Hyndburn Borough Core Strategy and Accrington Area Action Plan DPDs

Comments on Matters and Issues for Examination made on behalf of Mr H Grimshaw

Further Comments in relation to Policy H1 and Supporting Text
Respondent ID No: CS033

The Inspector has identified specific matters and issues for examination in relation to the topic of housing which is to be dealt with on day 3 of the Examination (Thursday 22 September 2011). I therefore comment below utilising the headings of the specific matters etc which the Inspector via the Programme Officer has set out in a specific schedule that was issued, inter alia, to accompany the notes of the PHM.

Overall Provision of Housing

a) This relates to the basis and justification for the overall level of proposed housing provision in the light of the sources from which it has been generated and the relevant Government guidance. In the latter respect the specific references to paragraph 33 of PPS3 are of course supplemented by the relevant advice contained in the recently issued draft National Planning Policy Framework (NPPF). Primarily, this introduces one fundamental change, although there is perhaps some overlap with a later issue, in the sense that whilst no comment is made on the overall level of proposed housing provision because this appears to have been arrived at through the application of the appropriate methodology, the NPPF introduces in effect a requirement for a 5 year supply of deliverable housing sites plus 20% to give greater flexibility and choice of land. This should not affect the overall provision but generally points towards more flexibility in the amount of provision.

In broad terms however our original submission which was noted was to ensure that the level of housing provision is based on the most accurate and up to date information. In this context at the time of our original submission it was the case that the RSS had recently been abolished but nevertheless our view was that this would provide the most up to date basis of assessment of housing need and therefore regard should continue to be had to its housing need calculations. The situation has since moved on in the light of the most recent ‘Cala Homes’ judgement to the effect that whilst the RSS continues to be in place, the LDF still needs to be in conformity with it and it appears that the Authority has simply revised its overall level of provision figure in the light of this and changes suggested by other sources from which it has been derived.

Accordingly the basis and justification for the overall level of proposed housing provision does seem to have had proper regard to the sources from which it has been derived.

b) It would appear to be fairly normal and usual practice for the principal housing policy which in this case is Policy H1 to include the overall level of housing provision notwithstanding that in this instance it also seeks to prescribe the
housing mix which will be pursued for particular reasons in the light of a dearth of certain types of housing within the Borough.

c) The policies and accompanying text do appear to have been specifically prepared in order to give sufficient guidance about the amount, location and timing of new housing development generally consistent with national policy.

In this respect however following on from our original queries concerning paragraph 5.74 and the confusion that the wording in the Revised Publication Edition created, I continue to consider that paragraph 4.26 which is part of the supporting text for Policy H1 is not clear. This is because it states that there are sufficient sites ‘within the areas identified’ to accommodate the number and distribution of new houses proposed. However this paragraph also refers to the fact as we advocated should be the case that sites allocated as ‘Areas of Special Restraint’ in the 1996 Hyndburn Local Plan will be reviewed during the preparation of the Site Allocations and Development Management DPDs. This raises the question in my mind as to whether the ‘areas identified’ which are claimed to contain sufficient sites to meet the level of housing provision relates just to the present urban area or the urban area plus these areas of special restraint which in all cases are immediately adjacent to the urban framework boundary but specifically outside of the Green Belt such that naturally they will form the first choice to meet housing need should they be required.

This needs to be clarified in terms of whether the guidance on the ‘location’ of the proposed new housing is sufficient because the more recently published Balanced Development Strategy, now proposed to form Policy BD1 indicates in the supporting text to the policy, although it does not appear to be specifically included in the policy itself, that whilst the importance of developing brownfield land and securing generation are recognised ‘the benefits associated with developing in highly accessible locations on the periphery of the existing urban area’ (emphasis added) is also recognised. I do not consider that there is any mismatch between these two references because my interpretation is that the reference in paragraph 4.26 is to the existing urban area plus the Areas of Special Restraint, but this is not made absolutely clear and this anomaly needs to be addressed for the purposes of clarity in terms of the policies and accompanying text giving sufficient guidance about the location of new housing development.

Furthermore however, the situation is further confused by the fact, that as I have referred to previously in the original representations and separately as part of my comments relating to the ‘Rural Areas’ topic and session, the main reference to how ‘Areas of Special Restraint’ will be approached, in paragraph 5.74 forms part of the supporting text to Policy RA1, whereas if they were developed, this would form part of the provision under Policy H1 constituting development within Accrington and its Townships!
What is suggested therefore is that in the first line of paragraph 4.26, the words ‘areas identified’ need to be followed by ‘ie the existing urban areas plus the areas of special restraint’.

d) Bearing in mind that there are many factors which determine the achievement of the overall housing target that are in effect outside of the planning process, most particularly the willingness of house builders to develop in certain areas which in turn is dictated by their knowledge of whether they can sell those houses, it appears that the most appropriate mechanism to ensure delivery via the housing strategy is to provide sufficient choice of sites. As part of the process a specific deficit in the existing housing provision of larger detached and semi detached family houses has been identified and the strategy, particularly in terms of the housing mix has been devised to address this. However the point which we have made in the earlier representations is that suitable sites for this type of housing need to be a distinct part of the provision. This again points to the need to utilise the areas of special restraint, which are generally on the fringe of the existing urban area as this will provide a range of suitable sites that will be attractive to the house building industry for this type of housing development especially as they will enable the development of more quality housing with views out over the surrounding countryside. In this context it is particularly interesting to note that in the immediate vicinity of the particular area of restraint in which my client’s land is contained, Barratt Homes have been attracted in the relatively recent past to undertake a substantial housing redevelopment of a former mills site to incorporate a substantial range and mix of housing including such larger detached and semi detached family houses.

e) These are largely points for explanation and clarification by the Authority but in terms of the figures in the 5, 10 and 15 year housing land supply position, regard will need to be had to the advice in the NPPF about the 5 year supply needing to be increased by 20% for the specific reason of ensuring choice and competition in the market for land. The other points included in this matter are of course factual but it will be useful to be aware of them as again it seems they are likely to point towards the need to identify suitable sites for detached and semi detached family homes.

f) Again these are primarily points for the Authority in the sense of needing to demonstrate that the information in the SHLAA and SHMA is soundly based, accurate, up to date and has been prepared in line with the relevant guidance.

**Housing Mix (Policy H1)**

a) Although it is for the Authority to demonstrate that the evidence base justifies the housing mix sought in Policy H1, this appears to largely stem from the facts of the present housing mix and the current deficiencies which have been identified.

b) It is considered that the balance between brownfield and greenfield land is appropriate and soundly based and that the strategy does give enough emphasis to the regeneration of the urban areas particularly in the light of the recent moves in Government guidance against setting brownfield land targets. These moves were
initiated in the Ministerial Statement by Greg Clark MP on Previously Developed Land and Density and have been reiterated in the publication of the draft NPPF. These initiatives are particularly apposite in this instance because of the present housing mix which has resulted from the fact that historically within the Borough the emphasis has been on the development of quite intensive, particularly terraced housing in the heart of the urban areas. In more recent times the emphasis has been on redevelopment of brownfield sites within the urban areas that has similarly generally taken the form of terraced houses or apartments resulting in a lack of detached and semi-detached properties which have a greater appeal to families. There are opportunities however to develop greenfield sites directly adjoining the urban areas such that they are highly accessible locations and therefore there needs to be a clear recognition of these opportunities and a considerable emphasis on the development of these forms of housing on these types of sites, as indeed is currently achieved in the current wording of Policy H1.

c) The delivery of new housing should not be affected by the Ministerial Statement referred to above because, as previously indicated in earlier representations, the changes to PPS3 simply took garden land out of the definition of previously developed land but did not prohibit such development from taking place. Indeed it is our experience that appeal decisions immediately following this change to PPS3 reflected the above position and Inspectors placed greater emphasis, as they should on the matter of whether or not sites are suitable to accommodate development without causing harm and more particularly are sustainably located. Copies of relevant appeal decisions can be provided if necessary.

In this context, the letter from the Chief Planning Officer at the DCLG dated 19 January 2010 is of particular importance because it clarified that the Government’s independent research on this matter found that inappropriate development on back gardens ‘is not a widespread, national or growing problem’ but was mainly focused on London and the South East. The Annex to the letter further clarified that the main perceived problem is that the creation of higher densities by way of garden development is one of having a negative impact on the surrounding area but that this may be avoided by design aimed at ‘maintaining the character of the area’ and a focus on achieving appropriate density.

Furthermore, it is the case as previously indicated that there are greenfield sites on the periphery of the urban area which are suitable and available for development because they are in accessible and sustainable locations, without the need for unacceptably intensive development within the urban areas, to be achieved by developing unsuitable garden ground which creates specific problems.

d) Notwithstanding the above it is still contended that it is inappropriate to make the statement in paragraph 4.34 positively resisting the development of land within the garden/cartilage of residential properties, in the context of the latest national guidance in PPS3 and it is considered that it would be particularly inappropriate to incorporate this into Policy H1. This would not only prejudice the universally accepted principle of considering each application on its own individual merits.
but also would not be consistent with the revised PPS3 advice that does not express any presumption against the development of such sites but simply removes them from the previously developed land definition as that was conceived as expressing something of a ‘carte blanche’ for the development of all such sites especially where there was an emphasis on achieving brownfield land targets, which has now been removed. There will inevitably continue to be sites with large gardens or curtilages which do present appropriate housing redevelopment opportunities and these should not be automatically ruled out by a policy presumption against them.

Affordable Housing (Policy H2)

a iii) Whilst this comment is not critical of the general approach to seeking developer contributions to facilitate the provision of affordable housing, the associated mechanisms for achieving this continue to be a cause for concern. Most particularly this relates to the indication of developers also funding any report which the Authority seeks in order effectively to question viability reports produced by them to demonstrate that the requested provision of affordable housing cannot be supported by particular schemes. The planning process does now involve considerable fees for planning applications, which developers have to pay and if they also seek to demonstrate that they cannot viably undertake development incorporating the amount of affordable housing which will be required, they should not also have to further fund any criticism of such viability assessments that the Authority wishes to make. If Authorities choose to do so, then in equity they should be prepared to fund any such challenge.

In addition, the reference in the policy to affordable housing continuing to need to be provided where developments have not been commenced within 2 years of the grant of permission is wholly inequitable. The requirement for a level of affordable housing within developments is already a charge on them and it is only possible in reality for affordable housing to be provided where developers are able to make profit from the other elements of their schemes in order to fund such provision which in effect is a liability to them. It is totally unfair and inappropriate therefore to seek to incorporate provisions to ensure that the affordable housing element is provided whether or not developers have been able to undertake the other elements of their schemes and generate profit to enable the provision of affordable housing.

b) Again, this is primarily a matter for the Authority to need to demonstrate in terms of the justification for provision. However, the question is also raised of how sufficient affordable housing will be delivered and in this context I reiterate that this can only realistically be achieved as part of the actual implementation of broader schemes that will enable affordable housing to be provided either on or off those sites through the generation of profit to fund this.