



The Planning Inspectorate

Report to Fylde Borough Council

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Date: 6 May 2020

Report on the Council's Annual Position Statement (APS)

The Statement was submitted to the Inspectorate on 31 July 2019

RECOMMENDATION to the COUNCIL

1. The Fylde Borough Council Draft Annual Position Statement July 2019 is confirmed, subject to the following.
2. The annual housing requirement is 527 dwellings per annum.
3. The five-year supply is reduced by 120 dwellings comprising:
 - (a) Site HSS1 Queensway, St. Annes - remove 28 units;
 - (b) MUS2 Whyndyke Farm, Preston New Road, Whitehills - remove 30 units;
 - (c) HS57 Land at Brook Farm, Dowbridge, Kirkham – delivery in Year 1 is reduced by 12 units;
 - (d) delete the 50-dwelling allowance for empty homes.

Context to the Recommendation

4. This APS report replaces that issued in January 2020, that report having been quashed by Order of the High Court. I have adopted the findings of the previous Inspector where I agree with them and much of the report is consequently unaltered.
5. The APS has been assessed on its merits, having regard to the base date of 1 April 2019, which was the appropriate base date at the time the Council submitted its draft APS.
6. Paragraph 74 of the National Planning Policy Framework (Framework) introduced an Annual Position Statement (APS). Planning Practice Guidance (PPG), updated in July 2019, sets out the process that local planning authorities should follow if they wish to confirm their housing land supply through an APS. When assessing an APS, the Inspectorate carries out a 2-stage assessment: Stage 1 – whether the correct process has been followed and Stage 2 - the sufficiency of the evidence submitted.

Stage 1

Does the Council have a recently adopted plan?

7. For the purposes of Framework paragraph 74, a plan adopted between the 1 May and 31 October will be considered “recently adopted” until 31 October of the following year¹. The Fylde Local Plan to 2032 (LP) was adopted on 22 October 2018 and was therefore a recently adopted plan at the relevant base date². PPG on Housing Supply and Delivery at paragraph 011³ indicates that plans that are recently adopted, including those adopted under the 2012 Framework, can benefit from confirming their 5-year housing land supply through an APS. The Council actively sought to establish a five-year housing

¹ Framework Footnote 38

² 1 April 2019

³ Reference ID: 68-011-20190722.

land supply through the plan making process and this was subsequently confirmed.

Has satisfactory stakeholder engagement been carried out?

8. PPG⁴ identifies the engagement a Council will need to undertake and who to engage with. Here, developers of all sites of 100 dwellings or more and of selected smaller sites were approached with the Council's projections for their site. Other than saying that the smaller site developers were selected based on "*...where useful information could be obtained...*", there is no explanation of the criteria used to select those developers. Responses were used to draft an APS for consultation.
9. A consultation draft was sent to all agents/consultants representing developers, land owners and site promoters; all infrastructure/utility providers; all statutory consultees; and adjoining local and higher tier authorities. The consultation draft was published on the Council's website and press notices were published in 2 local newspapers. DevPlan UK, the development plan monitoring database, issued a policy alert on the consultation draft. Following assessment of the responses, the APS was submitted to the Planning Inspectorate.
10. Notwithstanding the lack of an explanation for the selection of smaller developers to consult, on balance satisfactory stakeholder engagement has been undertaken.

Stage 2

Is the evidence submitted sufficient to demonstrate a 5-year supply of deliverable housing sites?

Requirement

11. As the LP is less than five years old, the Council's housing land supply is to be assessed against the housing requirement contained in its strategic policies⁵. LP Policy H1 sets a minimum housing requirement of 415 (net) dwellings per annum (dpa). The shortfall to April 2019 is estimated at 833 dwellings. The LP spreads this shortfall over the remainder of the plan period (Liverpool Method) i.e. 64 dpa. The total of these 2 elements is a requirement of 479 dpa or 2,395 dwellings over 5-years. Through a rebasing calculation, the Council adds 2 dwellings to the 5-year requirement taking it to 2,397 dwellings. Adding the 10% buffer required when using an APS⁶ (240 dwellings), the 5-year housing requirement calculated by the Council is 2,637 dwellings or 527 dpa.
12. The Council's continued use of the Liverpool Approach is disputed. PPG⁷ when considering how past shortfalls in housing completions against planned requirements should be addressed indicates that any shortfall should be

⁴ Housing Supply & Delivery ID: References 68-015-20190722 & 68-016-20190722.

⁵ Framework paragraph 73.

⁶ Framework paragraph 73.

⁷ Paragraph: 031 Reference ID: 68—31-201990722

added to the requirement for the next 5 years (Sedgefield Approach) then the appropriate buffer added. However, the guidance continues to say that if: "*... a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.*" That is the process followed in this case and the LP incorporates the Liverpool approach to dealing with past under delivery. This is the basis on which the APS must be considered.

13. The five-year housing requirement for the purposes of this APS is 2,637 dwellings or 527 dpa.

Supply

14. In the APS, the supply comprises: deliverable sites (2,667) and allowances for windfalls (80), empty homes (50) and a demolitions allowance (-5). Having regard to the Framework definition of deliverable sites, it is unnecessary to include an allowance for the non-implementation of small sites. Taken together, these components amount to a 5-year supply of 2,792 dwellings.

Housing Sites in Dispute

15. Eleven sites are disputed on the basis that either the site should be removed from the supply as undeliverable or that their contribution to the supply should be adjusted.

Site HSS1 Queensway, St. Annes.

16. Owned by a single developer this site has full planning permission for 948 dwellings. The dispute relates to the number of dwellings to be delivered by 2023/2024.
17. The Council's 5-year figure of 193 dwellings is taken from delivery estimates provided by the developer in May 2019. However, the 193 dwelling figure contradicts information provided by the same developer 8 months earlier in October 2018. Then, the developer indicated that the site could deliver no more than 165 dwellings until Lancashire County Council, the highway authority, finalised the design, obtained planning permission, prepared tender documents; completed the legal arrangements, appointed a contractor and opened the Queensway junction to traffic.
18. The May 2019 response does not explain why there has been an increase from 165 to 193 dwellings. Moreover, there is no clarification in the Council's response to indicate that the major junction works have progressed or that the constraint on the number of dwellings has been removed. There is not the clear evidence required to support the Council's figure of 193 dwellings and the supply figure should be reduced by removing 28 units.

MUS4 Heyhouses Lane, St Annes

19. This is a site with full planning permission for 162 units of which 130 were constructed in the period 2014 to 2018. Although the Council's 5-year housing trajectory does not show any completions for 2018/2019 it lists the

balance of 32 dwellings as being under construction with the delivery of 30 dwellings in 2019/2020 and completion in 2020/2021.

20. Sites with detailed planning permission are considered deliverable until the permission expires unless there is clear evidence that dwellings will not be delivered within 5 years⁸. Whilst the absence of completions in 2018/2019 is unexplained, the delivery rate of 30 in one year is consistent with previous delivery rates on this site. On balance, there is a realistic prospect that the remaining units will be delivered in the period 2019 to 2024.

HS10 Orchard Road, Lytham

21. The site is a Local Plan allocation for 12 units. The outline planning permission granted in June 2015 has lapsed. The site is controlled by the Official Receiver who indicated in March 2018 that an offer had been accepted and contracts were being drawn up. Although the Council has no information on the new owner(s) or their intentions, the site is vacant and boarded-up. The site is slated for delivery in 2022/2023. The site is available and suitable for development and given that the principle of access, layout and scale has been established, a lead-in time of 3 years to obtain a further permission and deliver 12 units is, on balance, realistic.

MUS1 Cropper Road East, Whitehills

22. This is a site for 146 dwellings of which the Council say 109 were completed in the years up to 2019 (the developer says 104). The trajectory says the balance of 30 units are to be delivered in 2019/2020 (30 units) and 2020/2021 (7 units). A delivery rate of 30 dwellings in one year is consistent with previous experience on this site. On balance, there is a realistic prospect that the remaining units will be delivered in the period 2019 to 2024.

MUS2 Whyndyke Farm, Preston New Road, Whitehills

23. This is a large site for some 1,310 dwellings. Outline planning permission was granted in June 2018, some 7 years after the site was first mooted. Whilst only 30 dwellings have been included in the 5-year trajectory in the final year, 2023/2024, the response from the developer is at best "lukewarm" indicating that no progress has been made since 2018. Here, there is not the clear evidence required to support the inclusion of this site and the supply figure should be reduced by removing 30 units.

HSS5 Cropper Road West, Whitehills (Site 1) & Cropper Road West (Bambers Lane), Whitehills (Site 2)

24. These are allocated sites in the Local Plan. An outline planning application for Site 1 has been submitted for up to 350 units and a full planning application has been submitted for Site 2 for up to 142 units. For Site 1 the trajectory shows delivery of 10 units in Year 4 and 30 units in Year 5. For Site 2 the trajectory shows 15 units in Year 3, 30 units in Year 4 and 30 units in Year 5. It appears that consultants for the developers have prepared Design Codes for these sites. The Environment Agency (EA) has issued a holding objection to

⁸ Framework Annex 2 – Glossary – Deliverable.

the development of these sites following a reassessment of the flood risk. The applicants are responding to the EA and the Council consider the issues are technical and capable of resolution. On balance, given the progress to date, these allocations appear realistic.

HSS2 Blackfield End Farm, Warton

25. This site has planning permission for some 163 dwellings and development has commenced. There is an outstanding application for the discharge of conditions, which the Council indicates has been agreed in almost all respects. The 5-year trajectory shows the site contributing 135 units. Given the progress to date, on balance, the inclusion of these dwellings is realistic.

HSS12 Land North of Freckleton Bypass, Warton

26. This is a site with outline planning permission for some 350 dwellings. Based on the applicant's revised delivery estimates, the 5-year trajectory includes 30 dwellings in 2022/2023 and 2023/2024. On balance, given the progress to date, the inclusion of these dwellings is realistic.

HSS13 Clifton House Farm, Lytham Road, Warton

27. This is a site for 115 dwellings with outline planning permission, and a reserved matters application in preparation. The 5-year trajectory includes 30 units in 2022/2023 and 30 units in 2023/2024. This trajectory has been confirmed by the agent. On balance, given the timescales involved the inclusion of these units towards the end of the 5-year period is realistic.

HS57 Land at Brook Farm, Dowbridge, Kirkham

28. This is a site for 170 dwellings that has outline and reserved matters permission. The 5-year trajectory shows the site delivering 15 units in Year 1. Construction has started and the developer (July 2019) confirmed with the Council that the 5-year trajectory "looked about right". However, the site promoter (July 2019) says that discussions with the developer indicates that delivery in Year 1 would be a maximum of 3 dwellings.
29. The Council, other than saying it maintains the anticipated delivery rate as agreed by the developer, provides no further justification for the projected delivery in 2019/2020. This approach appears inconsistent with that adopted on other sites where the Council has accepted the more up-to-date position provided by the same site promoter. In these circumstances, there is not the clear evidence required to support the inclusion of 15 units in Year 1 of the trajectory and the supply figure should be reduced by removing 12 units.

Conclusion on the Disputed Sites.

30. Clear evidence has not been produced to support the inclusion of 70 dwellings within the 5-year supply.

Windfalls

31. The allowance for Years 4 and 5 is based on a finding by the LP Examining Inspector that 40 dwellings per annum in Years 4 and 5 was justified by the

evidence. Windfall development generally relates to small sites that unexpectedly become available. Therefore, from year to year their contribution cannot be reliably anticipated. Having regard to the levels of windfalls permitted in each of the years from 2014 to 2019, the inclusion of 80 dwellings appears reasonable.

Empty Homes

32. The housing trajectory for the years 2011 to 2019 shows no long-term empty homes returning to occupation. The 5-year trajectory for 2019 to 2024, which replicates the Plan Period Housing Trajectory, shows an allowance for 50 dwellings (10 per annum). There is however, no information contained within the APS to justify or moderate the allowance of 50 dwellings. Accordingly, 50 dwellings should be removed from the supply.

Conclusion on the Deliverable Housing Supply

33. The 5-year supply should be reduced by 120 dwellings to 2,672 dwellings.

Conclusions

34. The Fylde Local Plan to 2032 is a recently adopted plan for the purposes of this APS and is less than five years old.
35. Satisfactory stakeholder engagement has been undertaken.
36. Having regard to the housing requirement contained within the strategic policies of the LP, the five-year housing requirement is 2,637.
37. The five-year total supply calculated by the Council should be reduced by 120 dwellings to 2,672.
38. The Council can demonstrate a 5.1-year housing land supply.

Michael Boniface

INSPECTOR