

Strategic Services

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c/o Yvonne Parker
Programme Officer
Pendle Core Strategy Examination
2 Priory Court
BURNLEY
Lancashire
BB11 3RH

Date: Monday 24th August 2015
Our ref:
Your ref:
Ask for: Jonathan Dicken
Direct line: (01282) 661723
Email: jonathan.dicken@pendle.gov.uk
Service Manager: Neil Watson

Dear Inspector,

**Pendle Core Strategy Examination – Council Response to High Court
Judgement on planning obligations and affordable housing**

The Council has now considered the High Court judgement and the changes that have been made to the National Planning Practice Guidance (NPPG) as a result. In light of these changes it is considered that there will need to be a minor amendment to Main Modification MM066.

The proposed amendment will result in a change to Table LIV4a to alter the site size thresholds; bringing them in-line with those outlined in the Development Viability Study (CD/07/01). Furthermore the starred footnote to the table will also be removed as this related to the NPPG before it was amended. The Council do not consider that these changes will require any further public consultation.

I have attached a copy of Main Modification MM066 to this letter for your consideration. If this is acceptable I will incorporate it into the final schedule as requested in your letter dated 18th August 2015 (Letter 10).

If you have any further questions relating to this matter please do not hesitate to contact me.

Yours faithfully,

Jonathan Dicken

Senior Planning Officer (Policy)



Reference	Paragraph / Policy	Main Modification																														
MM066 (Supersedes MM006, MM007, MM008, MM009, MM056)	Policy LIV4	<p>Reword Policy LIV4 to read: "Proposals for new (general market) housing <u>which meet the relevant thresholds</u> will be required to incorporate an element contribute towards the provision of affordable housing in order to contribute towards the achievement of a borough-wide affordable housing needs target of 40% over the lifetime of the plan.</p> <p>It is recognised that a fixed target is not flexible enough to respond to changing economic circumstances and site specific viability issues. Current viability information⁽¹²⁶⁾ shows that the Council can reasonably expect to seek levels of affordable housing within the target ranges set out in Table LIV4a. To ensure that the deliverability of new housing is not restricted by efforts to secure the maximum amount of affordable housing, these target ranges will be used as the basis for negotiation with the applicant, to help determine the appropriate amount of affordable housing to be provided. As part of the negotiation process, the Council will take account of the financial viability of the proposal⁽¹²⁷⁾, which may result in a requirement to provide more or less affordable housing than indicated by the target ranges.</p> <p>Table LIV4a — size threshold and area based affordable housing targets</p> <table><tr><th></th><th>M65 Corridor</th><th>M65 Corridor North</th><th>West Craven Towns</th><th>Rural Pendle</th></tr><tr><td><5 dwellings</td><td>0%</td><td>0%</td><td>0%</td><td>0%</td></tr><tr><td>5-14 dwellings</td><td>0%</td><td>0%</td><td>0%</td><td>15-30%</td></tr><tr><td>15-49 dwellings</td><td>0%</td><td>0%</td><td>0-10%</td><td>20-30%</td></tr><tr><td>50-99 dwellings</td><td>0%</td><td>0%</td><td>0-5%</td><td>20-25%</td></tr><tr><td>100+ dwellings</td><td>0%</td><td>0%</td><td>0-5%</td><td>20-25%</td></tr></table> <p>Table LIV4a sets out the area based affordable housing targets for different site thresholds which should be met. In areas where the current target is zero the Council will, where market conditions or site specific assessments indicate that it is viable, encourage applicants to provide affordable housing in order to meet the housing needs of the borough. The Council will look to review the targets within 3 years through a Partial Review of the Plan to take account of changing economic conditions.</p>		M65 Corridor	M65 Corridor North	West Craven Towns	Rural Pendle	<5 dwellings	0%	0%	0%	0%	5-14 dwellings	0%	0%	0%	15-30%	15-49 dwellings	0%	0%	0-10%	20-30%	50-99 dwellings	0%	0%	0-5%	20-25%	100+ dwellings	0%	0%	0-5%	20-25%
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		<p>Table LIV4a – size threshold and area based affordable housing targets</p> <table><tr><th><u>Site Threshold</u></th><th><u>M65 Corridor</u></th><th><u>M65 Corridor North</u></th><th><u>West Craven Towns</u></th><th><u>Rural Pendle</u></th></tr><tr><td><u>5-9 dwellings</u></td><td><u>N/A</u></td><td><u>N/A</u></td><td><u>N/A</u></td><td><u>20%</u></td></tr><tr><td><u>10-14 dwellings</u></td><td><u>0%</u></td><td><u>0%</u></td><td><u>0%</u></td><td><u>20%</u></td></tr><tr><td><u>15 or more dwellings</u></td><td><u>0%</u></td><td><u>0%</u></td><td><u>5%</u></td><td><u>20%</u></td></tr></table> <p><u>Where the relevant target cannot be met a financial viability assessment should be provided to allow the Council to negotiate with the applicant and adjust the amount of affordable housing accordingly.</u></p> <p>Where a scheme is granted planning permission and work does not start within two years, the Council will require the viability of the scheme to be retested and where necessary the level of affordable housing to be provided can be renegotiated at this time.</p> <p>On-site / Off-site provision Affordable housing should be provided in order of preference:</p> <p>1. On-site and incorporated into the scheme so that it is 'tenure-blind'. OR</p> <p>2. Where the applicant can adequately demonstrate that it is not possible to provide the affordable housing on-site, it is considered preferable and deliverable make arrangements to:</p> <p> i. provide the affordable housing on an alternative site within the same settlement as the proposed development; OR</p> <p> ii. provide a financial contribution towards the cost of off-site provision.⁽¹²⁸⁾ Where a financial contribution is provided this may be used for the acquisition and refurbishment of redundant, empty properties to provide affordable housing. Such a contribution and where possible should be used in the same settlement as the proposed development.</p> <p>In all cases where affordable housing is provided a condition or planning obligation will be used to ensure that the housing remains at an affordable price for future eligible households or for any subsidy to be recycled for alternative affordable housing provision.</p>	<u>Site Threshold</u>	<u>M65 Corridor</u>	<u>M65 Corridor North</u>	<u>West Craven Towns</u>	<u>Rural Pendle</u>	<u>5-9 dwellings</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>20%</u>	<u>10-14 dwellings</u>	<u>0%</u>	<u>0%</u>	<u>0%</u>	<u>20%</u>	<u>15 or more dwellings</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>	<u>20%</u>
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		<p>Tenures, types and sizes</p> <p>Applicants should use the following percentages as a guide to determine the tenure split of the affordable housing to be provided as part of their development:</p> <ul style="list-style-type: none"> • Social rented tenure: 30%⁽¹²⁹⁾ • Affordable rented tenure: 30% • Intermediate tenure: 40% <p>It is acknowledged that there will be individual site circumstances where the tenure split may need to vary. In such cases, applicants will need to demonstrate the reasons for an alternative tenure split.</p> <p>Guidance on the types and sizes of new dwellings is contained in Policy LIV5.</p> <p>Rural needs</p> <p>Rural affordable housing should be provided in line with Table LIV4a and Policy SDP3. However, in some circumstances consideration will be given to developing sites directly adjacent to existing, defined settlements for the provision of affordable housing. In some instances, to enable the delivery of this affordable housing, an element of market housing may also be permitted. In all circumstances applicants will need to provide details of the specific local needs the proposed development will address and show that any potential impact on the environment can be avoided or adequately mitigated. Proposals should also have regard to the requirements relating to protecting the natural and built environment set out in Policies ENV1 and ENV2. Where there are no sites available within the chosen rural settlement, consideration will be given to developing sites directly adjacent to the existing defined settlement boundary for the provision of affordable housing. Such rural exception sites will need to be justified by the applicant through the provision of a statement which sets out details of:</p> <ul style="list-style-type: none"> • the specific local needs the proposed development will address and; • how any potential impacts on the environment can be avoided or adequately mitigated, having regard to the requirements of Policies ENV1 and ENV2. <p>In some instances, to enable the delivery of the affordable housing, an element of market housing may also be permitted.</p> <p>In Rural Pendle a Local Occupancy condition, or obligation, will be used, where appropriate, to restrict the tenancy of the affordable housing to local residents.</p> <p>Footnotes (126) Development Viability Study, 2013. (127) The applicant should demonstrate the financial viability of the scheme through the submission of a viability assessment.</p>

Reference	Paragraph / Policy	Main Modification
		<p>(128) Where a financial contribution is to be provided relating to a site in Rural Pendle the contribution should be used in the same settlement as the proposed development. Where this is not possible then it should be used in the next nearest rural settlement.</p> <p>(129) the opportunity to provide new social housing is likely to be limited due to the availability of funding to provide this tenure. As such affordable rented accommodation could be substituted for the social rented element of a scheme."</p>