Green Belt. Therefore a new planning application at the site would need to be able to demonstrate very special circumstances case; the provision of new housing alone does not pass this test.

The concerns regarding availability and deliverability of sites within the Housing Land Supply Update Report has identified a significant shortfall from the housing requirement at draft Policy HS1 – 3,180 dwellings. The extent of the shortfall needs to be clearly evidenced and further sites should be allocated to ensure the housing needs of the Borough are met.

I trust this letter is satisfactory however if you have any queries please don't hesitate to get in touch.

Yours sincerely

Jenny Fryer
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