

SCHEDULE OF ACTIONS MATTER 19 (HOUSING SUPPLY AND DELIVERY)

ACTION 19.4

ACTION REF. NO.	ACTION
19.4	List of extant permissions in housing land supply paper – addition of Land off Manchester Road and Clod Lane, Haslingden – Produce a note setting out justification of why this should be included in the housing land supply and provide further evidence to demonstrate that the site will resume delivery in year 6

1 INTRODUCTION

1.1 Prior to the hearing session on Matter 19 (Housing Supply), as part of the Local Plan Examination, the Council published at the Inspectors request an update of the housing land supply ([EL4.014](#)).

1.2 The site titled ‘Land off Manchester Road and Clod Lane, Haslingden’ (referred hereafter as ‘the site’) was included in the Housing Land Update Report (October 2019) as a committed site following the submission of evidence that a historic planning permission relating to the site should be considered extant.

1.3 The Council had previously not included the site in the housing land supply owing to concerns over the deliverability of the historic planning permission. Therefore, as part of the response to Action 19.4, the Council has contacted the planning agent, DPP, acting on behalf of the landowner, requesting evidence which demonstrates the site could be delivered in the Plan’s lifetime. DPP’s response and the Preliminary Land Stability Assessment (referred hereafter as ‘the Report’) submitted alongside their response, are included in the Appendix of this note and should be read in conjunction with this response.

2 PLANNING HISTORY

2.1 The first planning permission (ref. no. 13/2/2600LA) relating to the site was for outline consent for up to 235 dwellings, and this was granted on 7th January 1972. Subsequently, a detailed planning permission (ref. no. 13/2/2758) was granted on 25th October 1972 for 216 semi-detached and 15 detached dwellings (231 dwellings in total). On 14th July 1972 14 split-level dwellings were granted planning permission by reference to plans submitted with planning application (ref. no. 13/2/2758) but this permission was never implemented.

2.3 In 1974, 44 dwellings were constructed pursuant to planning permission (ref. no. 13/2/2758) and these remain in situ today, however, development of the wider site stopped due to instances of land slippage and the discovery of a geological fault line running across part of the site. DPP’s response to the Council provides further details of why development relating to the extant planning permission previously stopped.

2.4 Owing to the lack of progress on the development site, the site was designated as Green Belt in the 1995 Rossendale Local Plan as part of minor changes proposed to the Green Belt boundary. The Core Strategy (2011) DPD retained the same Green Belt boundaries as the 1995 Local Plan and therefore the site remains within the Green Belt.

2.5 As part of a representation submitted at Regulation 19, DPP included the legal opinion of David Manley QC, which stated planning permission (ref. no. 13/2/2758) was capable of implementation and provides a fallback position to the landowner of the site.

3 DPP'S RESPONSE TO ACTION 19.4

3.1 In response to Action 19.4, the Council asked DPP to provide evidence justifying the inclusion of the site in the housing land supply. As part of this request, the Council put forward the following questions:

- *Why did development relating to the extant planning permission previously stop and what has subsequently changed in the succeeding years to allow the site to be delivered again?*
- *How can it be demonstrated that the site could be made suitable for development considering the significant lapse in delivery?*
- *Has your client commissioned any further technical studies which demonstrate the technical viability of the site?*

3.2 DPP's response to the above, on behalf of the site's owner and their development partner, is included in full in Appendix 1.

4 THE COUNCIL'S VIEW ON DPP'S RESPONSE TO ACTION 19.4

4.1 At previous consultation stages of the emerging Local Plan, representations in connection with the site have been submitted by either the landowner or DPP. These representations have contended that the site should be taken out of Green Belt and allocated for residential development by virtue of the site's planning history. Representations at Regulation 18 and 19 proposed the site should be included as a residential allocation in the emerging Local Plan for up to 187 dwellings (i.e. the number of units not yet built out under ref. no. 13/2/2758).

4.2 For the sake of clarity, the Council does not dispute that the site benefits from an extant permission. The Council has, however, had concerns that the site could not be brought forward for development because of geotechnical issues. Prior to DPP's response to the questions set out above in paragraph 3.1, no evidence had been submitted by the landowner or DPP demonstrating that these constraints on the site could be overcome. Therefore, owing to concerns over the site's deliverability, the Council did not consider including the site in the borough's housing supply.

4.3 In summary, DPP's response would appear to suggest the technical issues affecting ground conditions in part of the site would not preclude development due to advances in engineering, building techniques, and the vehicles and equipment now available.

4.4 DPP's response includes a Preliminary Land Stability Assessment carried out by WML Consulting (Structural and Geotechnical Engineers) in 2015, which, in DPP's view, demonstrates the technical viability of the site. The Report is included in Appendix 2. In part, the objective of the Report was to assess whether the site is suitable for residential use in light

of its landslip history, and the findings of the desk based study are primarily based on historical ground investigations and a site reconnaissance visit.

4.5 For ease of reference, this note to the Examination includes plans included in the Report's conclusions and recommendations. The Report's site description identifies slopes formed by two major landslip scars within the site boundary and Figure 1 indicates the slope and landslip scar geometry based on the site contours and a site inspection undertaken in May 2013. The Report provides conclusions and recommendations on separate zones and Figure 2 identifies the individual zones within the site.

4.6 The Report comments on the suitability of development for each zone but provides the following summary:

"In summary, WML conclude from the preliminary assessment that the western area of the site beyond the slope scar is suitable for development subject to further ground investigation.

It is considered that other areas of the site are not suitable for development although a further detailed ground investigation and slope stability assessment of the southern portion of Zone A may determine that development is possible, albeit with potentially a substantial degree of remedial measures."

4.7 Figure 3 identifies the approximate extent of potential land suitable for development and this is largely covered by Zone A.

Figure 1: Landslip Surface Scar Geometry

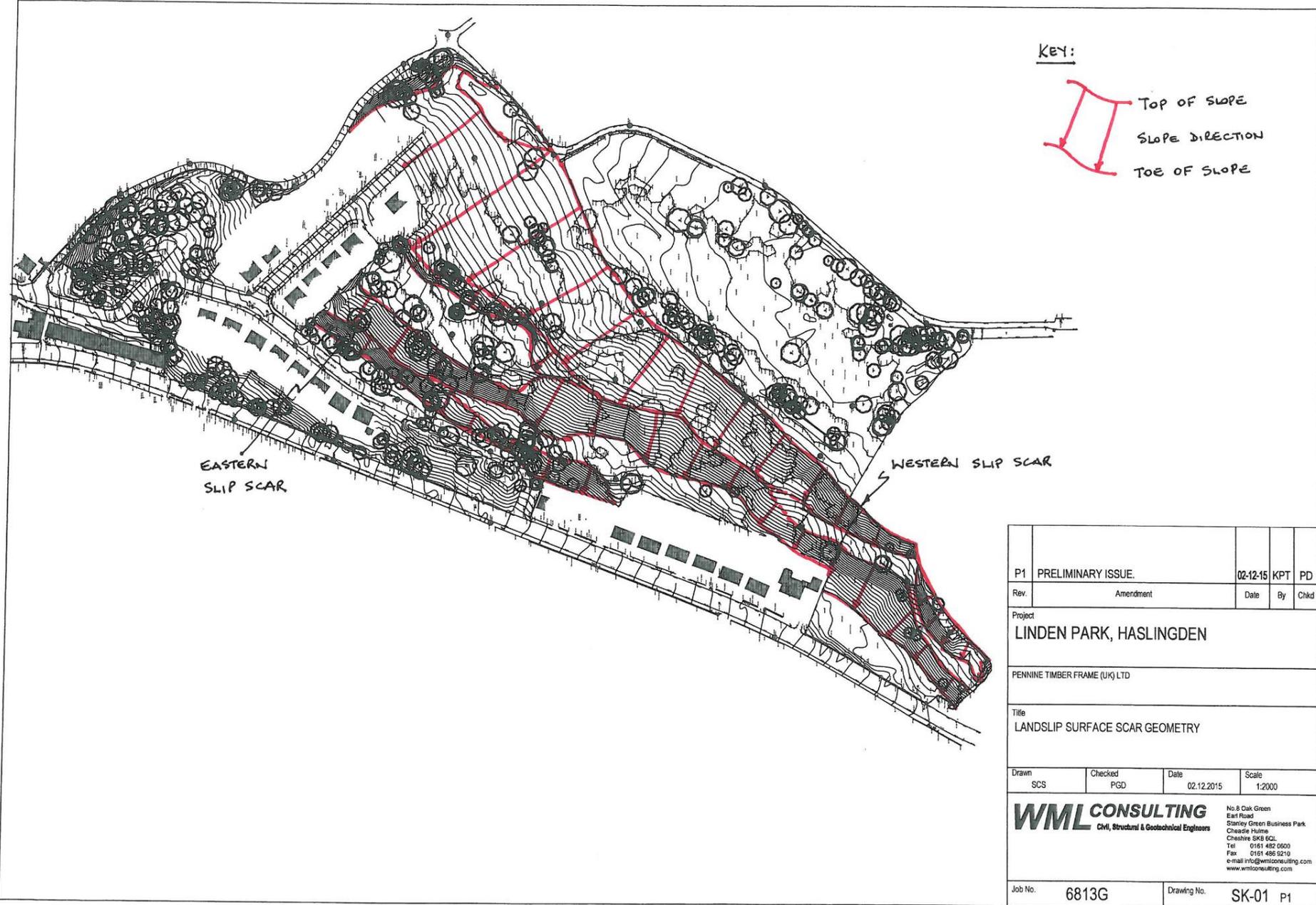


Figure 2: Zoning of Site for Development

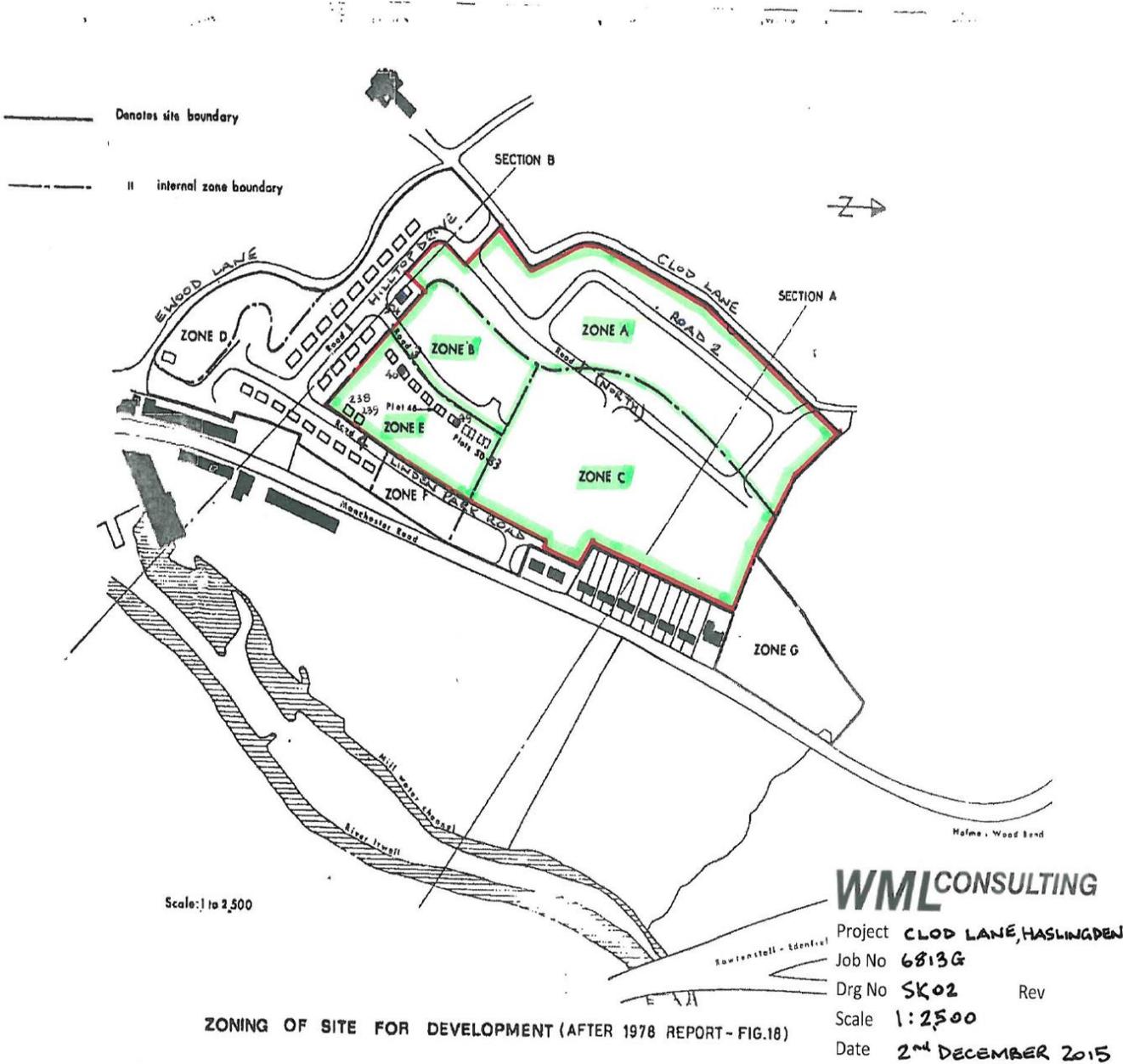
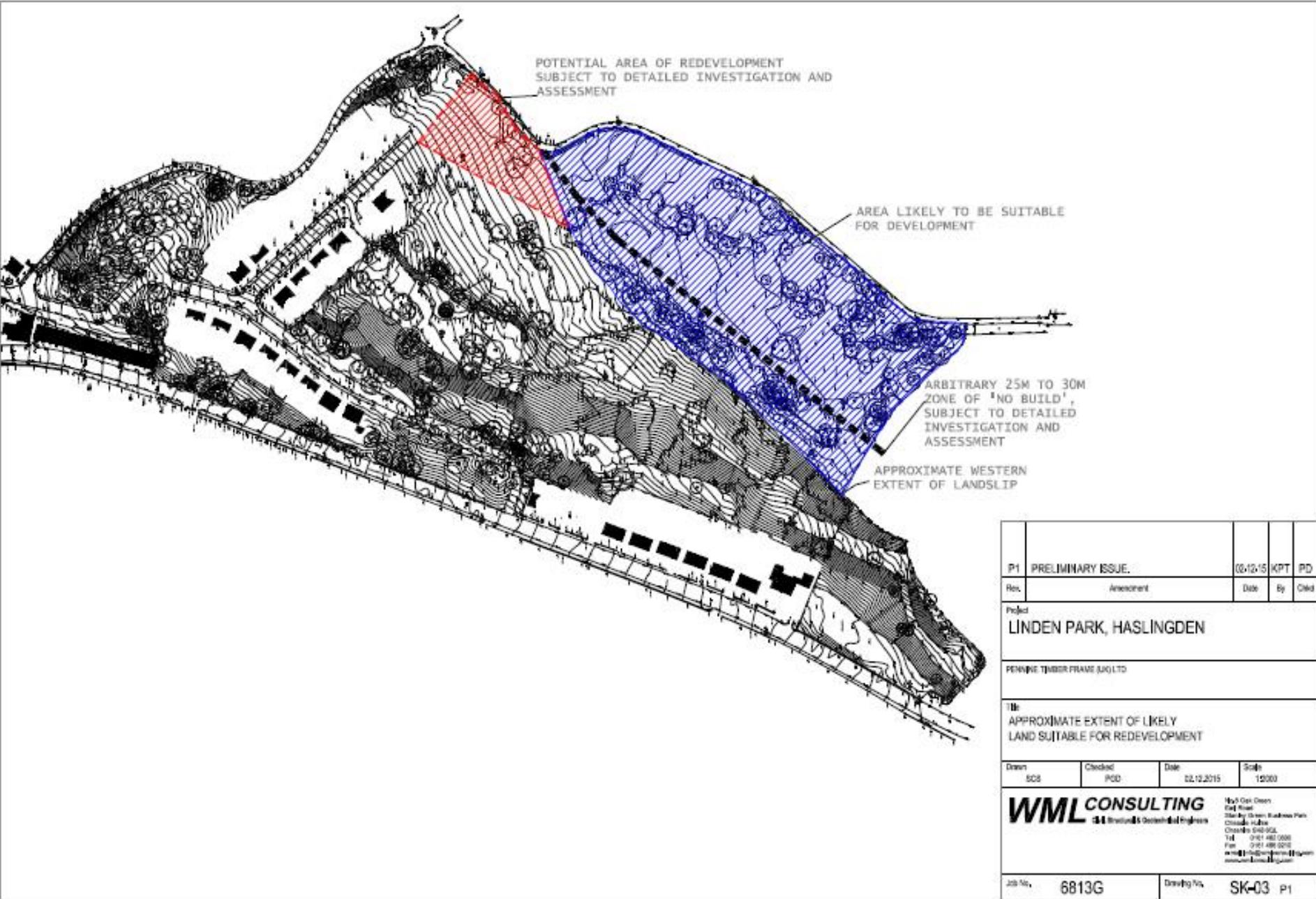


FIG. 7

ZONING OF SITE FOR DEVELOPMENT (AFTER 1978 REPORT - FIG.18)

Figure 3: Approximate Extent of Likely Land Suitable For Development



P1	PRELIMINARY ISSUE.	03/12/15	KPT	PD
Rev.	Amendment	Date	By	Chkd
Project LINDEN PARK, HASLINGDEN				
PENNING TUBOR FRAME (UK) LTD				
Title APPROXIMATE EXTENT OF LIKELY LAND SUITABLE FOR REDEVELOPMENT				
Drawn	Checked	Date	Scale	
SCB	PCD	02.12.2015	1:2000	
 WML CONSULTING 111 Broadlands, Gosforth, Newcastle Newcastle NE4 6JL Tel: 0191 488 0200 Fax: 0191 488 0210 www.wmlconsulting.com				
Job No.	6813G	Drawing No.	SK-03 P1	

4.8 With reference to the Report's findings, the Council does not consider the full site area associated to the extant planning permission (ref. no. 13/2/2758) suitable for development. Based on the Report's recommendation, an area within the site may potentially be suitable for development subject to detailed investigation and assessment, however, this would be limited to the areas identified on Figure 3. The Plan indicates an arbitrary 25 – 30m zone extending westwards from the landslip scar and the Report states no substantial structures should be accommodated on this land, unless detailed ground investigations are undertaken. Figure 3 identifies this land as a no-build zone.

4.9 In respect of the site's inclusion in the emerging Local Plan, DPP have stated:

"It seems reasonable to us that, given the fact the historic permission remains extant, that the site should feature in the Council's housing land supply, but that this is on the basis that a planning application for a new acceptable scheme in numbers, layout and design terms, is made within a stated period. If not then the site's contribution to housing land supply numbers could then be scrubbed out."

4.10 Whilst the Council continues to have reservations over the site's suitability for residential development, in its entirety, the Council accepts, based on the evidence submitted, that an area within the site could be suitable for residential development and the extant planning permission could be implemented in this area.

4.11 When considering any planning application for proposals affecting the Green Belt, the National Planning Policy Framework 2019 (NPPF) states local planning authorities should ensure that substantial weight is given to any harm to the Green belt. Paragraph 143 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

4.12 In respect of the site's location within the Green Belt, the site was assessed as part of the Council's comprehensive review of the performance of the Green Belt within Rossendale and forms part of a larger parcel (ref. no. 23). A map of the parcel and the accompanying site assessment can be viewed in [Appendix 4.1](#) of the Green Belt Review 2016. Against the five purposes of the Green Belt, as set out in paragraph 134 of the NPPF, the parcel was rated strong for Purpose 2 – To prevent neighbouring towns margining into one another and moderate for Purpose 3 – To assist in the safeguarding of the countryside from encroachment. Please refer to the site assessment for the parcel's ratings against the remaining purposes of the Green Belt.

4.13 With reference to Purpose 2, whilst the addition of development on the revised site area as shown on Figure 4 would reduce the openness of the site, it is not considered that development of this land would materially reduce the physical and visual gap between Haslingden and Rawtenstall. The remaining land associated to parcel no. 23 would remain within the Green Belt and would therefore be open and undeveloped, and the neighbouring parcels to the east, principally ref. no. 24 and no. 25, would support the separation between the two towns, as would parcel ref. no. 19 to the north-east.

4.14 The site assessment for Purpose 3 accepts the parcel lacks a strong and intact rural character and, whilst some urbanisation of the parcel would result from the encroachment of development into the revised site area, weight must be afforded to the extant planning permission which could be implemented.

4.15 The extant planning permission (ref. 13/2/2758) is a material consideration which the Council gives substantial weight in the planning balance for any future development proposal relating to the site. Considering the extant permission could still be implemented in the areas deemed potentially suitable for development, as set out in the Report, the Council does consider the inclusion of the site in the housing land supply to be appropriate subject to the following:

- A planning application is submitted for a residential scheme within two years of the emerging Local Plan being adopted;
- The site area covered by the prospective planning application is restricted to the revised site area for the site, as shown on Figure 4, which is based on the evidence submitted by DPP; and
- The capacity of the site is limited to no. 50 units. This capacity is based on the revised net developable area of approximately 1.68ha and a density of 30 dwellings per hectare.

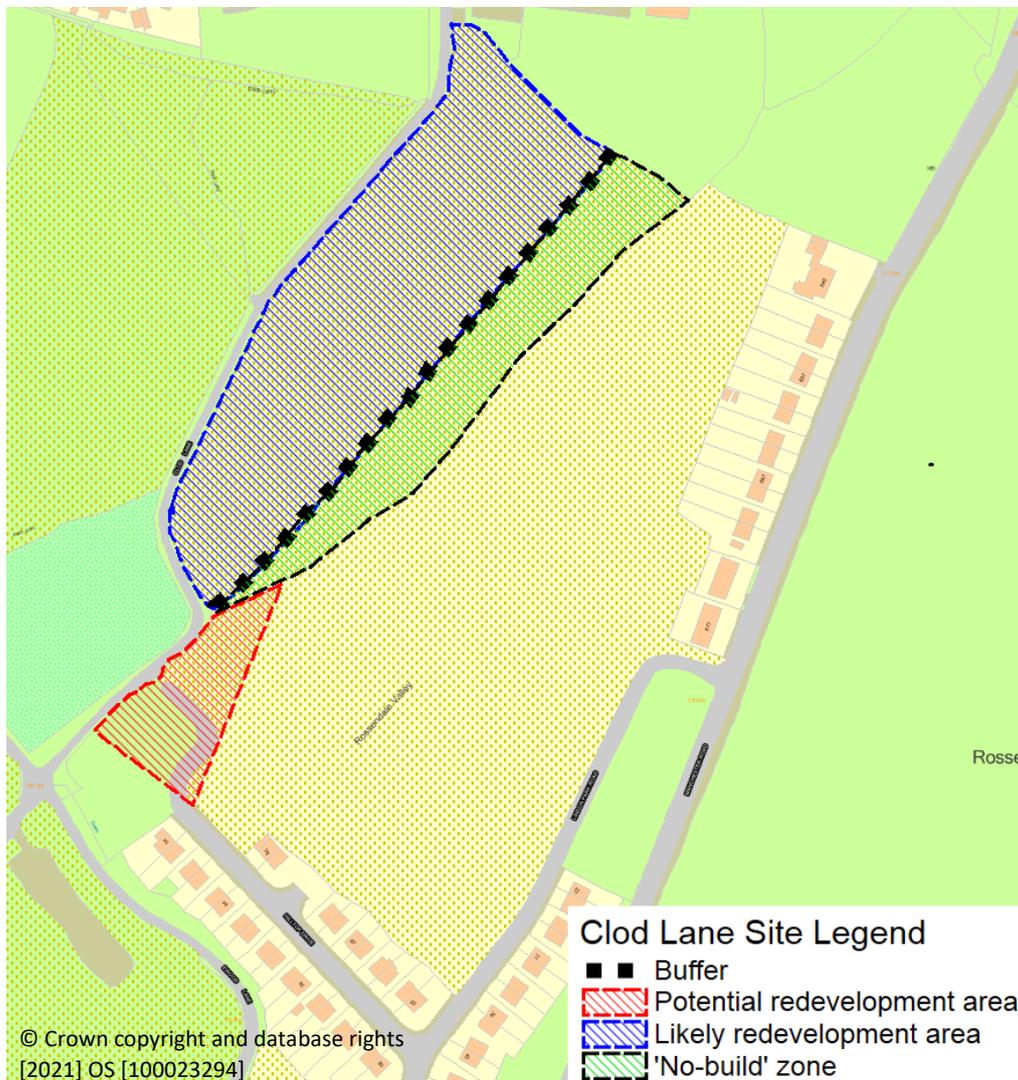


Figure 4: Revised Site Area for Clod Lane Site

4.16 The total site area of the revised Clod Lane site, including potential redevelopment area, the likely redevelopment area, and the no-build zone is approximately 2.48ha and the site area excluding the no build zone is approximately 1.87ha. The net developable area excludes the no build zone and has been calculated on the following basis, as set out in Appendix D of the SHLAA 2018:

- *Area of site available for development between 0.4ha and 2ha: 90% of the site identified as developable area.*

4.17 Subsequent to the Local Plan being adopted, if evidence is submitted as part of a future planning application in support of a greater area of the site being developed for residential use than that shown on Figure 4, then the Council may consider amending the capacity of the site.

5 Conclusion

5.1 Overall, the Council does not dispute that the extant planning permission relating to the site could still be implemented, however, it is clear based on the evidence submitted that the original permission could not be fully built-out in light of the geological constraints on site. With reference to the findings of the Report carried out by WML Consulting, the Council accepts part of the site could be suitable for residential development subject to detailed investigation and assessment. Consequently, the projected capacity of no. 50 units will be included in the Council's housing supply.