

Action 19.4: Appendix 1 - DPP's Response

DPP Planning

76 King Street
Manchester
M2 4NH

0161 817 8042
info@dppukltd.com

www.dppukltd.com



Storm Grimshaw
Planning Team
Rossendale Council
Futures Park
Bacup
Rossendale
OL13 0BB

Via email on: StormGrimshaw@rossendalebc.gov.uk

Ewood bridge ltr RBC 27.4.20
Date: 27 Apr 2020

Dear Storm

EMERGING ROSSENDALE LOCAL PLAN - LAND AT MANCHESTER ROAD/CLOD LANE, EWOOD BRIDGE, NEAR HASLINGDEN, LANCASHIRE – LINDEN PARK DEVELOPMENTS LTD/DMGECO LTD

I write to you in connection with the above site specifically to respond to your email to my colleague, Debbie Harrop, dated 22nd April 2020.

Before responding to the points raised in your letter I can confirm that Richard Purser has now left DPP. As such please address any future correspondence on the site and emerging Local Plan to me. I can be reached through email care of the email address I provide as part of my sign off to this letter.

As you rightly say in your email, DPP made representations on the site in connection with the emerging Local Plan, principally to have the site taken out of Green Belt and allocated for residential development by reference to its planning history. This was done on behalf of Linden Park Developments Ltd, the owners of the site. More recently, while they still have an interest in the site, they are working alongside a developer, DMGECO Ltd, to bring the site forward for development. As such I can confirm that DMGECO Ltd also has an interest in the site. As such please regard my response to have been made on behalf of both parties.

The representations we originally made, and our/the joint representors', position on the site was maintained through to and at the Examination stage, where my former colleague, Richard Purser, appeared at a number of round table sessions to present evidence in support of the representations.

After the Examination, because of an interim report from the Inspector, which covered a number of key topic areas that were covered, including housing requirement and releasing land from Green Belt, a Schedule of Actions was agreed between the Council and the Inspector. These extended to the following:

- Action Ref No. 19.4 – List of extant permissions in housing land supply paper – addition of land off Manchester Road and Clod Lan, Haslingden – Produce a note setting out justification of why this should be included in housing land supply and provide a further evidence to demonstrate that the site will resume delivery in year 6.
- Action Ref No. 19.8 – Note on developable sites (i.e., year 6 onwards) setting out information on:
 - land ownership
 - commitment from landowners including the date at which the commitment was made and timescales for delivery.
 - Evidence that a start date could be made at the date anticipated.

In addition, and to complement your responses on the above, you have asked for further information to support the site being added to the Council's housing land supply, as follows:

- Why did development relating to the extant planning permission previously stop and what has 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 significant lapses in delivery?
- Has your client commissioned any further technical studies which demonstrate the technical viability of the site?

Before responding on the three key points, given its usefulness, I set out relevant background:

Background on Action Ref No. 19.4 and 19.8 and Further Questions

At the beginning of this exercise DPP was commissioned by Linden Park Developments Ltd to make representations in concerning the emerging Local Plan. This was specifically in connection with the draft plan's housing strategy and related allocations for residential development.

The impetus for DPP being commissioned and making representations was the fact the site was ignored by the emerging draft Local Plan which they felt was surprising as it benefits from an extant planning permission for residential development. Instead the site was shown to form part of a more extensive area of Green Belt.

Regarding the extant planning permission for the site, a number of permissions are relevant. The first of these is Planning Permission Ref No. 13/2/2600LA. This was granted on 7th January 1972. The permission is outline in status but it established planning permission for up to 235 dwellings.

Subsequently, a detailed Planning Application, Ref No. 13/2/2758, for 216 semi-detached and 15 detached houses (231 dwellings in total) was made on 25th February 1972. This was for a large part but not all of the original planning application site. This application was granted planning permission on 25th October 1972. The application form and submitted plans, which show the full layout and key details of house types, were incorporated into the scope of the planning permission and therefore form part of the planning permission.

On 4th July 1973 14 split-level units were granted planning permission on one of the identified blacked out areas close to Lindon Park Road by reference to plans submitted with planning application Ref No. 13/2/2758 but this permission was never implemented.

On 2nd January 1974 detailed planning permission was granted for car ports at plots 196-213, 30-37 and 54 and 55 off Manchester Road.

In 1974, 44 dwellings were constructed pursuant to planning permission Ref No. 13/2/2758. They were subsequently sold and occupied and remain in situ and occupied as of today's date.

In 2013 a prospective developer interesting in purchasing the site instructed learned counsel to advise on, inter alia, whether it would be possible to continue to implement, i.e., build out, Planning Permission Ref No.13/2/2600LA. In essence does the permission remain extant by virtue of the fact it has been implemented through the construction of 44 dwellings in 1974.

For the record I can confirm that learned counsel in this instance was David Manley QC. A copy of his opinion was previously supplied to the Council.

From this you will know that his opinion on the matter was that Planning Permission Ref No. 13/2/2758 was capable of ongoing implementation, i.e., being fully built out, a position that continues to apply today.

Although the emerging draft Local Plan includes a number of proposed allocations for residential development (under draft Policy SH2), which when considered collectively are designed to contribute towards delivery of the plan's overall housing requirement, and related delivery strategy, a site that is missing but which could and should form part of the schedule of sites is the subject site.

We assumed that the site's omission was because the Council was not originally aware of its planning history nor the fact Planning Permission Ref No. 13/2/2758 was capable of being fully built out. Since had this been known then surely the site would have been allocated in the emerging Local Plan. A key effect of this would be that other less suitable or advanced sites proposed for allocation for residential development would not be required to be allocated nor developed.

Response to: Why did Development Relating to the Extant Planning Permission Previously Stop and What has Changed in the Succeeding Years to Allow the Site to be Delivered Again?

It is well documented that development stopped at the site due to technical issues affecting ground conditions in part of the site.

A geological fault line crosses part of the site. At the time the development was granted and later when the planning permission was implemented this feature was not known about.

As such when the layout was devised the feature was not taken note of nor accommodated. Accordingly, some of the development that was consented was shown on or very close to the line of the fault. After a weekend of heavy rain and due to then ongoing excavation work that was being carried out to facilitate the laying down of foundations that were being constructed to support development above ground, slippage took place, which had the effect of causing what little above ground development that had taken place in that part of the site affected by the fault line to develop cracks and in some instances to collapse.

For the record the foundations that were being put in were traditional shallow strip foundations.

As a consequence, development was stopped and work in the affected part of the site was suspended.

The development that had already taken place in the other parts of the site which wasn't affected continued and housing there was completed and subsequently sold to occupiers. This development remains in situ and is occupied to date.

As a consequence of the problems in part of the site and the fact the developer was able to pursue other development opportunities elsewhere that were seen as easier and cheaper to bring forward in development/construction terms, and changes in the local market place, which also coincided with development taking place in other 'stronger' parts of the local area, particularly around Helmshore, the site was effectively mothballed.

Subsequent to the events set out above occurring the nature of housebuilding and related demand for dwellings changed.

This saw there to be demand for larger units and for a greater proportion of units to be developed as detached units as opposed to in the form of semi-detached or short terraces of properties as was the case with the permission that had been implemented at the site. Indeed, the density of the consented and part built scheme is far higher than other schemes that were granted and developed around that period in other parts of Helmshore/Haslingden, which in market terms was what purchasers appeared to want.

Following this the site found itself being included in Green Belt and the local authority less inclined to consider supporting changes to the old scheme/historic permission so as to facilitate a less dense scheme comprising more detached and modern larger house types.

This was the position into the relatively recent past when a housebuilder considered taking on the site and bringing it forward through a new scheme, based on the precedent that the old permission was alive and extant and could be finished and could and should be used as a precedent, but I understand their overtures received little support from the Council. This was the housebuilder that commissioned the advice referred to earlier.

This developer had no fear of the previous geological influenced site related issues as modern foundation designs and related development techniques would allow work to be carried out to stabilise the fault line, for example, through pinning related works, plus modern building techniques also meant that alternative foundation designs could be used in key parts of the site that were previously seen as problematic to facilitate development there, for example, deep strip and anchored strip foundations, pile foundations, drilled shaft foundations or caissons piling.

In addition, it should be noted that the types of site related works described above historically were regarded as very expensive and specialist, whereas by more recent times, still the case today, due to advances in engineering and building techniques and motorised vehicles and equipment available, they were regarded as commonplace and much cheaper, and therefore they are affordable to employ and utilise where considered necessary. This is one of the reasons why many developments have taken place in recent years that historically would not have been regarded as either feasible nor viable.

This is certainly the position of DMGECO Ltd, which is intending to partner Linden Park Developments Ltd, hence it's interest in the site.

Response to: How can it be Demonstrated that the Site Could be made Suitable for Development Considering Significant Lapses in Delivery?

The key points made above in response to that question also apply to this query.

The fact there have been significant lapses in delivery does not take away from the site's obvious potential for development going forward.

As has already been pointed out, the science and economics of building has changed greatly in recent years, which now means that many sites previously considered unfeasible and uneconomic in viability terms are now regarded as a suitable and are being brought forward.

The planning process is the process that would be used to demonstrate that the site can be made suitable for development going forward. This would be through appropriate reports and supporting information provided at

application stage to support the application proposals from a technical perspective. This was not in the gift of the original applicant. Indeed, such information was simply not requested.

The key reasons the site was not pushed forward to date post the ending of works on the old permission is the fact that post the granting of the original and implemented planning permission the marketplace changed and site was placed in Green Belt.

We have already covered the changes in the marketplace above.

Regarding Green Belt, this is a very restrictive planning policy designation and unless very special circumstances can be demonstrated permission for inappropriate development will be withheld. This was the message that was given to previous would be developers interested in resurrecting the site's development potential. And clearly these developers were only interested in bringing forward new development for a form of residential they could sell as opposed to just completing the old scheme.

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.

This would create some certainty for the Council since it means that the landowner and any subsequent development partner has a target date to secure a permission for a new scheme using the helpful precedent that the old permission remains extant, is given weight and the site forms part of the Council's housing land supply.

Response to: Has your Client Commissioned any Further Technical Studies Which Demonstrate the Technical Viability of the Site?

The landowner commissioned a technical study in 2015 which demonstrates the technical viability of the site. This work was carried out by WML Consulting (Structural and Geotechnical Engineers). A copy of the report will be forwarded to the council under separate email.

It is on the back of the above report that the landowner decided to further pursue the development of the site, initially itself, but recently through a JV type of arrangement with a development partner.

As a consequence, from receipt of the report in 2015, the site was not initially actively marketed, but more recently marketing has been through a discrete and targeted marketing exercise, which DPP was involved in.

In recent years following the changed strategy, which saw the landowner look for a development partner, several parties, including national housebuilders, expressed interest in the site, but the landowner decided to run with DMGECO Ltd given their experience with sites of this genre, and has resulted in the emerging partnership with this business.

This organisation hasn't yet commissioned or carried out any fresh detailed or site specific technical work although it has reviewed the site and its history and considered initial advice of its consultants which has confirmed that feasible and economically viable technical solutions are available to allow a new scheme to be successfully promoted and to be capable of being granted planning permission.

I am further advised by DMGECO Ltd, that it hopes to commence its own site related investigations later on this year and into next (2020/2021).

Potential Timing Going Forwards

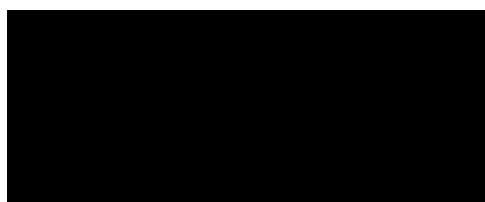
To assist the specific queries set out above, I can confirm that, if the parties set out above receive support from the Council/Inspector that the site can and should be brought forward for housing development by reference to the fact it forms part of its agreed housing land supply, and/or it is taken out of Green Belt, and subject to timings as to what this means for the next stages of the emerging draft Local Plan, the relevant landowner/developer parties working together through a joint venture arrangement, would propose to bring the site forward for development as per the following draft programme. This could be lengthened if the plan process is set to drag out beyond 2022. The programme stages and lengths of time involved though would stay as listed. This is also subject to CV issues abating and related lockdown being lifted:

- Initial technical review and related survey work – Summer/Autumn 2020.
- Initial further technical feasibility and related design work – Winter 2020/2021.
- Initial market testing – Spring 2021.
- More detailed design work and setting masterplan parameters and housing numbers – Spring 2021/Summer 2021.
- Pre-application meeting – Summer 2021/Autumn 2021
- Commission full professional team – Summer 2021.
- Community consultation – Autumn 2021.
- Make planning application – Winter 2021/2022.
- Target decision (and cover s106 work and JR period) – Summer 2022.
- Implementation between – Autumn/Winter 2022.
- Full completion (assumes two key phases of development) - 2024

I would be grateful if you would acknowledge receipt of my letter and the WML Consulting report and that both were received before your imposed deadline of 30th April 2020 extended to 5th May 2020 by agreement.

Thank you.

Yours sincerely,



John Francis

Consultant

DPP

M:

Cc	David Stagg	-	DMGECO Ltd
	Phil Ramsden	-	Linden Park Developments Ltd
	Steve Ramsden	-	Ditto

