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# ROSSENDALE LOCAL PLAN 2019 – 2034

## EXAMINATION

### MATTER 8 – HEARING STATEMENT

**CLIENT:**  
B&E Boys Ltd.

**DATE:**  
29 August 2019

**RESPONDENT REFERENCE NUMBER:**  
5192

<b>Report Drafted By</b>	<b>Report Checked By</b>	<b>Report Approved By</b>
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26.08.19	28.08.19	29.08.19

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# 1. INTRODUCTION

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## BRIEF

- 1.1 Hourigan Connolly is instructed by B&E Boys Limited having regard to their land ownership at Toll Bar Business Park, Stacksteads (site EE30).

## SCOPE

- 1.2 This Hearing Statement has been prepared in respect of Matter 8 of the Local Plan (LP) 2019–2034 Examination and responds to the Inspector’s questions regarding site allocations as set out in the Schedule of Matters, Issues & Questions.

## FORMAT

- 1.3 Each of the Inspector’s questions (where relevant to our originally submitted written representations in respect of the Submission Local Plan) are dealt with in a separate chapter of this Hearing Statement. Accordingly, not all questions posed by the Inspectors are addressed in this Hearing Statement.
- 1.4 In the conclusion Chapter we address whether the Council’s approach to the site is sound in accordance with the Planning and Compulsory Purchase Act 2004 and associated regulations.
- 1.5 The National Planning Policy Framework (2019) (the “Framework”) sets out the criteria for determining soundness; namely that the plan is positively prepared, justified, effective and consistent with national policy.

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## 2. QUESTION 8 V

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### **ARE THE IDENTIFIED B USE CLASSES ON THE EMPLOYMENT ALLOCATIONS (AS SET OUT IN POLICY EMP2) JUSTIFIED AND SUPPORTED BY ROBUST EVIDENCE?**

- 2.1 Site EE30 is proposed for allocation as an existing employment use.
- 2.2 We would respectfully refer the inspectors to our Reg. 19 submission, which sets out in terms why the site is not suitable for retention in employment use.
- 2.3 The site does not operate on a financially viable basis. We do not consider that the proposed allocation for B1, B2 and B8 uses will secure a viable use or investment in the site going forward. As referred to in the Policy Explanation of draft Policy EMP2, much of the committed supply of employment sites is not considered to be fit for purpose, and is often in the wrong location with sites to the west of the Borough being more attractive due to better links to the A56 and M66. This is the case with the subject site.
- 2.4 Toll Barr desperately needs significant maintenance works including re-roofing the whole building which is estimated to be at least £500k. There is also major works required to the main core of the building as in large parts, the mill is now becoming infested with wet and dry rot to many of the main timber supports. Many of the single storey northern light roofs at the mill have suffered from years of lead thefts and vandalism causing thousands of pounds worth of damage that really now requires serious investment to make the buildings water tight to allow higher grade of tenants to potentially take occupancy. However, the rental uplifts are unachievable given the quality of other more modern, clear span portal framed buildings in the Borough.
- 2.5 Toll Bar Business Park is only partly occupied by commercial and industrial operators. The rent received by the tenants is significantly below the current market rent. As the years have passed, demand for upper floor space has dropped significantly, if not completely, other than the likes of boxing / karate clubs, artists, or dance / fitness studios who can only afford nominal rents.
- 2.6 The Council's Employment Land Review 2017 scores the site poorly against the various employment criteria and gives an overall rating of Poor.
- 2.7 The site is no longer a viable employment location and there is no reasonable prospect of either take-up or redevelopment for employment use. In such circumstances, para. 120 of the Framework is clear:

*“Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*

*a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*

*b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”*

2.8 Whilst part of the site has listed status, our submissions to Reg. 19 included a Heritage Technical Note which commented that *“under both local and national policy there is no provision which prohibits the demolition of the mill building and therefore there is no reason not to consider the site for allocation or to deny the submission of an application to redevelop it”*.

2.9 Given the foregoing, the protection of the site for employment use is not viable. As we have argued in submissions, the site should be allocated for housing with any associated policy ensuring that development at the Site respects the distinctive quality of the historic landscape and setting and retains or enhances the character and context, reinforcing the local distinctiveness of Rossendale.

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### **3. CONCLUSION**

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- 3.1 In our view the LP is not sound as submitted.
- 3.2 There is no reasonable prospect that the proposed employment allocation at Toll Bar (site EE30) will be delivered; therefore, the LP will not be effective.
- 3.3 In order for the LP to be found sound, site EE30 should be deleted and replaced by a new housing allocation.