

DPP Planning

Barnett House
53 Fountain Street
Manchester
M2 2AN

t
info@dppukltd

www.dppukltd.com

BY EMAIL ONLY



Mr Tony Blackburn
Rossendale Local Plan Programme Officer
15 Ottawa Close
Blackburn
BB2 7EB

Ref: 2884ma/L001m

Date: 14 Nov 2019

Dear Tony

Response to Council's Housing Land Supply Update Report - October 2019 (Ref: EL4.014) - relating to Land off Manchester Road and Clod Lane, Haslingden on behalf of Lindon Park Developments Ltd

We write on behalf of our client Lindon Park Developments Ltd and further to our recent email request through you to the Inspectors to submit a short response to the Housing Land Supply Update Report (EL4.014) and to submissions made by other representors as relates to the site of Land off Manchester Road and Clod Lane, Haslingden.

We wish to register our support for the Update Report in the inclusion of the site of Land off Manchester Road, etc. as part of the Council's housing land supply to the base date 1st April 2019 [Appendix 1, Table 1: Other committed sites in the overall housing land supply (as of 01/04/19)]. We support the recognition of the potential residual development capacity for up to 187 homes. We also support the forecast delivery from Year 6; and although our client has ambition to see an earlier restart on site than this date, we see this as prudent in preparing evidence on the 5-year supply for the Local Plan process.

There is one clarification to Table 1 that would be a benefit, and that is to delete the delivered 44 units from the column under 2018-19 which gives the impression the completions were in that year. We do not see any need for this figure to be given in the table as it only needs to show the forecast in future years.

We have reviewed the four representations received on the Update Report (EL05.005 to 008). We do not intend to give commentary on each response but wish to state for the benefit of the Inspectors in preparing their report and recommendations the following points.

- 1) **Á** It appears no party disputes the clear advice of leading counsel, David Manley QC, as to the fallback position relating to our client's site and that there is an extant residential planning permission, which we welcome.
- 2) **Á** This reinforces the case that our client's site should be treated as a housing commitment.
- 3) **Á** In reply to specific responses on our client's site not raised in the hearing session we simply point out:
 - a) **Á** As an extant planning permission, it is entirely permissible to pursue a non-material amendment or material amendment (Section 73) to vary the implemented permission. The passage of time is irrelevant to making such application(s) and it is entirely regular in practice for developers to substitute house

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Company number 08129507
VAT number 138284595

types or make other layout amendments to approved schemes through such applications. That the site is in the Green Belt is an irrelevance to the principle and use of such an approach to make variations, and it will be for the local authority to determine acceptance as with any other housing development.

- b. The fallback can clearly amount to very special circumstances which both representors ignore in their commentary on their view on the likelihood of a future varied application being secured, and we note neither representor has sought to challenge the advice of Counsel which indicates an understanding that there is indeed an extant permission and thus an important fallback position.
- c. Green Belt Topic Paper confirms the site was designated within the Green Belt in the 1995 review and not 1979 as one representor states. In any case the matter is an irrelevance because the change in policy designation cannot override the legal right of an operative planning permission.

We conclude that there is nothing new advanced by the two representors to reach any other conclusion than in Counsel's advice that the permission is extant and as such must be considered a commitment in the housing land supply as now reflected in the Update Report before the Inquiry.

We ask that the Inspectors proceed in their recommendation and report on the Council's updated evidence base that includes the Land at Manchester Road and Clod Lane, Haslingden as a commitment to the housing land supply.

Yours sincerely

Richard Purser
Associate Director
DPP

cc. Lindon Park Developments Ltd