

Pendle Core Strategy Examination

Pendle Borough Council

Hearing Statement

Session 5 – Wednesday 15th April 2015

Matter – How is the Housing Requirement to be met?

1. Is Policy LIV1 effective in indicating how the housing requirement will be met, including the contribution that will be made from new allocations and existing commitments? See in particular C/004 for Council's response and the suggested Modification.

1.1 As stated in document C/004 the third paragraph of Policy LIV1 explains that a Strategic Site has been allocated to ensure early delivery of the housing requirement and that the Site Allocations and Development Policies DPD will be used to allocate other specific sites to meet the remainder of the requirement. However, it is acknowledged that this approach is not quantified and therefore lacks clarity.

1.2 The Council has suggested a modification to the plan to include a table which sets out the current delivery position and how the remainder of the housing requirement will be met through existing commitments and new allocations.

2. What contribution will be made to the housing requirement from bringing back empty homes into use? See in particular C/004 for Council's response.

2.1 Document C/004 explains that the calculations used to establish the housing requirement included an assumption that the vacancy rate would remain constant at a level of 6.7% throughout the plan period. This means that empty homes were not counted within the existing stock of dwellings when calculating the overall need for additional dwellings. Therefore in line with the National Planning Practice Guidance (NPPG) [CD/12/02] (ID: 3-039-20140306) the re-occupation of empty homes can be counted as a legitimate source of housing supply.

2.2 The Council has been working to bring empty homes back into use over the last few years through the implementation of the Empty Homes Strategy and Action Plan [CD/04/10 and CD/04/11]. A significant proportion of long-term empty homes have been brought back into use since the start of the plan period (2011/12). These have been counted as a source of supply against the housing requirement (see Table LIV1 in C/004).

2.3 The Empty Homes Strategy and Action Plan are currently being updated. At the present time the new strategy does not provide an indication as to the proportion of empty homes that it aims to bring back into use going forward. Without this information it would not be justified to include a figure within the Core Strategy as to the contribution to be made from the reoccupation of empty homes going forward.

3. Is there sufficient emphasis on the contribution that can be made from Housing Regeneration Priority Areas?

3.1 These areas were previously part of the Housing Market Renewal programme. However, with its demise and the loss of associated funding the specific plans and projects have been scaled back and reached a premature end.

- 3.2 The contribution to be made from projects in Housing Regeneration Priority Areas will be dependent on funding and private investment coming forward to deliver sites in these areas.
- 3.3 They are identified in the Core Strategy as areas where regeneration efforts should be focussed and where the Council will concentrate resources. As the key regeneration areas within the borough Policy LIV1 aims to promote development which complements this regeneration work.
- 3.4 Key sites for new housing within these areas are identified in the Strategic Housing Land Availability Assessment (SHLAA) [CD/04/03] and a number of these are likely to be considered as housing allocations in the Site Allocations Plan. A number of these sites are in private ownership and the landowners have previously indicated their intention to bring them forward for housing development. However, at this stage there is no indication of the numeric contribution that these areas will make to the housing requirement. If considered appropriate, specific policies and allocations will be made in the Site Allocations Plan for these areas.
- 3.5 On this basis the Council does not intend to include a specific quantitative contribution that will be made from the Housing Regeneration Priority Areas.

4. Is the proposed strategic housing site at Trough Laithe justified (Policy LIV2)? Does it fit with the settlement hierarchy of the Plan (Barrowford is defined as a Local Service Centre)? Should the site form part of the CS or should consideration be deferred to the SAP?

- 4.1 The Strategic Housing Land Site Allocation report [CD/04/04] provides the evidence and justification for the allocation of the Strategic Housing Site. It sets out the Council's definition of a Strategic Housing site and provides details of the criteria and process used to select the site at Trough Laithe.
- 4.2 Although the site is located adjacent to the existing urban extent of Barrowford and is technically part of the settlement of Barrowford, it is also in close proximity to the urban extent of Nelson. As a strategic site it would serve a wider catchment than Barrowford and has partly been chosen due to its location close to two of the settlements within the M65 Corridor. It is therefore considered to fit with the settlement hierarchy and wider strategy for focussing development in the M65 Corridor. In addition, is well placed to serve the Strategic Employment Site which is approximately 1.2km away. Policy SDP2 sets out the settlement hierarchy for the borough but also explains that development will be supported on sites identified in the plan to meet strategic growth needs.
- 4.3 The Council consider it necessary to include the Strategic Housing Site within the Core Strategy in order to provide certainty with regards to:
- delivering the housing requirement; and
 - meeting the housing needs of the M65 Corridor.

- 4.4 Deferring the allocation of this site to the Site Allocations Plan would further delay progress on meeting the housing needs of the M65 Corridor. Paragraph 8.1 of the Strategic Housing Site Allocation report explains that under-delivery of housing during the period of recession means that there is a need to increase delivery rates. The Strategic Site will help to supply a notable amount of housing to meet the requirement over a significant period of time, providing certainty of delivery going forward.
5. **Is the Trough Laithe site deliverable in the early years of the Plan period? Is Policy LIV2 sufficiently clear on how and what will be delivered (500 units)? Are there any significant constraints such as historic heritage and access which may prevent the site coming forward? Is the site capable of being readily accessible by public transport, walking and cycling? Should there be a requirement for a development brief for the site? (it is noted that CD/04/04 refers to a development framework produced by the developer).**
- 5.1 The owner of the strategic site has prepared a delivery assessment [CD/04/14] which sets out the delivery potential of the site. It explains the need for a lead in period to secure planning permission and site preparation, but indicates that the site could deliver an average of 50 dwellings per annum. Based on this information the Council consider that the site can start to be delivered in the early years of the plan. The site owner is currently in the process of preparing a planning application for its development and has indicated that this is likely to be submitted to the Council before the start of the Core Strategy Examination hearing sessions.
- 5.2 Policy LIV2 sets out the key criteria the Council expects development proposals for the Strategic Housing Site to meet. In order to provide a flexible approach the policy does not express a quantum of housing to be provided on the site. Through the Development Framework process the landowners have been able to estimate the likely amount of housing that the site could accommodate, however, it is not until the detailed planning stage that a final number would be available. The policy justification text (paragraph 10.64) includes reference to the estimated 500 dwellings which may be provided and this provides the context for the policy.
- 5.3 The Council has prepared a heritage statement in response to comments from English Heritage in order to assess the potential impacts of the Strategic Housing Site on any heritage assets (this has been included as an additional appendix to CD/04/04 see CD/04/04a). This assessment indicates that there are two key heritage assets which would potentially be affected by the development of the site. However, it identifies and recommends a series of actions that could be taken in order to remove or reduce the potential harm to an acceptable level. These include providing a sensitive housing layout and careful building and landscaping design which respect the heritage assets, providing a generous buffer zone of open land around the eastern side of the listed building and including new planting to reinforce the existing boundaries. The Policy already requires the development of the site to incorporate a high quality landscaping scheme and to address and potential environment impacts – and the policy makes reference to Policy ENV1 at the point – which would include addressing any historic environment issues. With these policy

requirements in place any impact on the historic environment would be mitigated and would not place a constraint on the development of the site.

- 5.4 Paragraphs 4.10-4.11 and 7.5 of the Development Framework [CD/04/13] provide details regarding highways access into the site. The principal access would be off Riverside Way which is connected to the road network by a roundabout on the A6068.
- 5.5 The site is capable of being readily accessible by public transport, walking and cycling. There are bus stops on Wheatley Lane Road and Barrowford Road which are in close proximity to the site. The bus routes could be extended through the site depending on its configuration. There are also cycle lanes and cycle routes on Barrowford Road, Carr Hall Road and Wheatley Lane Road giving access to Nelson and Barrowford. There are a number of footpaths which pass through and around the site which provide pedestrian access. Paragraphs 4.12-4.17, 7.6-7.7 of the Development Framework [CD/04/13] provide more details relating to the accessibility of the site.
- 5.6 Policy LIV2 sets out the broad criteria for the development of the strategic housing site. The Council has not included a requirement for the preparation of a development brief as a full, holistic design process would form part of any planning application for the site.

6. Should Policy LIV2 reflect the indication in the Infrastructure Delivery Schedule (Appendix A) that Junction 13 of the M65 would need to be improved by developer contributions?

- 6.1 Policy LIV2 requires that early engagement is carried out with the relevant infrastructure providers to address any capacity issues. This would include consultation with the Highways Authority to consider the impact of the development of the site on Junction 13 and access to the highway network. The policy also makes a specific link to Policy SDP6 which deals with future infrastructure requirements. These existing requirements are considered to be sufficient to ensure that any improvements that need to be made can be conditioned or the appropriate contributions can be requested.
- 6.2 The extant planning consent for the business park on the adjacent site is conditioned to provide highways improvements once the development has reached a certain stage. Any application at the strategic housing site could include a phasing scheme and be similarly conditioned to ensure the appropriate junction improvements are made at the relevant phase.

7. Does Policy LIV2 (or Policy SUP3) need to address any capacity issues in local schools?

- 7.1 The Pendle Infrastructure Strategy [CD/07/02] considers education capacity issues in the borough and also looks specifically at the potential increase in school places required from the development of the Strategic Housing Site (see paragraphs 10.20-10.23). The Infrastructure Strategy identifies that during the plan period there could be some capacity issues at primary schools in Colne and Barrowford. Lancashire County Council (LCC) has a

strategy in place to ensure that they fulfil their statutory duty to provide every child with a school place. Their planning provision team models population data to determine the likely school place requirements. They also monitor new and proposed developments to look at the potential number of school places required. The Infrastructure Strategy indicates that LCC will only be able to determine the exact school place provision once the specific development details are known. Funding cannot be put in place until planning permission is granted for the development.

- 7.2 Policy LIV2 indicates that early engagement between the applicant and infrastructure providers is carried out to address any capacity issues and ensure the relevant infrastructure is provided. This would include the consideration of education provision. This policy requirement is supported by Policy SDP6 which also requires developers to address any identified infrastructure capacity issues. Policy SUP3 looks to support the provision of improved primary facilities where a need exists. The Council believes that the Core Strategy offers an adequate policy base to ensure that new development contributes sufficiently to the provision of school places.

8. Is the affordable housing target of 20% for Trough Laithe justified?

- 8.1 The affordable housing target set out in Policy LIV2 is based on information provided by the landowner/site promoter: Peel Land and Property. They have carried out a delivery assessment [CD/04/14] which reviewed the current housing market, delivery rates and affordable housing provision. It concludes that the site could support an affordable housing contribution of up to 20% of the total site capacity. Although this figure is somewhat higher than the evidence presented in the Development Viability Study relating to sites in the M65 Corridor North, it presents a more bespoke figure which takes account of the specific site circumstances.
- 8.2 This amount of affordable housing will help to create a development which provides a mix of tenures and contribute to meeting the affordable housing needs of the borough.

9. Would an alternative approach to the identification of a single strategic housing site e.g. the allocation of a range of smaller greenfield/brownfield sites, be more effective in boosting the supply of housing?

- 9.1 The allocation of the strategic site in the Core Strategy is just one element of the wider strategy to deliver new housing during the plan period. The Strategic Housing Land Site Allocation report [CD/04/04] explains that Core Strategies should only allocate sites that are critical to realising the strategy. The allocation of the site at Trough Laithe will provide a level of certainty with regards to the delivery of a significant proportion of the housing requirement in the plan. The site will provide 17% of the annual requirement and will allow for the continuous delivery of housing over a 10 year period following adoption of the plan.

9.2 The Council believe that the most expedient route to getting a plan in place is to progress the Core Strategy to adoption and then take forward the Site Allocations and Development Policies plan. Delaying the Core Strategy at this stage in order to allocate further sites would prolong the current uncertainty with regards to establishing the housing and employment requirements and spatial strategy.

9.3 The Site Allocations and Development Policies plan will be used to allocate a range of additional sites (both brownfield and greenfield) to meet the remainder of the housing requirement over the plan period ensuring that the supply of housing is boosted.

10. Has the Plan demonstrated through a housing implementation strategy how delivery of a full range of housing will be maintained over the Plan period, including a continuous five year supply of deliverable housing sites? See in particular C/004 for Council's response.

10.1 As stated in the response to the Inspector's Further Questions, the Council intends to include an additional Appendix to the Core Strategy which will set out the Housing Implementation Strategy.

11. Will the Plan be able to ensure a five year housing supply at the point of adoption, taking into account the need to make up any shortfall in provision from the start of the Plan period and the application of a buffer as required by paragraph 47 of the Framework?

11.1 The Strategic Housing Land Availability Assessment (SHLAA) [CD/04/03, Chapter 4, Section C] sets out the five year land supply calculation and this is repeated in Table 1 below. It concludes that there are sufficient deliverable sites to provide a five year supply of housing land in accordance with the housing requirement proposed in Policy LIV1 of the Core Strategy. The calculation includes the shortfall in delivery since the start of the plan period and incorporates a 20% buffer to acknowledge the persistent under-delivery in recent years.

Table 1 – Five Year Supply Calculation:

1) Housing requirement			
A	Plan period (2011/12 - 2029/30)		19 years
B	Overall housing requirement		5,662
C	Annual housing requirement	(C/A)	298
Ca	Annual housing requirement for 2011/12-2014/15		220
Cb	Annual housing requirement for 2015/16-2019/20		250
Cc	Annual housing requirement for 2020/21-2029/30		353

2) Performance against the housing requirement – identification of under/over supply			
D	Housing requirement to date (2011/12 -2013/14)	(Cax3)	660
E	Housing delivery to date (2011/12 - 2013/14)		154
F	Current housing delivery position (under delivery)	(D-E)	506
3) Five year requirement calculation			
G	Five year requirement (2014/15-2018/19)	(Ca) + (Cb x4)	1,220
H	Five year requirement + 20% buffer	(G+20%)	1,464
J	Five year requirement + 20% buffer + under delivery	(H+F)	1,970

4) Five year supply calculation			
K	Number of dwellings on deliverable sites from the SHLAA (803 dwellings with planning permission considered to be deliverable and 1,287 dwellings without planning permission considered to be deliverable)		2,090
L	Number of years of supply		5.3

11.2 Following further consideration of the contribution that can be made from the reoccupation of empty homes in terms of meeting the housing requirement an alternative five year supply calculation is presented in Table 2 below.

Table 2 – Five Year Supply Calculation:

1) Housing requirement			
A	Plan period (2011/12 - 2029/30)		19 years
B	Overall housing requirement		5,662
C	Annual housing requirement	(C/A)	298
Ca	Annual housing requirement for 2011/12-2014/15		220
Cb	Annual housing requirement for 2015/16-2019/20		250
Cc	Annual housing requirement for 2020/21-2029/30		353

2) Performance against the housing requirement – identification of under/over supply			
D	Housing requirement to date (2011/12 -2013/14)	(Cax3)	660
Ea	Housing delivery to date (2011/12 - 2013/14)		154
Eb	Reoccupation of long-term empty homes (2011/12 – 2013/14)		748
Ec	Total housing provision to date		902
F	Current housing delivery position (over delivery)	(D-Ec)	-242

3) Five year requirement calculation			
G	Five year requirement (2014/15-2018/19)	(Ca) + (Cb ^{x4})	1,220
H	Five year requirement + 20% buffer	(G+20%)	1,464
J	Five year requirement + 20% buffer - over delivery	(H-F)	1,222

4) Five year supply calculation			
K	Number of dwellings on deliverable sites from the SHLAA (803 dwellings with planning permission considered to be deliverable and 1,287 dwellings without planning permission considered to be deliverable)		2,090
L	Number of years of supply		8.6

11.3 This alternative calculation provides further reassurance that there is a five year supply of land to meet the housing requirements.

12. Is a five year supply likely to be deliverable given the reliance on sites without planning permission and with policy constraints?

12.1 The five year supply is based on an assessment of sites identified through the Strategic Housing Land Availability Assessment (SHLAA) [CD/04/03]. The purpose of the SHLAA is to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. The SHLAA has used a number of established criteria to make an assessment of a range of sites across Pendle.

12.2 The current economic conditions, in parts of the borough, have made it necessary to identify additional viable sites, some of which have existing policy constraints. The assessment of these sites shows that they are in sustainable locations, are available and viable and are only constrained by policy designations which are currently subject to review through the Local Plan process. Policy LIV1 includes a policy statement which supports proposals on non-allocated sites where they are sustainable and make a positive contribution to the five year supply. This acknowledges the need to boost the supply of housing and would allow development on sites with current policy constraints, provided they are sustainable.

12.3 Those sites included in the five year supply without planning permission are being promoted by the landowners for housing development. A number of the owners have had pre-application discussions with the Council and are making progress on submitting a planning application, thereby showing a strong intention to bring sites forward.

12.4 Together with the existing commitments, these sites have been assessed as being deliverable and will ensure the Council has a five year supply of land.

13. Is the requirement within Policy LIV1 for applicants to demonstrate deliverability necessary?

13.1 The requirement for applicants to demonstrate deliverability has been included, in part, to help ensure that the Council can identify a deliverable five year supply of land. Paragraph 10.41 of the Core Strategy explains that the statement would provide an assurance to the Council that the proposal could be delivered in a timely manner and help to achieve the housing targets.

13.2 The requirement for a deliverability statement is linked more specifically, to the affordable housing policy (LIV4) and the requirement for applicants to provide details of the financial viability of the scheme so that negotiations can be carried out to determine the amount of affordable housing that should be provided. The successful implementation of Policy LIV4 is reliant on viability information being provided by the applicant so that the most appropriate affordable housing target is applied to the development.

13.3 It is acknowledged that the NPPF does not require local planning authorities to request deliverability information from applicants. The Council is minded to propose a modification to the plan to remove the specific requirement for applicants to demonstrate the deliverability of a proposal. However, the Council still proposes that applicants should submit a viability assessment to enable a judgement to be made on the amount of affordable housing to be provided.

- Proposed Main Modification: Amend paragraph 10.41 to read:

“To help to determine the level of affordable housing which can be provided on a site (see Policy LIV4) the Council will require applicants to submit a financial viability statement which provides details of the estimated build and land acquisition costs, in order for the economic viability of the scheme to be assessed. This information...”

- Proposed Main Modification: Amend the 6th paragraph of the Policy LIV1 to read:

“For proposals of 10 dwellings or more, applicants should provide a financial viability assessment, which will be used to help determine the amount of affordable housing to be provided (Policy LIV4).”