

Agenda



HYNDBURN

The place to be
an excellent council

Council

Thursday, 15 September 2016 at 7.00 pm,
Council Chamber, Town Hall, Accrington

Membership

Councillor Tim O'Kane (Mayor) in the Chair,
Councillors Judith Addison, Lisa Allen, Mohammad Ayub, Noordad Aziz, Jean Battle,
Peter Britcliffe, Stephen Button, Clare Cleary, Loraine Cox, Paul Cox, Munsif Dad,
Bernard Dawson, Tony Dobson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison,
June Harrison, Stephanie Haworth, Eamonn Higgins, Terry Hurn, Abdul Khan, Julie Livesey,
Gareth Molineux, Ken Moss, Jenny Nedwell, Bernadette Parkinson, Miles Parkinson,
Joyce Plummer, Kath Pratt, Malcolm Pritchard, Jeff Scales, Paddy Short and Paul Thompson

AGENDA

1. Apologies for absence

2. Declarations of Interest and Dispensations

3. Announcements

To receive announcements from the Mayor, Leader of the Council and Chief Executive.

4. Confirmation of Minutes (Pages 5 - 14)

To confirm as a correct record the minutes of the Council meeting held on 7th July 2016 (attached).



5. Calderstones NHS Trust - Response from NHS England (Pages 15 - 22)

Report attached.

6. Question Time

To deal with any questions submitted under Council Procedure Rule 2.2(vi).

7. Outcome of the Call-In of the Cabinet Decision on the Rhyddings Park Heritage Lottery Bid (Sequoia Tree) (Pages 23 - 26)

Report attached.

8. Amendment to Scheme of Delegation - Enforced Sales Procedure (Pages 27 - 28)

Report attached.

9. Development Management DPD (Publication Consultation Version) (Pages 29 - 238)

Report attached.

10. Appointment of Co-opted Members to Overview and Scrutiny Committees (Pages 239 - 242)

Report attached.

11. Minutes of Cabinet (Pages 243 - 256)

To receive the minutes of Cabinet meetings held on 20th July and 31st August 2016 (attached).

Rules of Debate

- *The Leader will move the minutes; the Deputy Leader will second.*
- *Non-executive Members will be invited to make comment or ask questions on the minutes (5 minutes).*
- *Cabinet Members will be invited to make comment and respond to any points raised (5 minutes).*
- *The Leader will be given up to 15 minutes to respond and to answer any questions raised.*

12. Minutes of Committees (Pages 257 - 292)

To receive the minutes of Committees and Sub-Committees as set out below:-

Rules of Debate

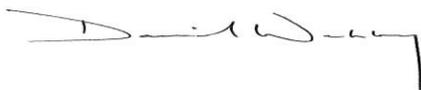
- *The Leader will introduce the minute book as a whole.*

- *Any Member may raise any issue from the minutes; the Chair of the relevant Committee may respond (5 minutes).*
- *The Leader will close debate (5 minutes).*

Meeting	Date
Planning Committee	21 st June 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	27 th June 2016
Audit Committee	27 th June 2016
Communities and Wellbeing Overview and Scrutiny Committee	28 th June 2016
Resources Overview and Scrutiny Committee	19 th July 2016
Planning Committee	20 th July 2016
Resources Overview and Scrutiny Committee (extraordinary meeting)	11 th August 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	22 nd August 2016
Planning Committee	31 st August 2016

13. Motion submitted on Notice *(Pages 293 - 294)*

To consider a motion submitted under Council Procedure Rule A9 (report attached).



Chief Executive
Scaitcliffe House,
Ormerod Street,
ACCRINGTON BB5 0PF

Wednesday, 7 September 2016

This page is intentionally left blank

COUNCIL

Thursday, 7th July, 2016

Present: Councillor Tim O'Kane (Mayor), Councillors Judith Addison, Lisa Allen, Jean Battle, Peter Britcliffe, Stephen Button, Clare Cleary, Loraine Cox, Paul Cox, Munsif Dad, Bernard Dawson, Tony Dobson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Eamonn Higgins, Terry Hurn, Abdul Khan, Gareth Molineux, Ken Moss, Jenny Nedwell, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt, Jeff Scales, Paddy Short and Paul Thompson

Apologies: Councillors Mohammad Ayub, Noordad Aziz, Stephanie Haworth, Julie Livesey and Malcolm Pritchard

72 Apologies for absence

Apologies were submitted on behalf of Councillors Mohammad Ayub, Noordad Aziz, Stephanie Haworth, Julie Livesey and Malcolm Pritchard.

73 Declarations of Interest and Dispensations

Councillor Glen Harrison declared a pecuniary interest in item 10 on the agenda (Scrutiny Report - Calderstones Trust and Evergreen School) as an employee of Calderstones NHS Trust.

Councillor Jeff Scales declared a pecuniary interest in item 14 on the agenda (two motions relating to the closure of libraries) as an employee of a charity supporting community libraries.

74 Announcements

1) Somme Centenary Commemorations

The Mayor reported on his visit to France, to commemorate the centenary of the Battle of the Somme and referred to the moving service at the Pals memorial at Serre on 1st July 2016 attended by many people from Accrington and Hyndburn, as well as descendants of Accrington Pals. He wished to thank all concerned for organising the trip.

The Deputy Mayor also mentioned the events which had been held in the borough, including a candlelit vigil on 30th June, an early morning service at the Pals memorial on 1st July and a roll call of all members of the 11th (Service) Battalion (Accrington) East Lancashire Regiment, "The Accrington Pals", which had taken place throughout the day. He thanked Council staff, the Royal British Legion, and community groups, for organising these events.

The Leader of the Council concurred with the comments made by the Mayor and Deputy Mayor and indicated that we should now look forward to the final centenary milestone of the First World War, 11th November 2018, by which time the centenary square in Accrington should be complete.

2) Eid Mubarak

The Chief Executive asked all to join him in wishing all concerned Eid Mubarak.

75 Confirmation of Minutes

The minutes of the Council meetings held on 19th and 21st May 2016 were submitted.

Resolved - **That the minutes of the Council meetings held on 19th and 21st May 2016 be approved as a correct record.**

76 Question Time

The following question was put to the Leader of the Council by Councillor Tony Dobson, in accordance with Council Procedure 2.2(vi):-

“Can the Leader of the Council give us an up-to-date statement in light of the road changes in Accrington town centre, which have left many residents and business owners angry at the way that these changes have been introduced without consultation and which have left the Council looking unprofessional and incompetent?”

The Leader of the Council asked Councillor Clare Cleary, Cabinet member with responsibility for the town centre, to respond. Councillor Cleary outlined in detail the consultation process which had taken place on the traffic changes in Accrington town centre before their implementation and assured Members of the Council that adjustments to the traffic flow would be made if necessary, in the light of the first weeks of operation.

77 Older People in Hyndburn - Our Policy

The Cabinet member for health and communities, Councillor Munsif Dad, invited Miss Lesley Jackson and Mrs Dorothy Westell, Chair and Vice-Chair of Hyndburn Over 50's Forum to present a document “Older People in Hyndburn”, the purpose of which was to promote the needs of older people and to encourage all service areas to consider the challenges and opportunities faced by this group when making new policy.

Hyndburn Borough Council, the Older People's Champion and Local Older People's Groups had together created this positive statement of ageing in the borough to challenge negative stereotypes and to recognise their impact in terms of volunteering, citizenship, as well as consumer spending, all of which were disproportionately high, compared to other sectors of the population; yet the time, skills and resources that older people had to offer society were often undervalued.

The document aimed to strengthen Hyndburn's approach to supporting communities whilst increasing opportunities for older people and ensuring local resources were well promoted and utilised.

Resolved - **That the report be noted.**

78 Rhyddings Park Heritage Lottery Bid

Council received a report to update members on the situation regarding the Heritage Lottery Bid for Rhyddings Park in Oswaldtwistle, and which included an arboricultural consultant's report concerning the sequoia tree, situated at the entrance to the park.

In early January 2016 the Council had been notified that it had been successful in a Parks for People funding bid to the Heritage Lottery Fund (HLF) relating to Rhyddings Park in Oswaldtwistle, a bid developed in conjunction with the Friends of Rhyddings Park. The HLF had been allocated £1,461,900 for the delivery stage of the project and the total value of the project, including in-kind funding and volunteer work, was £2m.

One element of the park refurbishment was the removal of the sequoia tree to facilitate the landscape improvements to the Rhyddings Street entrance of the Park. In late January 2016, a petition had subsequently been submitted to the Council asking for the tree to be saved. This had been discussed at the Council meeting on 24th March 2016, when it had been agreed that an independent arboricultural consultant's report would be commissioned in respect of the tree and the issue opened up for debate at Council.

That report was now submitted for debate, and Council was invited to make a recommendation to Cabinet, if it so wished, bearing in mind that Cabinet would make the ultimate decision whether to continue with the landscape plan or to change it any way in respect of the sequoia tree.

It was firstly put to Council whether it would, in fact, wish to make a recommendation to Cabinet. A named vote was requested in accordance with Council Procedure Rule 16.5 and the vote was as follows:-

For:

Councillors Judith Addison, Lisa Allen, Jean Battle, Peter Britcliffe, Stephen Button, Clare Cleary, Lorainne Cox, Paul Cox, Munsif Dad, Bernard Dawson, Tony Dobson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Eamonn Higgins, Terry Hurn, Abdul Khan, Gareth Molineux, Ken Moss, Jenny Nedwell, Tim O'Kane, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt, Jeff Scales, Paddy Short, Paul Thompson (30)

Against:

none

Abstentions:

none

The vote was unanimous for Council to make a recommendation to Cabinet in in respect of the landscape bid and specifically the future of the sequoia tree.

It was then **proposed** by Councillor Peter Britcliffe and seconded by Councillor Judith Addison,

“That it be recommended to Cabinet that the sequoia tree should not be removed and is retained as part of the refurbishment.”

A named vote was requested in accordance with Council Procedure Rule 16.5 and the vote was as follows:-

For:

Councillors Judith Addison, Lisa Allen, Peter Britcliffe, Tony Dobson, Glen Harrison, Terry Hurn, Kath Pratt, Paul Thompson (8)

Against:

Councillors Stephen Button, Lorainne Cox, Eamonn Higgins, Ken Moss, Miles Parkinson (5)

Abstentions:

Councillors Jean Battle, Clare Cleary, Paul Cox, Munsif Dad, Bernard Dawson, Stewart Eaves, Diane Fielding, Melissa Fisher, June Harrison, Abdul Khan, Gareth Molineux, Jenny Nedwell, Tim O’Kane, Bernadette Parkinson, Joyce Plummer, Jeff Scales, Paddy Short (17)

- Resolved**
- (1) That Council wishes to make a recommendation to Cabinet in respect of the landscape bid; and**
 - (2) That it be recommended to Cabinet that the sequoia tree should not be removed and is retained as part of the refurbishment.**

79 Management Review Committee - Membership and Terms of Reference

Council was requested to approve revised terms of reference and membership for the Management Review Committee.

The Council operated the JNC model procedure (2008) in respect of any disciplinary action relating to chief officers and formed part of chief officer’s terms and conditions of employment. The procedure provided for chief officers who were subject to disciplinary action to have a right of appeal either to Council or a committee. Local arrangements did not currently exist to give effect to this requirement. It was therefore recommended that this provision be incorporated into the Management Review Committee’s terms of reference, as the most appropriate body.

With regard to its membership, at the AGM on 21st May 2016, Council had appointed the following membership: Councillors Paul Cox, Clare Cleary, Dobson and Miles Parkinson (Chair). This did not reflect the membership as stated in the Constitution, which was by position, namely the Leader and Deputy Leader of the Council and the Leader of each of the other political groups on the Council or their respective nominees. Council was therefore requested to approve revised membership to reflect the positions held.

- Resolved**
- (1) That the terms of reference of the Management Review Committee be amended to include the following:-**
 - To consider and determine disciplinary appeals in respect of Chief Officers**
 - (2) That the membership of the management Review Committee for 2016/17 be revised to reflect the positions held by members:-**

Councillor Miles Parkinson (Leader), Councillor Paul Cox (Deputy Leader), Councillors Tony Dobson and Paul Thompson (Leaders of the other political groups), or their nominees.

80 Appointment of Co-opted Members to Overview and Scrutiny Committees

Councillor Eamonn Higgins, Chair of the Communities and Wellbeing Overview and Scrutiny Committee recommended to Council the appointment of co-opted members to the two Overview and Scrutiny Committees.

- Resolved**
- (1) That Council approves the appointment of Ms Kerry Molineux to the Communities and Wellbeing Overview and Scrutiny Committee; and**
 - (2) That Council reappoints Honorary Alderman Dave Parkins to the Communities and Wellbeing Overview and Scrutiny Committee, and Honorary Alderman Ian Ormerod to the Resources Overview and Scrutiny Committee.**

81 Scrutiny Report - Calderstones NHS Trust and the Evergreen School

As Councillor Glen Harrison had, at the start of the meeting, declared a pecuniary interest in this item, he left the meeting during the debate and vote.

A report was submitted, informing Council of two scrutiny reviews carried out at the Communities and Wellbeing Overview and Scrutiny Committee on 28th June 2016.

The first concerned the future of services provided by Calderstones NHS Trust, which ceased to exist on 1st July, as it was to merge with Mersey Care. The facilities at Calderstones would close in 2018 with patients transferring to alternative care, including other in-patient facilities and community provision. The Chief Executive of the Trust had attended the Overview and Scrutiny meeting, and had informed members that these decisions were as a result of several policies/papers including:

- Transforming Care
- Building the Right Support - A national plan to develop community services and close inpatient facilities for people with a learning disability and/or autism who display behaviour that challenges, including those with a mental health condition.
- Homes Not Hospitals

Scrutiny members had expressed a number of concerns, including lack of services for care in the community, ability of private and third sector providers to care for patients with complex needs, displacement of patients away from the area, potential job losses, perceived lack of consultation and the decision not to retain any in-patient services at the Calderstones site, despite the fact the Low Secure Unit there was “state of the art” and built only 2 years ago. Together with the Medium Secure Facility at the site (built only 7 years ago), this had cost £40m of public money. Committee members were particularly concerned by plans to build a new facility elsewhere in Lancashire, at significant expense, despite there being a purpose built facility already in place at Calderstones.

The Committee felt that these concerns should be put in writing to NHS England and was asking the Council to support these concerns.

The second review concerned the proposed Evergreen School, a new free school, providing secondary education to be located in Great Harwood. Trustees of the Evergreen School had attended the Overview and Scrutiny Committee to explain their vision. The Committee felt that the creation of this school would fit within the strategic vision of Hyndburn Borough Council to improve educational standards in the borough and would address local industry and employment issues. As such, it was recommended that Council support the proposal.

- Resolved**
- (1) That Council writes to the Chief Executive of NHS England regarding the closure of in-patient facilities at**

Calderstones NHS Trust outlining the following concerns:

- **A lack of meaningful public consultation taking place to inform the decision to close the in-patient facilities at Calderstones**
- **The decision taken not to retain any in-patient facilities at Calderstones, and to re-site a Medium Secure Unit at Maghull and a Low Secure Unit at a yet unidentified site.**
- **The letter should also urge NHS England to reconsider using purpose built facilities at Calderstones for future medium and low secure in-patient facilities.**

(2) That Council gives its formal support to the application for a free school in Great Harwood, The Evergreen School.

82 Amendment to the Scheme of Delegation

A report was submitted, seeking approval for an amendment to the scheme of delegation of non-executive functions to officers in respect of tree preservation orders. Currently officers had power to make and confirm tree preservation orders without any elected Member involvement, in what was often a sensitive and emotive issue. It was therefore proposed that the scheme of delegation be amended, to give delegated power to the Chief Planning and Transportation Officer “to make and confirm Tree Preservation Orders where satisfied that trees were in danger of felling or lopping or to preserve the amenity of an area following consultation with the relevant portfolio holder, save where the possibility of felling or lopping was so imminent that time does not permit consultation to take place.”

It was proposed at the meeting that consultation should also take place with Ward Councillors, a proposal accepted by all members.

Resolved

- **That Council agrees to amend the scheme of delegation to officers as set out below:-**

To the Chief Planning and Transportation Officer:-

1.2.17	To make and confirm Tree Preservation Orders where satisfied that trees are in danger of felling or lopping or to preserve the amenity of an area	Following consultation with the relevant portfolio holder and Ward Councillors, save where the possibility of felling or lopping is so imminent that time does not permit consultation to take place
---------------	--	---

83 Minutes of Cabinet

The minutes of Cabinet meetings held on 23rd March and 8th June 2016 were submitted.

Resolved - That the minutes be received and noted.

84 Minutes of Committees

The minutes of the following meetings were submitted:-

<u>COMMITTEE</u>	<u>DATE</u>
Planning Committee	16 th March 2016
Communities and Wellbeing Overview and Scrutiny Committee	18 th March 2016
Audit Committee	21 st March 2016
Resources Overview and Scrutiny Committee	22 nd March 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	29 th March 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	4 th April 2016
Planning Committee	13 th April 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	18 th April 2016
Licensing Sub-Committee	21 st April 2016
Licensing Sub-Committee	29 th April 2016
Planning Committee	18 th May 2016

Resolved - That the minutes be received and noted.

85 Motion submitted on Notice: Library Closures

As Councillor Jeff Scales had, at the start of the meeting, declared a pecuniary interest in this item, he left the meeting during the debate and vote.

The following **motion** was moved by Councillor Judith Addison and seconded by Councillor Peter Britcliffe under Council Procedure Rule A9:-

"This Council deplores the proposal by Lancashire County Council to close three out of five Hyndburn Libraries in the townships of Clayton-le-Moors, Oswaldtwistle and Rishton. Libraries are not merely lenders of books but serve as a community focus for a range of resident activities covering all age groups. This Council therefore resolves to write to Jennifer Mein, Leader of Lancashire County Council, asking her to reconsider the proposed Library closures Lancashire-wide, as local communities will suffer from the withdrawal of this valuable facility."

An **amendment** was proposed by Councillor Gareth Molineux and seconded by Councillor Glen Harrison as follows:-

“This Council acknowledges the serious financial burden that the Conservative government has imposed on Lancashire County Council whilst also having concerns regarding their proposal to close three out of five Hyndburn libraries in the townships of Clayton-le-Moors, Oswaldtwistle and Rishton. Libraries are not merely lenders of books but serve as a community focus for a range of resident activities covering all age groups. This Council therefore resolves to write to Jennifer Mein, Leader of Lancashire County Council, asking her to reconsider the proposed Library closures Lancashire-wide, unless Lancashire County Council can prove that all avenues of funding streams have been investigated, as local communities will suffer from the withdrawal of this valuable facility.”

A named vote was requested on the amendment in accordance with Council Procedure Rule 16.5 and the vote was as follows:-

For:

Councillors Jean Battle, Stephen Button, Clare Cleary, Lorainne Cox, Paul Cox, Munsif Dad, Bernard Dawson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Eamonn Higgins, Abdul Khan, Gareth Molineux, Ken Moss, Jenny Nedwell, Tim O’Kane, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Paddy Short (22)

Against:

None

Abstentions:

Councillors Judith Addison, Lisa Allen, Peter Britcliffe, Tony Dobson, Terry Hurn, Kath Pratt, Paul Thompson (7)

The amendment was therefore carried. The motion, as amended, was put to the vote and carried.

Resolved

- (1) That this Council acknowledges the serious financial burden that the Conservative government has imposed on Lancashire County Council whilst also having concerns regarding their proposal to close three out of five Hyndburn libraries in the townships of Clayton-le-Moors, Oswaldtwistle and Rishton. Libraries are not merely lenders of books but serve as a community focus for a range of resident activities covering all age groups; and**
- (2) That this Council therefore resolves to write to Jennifer Mein, Leader of Lancashire County Council, asking her to reconsider the proposed Library closures Lancashire-wide, unless Lancashire County Council can prove that all avenues of funding streams have been investigated, as local communities will suffer from the withdrawal of this valuable facility.**

86 Motion submitted on Notice: Oswaldtwistle Library Closures

As Councillor Jeff Scales had, at the start of the meeting, declared a pecuniary interest in this item, he left the meeting during the debate and vote.

The following **motion** was moved by Councillor Peter Britcliffe and seconded by Councillor Judith Addison under Council Procedure Rule A9:-

"Oswaldtwistle residents oppose the proposed closure of their local library by Lancashire County Council on cost grounds. Last October the town was proud to commemorate the Centenary of its Carnegie Library, which not only lends out books but welcomes people of all ages to a range of free learning activities in a warm and friendly environment. If the County Council can no longer fund our Library we ask Hyndburn Borough Council to support our proposal for a resident group to take over the building and operate it as a Community Library so that this much-valued local facility is not lost."

At the meeting, the mover of the motion proposed the deletion of the words "by Lancashire County Council on cost grounds".

An **amendment** was then proposed by Councillor Gareth Molineux and seconded by Councillor Glen Harrison as follows:-

"It is plain to see that the residents of Oswaldtwistle are strongly opposed to the proposed closure of their local Library by Lancashire County Council on cost grounds. Last October the town was proud to commemorate the Centenary of its Carnegie Library, which not only lends out books but welcomes people of all ages to a range of free learning activities in a warm and friendly environment. If the County Council can no longer fund Oswaldtwistle's Library, Hyndburn Borough Council encourages proposals to be brought forward for consideration, for a resident group social enterprise or other third sector organisation to take over the building and operate it as a Community Library or other community service so that this much-valued local facility is not lost."

During the debate, the Leader agreed to meet with the community group proposing to take over the management of Oswaldtwistle Library and the motion and amendment were subsequently withdrawn.

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed

This page is intentionally left blank

Agenda Item 5.

REPORT TO:		Council	
DATE:		15 September 2016	
REPORT OF:		Councillor Eamonn Higgins, Chair of the Communities and Wellbeing Overview and Scrutiny Committee	
REPORT AUTHOR:		Overview and Scrutiny Officer	
TITLE OF REPORT:		Calderstones NHS Trust – Response from NHS England	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 This report informs Council of the response received from NHS England to the letter submitted by Council expressing concerns about the closure of inpatient facilities at Calderstones NHS Trust, as discussed at Council on 7th July.

2. Recommendations

- 2.1 That Council notes the response received from NHS England, included as appendix 2.
- 2.2 That Council delegates responsibility to the Communities and Wellbeing Overview and Scrutiny Committee to respond to the consultation on the development of a new model of care for people with a Learning Disability and or Autistic Spectrum Disorder (ASD), to be carried out jointly by all commissioners of these services in Lancashire and Greater Manchester and NHS England

3. Reasons for Recommendations and Background

- 3.1 At its meeting on 7th July 2016, Council received a report from the Communities and Wellbeing Overview and Scrutiny Committee titled “Scrutiny Report – Calderstones NHS Trust and the Evergreen School”.
- 3.2 Issues surrounding the closure of inpatient facilities at Calderstones were discussed as were the following policies/papers from NHS England:

- Transforming Care
- Building the Right Support - A national plan to develop community services and close inpatient facilities for people with a learning disability and/or autism who display behaviour that challenges, including those with a mental health condition.
- Homes Not Hospitals

3.3 It was resolved:

That Council writes to the Chief Executive of NHS England regarding the closure of in-patient facilities at Calderstones NHS Trust outlining the following concerns:

- A lack of meaningful public consultation taking place to inform the decision to close the in-patient facilities at Calderstones
- The decision taken not to retain any in-patient facilities at Calderstones, and to re-site a Medium Secure Unit at Maghull and a Low Secure Unit at a yet unidentified site.
- The letter should also urge NHS England to reconsider using purpose built facilities at Calderstones for future medium and low secure in-patient facilities

3.4 Appendix 1 is a copy of the letter sent to NHS England.

3.5 Appendix 2 is a copy of the response received from NHS England. The response states that they would welcome the views of the Council once the consultation period opens.

4. Alternative Options considered and Reasons for Rejection

4.1 Council could respond to the consultation via other means. However, it is recommended that the Communities and Wellbeing Overview and Scrutiny Committee respond as they initially raised the issue with Council after conducting a scrutiny review on the topic.

5. Consultations

5.1 The Communities and Wellbeing Overview and Scrutiny Committee will consult with the Portfolio Holder for Health when determining its response to the consultation.

6. Implications

Financial implications (including any future financial commitments for the Council)	Not applicable – none arising directly from this report.
Legal and human rights	Not applicable

implications	
Assessment of risk	Not applicable
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not applicable

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

- 7.1 Agenda, reports and minutes of Council on 7th July 2016
<http://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=130&MId=1060&Ver=4>
- 7.2 Agenda, reports and minutes of the Communities and Wellbeing Overview and Scrutiny Committee on 28th June 2016
<http://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=129&MId=1132&Ver=4>

This page is intentionally left blank



Legal and Democratic Services
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

Mr Simon Stevens
CEO NHS England
Richmond House
Whitehall
London
SW1A 2NS

Ask for: Ben Caulfield
Direct Line: 01254 380128
Email: ben.caulfield@hyndburnbc.gov.uk
Date: 18th July 2016

Dear Mr Stevens,

At a meeting of Hyndburn Borough Council's Overview and Scrutiny Committee on 28th June 2016, we received a report on the future of Calderstones NHS Trust, linked to Transforming Care, Homes Not Hospitals, and Building the Right Support, all of which are papers published by NHS England.

This matter was also discussed by Full Council on 7th July 2016.

Whilst we understand the benefits of the policy for Care in the Community rather than in hospitals, I write this letter on behalf of Hyndburn Borough Council to outline a number of concerns, particularly linked to the closure of all in-patient facilities at the site of Calderstones NHS Trust (Now Mersey Care as of 1st July 2016):

- **A lack of meaningful public consultation taking place to inform the decision to close the in-patient facilities at Calderstones**
- **The decision taken not to retain any in-patient facilities at Calderstones, and to re-site a Medium Secure Unit at Maghull and a Low Secure Unit at a yet unidentified site.**

We believe that in excess of £40 million has been spent in the last 7 years on medium and low secure units at the Calderstones site (including £15 million on the low secure site only 2 years ago). The Council asks that you reconsider using these purpose built facilities at Calderstones for future medium and low secure in-patient facilities, particularly low secure, for which we are told an alternate site has not yet been identified.

We would appreciate your response to this letter.

Yours Sincerely,

Cllr Eamonn Higgins, Chair of the Communities and Wellbeing Overview and Scrutiny Committee

Sent on behalf of Hyndburn Borough Council



Our Ref : LP JH 2016-07-28

North Region Specialised Commissioning Team
6th Floor
Quarry House
Quarry Hill
Leeds
LS2 7UE

Sent via email:
ben.caulfield@hyndburnbc.gov.uk

Cllr Eamonn Higgins
Chair of the Communities and
Wellbeing Overview and Scrutiny
Committee
Hyndburn Borough Council
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

Email : lesley.patel@nhs.net
Tel :0113 82 52788

28th July 2016

Dear Cllr Eamonn Higgins

Thank you for your letter dated 18th July 2016.

A national implementation plan, 'Building the Right Support' was published on Friday 30 October 2015 by NHS England, the Local Government Association (LGA), and the Association of Directors of Adult Social Services (ADASS). The plan sets out the key objective to develop community services and have inpatient facilities for those people with a Learning Disability and /or Autism, only when absolutely necessary and for short periods of time. The plans have been developed with significant contribution and constructive challenge from people with learning disabilities and/or autism, their families and carers, and a range of commissioners, providers, voluntary sector and representative groups.

In the Northwest, over the last six months this has been considered by the two transforming Care Partnerships in Greater Manchester and Lancashire, the Specialised Disability Division of Mersey Care (formerly Calderstones) and NHS England Specialised Commissioning. A range of communication and engagement has been carried out in order to support the development of a new model of care for people with a Learning Disability and or Autistic Spectrum Disorder (ASD), which enables greater choice, community based services and enables equity of opportunity. Feedback tells us that people want to stay well and receive care and treatment in a different way only accessing hospital services when this is absolutely necessary.

From this feedback a clinical model has been developed for consultation which offers a range of flexibility to meet all of the differing needs of the current and future population, with a Learning Disability and /or ASD. The consultation will be carried out jointly by all commissioners of these services in Lancashire and Greater Manchester and NHS England.

We have visited a range of Health Overview and Scrutiny Committees to discuss our proposals prior to the commencement of a full consultation regarding the redesign of these services. The pre consultation visits have outlined the option being considered and views are being sought relating to the option and the methodology of the consultation and how we can ensure we maximise this opportunity. We are hoping to open this consultation period in August, with an online document available from each partner, an easy read version for service users / public members with a learning Disability and a number of events where interested parties can attend ask questions and leave their views.

We would welcome your view point, when the consultation period opens, and will ensure the document is made available to you.

Yours sincerely

A handwritten signature in black ink that reads "Patel." The signature is written in a cursive style with a period at the end.

Lesley Patel
Director of Nursing Specialised Commissioning (North)

Agenda Item 7.

REPORT TO:	Council		
DATE:	15 September 2016		
REPORT OF:	Cllr Abdul Khan, Chair of the Resources Overview and Scrutiny Committee		
REPORT AUTHOR:	Overview and Scrutiny Officer		
TITLE OF REPORT:	Outcome of the Call-In of the Cabinet decision on the Rhyddings Park Heritage Lottery Bid (Sequoia Tree)		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To inform Council of the outcome of the Extraordinary Meeting of the Resources Overview and Scrutiny Committee to consider the Call-In of the Cabinet decision on the Rhyddings Park Heritage Lottery Bid (Sequoia Tree).

2. Recommendations

- 2.1 That Council notes that the Resources Overview and Scrutiny Committee released the decision in full for implementation.
- 2.2 That Council notes that, as the decision was released in full for implementation, a response from the decision maker (Cabinet) is not required.

3. Reasons for Recommendations and Background

- 3.1 The Council's Constitution, Part 4, C14(g) states that:

Details of all decisions called in by overview and scrutiny committees and the decision makers response to them shall be reported to the next meeting of the Council for information.

- 3.2 At its meeting on 20th July, Cabinet considered the following item "Rhyddings Park Heritage Lottery Bid". The report related specifically to the sequoia tree which had been discussed in previous reports to Cabinet and Council. Cabinet made the following decision:

“That bearing in mind the long-term future of the sequoia tree and Park in general, the tree be removed and the landscape plan as originally agreed by the National Heritage Lottery Board be continued with.”

- 3.3 In accordance with the Call-In procedure for Cabinet decisions, the procedure was activated on 1st August 2016 by two members of the Resources Overview and Scrutiny Committee. The Call-In was sponsored by Councillor Judith Addison. Several reasons were given for the Call-In. Full details are provided in the Call-In Form, which was included with the agenda for the Resources Overview and Scrutiny Committee on 11th August along with the minutes of the Cabinet meeting. They can be found here <http://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=132&MId=2157&Ver=4>
- 3.4 Councillor Judith Addison presented the reasons for the Call-In to the Committee. Councillor Ken Moss, Portfolio Holder for Education, Leisure and Arts; and the Acting Head of Community Services presented their reasons for the original decision, and responded to some of the points made on the Call-In.
- 3.5 The Chair invited the Committee and members of the public present to ask questions of the Portfolio Holder and the Acting Head of Community Services and responses were given to the following issues / concerns raised:-
- Consultation and Period Undertaken
 - Contents and Outcome of Consultation
 - Vista and Facilitation of Landscape Improvements
 - Flooding and Drainage
 - Damage to Tree and Future Maintenance Costs
 - Current and Proposed Number of Trees in Park
 - Views of Friends of Rhyddings Park and Residents
 - Petition Submitted to Council
 - Bat Survey
 - Tree Replacement
 - Reuse of Sequoia Tree Wood as Part of Improvement Scheme
- 3.6 Councillors Judith Addison and Ken Moss were then given the opportunity to sum up before the committee made their decision.
- 3.7 The Committee released the decision in full for implementation. The Committee also suggested that Cabinet considers using some of the wood from the sequoia tree for part of the improvement scheme in the park.

4. Alternative Options considered and Reasons for Rejection

- 4.1 To release the Cabinet decision in part for implementation and refer the outstanding part of the decision back to the decision making body for reconsideration, setting out in writing the nature of its concerns – This was rejected as the Call-In related to a very

specific decision (the felling of the sequoia tree) so the Committee felt that there was no option to release the decision in part.

- 4.2 To refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. The decision maker shall then reconsider amending the decision or not, before adopting a final decision – This was rejected as the Committee were satisfied with the reasons for the original cabinet decision.

5. Consultations

- 5.1 The Sponsor of the Call-In, Portfolio Holder and Head of Service provided information for the Committee.

6. Implications

Financial implications (including any future financial commitments for the Council)	Not applicable to this report.
Legal and human rights implications	Not applicable
Assessment of risk	Not applicable
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not applicable

7. Local Government (Access to Information) Act 1985: List of Background Papers

- 7.1 Agenda, reports and minutes of the Resources Overview and Scrutiny Committee on 11th August 2016
<http://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=132&MId=2157&Ver=4>

Agenda, reports and minutes of Cabinet on 31st August 2016
<http://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=1075&Ver=4>

This page is intentionally left blank

Agenda Item 8.

REPORT TO:		Council	
DATE:		15 th September 2016	
PORTFOLIO:		Cllr Miles Parkinson, Leader	
REPORT AUTHOR:		Legal Services Manager	
TITLE OF REPORT:		Scheme of Delegation 2016 - Enforced Sales Procedure	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	-

1. Purpose of Report

1.1 To seek approval for a change to the scheme of delegation of executive functions to officers.

2. Recommendations

2.1 That Council approves the amendment to Part 2 of the scheme of delegation to officers as set out below.

3. Reasons for Recommendations and Background

3.1 The Council's constitution requires that the scheme of delegation to officers is approved annually at the AGM and the latest version was approved at the AGM on 19 May 2016. However, it is also good practice to review the scheme of delegation regularly and keep it up to date. This helps to ensure that the Council's decision-making processes operate as effectively as possible. Since the AGM an issue has come to light which requires a minor change to the scheme of delegation.

3.2 The proposed change to the Scheme of Delegation is to clarify the position regarding the use of the enforced sale process for the recovery of debt and to confirm that this process can be used for debt recovery purposes in respect of both residential and commercial properties. The suggested amended wording is set out below:-

Delegations to Executive Director (Legal and Democratic Services)

<p>4.15 To take action to enforce a sale of property in the following circumstances:- (1) To implement the Council's Enforced Sales Procedure in accordance with the Council's Empty Dwellings Strategy and/or in support of regeneration and housing renewal activity ; or</p>	<p>(1) In consultation with the Head of Regeneration and Housing and the relevant Portfolio Holder</p> <p>(2) In consultation with the</p>
---	--

<p>(2) To recover an outstanding debt due to the Council with a minimum value of £1,500 (this includes both residential and commercial property) if satisfied that the power of sale is available to the Council in respect of a particular property.</p> <p>This includes serving the necessary notices pursuant to the Law of Property Act 1925, drawing up and sealing deeds, registering charges, taking possession and marketing the property in an appropriate manner and completing the sale of the property</p>	<p>Head of the Department which raised the debt and the relevant Portfolio Holder</p>
---	---

4. Alternative Options considered and Reasons for Rejection

4.1 Council could decline to make the delegation requested. Any decisions of the type referred to in (2) above would then be matters for committee or full Council. The decision in question is a matter of routine, day to day business and this approach could possibly cause unnecessary delay.

5. Consultations

5.1 None, though discussion has taken place with relevant service managers.

6. Implications

Financial implications (including mainstreaming)	None.
Legal and human rights implications	None, other than those set out in paragraph 3 of this report
Assessment of risk	None
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	No

7. Local Government (Access to Information) Act 1985: List of Background Papers

None

Agenda Item 9.

REPORT TO:		Council	
DATE:		15 September 2016	
PORTFOLIO:		Cllr Miles Parkinson, Leader	
REPORT AUTHOR:		Principal Planning Officer - Policy	
TITLE OF REPORT:		Development Management DPD Publication (Reg19)	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable	
KEY DECISION:	Options	If yes, date of publication:	No

1. **Purpose of Report**

To seek Council approval to allow the Development Management Development Plan Document (DM DPD) Publication version (Regulation 19 of 'the Regulations'¹) to be publicised for a 6-week consultation period.

2. **Recommendations**

2.1 That Council:

1. receives and notes the minutes of the Cabinet Meeting of 31st August 2016 (paragraph 5.5) in relation to the DM DPD Publication version; and
2. agrees to commence a statutory 6 week public consultation period on the DM DPD Publication Version starting on Thursday 29th September 2016;

3. **Reasons for Recommendations and Background**

- 3.1 The DM DPD forms an important part of the new Local Plan for Hyndburn. The DM DPD will set out the more detailed planning policies to be used by Development Management Officers and Planning Committee in determining planning applications for the Borough. Once complete, the DM DPD will sit alongside the Core Strategy and

¹ 'the Regulations' refers to the Town and Country Planning (Local Planning) (England) Regulations 2012

Accrington Area Action Plan, parts of the Local Plan already adopted by the Council (in 2012). It will replace the majority of Local Plan (1996) policies that remain extant².

3.2 The Publication version DM DPD contains 39 policies in total, organised into the following core Chapters:

Name of Chapter	No. of Policies	Policy topics covered include:
General Considerations	3	Presumption in favour of sustainable development; infrastructure, planning obligations & CIL; planning enforcement
The Economy & Town Centres	5	New employment development; town centre development; retail frontages; hot food takeaways
Community Infrastructure	4	Delivering schools and early learning; cultural and community facilities; public houses; telecommunications
Housing	7	New residential development including open space provision; affordable housing; housing with care; gypsy and traveller sites; housing standards
Environment (Natural & Built Environment)	9	Trees, woodlands and hedgerows; protection and enhancement of the natural environment; protected species; flood risk matters; heritage assets; contaminated/unstable land; pollution control
Environment (Design & Quality)	6	Design quality and materials; control of advertisements; shop fronts and security shutters; environmental amenity; wind energy; waste management
Accessibility and Transport	2	Sustainable transport, traffic and highway safety; sustainable transport infrastructure
Rural Matters	3	Development in the green belt and countryside area; farm diversification and local food networks; equestrian development

3.3 The DM DPD also contains ten 'Guidance Notes' which provide further detailed guidance on specific policy matters where required (for example on issues such as affordable housing and shop front design). It also comprises 'Policy Maps' which confirm and identify the spatial extent of key policy constraints referenced within the policies (such as green belt, town centre boundaries etc.).

² Once the DM DPD is adopted the only policies that will remain extant from the 1996 Local Plan will relate to land allocations. These will be replaced by a Site Allocations DPD, which itself will be produced in accordance with the Council's published Local Development Scheme (2015-2018).

- 3.4 The Publication version DM DPD supersedes the previous version, the 'Consultation Draft' consulted on in February/March 2016 (further details in the Consultation section below). In addition to amendments arising from representations to the 'Consultation Draft', the Publication version also takes into account relevant findings from new evidence base reports (such as the Council's recently published Retail Study), changes to Government policy and law (such as the introduction of Starter Homes via the Planning and Housing Act 2016), and refinements recommended by a Sustainability Appraisal.
- 3.5 The DM DPD Publication version is in effect the Council's final version of the document, and a statement of intent that it now wishes to submit the document to the Secretary of State ready for examination. In accordance with 'the Regulations', a final 6-week statutory consultation period on this version must now take place, providing individuals and organisations a final opportunity to comment on the 'soundness'³ of the document.
- 3.6 During the statutory 6-week consultation period the following methods of consultation will be used:
- letters/emails will be sent to all contacts on the Local Plans database (approximately 900 people/organisations);
 - copies of the DPD will be deposited in all the Libraries in the Borough;
 - the DPD and all supporting documentation will be available on the Council's website; and
 - press releases and press notices will be sent to local newspapers.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The DM DPD has been prepared in accordance with 'the Regulations'. As the preparation of this document is to be in accordance with this legal framework there are no alternative options for its preparation.

5. Consultations

- 5.1 In accordance with the Regulations, a Consultation Statement will be published alongside the DM DPD. A wide range of people and organisations have been involved in the evolution of the DM DPD up to this point. Three main public consultation events have been undertaken. The first was held in May-June 2012 and the second in Nov-Jan 2013⁴. More recently, a third consultation event was held in Feb-Mar 2016 on the

³ The National Planning Policy Framework defines 'soundness' as being: positively prepared; justified; effective; and consistent with national policy.

⁴ Both of these early consultations were completed in accordance with earlier regulations the Town and Country Planning (Local Development) (England) Regulations 2004

'Consultation Draft' version of the document. All of this work constitutes 'preparation of a local plan' under the 2012 Regulations.

5.2 A total of 248 separate comments were received during the latest consultation period in Feb/Mar 2016 from 34 individuals/organisations. These comprised comments of support (45), points of objection (63) and general comments (neither clear support nor objection) (140). In June 2016 the Cabinet agreed and approved a formal 'Council Response' to these comments as follows:

- 'Agree – make changes' (94)
- 'Further work required' (84)
- 'Noted' (63)
- 'Disagree – no changes' (7)

The Cabinet report included brief notes against each representation justifying the proposed 'Council Response'.

5.3 As an indication for Members of those individuals/organisations objecting to the 'Consultation Draft', those submitting more than 2 objections included:

- Outdoor Advertising Consultants (20 objections) – specialist advertisement consultancy dealing on behalf of the British Signs and Graphics Association
- Historic England (17 objections)
- JWPC Planning Consultants (4 objections)
- Coal Authority (3 objections)
- Canal and River Trust (3 objections)
- The Wildlife Trust for Lancashire, Manchester and North Merseyside (3 objections)
- Stephen Ward Planning Consultants (3 objections)

5.4 The Publication version therefore incorporates amendments arising from the agreed 'Council Response' and any subsequent discussions held with objecting parties. It also includes amendments arising from new Government Policy and new evidence base reports. The Publication version DM DPD has also been presented and discussed at the Local Plan Member Working Group meetings of the 11th July and 10th August 2016 and Cabinet on the 31st August 2016.

5.5 Cabinet on 31st August resolved to approve the content of the Development Management Development Plan Document Publication Version and for a statutory six week public consultation in the period September/October 2016 to take place. Cabinet also delegated authority to the Council's Executive Director (Legal and Democratic Services) and the Chief Planning and Transportation Officer, following consultation with the Portfolio Holder for Planning, to make further necessary changes to the Development Management Development Plan document as they considered necessary or appropriate, before beginning the public consultation.

- 5.6 In line with the 2012 Regulations the Council is now required to undertake a final statutory consultation period on its Publication version of the DPD providing individuals/organisations with a final opportunity to comment on whether they feel it is 'sound', and meets the relevant legal and procedural requirements.
- 5.7 Following the proposed consultation period (29th September – 10th November 2016) the Council will prepare all relevant documentation to 'Submit' the DM DPD to the Secretary of State and the Examination in Public process begins. Relevant documentation to prepare will include:
- the Publication version DM DPD itself;
 - all representations received on the Publication version;
 - any further proposed changes the Council considers appropriate arising from representations that are made;
 - a Sustainability Appraisal Report;
 - a Consultation Statement; and
 - other such supporting documents that in the opinion of the Local Planning Authority are relevant to the preparation of the DPD
- 5.8 It is anticipated that the Council will have a final adopted DM DPD sometime during 2017 (dependent upon availability of the Planning Inspectorate and the length of the Examination process).

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>There will be a need to ensure that there is a robust evidence base in place for the DPD. A review of evidence is being undertaken and considered. The DPD will also be subject to Examination in Public and there will be a need for the Council to fund this, the cost is likely to reflect the number of representations received at the 'Publication' stage. Examination is likely to be during 2017</p>
<p>Legal and human rights implications</p>	<p>A DPD is a part of the statutory development plan for the Borough. It is therefore the starting point for considering planning applications and should be given considerable weight in decision-making once it reaches the 'Publication' stage. Once adopted, the DM DPD will be given full-weight in decision-making.</p> <p>Consultation on the DPD must be undertaken in accordance with the Town and Country Planning (Local Planning) (England)</p>

	Regulations 2012.
Assessment of risk	There are no significant risks associated with this consultation.
Equality and diversity implications <i>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Council must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. When making a decision in respect of the proposals in this report members should have regard to the Customer First Analysis annexed to this report.</p>

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 Development Management DPD Publication version (September 2016)

Hyndburn Borough Council

Local Plan

Development Management DPD

Publication version (Regulation 19)

Cabinet draft - August 2016

TABLE OF CONTENTS

1. Introduction	6
2. General Considerations.....	10
Policy GC1: Presumption in favour of sustainable development.....	10
Policy GC2: Infrastructure, Planning Obligations & CIL	12
Policy GC3: Planning Enforcement	15
3. The Economy & Town Centres	18
Policy DM1: Employment Development	19
Policy DM2: Employment Strategies	23
Policy DM3: Town Centre Development.....	25
Policy DM4: Retail Frontages.....	29
Policy DM5: Hot Food Takeaways	31
4. Community Infrastructure	34
Policy DM6: Delivering Schools and Early Learning	35
Policy DM7: Cultural and Community Facilities	38
Policy DM8: Public Houses	40
Policy DM9: Telecommunications	41
5. Housing.....	46
Policy DM10: New Residential Development.....	47
Policy DM11: Open Space Provision in New Residential Development.....	50
Policy DM12: Affordable Housing.....	53
Policy DM13: Development of Housing within Residential Gardens	56
Policy DM14: Housing with Care for Older People and People with Disabilities	58
Policy DM15: Gypsy and Traveller Sites	60
Policy DM16: Housing Standards.....	62
6. Environment (Natural and Built Environment)	66
Policy DM17: Trees, Woodland and Hedgerows	67
Policy DM18: Protection and Enhancement of the Natural Environment	70
Policy DM19: Protected Species	74
Policy DM20: Flood Risk Management and Water Resources.....	77
Policy DM21: Protection of Open Spaces.....	82
Policy DM22: Heritage Assets.....	84
Policy DM23: Demolition of Buildings in Conservation Areas	88
Policy DM24: Contaminated or Unstable Land & Storage of Hazardous Substances ...	90

Policy DM25: Pollution Control	92
7. Environment (Design and Quality)	96
Policy DM26: Design Quality and Materials	97
Policy DM27: The Control of Advertisements	102
Policy DM28: Shop Fronts and Security Shutters	104
Policy DM29: Environmental Amenity.....	107
Policy DM30: Wind Energy.....	110
Policy DM31: Waste management in all new development	115
8. Accessibility and Transport	120
Policy DM32: Sustainable Transport, Traffic and Highway Safety	121
Policy DM33: Sustainable Transport Infrastructure.....	126
9. Rural Issues.....	130
Policy DM34: Development in the Green Belt and Countryside Area.....	131
Policy DM35: Farm Diversification & Local Food Networks	135
Policy DM36: Equestrian Development	137
Implementation and Monitoring	142
Guidance Notes	145
GN1: Open space in new residential development (policy link DM11).....	147
GN2: Affordable housing (policy link DM12).....	151
GN3: Materials and colour (policy link DM26).....	159
GN4: Advertisements (policy link DM27).....	163
GN5: Shop front design (policy link DM28).....	167
GN6: Wind turbine proposals (policy link DM30).....	173
GN7: Waste management (policy link DM31).....	179
GN8: Car parking, access standards and transport assessment/travel plan thresholds (policy link DM32)	183
GN9: Agricultural, forestry and other occupational dwellings (policy link DM34)	191
GN10: Distances between development and trees (policy link DM17).....	195
DM DPD Policy Maps	199

Section 1

Introduction

1. Introduction

- 1.1. This Development Management Development Plan Document (DM DPD) will, once adopted, form part of the new Local Plan for Hyndburn¹. It is being produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This 'Publication' version forms part of the statutory consultation required under Regulation 19 of the 2012 Regulations, and follows earlier rounds of consultation held in May 2012 (Issues and Options), November 2012 (Preferred Options), and February 2016 (Consultation Draft).
- 1.2. Following these earlier rounds of consultation the Council considers this 'Publication' version to be the final version of the document that it plans to submit to the Secretary of State, in line with Regulation 22 of the 2012 Regulations. Any representations made during this final statutory consultation period will be submitted alongside this DM DPD and associated documents for consideration by a Planning Inspector at an Examination in Public in 2017.

Purpose of the document

- 1.3. The primary purpose of this DM DPD is to set out the detailed policy framework that will be used for the determination of planning applications in Hyndburn. The policies contained within the DM DPD provide further detail to the strategic policies set out in the Council's Core Strategy (adopted in January 2012). They should also be read alongside other policies in the Hyndburn Development Plan, as set out below.

The Development Plan in Hyndburn

- 1.4. The Town and Country Planning Act² requires that planning applications should be determined in accordance with the policies of the development plan unless material considerations indicate otherwise. For clarity, in Hyndburn the development plan currently comprises the following documents:
- the Hyndburn Core Strategy (adopted 2012)
 - the Accrington Area Action Plan (adopted 2012)
 - saved policies from the Hyndburn Local Plan (adopted 1996) including the Proposals Map; and
 - the Joint Lancashire Minerals and Waste planning documents
- 1.5. The adoption of the DM DPD and a future Site Allocations DPD (which will identify and allocated areas of land for specific types of development and infrastructure) will fully replace the saved policies from the 1996 Local Plan and the corresponding Proposals Map and complete the new Local Plan for Hyndburn.

The Development Management DPD

¹ Other documents forming the new Local Plan include the Core Strategy (adopted 2012), the Accrington Area Action Plan (adopted 2012) and the Site Allocations DPD (forthcoming). The Lancashire Minerals and Waste Local Plan also forms part of the statutory development plan for the area.

² Section 70 of the Town and Country Planning Act 1990

- 1.6. The National Planning Policy Framework (NPPF)³ sets out the Government's planning policies for England and how Local Planning Authorities are expected to apply them. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so and makes clear that *'each local planning authority should [also] produce a Local Plan for its area'*⁴. The NPPF is a key material consideration that should be taken into consideration when assessing the acceptability of planning applications.
- 1.7. Policies contained within this Publication DM DPD are intended to further the aims and objectives of both the NPPF and the adopted Hyndburn Core Strategy. They include detailed local policies for the management of development across the Borough. They are aimed at guiding both decision-makers and applicants to achieve the highest possible standards of development for Hyndburn.
- 1.8. The NPPF is clear that *'Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan'*. Local Plan documents must also meet a number of tests of soundness, namely be 'positively prepared', 'justified', 'effective' and 'consistent with national policy'⁵.
- 1.9. As such, this Publication DM DPD invites you to submit any representations that you may have on the proposed policies and content of the Local Plan document. At this stage, all representations must be based upon the tests of soundness set out in the NPPF, as this is how the Inspector will consider the Plan. You may view the document and all supporting documents online⁶ and hard copies will be made available at all libraries across the Borough and at Scaitcliffe House (Accrington) for the duration of the consultation period.
- 1.10. Comments must be received no later than **5pm on Thursday 10th November 2016**. People and organisations can submit comments in the following ways:
- By using the comments form provided at www.hyndburnbc.gov.uk/dmdpd, or available in hard copy format at all library locations across the Borough and at Scaitcliffe House;
 - By e-mailing comments through to planning@hyndburnbc.gov.uk; or
 - By writing to the Council at the following address: Hyndburn Borough Council, Plans and Environment, Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF
- 1.11. Please note that all comments at this stage should only be made in regards to the legal and procedural compliance of the Local Plan, the soundness of the Local Plan

³ Which came into force in March 2012

⁴ Paragraph 153, p37 - NPPF uses the terminology 'Local Plan' rather than the 'Local Development Framework' which was introduced through the Planning and Compulsory Purchase Act (2004) and is now superseded.

⁵ Paragraph 182 of the NPPF sets out how the Local Plan will be examined by an independent inspector to assess whether the plan is has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and the tests of soundness referenced here.

⁶ at www.hyndburnbc.gov.uk/dmdpd

and whether the Local Plan is in conformity with the Duty to Cooperate. Further guidance will be made available in a 'Statement of Representations Procedure' alongside the consultation materials. Comments should **clearly state the policy and/or paragraph number that your comment relates to and relate to the tests of soundness. For this reason it is strongly recommended to use the Council's comments form.**

- 1.12. The main set of policies set out in this Development Management DPD are structured under seven key topics, the following section headings:
- Section 3: The Economy & Town Centres
 - Section 4: Community Infrastructure;
 - Section 5: Housing;
 - Section 6: Environment (Natural & Built Environment);
 - Section 7: Environment (Design & Quality);
 - Section 8: Accessibility and Transport; and
 - Section 9: Rural Issues.
- 1.13. The Council recognises however that there are policies within the DM DPD that serve as overarching policies, applicable to all aspects of development. As such, these are set out first as 'General Considerations' policies in Section 2, prior to the more specific 'topic' based policy sections.

Section 2

General Considerations

This chapter includes the following policies:

- GC1: Presumption in Favour of Sustainable Development
- GC2: Infrastructure, Planning Obligations and CIL
- GC3: Planning Enforcement

2. General Considerations

- 2.1. The Council will, in considering development proposals, take into account all relevant policies presented in this DM DPD. Under Planning Law, the starting point for decision making must always be the Development Plan (Local Plan), however other material considerations will also be taken into account. Decision makers will weigh the benefits of any proposed development against any identified impacts. They will then come to a planning judgement and decision, in the context of the policies set out in the Development Plan.
- 2.2. Where particularly relevant, policies with strong linkages are highlighted through the use of cross-references within the policy text. Council Officers will, and applicants should, read the policies within this DPD as a whole, alongside other Local Plan policies, and not in isolation.

Policy GC1: Presumption in favour of sustainable development

- 1. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.**
- 2. Planning applications that accord with the policies in this and other DPDs (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.**
- 3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:**
 - a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or**
 - b. specific policies in the NPPF indicate that development should be restricted.**

- 2.3. The NPPF sets out the Government's planning policies for England, and how they are expected to be applied. In particular, paragraphs 186 and 187 of the NPPF set out a requirement for all local planning authorities to adopt a positive and proactive approach to decision taking.
- 2.4. Sustainable development can be defined as that which meets the needs of the present generation without compromising the ability of future generations to meet

their own needs. The fundamental principle underpinning the planning system in England remains that of achieving sustainable development. The NPPF sets out what this means in practice for the planning system in England, namely the economic, social and environmental roles that it has to play.

Policy GC2: Infrastructure, Planning Obligations & CIL

- 1. Development proposals and infrastructure provision will be supported and co-ordinated to ensure that future growth takes place in a sustainable manner, meeting both the development and environmental needs of the Borough. The Council will support the provision of relevant infrastructure, services and facilities required to maintain and enhance the quality of life of local people, the local environment, and the local economy.**
- 2. To this aim, development proposals will be expected to provide, or contribute to, the provision of:**
 - a. measures to directly mitigate its impact, either functionally or geographically. Where it is not possible to secure measures through the use of planning conditions, these will be secured through the use of S106 obligations (see paragraph 3 below);**
 - b. any specific requirements set out in Supplementary Planning Documents;**
 - c. any specific requirements set out in relation to sites identified and allocated in the Site Allocations DPD; and**
 - d. infrastructure, facilities and services required to support growth, which will be set out within any future Community Infrastructure Levy (CIL) for the Borough.**
- 3. The DM DPD contains a number of policies requesting S106 contributions, which are summarised below. These will only be sought where appropriate mitigation or compensation measures cannot be secured through the use of planning conditions. The Council will work closely with developers to ensure that the viability of schemes is not undermined in seeking contributions from relevant policies. Contributions will be sought on a case-by-case basis in accordance with the following policies:**
 - a. DM6 – Delivering Schools and Early Learning**
 - b. DM11 – Open Space Provision in New Residential Development**
 - c. DM12 – Affordable Housing**
 - d. DM17 – Trees, Woodland and Hedgerows**
 - e. DM18 – Protection and Enhancement of the Natural Environment**
 - f. DM20 – Flood Risk Management and Water Resources**
 - g. DM31 – Waste Management in all new development**
 - h. DM33 – Sustainable Transport Infrastructure**
- 4. Where viability is claimed by the applicant as a reason for reduced S106 payments, applicants may be required to submit viability appraisals for independent assessment, with the cost of the independent assessment to be borne by the applicant.**
- 5. On larger sites, it may be necessary to ensure that the delivery of development is guided by strategies for infrastructure which ensure coordination between phases of development over lengthy time periods and by numerous**

developers.

Policy GC2: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	HC4: Community Benefits / Planning Obligations
NPPF paragraph links	204
Key documents of relevance / guidance	<ul style="list-style-type: none">• Planning Practice Guidance (Planning obligations and Community Infrastructure Levy)• Hyndburn Plan Viability Study (2016)

- 2.5. The NPPF makes clear that local planning authorities should only seek planning obligations where it is not possible to address unacceptable impacts through a planning condition and where they are:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - are fairly and reasonably related in scale and kind to the development.
- 2.6. This DM DPD contains a number of policies that place a potential burden on developers in the form of planning obligations. The Council recognises that such obligations may affect the viability of developments and have therefore sought to develop policies that are flexible in nature to cope with such viability issues.
- 2.7. The Council has completed a Plan Viability Study (PVS) for Hyndburn which it intends to publish alongside the Publication version of the DM DPD. The PVS is intended, in part, to determine the impact of the proposed plan policies on development viability. This will ensure that (in accordance with the NPPF) development is not subject to a scale of such obligations, standards and policy burdens that cumulatively threatens the ability of development to come forward.
- 2.8. Policy GC2 seeks to provide a clear reference point for applicants on these matters, providing further guidance over that set out in Core Strategy Policy HC4: Community Benefits / Planning Obligations.
- 2.9. It is important to recognise that new residential development in particular may place additional pressure on existing infrastructure and that it is reasonable to expect that some of these “external” costs should be met by the developer. The National Planning Policy Framework (NPPF) advises⁷ that *“to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive*

⁷ NPPF paragraph 173

returns to a willing land owner and willing developer to enable the development to be deliverable.”

- 2.10. In order to address this, the NPPF goes on to advise⁸ *“in order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle.”* The Council will advise the applicant / developer of the level of financial contribution required as part of the pre-application / planning application process. This will be broken down into the different policy categories that are relevant and that require a contribution.
- 2.11. If the applicant or their agent believes that the level of s.106 contributions required will render the scheme unviable, the Council will expect the developer to undertake and submit a financial appraisal of the proposal and take an “open book” approach. In arriving at a final level of s.106 contribution, the Council will consider the purpose of the contribution and the priority it should be given in planning terms, and the result of any independent assessment of viability appraisals. As a result of this approach it is likely that any s.106 contributions will be restricted more on brownfield sites where viability is typically more marginal prior to any planning obligations being sought.
- 2.12. On larger development sites, particularly those in fragmented ownership, it is often very challenging to secure delivery of development in a co-ordinated and holistic approach. Master planning can help in this regard and the Council will use this approach where appropriate in the Borough. The practical issues associated with delivering infrastructure on such sites should be resolved upfront and be an integral part of any master planning exercise, including a strategy for infrastructure setting out a coordinated approach across the whole site.
- 2.13. The Community Infrastructure Levy (CIL) is a charge promoted by Government as a more effective and transparent way of securing financial contributions from development, providing a part replacement to the current s.106 planning obligations system. CIL is intended to pay for more strategic infrastructure improvements within an area, and be a fixed upfront charge based on the size, type and location of development proposed.
- 2.14. CIL is designed to draw in substantial funding to bridge funding gaps associated with the provision of ‘enabling’ development. By setting a standard upfront charge, the Government sees this as a fairer and more transparent way of securing future infrastructure needs, both for the applicant and local authorities. Section 106s may continue to be used to mitigate against direct impacts of development in order to make proposed development acceptable.
- 2.15. . The Hyndburn Plan Viability Study provides some early indications on local development market economics and development viability. It therefore acts as a starting point as to whether CIL should be looked at in more detail, and the Council will consider the findings further as the new Local Plan is taken forward. Policy GC2 sets the policy framework in place in advance of adoption of CIL if the Council chooses to implement the Levy following further work.

⁸ NPPF paragraph 174.

Policy GC3: Planning Enforcement

1. The Council will act proportionately in the extent to which it investigates and pursues breaches of planning control. In considering any enforcement action, the decisive issue for the Council should be whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.
2. Where it is considered expedient and in the wider public interest to do so, the Council will take the necessary appropriate action to secure compliance with planning related controls, utilising its powers under the Town and Country Planning Act 1990 (as amended) to ensure, where possible, compliance with the relevant policies of the development plan and the National Planning Policy Framework.
3. Where it is considered appropriate to do so, the Council will seek to prosecute those who fail to comply with any statutory planning enforcement notice. Powers under the Town and Country Planning Act 1990 (as amended) allowing direct action to be taken to remedy breaches of statutory notices may also be utilised where appropriate.
4. Planning enforcement investigations and enforcement action will be carried out in accordance with the guidance in Hyndburn Borough Council’s Planning Enforcement Management Plan.

Policy GC3: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	-
NPPF paragraph links	207
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Hyndburn Planning Enforcement Management Plan

2.16. The planning system exists to control the development and use of land in the public interest. The planning system can only achieve this if planning controls are enforced when necessary. The enforcement of planning controls is therefore a fundamental part of the planning system, and is a vital means of maintaining public confidence in the system.

- 2.17. Where unauthorised development does take place in breach of planning and related controls, the NPPF states⁹ that ‘the Local Planning Authority should act proportionately’. Although legislation imposes no duty on the Council to utilise its enforcement powers in respect of breaches of planning controls (i.e. it is discretionary), the Council is nevertheless committed to upholding the integrity of the planning system and will take enforcement action where it is proportionate, reasonable, and necessary to do so in the wider public interest.
- 2.18. The Council will set out in its Planning Enforcement Management Plan how it will prioritise dealing with alleged breaches of planning control, and how they will be investigated and dealt with.

⁹ NPPF paragraph 207

Section 3

Economy & Town Centres

This chapter includes the following policies:

- DM1: Employment Development
- DM2: Employment Strategies
- DM3: Town Centre Development
- DM4: Retail Frontages
- DM5: Hot Food Takeaways

3. The Economy & Town Centres

3.1. Hyndburn is well situated to attract business and commerce by both road and rail. The M65 motorway connects the Borough to the central Lancashire sub-region and the M6 corridor to the west, as well as Burnley and Pendle to the east. The Greater Manchester Metropolitan area to the south is well connected from the A56 / M66, and these strategic routes also connect to West Yorkshire. Rail services provide direct rail links to central and east Lancashire, with the trans-Pennine route linking to West Yorkshire and now direct services available through to Greater Manchester via the Todmorden curve.

3.2. The economic strategy within the Core Strategy recognises the need to maximise the benefits of the Borough's strategic connectivity, whilst at the same time protecting existing economic assets or resources. The strategy has four main threads, the first two of which will be met through the Site Allocations DPD, and the last two through policies in this DM DPD:

- 3.2.1. The development of the strategic employment sites at Whitebirk and Huncoat;
- 3.2.2. Ensuring that there is sufficient land for employment uses within the Borough;
- 3.2.3. Ensuring that existing sites are protected where appropriate; and
- 3.2.4. Development of strong town and district centres

3.3. The Core Strategy's overarching strategic objective in relation to the economy is as follows:

To create greater opportunities for all to access improved economic opportunities and to provide support for the local economy and higher wage employment.

3.4. It is important that there is a positive relationship between employment development and neighbouring land uses. Existing patterns of land-use within the Borough have been strongly influenced by the industrial revolution and this is often characterised by the presence of terraced housing in close proximity to former mills. Many of these former mills are now used for a variety of business or industrial uses that do not always sit happily within predominantly residential neighbourhoods. It is therefore important that the development of employment uses in these areas does not have an unacceptable adverse impact on more sensitive neighbouring uses.

Policy DM1: Employment Development

1. Employment development will be supported provided:
 - a. it is within the defined urban area;
 - b. that it will not give rise to unacceptable adverse impacts on the amenity of neighbouring land uses by virtue of increased levels of noise, odour, emissions or dust;
 - c. that it is well connected to strategic or local transport networks and is accessible using a variety of modes of transport;
 - d. that the traffic generated by new employment development does not have an unacceptable adverse impact on local amenity and does not compromise the safety of other highway users;
 - e. that it is designed to a high standard, is of an appropriate scale, relates positively to neighbouring development and includes high quality landscaping;
 - f. that biodiversity and geodiversity are protected and enhanced in line with other policies of the Local Plan;
 - g. that it is energy efficient and designed to a high standard using appropriate materials (see Policy DM26: Design Quality and Materials);
 - h. that proposals do not increase the risk of flooding on the site or elsewhere, where possible reducing the risk of flooding overall, having regard to the surface water drainage hierarchy (detailed in Policy DM20: Flood Risk Management and Water Resources); and
 - i. large scale (above 1ha in size) development proposals provide for a mix of development types as a means of reducing the need to travel and ensuring that the wider development needs of the Borough are met.

Development that would incorporate processes that would involve emissions to the atmosphere will not normally be permitted within or immediately adjacent to residential areas unless the applicant can demonstrate that mitigation measures would suitably protect amenity.

Existing employment sites

2. Employment sites of 'adequate' quality that are considered appropriate for alternative uses¹⁰ (subject to provision of Core Strategy Policy E2 b) and c)) will be required to incorporate employment space as part of a mixed use redevelopment. At least 25% of the original gross internal floor space should be redeveloped for new employment development.
3. Exception to the above will be permitted where a viability exercise demonstrates that the continuing use of 25% of the floorspace for employment purposes is unviable. The viability exercise must reflect the full economic cycle

¹⁰ A site will not be considered 'appropriate for alternative uses' if it is located in or near the most deprived areas of the Borough, and supports less-skilled jobs. In these instances the Council will seek site renewal, and the provision of additional land for occupiers to relocate and/or expand.

and consider the different types of appropriate B1 employment space.

4. Applications for the change of use of existing employment sites will be expected to consider any impacts on traffic generation and will be assessed in line with Policy DM32: Sustainable Transport, Traffic and Highway Safety.

Office development

5. Office (B1a) development should be located within town and district centres, and the scale of the development to be compatible with the character of that centre, unless it can be demonstrated that suitable sites are not available, in which case edge of centre sites and then out of centre sites will be permitted. Offices that are proposed as ancillary to an industrial / warehouse development or as part of enabling mixed use developments in accessible locations (including strategic allocations) will be permitted.
6. Proposals for large B1(a) office developments (more than 500m² gross floorspace, or 0.5ha site area) on unallocated land should be located within town centres. Such developments may be acceptable on other sites within the urban boundary provided it can be demonstrated that:
 - a. no sequentially preferable site is available and suitable, firstly within 300 metres of the edge of the defined town centre and then other locations with good access to high quality public transport;
 - b. the scale of development is consistent with the function and character of the town centre;
 - c. the proposal forms an ancillary part of a large scale mixed use development; and
 - d. the site is located on an established industrial estate or business park.

Proposals for B1(a) office developments less than 500m² gross floorspace, or 0.5ha site area will be permitted within district centres subject to environmental and traffic considerations and that they accord with other policies of the Local Plan.

Rural Employment

7. The Council will support development proposals for small-scale office and employment developments in rural locations, including those for tourism and leisure developments, where they will assist in supporting a prosperous rural economy, and are in accordance with policies DM34-36.

Policy DM1: Policy context and relationships

Local Plan (1996) policies to be replaced

I.2: Employment Development within the Urban Boundary

Core Strategy (2012) policy links	E1: Future Employment Provision E2: Protection, Modernisation and Development of Employment Sites A8: Strategic Employment Site at Huncoat
NPPF paragraph links	18-22, 28
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Hyndburn Employment Land Study • Hyndburn Town Centre Surveys

- 3.5. It is important to ensure that new employment development¹¹ is well sited and does not have an adverse impact on neighbouring land uses. Patterns of development within Hyndburn have been strongly influenced by the industrial revolution and housing is often adjacent to former mills, now often used as small industrial estates or business parks. Whilst it is important to develop a framework that encourages businesses to expand and develop, it is important to recognise that these changes need to be managed in a way that does not result in an unacceptable impact on local amenity.
- 3.6. It is also necessary to ensure that employment development is designed to a high standard and will not give rise to loss of amenity to neighbouring properties. Building facades should be well related to each other, there should be sufficient distance between properties and new employment development should not over-shadow or overlook more sensitive forms of development.
- 3.7. It is important to consider the materials used in construction, steel clad portal frame buildings would not be appropriate within or in proximity to residential areas. New employment development should incorporate landscaping as part of the design as a means of reducing potential impacts on amenity and improving the appearance of the area in which they are sited. Landscaping should be maintained for the duration of the development at the expense of the developer.
- 3.8. It is also important to ensure that employment development is well connected to transport networks (public transport, road and rail) and other goods and services. The highway network should be capable of managing the type and level of traffic generated by new employment development in a manner that is safe and does not have an unacceptable adverse impact on local amenity or highway safety.
- 3.9. Developments involving new office development, where there would be a larger number of people employed or visiting the premises, should be well connected to transport networks. In cases where sites are in less accessible locations, it may be appropriate to put a limit on the amount of office space that can be developed unless transport improvements are put in place by the developer. These could include

¹¹ New employment development could fall within use classes B1, B2, B8 and D2 as well as a variety of sui-generis uses (those uses that fall outside traditional use classes).

implementation of Travel Plans or improvements to public transport, cycling or walking networks¹².

- 3.10. When considering development proposals for new employment development it will be necessary to consider whether the development involves noisy processes or involves operations (including the movement of heavy goods vehicles) that are noisy at quieter times of the day. It is necessary to ask whether this noise be adequately mitigated or controlled through the use of a planning condition and whether the proposed business would operate within "normal" working hours or whether it would involve evening/night-time or early morning operations that could result in noisy activities during quieter, more sensitive, times of the day. Conditions are currently used to control hours of working.
- 3.11. Some forms of industrial development involve processes that result in emissions being made to the atmosphere or waste products being generated that would need to be disposed of. It is important to ensure that the impacts of these are properly understood and, where appropriate, managed and mitigated. In considering emissions it will be necessary to consider the relationship between the proposed development and more sensitive land uses, the nature of the emissions and means of mitigation.
- 3.12. The development of a mix of land uses often results in more sustainable patterns of development and this may be appropriate in some circumstances. Although this is often not possible on smaller sites, on larger sites that are not allocated, developers will be expected to demonstrate that the development would add to the mix of uses within an area or the development itself would provide an appropriate mix of uses. These uses could include community uses for which there is an identified need. On the larger allocated sites in the Borough, office uses will be considered favourably if they enable a mixed-use scheme to come forward, and the sequential test can be satisfied.
- 3.13. An assessment of the quality of existing employment sites can be found in the latest Employment Land Study for Hyndburn. Where the Council does not have an up to date assessment of the quality of employment sites (i.e. 5 years or older) and/or the latest assessment is in dispute, onus will be on the applicant to justify the quality of the site using a similar pro-forma and criteria as adopted in the latest Employment Land Study. Existing employment sites are identified on the accompanying DM DPD Policy Maps.
- 3.14. Policy DM1 provides further guidance on Core Strategy Policy E2 in relation to employment sites of 'adequate' quality, and their potential redevelopment for alternative uses. The policy permits the loss of such sites where a viability exercise demonstrates that they are no longer viable for employment use. Employment floorspace provision in a new mixed-use development could include live/work units as a legitimate form of employment provision which will be controlled through the use of planning conditions.

¹² 'Town Centres' in Policy DM1 refers to Accrington, Great Harwood and Rishton (as referenced in Policy BD1 of the Core Strategy). 'District Centres' refers to all other designated centres.

- 3.15. Retail developments form an important part of the economy and the Council recognise that they can provide a greater density of jobs than some more traditional employment land uses (B use classes). On large employment sites, it is expected that retail development will generally be ancillary, and of a scale that would serve local workers' needs only. Where larger retail developments are proposed these will be assessed against sequential and impact tests in line with national policy and Policy DM3: Town Centre Development.
- 3.16. Mixed use development can provide very significant benefits, in terms of promoting vitality and diversity and in promoting walking as a primary mode of travel. However, it should not be assumed that the juxtaposition of different uses will automatically lead to less car dependency. The planning policies in the Hyndburn Local Plan aim to produce a broad balance at the strategic level between employment and housing, both within urban areas and in rural communities, to minimise the need for long distance commuting, and travel by private car.

Policy DM2: Employment Strategies

1. Developers of major commercial or employment development¹³ will be encouraged to develop and implement an employment strategy that sets out how they will work alongside Jobcentre Plus to recruit employees from the local area.

Policy DM2: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	E1: Future Employment Provision
NPPF paragraph links	18-22
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • HBC Employment Land Study (2015)

- 3.17. As a means of seeking to ensure that local people will benefit from new job opportunities and training, addressing some of the issues of worklessness and skills in the Borough, the Council will work alongside developers and Jobcentre Plus to encourage employment strategies to be developed and implemented for all major new development proposals. Employment strategies will be expected to help the local community to benefit from such developments and will be secured through the use of planning conditions or through planning obligations¹⁴.

¹³ 'major commercial or employment development' refers to proposals of 1,000 square meters or more of floorspace or 1 hectare or more in site area AND where 10 or more jobs will be created from the operation of the proposal.

¹⁴ Made under Section 106 of the Town and Country Planning Act 1990

3.18. Employment strategies will be expected to consider how local residents could be recruited and trained as an integral part of the development and construction process, as well as the longer term job opportunities resulting from the operation of the scheme once complete. This could include factors such as:

- making all reasonable efforts to source and procure a proportion of materials and services for the development from local providers;
- aiming to create a minimum number of construction apprenticeships for young people; or
- entering into a Local Labour Agreement with the Council.

Policy DM3: Town Centre Development

In Town Centre Locations

1. The Council will support proposals for main town centre uses¹⁵ where they are located within defined town centre or district centre boundaries¹⁶ and accord with other policies in the Local Plan, including Policy DM4: Retail Frontages, and policies regarding high quality urban design and safety and amenity considerations.
2. Proposals for residential development above ground floor level in a Primary Shopping Area (PSA) and elsewhere within a Town or District Centre boundary will be considered favourably. Residential development in designated frontages will be supported provided that they , do not restrict the maintenance of an active street frontage ,include a separate and secure access (preferably to the rear of the property), and accord with other relevant policies of the plan.
3. Retail developments proposed between the PSA (where defined) and the Town or District Centre boundary will be supported where it is demonstrated that there are no sequentially preferable sites particularly when it will bring positive economic regeneration benefits.

Outside of Town Centre Locations

4. Proposals for main town centre uses that are not located in defined town or district centres¹⁷, and are not in accordance with specific policies in the Site Allocations DPD, should address the following:
 - a. demonstrate that no sequentially preferable site is available, suitable, and viable through a proportionate but thorough assessment of more central sites¹⁸;
 - b. that in the application of the sequential assessment above, developers and operators demonstrate flexibility in terms of scale and format;
5. Proposals for new retail floorspace¹⁹ that are not in accordance with specific policies in the Site Allocations DPD, and are larger than the thresholds set out below, must submit a retail impact assessment^{20 21}. The Council will assess the

¹⁵ as defined in the NPPF, these include retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)

¹⁶ as identified on the accompanying DM DPD Policy Maps, to be reviewed in the Site Allocations DPD

¹⁷ for the purposes of the sequential test, the Peel Centre is considered to be an out-of-centre retail park that performs a predominantly bulky-goods comparison function. Its formal status within the local retail hierarchy will be clarified in the Site Allocations DPD.

¹⁸ in accordance with paragraph 24 of the NPPF

¹⁹ gross floorspace, including extensions and mezzanine floors

²⁰ proposals for a combination of comparison and/or convenience goods floorspace where only one element falls below the impact thresholds set out in the policy will still be expected to model the combined impact of all the proposed floorspace

proposal against the likelihood of any ‘significant adverse’ impacts on town or district centres. An assessment of any predicted impacts on local markets should be made (where they are in operation within the catchment area of a proposal) as part of any retail impact assessment.

Town ²²	Convenience (sq.m)	Comparison (sq.m)
Accrington	500	1,000
Great Harwood	250	250
Rishton	250	250
Oswaldtwistle	250	500
Clayton-le-Moors	250	250

6. The Council will apply the following exceptions to application of the retail impact thresholds set out above:
 - a. where the applicant is able to demonstrate a compelling case that the type and form of retailing proposed is not one currently provided in a specific town or district centre, nor is likely to be provided in the future, that centre may be excluded from any impact assessment; and
 - b. where the Council has particular concerns arising due to the size and nature of a proposal (of retail or other main town centre uses) in relation to the health of a specific centre, it may on occasion require an impact assessment to be submitted below the thresholds stated above. The Council will justify any such request carefully and, in line with the NPPF, request a proportionate approach to any impact assessment to be adopted.

7. Where an application is subject to an impact assessment, the Council may apply planning conditions or S106 agreements to ensure that future changes to the type or scale of retailing on the site (such as through extension or sub-division) are appropriately assessed.

8. The development of shops and other local services under 250sqm gross floorspace will be permitted provided that:
 - a. it would help contribute towards the competitiveness and vitality of a local parade or local centre²³;
 - b. the applicant has satisfied the sequential test (set out in paragraph 4) and it would not lead to an over-provision in the local neighbourhood²⁴;
 - c. it is suitably located in terms of access on foot from the surrounding area; and
 - d. there is adequate servicing, car parking and bin storage space.

²¹ in line with the NPPF and Planning Practice Guidance, testing ‘significant adverse’ impacts <http://planningguidance.communities.gov.uk/blog/guidance/ensuring-the-vitality-of-town-centres/ensuring-the-vitality-of-town-centres-guidance/>

²² the appropriate retail impact threshold to apply will be determined based upon the catchment area of a specific proposal. The lowest threshold of any town or district centre located within the catchment area of a proposal will be applied

²³ to be defined in the Site Allocations DPD

²⁴ for the purposes of Policy DM3 the ‘local neighbourhood’ will be considered to be a 400m radius from the development site, equivalent to around a 5 minute walk

9. The development of ancillary retail facilities to support the continued use of existing non-retail premises will normally be supported provided that:
- the products are manufactured and sold from the same premises;
 - the retail element can be accommodated without an adverse effect on existing servicing and car parking arrangements or that additional appropriate requirements can be provided; and
 - the proposal is unlikely to lead to significant loss of amenity to residents in the immediate locality by reason of noise or disturbance.

Policy DM3: Policy context and relationships

Local Plan (1996) policies to be replaced	R.5: A1 uses for local communities R.8: Ancillary retail facilities
Core Strategy (2012) policy links	A3: Development of Local Centres in Accrington GH2: Great Harwood Town Centre R2: Rishton Local Centre
NPPF paragraph links	23-27
Key documents of relevance / guidance	<ul style="list-style-type: none"> Planning Practice Guidance Retail Thresholds Advice Note (2015) Retail Study (2016)

- 3.19. A number of policies covering Accrington Town Centre are included in the Accrington AAP, therefore for proposals in Accrington Policy DM3 should be read in conjunction with relevant AAP policies. For proposals in all other centres in Hyndburn, Policy DM3 provides the relevant Local Plan guidance.
- 3.20. The Council recognises that it is important that all centres continue to provide a range of goods and services for local residents, and that the vitality and viability of these centres is protected wherever possible. Grouping of shops and services in centres brings numerous benefits and is considered more sustainable than providing standalone facilities including reducing the need to travel through linked trips, a focal point for interaction and an identity which helps distinguish one area from another.
- 3.21. To retain and develop the vitality and vibrancy of centres, a mix of retail, leisure, and cultural and service provision is key. This must be at an appropriate level to the scale and type of centre, and not of a kind that would damage the ability of the surrounding area, or other centres, to function. Some centres will need to consider the development of larger (retail) units. However smaller units which *'promote competitive town centres that provide customer choice and diverse retail offer and which reflect the individuality of town centres'*²⁵ should be retained where possible. .

²⁵ paragraph 23 of the NPPF

- 3.22. Development should also make efficient use of buildings and/or land, achieved by an appropriate density of development and ensuring that space above ground floor level is well used (e.g. office space above shops in the town centre core, or residential uses above shops in more peripheral locations).
- 3.23. The policy seeks to ensure that all residents have access to a shop within a reasonable walking distance. Whilst the majority of new retail development will be located within existing centres, occasionally as part of new large scale housing development new shops may be required where there are no other facilities within a reasonable walking distance. Shops and services, which are considered to provide an important community function, are; a newsagents, green grocers, post office, chemist, hairdressers, butchers and bakers.
- 3.24. The Council has identified local floorspace thresholds for retail impact assessments, in line with paragraph 26 of the NPPF. The Council has published a Retail Thresholds Evidence Note as evidence in support of its approach. Where an impact assessment is required, this should be proportionate to the proposed development. In line with NPPG, the thresholds defined take into account the following matters:
- the scale of proposals relative to town centres;
 - the existing viability and vitality of town centres;
 - the cumulative effects of recent developments;
 - whether local town centres are vulnerable;
 - the likely effects of development on any town centre strategy; and
 - the impact on any other planned investment
- 3.25. The specification of retail impact thresholds by centre and type of retail in Policy DM3 is intended to provide a clear upfront message to applicants of the circumstances under which the Council will seek to assess the likely impact of proposals on the vitality and viability of centres in more detail. The policy specifies two exceptions to the application of the floorspace thresholds.
- firstly, where an applicant can provide compelling evidence that a proposed development will not provide a type or form of retail development that will compete with a specific town or district centre, the Council may agree to exclude that centre from any impact assessment. This approach is intended to reflect the established principle that 'like affects like' in terms of retail impact assessments and is primarily aimed at reducing the need to model impact of large retail proposals on smaller/lower order centres
 - secondly, the Council may request an impact assessment be undertaken for proposals that fall below the stated thresholds, where it can justify having particular concerns of a proposal due to the size and nature of the proposed scheme.
- 3.26. Impact assessments may be very specific to a particular planning application and the type of retail floorspace proposed. They are undertaken in accordance with the predicted catchment area of a specific scheme, which may vary considerably depending upon the type of retailing proposed. The Council may therefore use planning conditions or Section 106 Agreements to ensure that any future material

changes in the permission granted are adequately assessed in terms of impact. This may cover future extensions, a change in the form of retailing (type of goods sold), or sub-division of larger units.

- 3.27. The Council will identify appropriate town and district centre boundaries, along with a Primary Shopping Area and other relevant retail locations including local retail parades and other commercial locations, in the Site Allocations DPD.

Policy DM4: Retail Frontages

1. The Council will seek to strengthen the retail offer, promoting the vitality and viability of town and district centres by:
 - a. ensuring that at least 80% of the designated primary frontages in Great Harwood Town Centre remain in retail use, and 60% in secondary frontages in Great Harwood or district centres;
 - b. preventing clustering of 3 or more non-retail uses within adjacent units of a frontage; and
 - c. ensuring that proposals maintain an active frontage with a healthy mix of town centre uses.

2. Exceptions may be made to a. and b. above where
 - a. the property has been vacant for an 18-month period, and satisfactory evidence has been provided of a marketing exercise over the same period of the property for sale and rent at a realistic price; OR
 - b. evidence of the vitality and viability of the centre indicates that the proposed use will help to diversify and support the future health of that centre

Policy DM4: Policy context and relationships

Local Plan (1996) policies to be replaced	R.5: A1 uses for local communities R.8: Ancillary retail facilities
Core Strategy (2012) policy links	A3: Development of Local Centres in Accrington GH2: Great Harwood Town Centre R2: Rishton Local Centre
Accrington AAP (2012) policy links	ATC2: Shopping Frontages and the use of floors above shops
NPPF paragraph links	23-27
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Retail Study (2016)

- 3.28. Policy DM4 highlights, via the use of primary and secondary frontages²⁶, locations in the Borough's centres where retail (A1) uses would be best located. A retail frontage policy also protects against inappropriate or insensitive development. Other relevant frontage policies for Accrington are set out in the Accrington AAP. The locations of defined frontages are set out on the DM DPD Policy Maps and will be reviewed through the forthcoming Site Allocations DPD.
- 3.29. A key factor in helping to develop the vitality and vibrancy of centres is to have an appropriate mix of goods and services within centres. This will vary for the different types of centres and the location within the centres. Following the approach adopted for Accrington Town Centre within the Accrington AAP, which allows for 20% of the primary frontage to be non-retail (other than A5 uses), the same approach is proposed for the primary frontages within Great Harwood Town Centre²⁷. The smaller centres serve a more local catchment and, along with secondary frontages, are considered to be more appropriate for a wider range of uses.
- 3.30. Whilst Policy DM4 is in place as the cumulative impact of non-retail uses can have a detrimental impact on the shopping function of a centre, including the creation of a 'dead' shopping frontage during daytime hours, the Council recognise that high streets and town centres are changing significantly. The policy may allow for exceptions to the rule where property has lain vacant for a considerable period (whilst being marketed), or it can be demonstrated that an alternative use would help contribute to enhancing the vitality and viability of the centre. In support of this policy, the Council has published a Retail Study²⁸ that includes detailed health checks of each of the five town and district centres in Hyndburn.

²⁶ where not already defined, to be defined in the Site Allocations DPD

²⁷ to be defined in the Site Allocations DPD

²⁸ Hyndburn Retail Study (June 2016), Peter Brett Associates

Policy DM5: Hot Food Takeaways

1. The development of hot food takeaways will be supported provided the following criteria are met:
 - a. the development is located within a town or district centre and accords with criteria within retail frontage policies²⁹;
 - b. where the proposed development would be located outside a town or district centre it is no more than 100 square metres (gross) floorspace, and it would not give rise to an over-concentration of hot food takeaways within the area;
 - c. where the proposed development is located within the hot food takeaway restriction zone³⁰ opening hours are restricted³¹;
 - d. where a new shop front is proposed it is of a high quality design that is in scale and keeping with the area³²;
 - e. provision is made for the control and management of litter both on site and on the public highway;
 - f. provision is made for the treatment and management of cooking odours and any external flue/means of extraction would not cause harm to visual or residential amenity, and;
 - g. the development would not give rise to unacceptable adverse impacts on local amenity, privacy or highway safety.

Policy DM5: Policy context and relationships

Local Plan (1996) policies to be replaced	R.6: Hot food takeaways
Core Strategy (2012) policy links	-
NPPF paragraph links	23-27
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Obesity and the environment: regulating the growth of fast food outlets (Public Health England, 2014)

3.31. The Government's public health strategy³³ explicitly recognises that health considerations are an important part of planning policy and one of the key aims set out in the Council's Corporate Strategy is to 'create a place where everyone has the opportunity for a healthier and longer life'.

²⁹ frontage Policy ATC2 of the Accrington Area Action Plan, and policy DM4 of the DM DPD

³⁰ the hot food takeaway restriction zone includes locations within 400m of a primary school and/or secondary school that lie outside of designated town and district shopping centres and is identified on the accompanying DM DPD Policy Maps.

³¹ the Council will seek to apply conditions restricting opening hours during or close to school opening times to reduce the likelihood of young people visiting

³² see policy DM 28: Shop Fronts and Security Shutters

³³ 'Healthy Lives, Healthy People: Our strategy for public health in England', HM Government, 2010

- 3.32. Evidence demonstrates that Hyndburn has both a higher number of fast food outlets per population, and higher rates of obesity amongst children, compared to other local authorities in the northwest and England³⁴. Although there is currently no evidence demonstrating a causal link between the two, it is only in recent years that local authorities have started to use legal and planning systems to regulate the growth of A5 uses and, in any case, it is recognised that obesity is a complex issue and no single intervention is likely to make significant differences to outcomes on its own.
- 3.33. The Council seeks to act in the interests of the health of the Borough's residents, particularly young people and children, and therefore it considers that the location and proliferation of A5 uses needs to be carefully controlled. Public Health England³⁵ recommends that, by improving the quality of the food environment around schools, particularly secondary schools where pupils are allowed to leave the premises at lunchtime, there is the potential to influence children's food-purchasing habits (and thus future diets).
- 3.34. Accordingly, the Council has identified a hot food takeaway restriction zone, 400 metres radius from all schools in the Borough. New hot food takeaways will not be supported within these areas, except when located in a defined town or district centre, or controls on the hours of operation are implemented to help reduce the likelihood of young people visiting. A 400 metres distance (radius from the application site) is considered to be a practical equivalent of between 5-10 minute walk taking into account physical barriers (e.g. buildings, traffic lights etc.)
- 3.35. Hot food takeaways that are located in suitable locations (outside of the exclusion area) need to be managed appropriately in order to prevent problems associated with amenity and/or road safety. Applicants should demonstrate that the takeaway would not give rise to any odour or noise issues. This is most commonly addressed through the provision of an appropriate extraction system of which both the noise and visual amenity aspects are important considerations.
- 3.36. Noise arising from the coming and going of customers, particularly in the evening and night time, can also cause disturbance to residents and it may be necessary to control opening hours. Hot food takeaways will not normally be acceptable where they directly adjoin a residential property, or where a residential flat is located above the premises or above an adjoining property. Proposals will also be expected to put in place measures to control litter.
- 3.37. Like any development, it is necessary to ensure that there is no adverse impact on the highway network and that sufficient provision is made for parking. Policy DM32: Sustainable Transport, Traffic and Highway Safety provides further guidance on parking and highway safety.

³⁴ Obesity data and tools are published on the National Obesity Observatory via Public Health England <http://www.noo.org.uk/visualisation>

³⁵ 'Obesity and the environment: regulating the growth of fast food outlets', Public Health England, 2014

Section 4

Community Infrastructure

This chapter includes the following policies:

- **DM6: Delivering Schools and Early Learning**
- **DM7: Cultural and Community Facilities**
- **DM8: Public Houses**
- **DM9: Telecommunications**

4. Community Infrastructure

- 4.1. The Core Strategy sets social inclusion as one of its key crosscutting themes. The vision for the Borough by 2026 includes 'excellent education provision ... at primary, secondary and sixth form college level' and 'ready access to first class leisure and cultural opportunities in the Borough'³⁶.
- 4.2. Social inclusion is a factor of many different circumstances, however community infrastructure is one of the key parts of the jigsaw. The Core Strategy seeks to reduce the gaps that exist between some parts of Hyndburn and more favourable areas wherever possible. Policy BD1: The Balanced Development Strategy clearly states that the Local Plan will 'promote balanced communities where everyone has easy access to a range of services and facilities'.
- 4.3. The policies in this section seek to ensure that the key services and infrastructure (that are not covered elsewhere in the DM DPD or Local Plan) are delivered, where relevant, as a result of new development. They also seek to protect community facilities wherever possible, and set the detailed policy framework against which proposals for the loss of such facilities will be considered.

³⁶ p29 of the Core Strategy

Policy DM6: Delivering Schools and Early Learning

1. Development at schools will be supported provided:
 - a. it would not have an unacceptable adverse impact on the amenity of neighbouring properties;
 - b. it is designed to a high standard³⁷ and buildings incorporate a high standard of energy efficiency;
 - c. it will be landscaped to a high standard;
 - d. it would not adversely affect highway safety;
 - e. that sustainable forms of transport are actively encouraged in line with Policy DM32: Sustainable Transport, Traffic and Highway Safety, including the promotion of school buses;
 - f. it is accompanied by a Travel Plan where appropriate³⁸; and
 - g. it can be demonstrated that the development of new sports facilities would not give rise to noise and disturbance to local residents and the development of new lighting facilities would not give rise to unacceptable levels of glare or light pollution.

When preparing development proposals, applicants should consult with local residents and demonstrate that their views have been taken into consideration.

2. Proposals for the redevelopment of all, or part, of an existing school for other uses will only be supported where there is adequate space on site and it can be demonstrated that there is no need to retain the school³⁹.
3. In relation to proposals for housing development of 10 dwellings and above, the County Council may ask for a financial contribution towards education provision to address the direct impact of the development. The scale of financial provision sought will depend on the following factors:
 - a. the size of the development (number and type of housing);
 - b. the extent to which the Local Education Authority can demonstrate that existing school provision will not cater for the additional demand created by the development⁴⁰, and
 - c. the degree to which the contribution would affect the financial viability of the development⁴¹.
4. The use of schools for wider community activities and adult education will be supported provided adequate car parking provision is available and it would not give rise to unacceptable impacts on highway safety and local amenity.

³⁷ see Policy DM26: Design Quality and Materials for further policy and guidance

³⁸ see Policy DM32: Sustainable Transport, Traffic and Highway Safety

³⁹ see Lancashire County Council's strategy for the provision of school places and capital investment for further guidance on factors to be taken into consideration when proposing to alter school provision; for further policy and guidance in relation to the potential loss of school playing fields see Policy DM21: Protection of Open Spaces

⁴⁰ Lancashire County Council publishes an 'Education Contributions Methodology' and 'Strategy for the Provision of School Places and Schools' Capital Investment', which will be the initial reference point for understanding existing school provision and capacity in the context of financial contributions

⁴¹ the ability of the development to satisfactorily address its impact on education and meet relevant infrastructure requirements will form a key part of the overall assessment of the sustainability of the proposal

5. The development of children’s nurseries will be supported provided:

- a. it would not give rise to unacceptable adverse impacts on local amenity;
- b. it would not adversely affect highway safety; and;
- c. there is sufficient outdoor play space to meet the needs of the children.

Policy DM6: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	ED1: New and improved educational facilities
NPPF paragraph links	69-78
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Policy Statement – Planning for Schools Development (Communities and Local Government, 2011); • Strategy for the Provision of School Places and Schools’ Capital Investment 2015-2018 (Lancashire County Council)

- 4.4. The Core Strategy recognises the importance of achieving higher levels of educational attainment, partly through the development of new and improved educational facilities in the Borough. In recent years the development of sixth form education facilities at Accrington Academy and St Christopher’s School has been completed. It is hoped that further development of the Borough’s schools and colleges will help improve the educational attainment of young people in the future.
- 4.5. The Government has made clear through its Policy Statement (Planning for Schools Development) that it wishes to see more provision and a greater diversity in the state-funded school sector to meet both the needs of local communities, and the drive for increased choice and higher standards. Policy DM6 therefore supplements Policy ED1 of the adopted Core Strategy by providing further guidance on how education provision will be delivered in the Borough to help meet these aims.
- 4.6. This policy has been developed working closely alongside Lancashire County Council, the Borough’s education provider, who maintain and enhance the network of schools and early learning centres. Schools and colleges are usually located within residential areas and whilst they normally enjoy a good relationship with their neighbours it is important that new or improved education facilities are well designed, and that their impacts on an area are properly understood and managed. The impacts of cars or buses, and the relationship between buildings and their design and use are particularly important.

- 4.7. The design of all new development at schools and colleges should reflect the intensity of their use and the sensitivity of their surroundings. Industrial style fencing is not appropriate and proposals involving outdoor sporting activities would be expected to be well sited in relation to neighbouring development. Floodlighting should be well designed to avoid light spillage and glare and not normally used after 9pm.
- 4.8. The concept of sustainable development is based upon the need to develop a society where future generations can flourish within acceptable environmental limits. Schools and colleges are in an ideal position to influence the views and behaviour of young people by demonstrating the importance of sustainable development through the use of energy efficient buildings, recycling and re-using resources. New school buildings should therefore be expected to demonstrate high standards of energy efficiency and seek to utilise best practice in the re-use of resources. All new buildings and extensions should aim to achieve BREEAM very good standard as well as the most up to date standards set out by the Department for Education's 'Standards for school premises'.
- 4.9. The development of new housing, particularly new family housing, may put pressure on education resources. Where there is a forecast shortfall of provision at a local school as a direct result of a housing development, developers will be expected to make a financial contribution towards the costs of additional school places needed. The last Census shows that the population of Hyndburn is not growing at the same rate as that in other parts of Lancashire or England and that the population of young people is expected to remain steady. This may however change over the period of the Plan. It is also important to recognise that the financial viability of new housing developments in Hyndburn is an issue and it is not desirable to have a situation where the scale of contributions towards education provision (or any other obligation on developers) is a contributory factor in preventing the development from commencing if it is otherwise proven to be sustainable. Education contributions, alongside any others, will be considered in accordance with Policy GC2: Infrastructure, Planning Obligations and CIL.
- 4.10. As part of the Site Allocations DPD, the Borough Council will undertake further work with the Local Education Authority to identify, more specifically, those areas of Hyndburn where new development may require a contribution towards education. The LEA will be consulted as and when appropriate on individual applications outside of any allocation is proposed.
- 4.11. Increasing living costs, coupled with a need for both parents to work have resulted in increasing demand for pre-school nurseries. Although some schools have sought to provide nursery places, private companies provide the majority of pre-school nursery places. This is often provided through the conversion of existing buildings and sometimes through the development of purpose built facilities.
- 4.12. There is normally a need for parents to drop off their children in the morning and pick them up in the afternoon or evening. It is therefore important that sufficient safe parking is provided in a location that will not endanger other road users or pedestrians. Where nurseries are proposed in residential areas it is important to

ensure that they would not give rise to unacceptable adverse impacts on local amenity. In these cases it may be necessary to ensure that there is sufficient distance between buildings and whether planning conditions can be used to control factors such as the hours of use or landscaping.

Policy DM7: Cultural and Community Facilities

Protection of existing facilities

1. **Proposals for the change of use away from, or loss of, cultural or community facilities⁴² will be supported where:**
 - a. the existing facility is being relocated or is being replaced on the site or in the same vicinity, or;
 - b. an existing accessible facility can provide for the lost services, or;
 - c. the use is no longer economically viable and it can be demonstrated that there is no longer a demand for the use as demonstrated through a 12 month marketing exercise or similar⁴³.
2. **Where a use is considered to be no longer economically viable, the Council will expect consideration to have been given to grant funding or other support and that the buildings or site cannot be utilised for other community or cultural uses.**

New provision and enhancement

3. **Where development proposals are submitted for new or improved community or cultural facilities, they should be accessible by sustainable modes of transport.**

Policy DM7: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	HC2: Leisure, Health and Culture
NPPF paragraph links	69-74

⁴² Cultural and community facilities for the purposes of this policy are those that provide for the health, social, educational, spiritual, recreational and cultural needs of the community

⁴³ Any evidence provided on the marketing should demonstrate that this was undertaken free of tie, and for alternative cultural or community facility use. Marketing should have been undertaken at a fair market price following independent professional valuation (paid for by the developer). Similar acceptable evidence would include, for example, evidence on the NHS estate reorganisation programme for NHS Property which can only be disposed of after rigorous NHS testing and approval processes have been satisfied.

Key documents of
relevance / guidance

- [Planning Practice Guidance](#)
- Assets of Community Value, House of Commons Library Standard Note SN/PC/06366
- Planning Tools and Guidance, Sport England

- 4.13. Policy HC2 of the Core Strategy states that community and cultural facilities should be retained unless it can be demonstrated that they are no longer necessary or where alternative provision is made to meet community needs. The NPPF also seeks to guard against the loss of valued cultural and community facilities and to plan positively for new facilities.
- 4.14. Community facilities often compete with other uses which command a higher value and are therefore subject to development pressures. This can put existing facilities under pressure and it is therefore necessary to put in place measures to help preserve such infrastructure.
- 4.15. In certain situations it may be necessary to relocate a community or cultural facility, either within a site to facilitate a development or on a nearby site. Provided the replacement is of equivalent or better quality than the facility being lost, then such a proposal will be considered acceptable.
- 4.16. In other circumstances, there may be a surplus in provision of a particular facility, such that the loss of one facility does not create a gap in community/cultural service provision in the local area. Applicants will be required to demonstrate that sufficient alternative provision exists and that it is accessible to users. Where a community or cultural facility is being lost and reliance is being placed on an existing facility to meet the lost services, improvements will be sought to help enhance the quality and accessibility of existing facilities.
- 4.17. The Council will not support applications for changes of use that result in the loss of community and cultural facilities unless it is clearly demonstrated that the continued use is no longer financially viable, this includes consideration of grant funding and other income streams that might be available. The applicant will also be expected to demonstrate that they have considered the re-use of the site for other types of community and cultural facilities. Alongside this, evidence of a suitable marketing exercise should be provided, undertaken free of tie and at a fair market price.
- 4.18. Where a facility is identified as an ‘asset of community value’⁴⁴ and a change of use is submitted, the Council will decide whether its listing is a material consideration when considering all the circumstances of the case. The Government has signalled its intention⁴⁵ to pass regulations to ensure that any property listed as an asset of community value would have to apply for planning permission to change its use class, as currently it may still do so under permitted development rights.

⁴⁴ see the Localism Act 2011 and Assets of Community Value (England) Regulations 2012

⁴⁵ via a Written Ministerial Statement HCWS221, 22nd January 2015

- 4.19. It is important that new facilities are well located and accessible to communities that use them. Proposals will also be required to meet the relevant amenity, highway and other policy requirements set out elsewhere in this document.

Policy DM8: Public Houses

1. Proposals for the loss of a public house through demolition, or change of use to any other use class, will only be supported if an applicant can demonstrate that:
 - a. the public house has been marketed as a public house, at market rate, for a consistent period of 12 months; and
 - b. the loss of the pub will not result in a shortfall of local pub provision in the area⁴⁶; or
 - c. the public house is no longer economically viable when considered against CAMRA's Public House Viability Test;
2. In all circumstances the proposed development should not have a detrimental effect on the design, character and heritage of the existing public house and/or the wider streetscape (and is in line with Policy DM22: Heritage Assets).

Policy DM8: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	HC2: Leisure, Health and Culture
NPPF paragraph links	28, 70
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Public House Viability Test, CAMRA, 2014

4.20. Public houses are an important part of the culture and character of Hyndburn, often forming a focus for social interaction and local community life, playing a role in the local economy as well in terms of the jobs they provide. Pubs provide important facilities/space for recreation and leisure activities, including live music performances and meetings of local interest groups and community events. They therefore form a valued and culturally important role that should be protected where possible.

4.21. Recent changes to permitted development rights⁴⁷ mean that there is now a much greater degree of flexibility in the change of use of pubs to other A uses or temporary flexible uses. This provides flexibility for those pubs struggling in their present form,

⁴⁶ the Council considers a 'shortfall' of provision to be where no other facility is available within a reasonable walking distance (10 minutes or approximately 800m, however this will depend upon local circumstances)

⁴⁷ The Town and Country Planning (General Permitted Development) (England) Order 2015

retaining the vibrancy and use of the site as a local commercial/community facility, and ensuring that it could be returned back to pub use more easily in the future if there was a change in the local market. Policy DM8 sets the criteria against which an application for change of use or demolition of a public house outside of the permitted development rights regime will be assessed.

- 4.22. Proposals to demolish or convert to residential use will be considered against the criteria set out in Policy DM8 and other relevant policies in the Local Plan. Where a public house may have particular heritage value, or is a designated heritage asset, if there is evidence of deliberate neglect or damage, the deteriorated state of the heritage asset will not be taken into account in any planning decision.
- 4.23. Any evidence provided on the marketing of the public house over a 12-month period should demonstrate that this was undertaken free of tie, and for alternative local commercial or community facility use. Marketing should have been undertaken at a fair market price following independent professional valuation.

Policy DM9: Telecommunications

- 1. Proposals for telecommunications development will be permitted provided that the following criteria are met:**
 - a. if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the local planning authority;
 - b. the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual and residential amenity, character and appearance of the surrounding areas;
 - c. if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the building;
 - d. the development should not have unacceptable harm on areas of ecological or geodiversity (geology and geomorphology) interest, areas of landscape importance, or heritage assets and their setting, and;
 - e. detail design should consider colours, materials and design of any existing buildings where new apparatus may be being fixed to.
- 2. When considering applications for telecommunications development, the local planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.**

Policy DM9: Policy context and relationships

Local Plan (1996)
policies to be replaced

-

Core Strategy (2012) policy links	-
NPPF paragraph links	42-46
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Code of best practice on mobile network development in England, 2013 • Electronic Communications Code (Conditions and Restrictions) Regulations 2003

- 4.24. It is recognised that there is an ongoing need for advanced, high quality communications infrastructure including the development of high-speed broadband technology and other communications networks. In March 2016⁴⁸ the Government announced proposed changes to the Permitted Development regime to increase flexibility for the upgrading of mobile infrastructure with the aim of boosting economic prosperity through better connectivity.
- 4.25. Whilst there are significant economic and social benefits associated with the development of telecommunications infrastructure, the development of masts, antennae and other associated infrastructure can give rise to significant levels of concern relating to visual intrusion and impact on the surrounding area in which it is located. Operators and Local Authorities work to the 'Code of best practice on mobile network development' in England, which has been produced in accordance with a working group including English Heritage, the Mobile Operators Association, National Parks England, and the Planning Officers Society. The Code will be strengthened in association with the forthcoming changes to Permitted Development.
- 4.26. The NPPF states that such equipment should be sympathetically designed and camouflaged but does not set out further design or siting considerations; however, it states that the number of masts and sites should be kept to the minimum required for the efficient operation of the network. National Policy also states that further health safeguards are not necessary if proposals meet International Commission guidelines for Public Exposure.
- 4.27. The necessary evidence to justify the proposed development should support applications for telecommunications development. This should include the outcome of consultations with organisations with an interest in the proposed development. When adding to an existing mast or base station, a statement that self-certifies the cumulative exposure will not exceed the International Commission on non-ionising radiation protection guidelines is needed, or evidence that the applicant has explored the possibility for erecting antennas on an existing building, mast or other structure and a statement certifying International Commission guidelines will be met.
- 4.28. Relating to the visual intrusion of masts, careful consideration into the design should be carried out to minimise the visual impact of the development. Such design solutions may relate to the form of structure, to colour and to materials, for example

⁴⁸ Boosting Mobile Connectivity: Written Statement – HCWS631

masts can be designed to look like trees or street furniture or can be designed into the fabric of a building.

- 4.29. When freestanding masts outside of the built up area are being developed, it is essential to ensure that they, as far as possible, blend in with the natural landscape. This includes the associated equipment such as underground cable, service routes and means of enclosure should be designed such that there is minimal loss or damage to trees and other natural vegetation. Additional planting of trees and vegetation is a means to screen such development. In accordance with the policy no unacceptable harm should arise to the natural environment (in terms of biodiversity and geodiversity) as a result of such applications and, in line with the NPPF, net gains in nature should be sought.
- 4.30. The Council will determine applications on planning grounds. It will not seek to prevent competition between different operators, question the need for telecommunications systems, or determine health safeguards if the proposal meets with International Commission guidelines.

Section 5

Housing Policies

This chapter includes the following policies:

- **DM10: New Residential Development**
- **DM11: Open Space Provision in Residential Development**
- **DM12: Affordable Housing**
- **DM13: Development of Housing within Residential Gardens**
- **DM14: Housing with Care for Older People and People with Disabilities**
- **DM15: Gypsy and Traveller Sites**
- **DM16: Housing Standards**

5. Housing

- 5.1. The Council is committed to providing a greater choice and quality of housing offer in Hyndburn in order to help meet the housing needs of its existing residents, and to retain and attract more skilled people and families to live in the Borough. The key elements of the housing strategy are:
- to ensure that there is an adequate supply of land for housing development and that it is in the right locations;
 - to ensure that the right house types are being developed to meet future needs;
 - to ensure that sufficient affordable housing is being provided; and
 - to ensure that sufficient sites are provided for the Gypsy and Traveller Community.
- 5.2. The Site Allocations DPD will ensure that sufficient land is allocated for housing development over the period of the Core Strategy and the Core Strategy includes a policy on housing mix (Policy H1), a general policy on affordable housing (Policy H2) and a policy on Gypsy and Traveller provision (Policy H3). Whilst the Core Strategy sets the strategic context for housing development, it does not provide detailed advice on the design and development of new housing.
- 5.3. Planning applications for new housing development are one of the most common categories of application and it is important that applicants, planning officers and elected members and members of the public can clearly understand what factors will be taken into consideration when determining planning proposals for new residential development. Policy DM10: New Residential Development, seeks to clearly set out these criteria, cross-referencing to more detailed policies of this DPD, where necessary.

Policy DM10: New Residential Development

1. Housing development will be supported provided:
 - a. it is designed to a high standard using appropriate materials (see Policy DM26: Design Quality and Materials) to enhance local character and distinctiveness, and there will be no unacceptable harm to heritage assets and their setting (in line with Policy DM22: Heritage Assets);
 - b. the design is in line with the housing standards set out in Policy DM16: Housing Standards;
 - c. for schemes of 5 or more dwellings, the applicant can demonstrate, through their Design and Access Statement, how they have considered the requirements of the 'Building for Life 12' assessment criteria in the design of their scheme;
 - d. the scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light (see Policy DM29: Environmental Amenity);
 - e. highways are designed in accordance with the 'Manual for Streets' and are designed in a way to keep vehicle speeds less than 20mph whilst facilitating access for larger vehicles⁴⁹;
 - f. the applicant demonstrates how the new development will connect to the wider area via public transport, walking and cycling (in line with Policies DM32: Sustainable Transport, Traffic and Highway Safety and DM33: Sustainable Transport Infrastructure);
 - g. suitable provision is made for waste management (see Policy DM31: Waste Management in all new development);
 - h. where it is located in a town or district centre, that there will be no unacceptable adverse impacts on amenity (from noise or odour);
 - i. the proposal incorporates a high standard of landscaping, and a scheme and programme demonstrating how relevant areas will be maintained for the duration of the development;
 - j. the design incorporates sufficient open space, or payment in lieu for improvements of near-by open space (in line with Policy DM11: Open Space Provision in New Residential Development);
 - k. the natural environment, biodiversity and green infrastructure are considered in line with policies in Section 6: Natural and Built Environment); and
 - l. that proposals do not increase the risk of flooding on the site or elsewhere, where possible reducing the risk of flooding overall, having regard to the surface water drainage hierarchy (detailed in Policy DM20: Flood Risk Management and Water Resources).
2. The Council has an adopted 'Householder Design Guide' SPD and will use this to help determine proposals for residential extensions. Applicants should evidence how the SPD has been taken into account in their application.

⁴⁹ 'larger vehicles' include waste collection vehicles, delivery vehicles and emergency vehicles.

3. The Council will support the development of new static caravan sites where they form an integral part of existing or planned major recreational facilities and satisfy local environmental, drainage and flood risk considerations set out in the Local Plan. New residential park home schemes will be considered in line with the criteria in DM10, and proposals for gypsy and traveller sites will be considered in line with DM15.

Policy DM10: Policy context and relationships

Local Plan (1996) policies to be replaced	H.2: Housing Development within the Urban Boundary L.6: New Static Caravan Sites
Core Strategy (2012) policy links	H1: Housing Provision H2: Affordable Housing HC3: The Design of Residential Roads ENV3: Landscape Character ENV6: High Quality Design
NPPF paragraph links	47-55, 56-68
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Strategic Housing Market Assessment, NLP; • Building for Life 12, Design Council; • Manual for Streets and Manual for Streets 2, DfT; • Householder Design Guide, Hyndburn BC.

- 5.4. In Hyndburn there is a pressing need for a greater choice and quality of housing to meet the needs of existing residents (so they don't move out of the Borough) and to attract new people into the Borough. To meet this aim, Policy DM10 sets the criteria that will be taken into account when determining planning applications for residential development. Elements of the policy are linked to other, more detailed, policies and where this approach is taken the relevant policy is referred to.
- 5.5. The housing mix set out in the Council's Core Strategy Policy H1 sets the overall aim of rebalancing the housing stock in the Borough. The Council will monitor housing permissions and completions regularly to help measure progress towards meeting the recommended mix of house types.
- 5.6. Individual planning applications will not be expected to provide the exact proportions of house types set out in Policy H1 or any updates, rather they should aim to contribute in an appropriate way taking into account the individual site context and setting. The Council will apply flexibility where appropriate, however it will in general resist very high-density schemes or those with an overly high proportion of terraced/town house provision.
- 5.7. The Council will expect new developments to be designed to a high standard, using materials appropriate to their location and setting (further details provided in Policy DM26: Design Quality and Materials, and Guidance Note 3: Materials and Colours).

There is a clear need for new housing to be set within attractive and safe environments, and therefore the Council will expect applicants to use the principles set out in Building for Life 12 (BfL12) in the design of their scheme, which offers a valuable tool for assessing the overall design quality of new homes and neighbourhoods. BfL12 embodies detailed urban design principles. Further policy and guidance on design matters is set out in DM26: Design Quality and Materials.

- 5.8. The proposal should meet all relevant local housing standards set out in policy DM16: Housing Standards. At present this relates to Access and Space matters only. Currently there is no need for applying the optional water standards in Hyndburn, as Hyndburn is not an area of water stress.
- 5.9. Much of the Borough's housing has been built at very high densities at a time when housing developments incorporated little green space. Policy HC1 of the Core Strategy (Green Space and Facilities for Walking and Cycling) recognises the importance of good quality, accessible and multi-functional green space and indicates that where it is not possible to make provision on site as part of major new developments, then the developer should provide a financial contribution in lieu of actual provision.
- 5.10. A static caravan is defined as a caravan that remains permanently on site for all or part of the year. These may be owned by private individuals who may use their vans as weekend homes, or as more of a tourist facility in the form of a leisure park for holiday rental. Proposals for non-tourism related caravan accommodation will be determined in accordance with the relevant policy; criteria listed in Policy DM10 for new residential park home schemes or Policy DM15 for gypsy and traveller proposals.

Policy DM11: Open Space Provision in New Residential Development

1. Residential developments of 10 or more dwellings must make adequate provision for public open space. This should be provided on site or through payments in lieu⁵⁰ for the improvement of near-by open space in accordance with the following principles:
 - a. the provision of public open space in new residential developments will be required to meet the standards prescribed within the Fields in Trust guidance⁵¹ (or in line with local standards⁵² where prescribed) and in accordance with Development Management Guidance Note 1;
 - b. the open space provided should be easily accessible to all houses within the development and should form an integral part of the layout of the development;
 - c. natural features (including geodiversity) within the development will normally be required to be retained⁵³ and, wherever possible, incorporated into areas of public open space;
 - d. where sensitive or important plant and wildlife species are identified, an appropriate buffer zone should be provided to protect and where possible enhance their habitat. Where an existing habitat is disturbed, compensatory habitats and mitigation schemes should be considered and proposed having regard to the local ecological network;
 - e. landscaping works and the provision of play equipment and its future maintenance is the responsibility of the developer;
 - f. where public open space is provided on-site, the developer will be expected to fund its maintenance for a period of at least 20 years, or put in place a sustainable scheme of management;
2. Where evidence on the economic viability of individual developments indicates a lack of a competitive return for landowners and developers⁵⁴ the Council will consider reducing standards of provision, or any planning obligations, to help ensure deliverability.

Policy DM11: Policy context and relationships

Local Plan (1996)
policies to be replaced

H.5 – Open space in new residential development

⁵⁰ Via S106 negotiations in line with Policy GC2: Infrastructure, Planning Obligations & CIL

⁵¹ 'Planning and Design for Outdoor Sport and Play - published by Fields in Trust, formerly the National Playing Fields Association (NPFA). This document supersedes all previous editions of "The Six Acre Standard", the last of which was published in 2001.

⁵² In the absence of local standards, the Council will employ national standards of provision. Natural England's Accessible Natural Greenspace Standard (ANGSt) will also be used to assess the accessibility of open space in the Borough

⁵³ Any designated Main River (protected under Land Drainage Byelaws) will have to be retained, however features such as mounds, valleys, streams and trees will only be required to be retained where possible.

⁵⁴ See paragraph 173 of the NPPF

Core Strategy (2012) policy links	HC1: Green Space and facilities for walking and cycling; HC2: Leisure, Health and Culture HC4: Community Benefits / Planning Obligations
NPPF paragraph links	73-74
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Planning and Design for Outdoor Sport and Play, Fields in Trust; • Development Management Guidance Note 1

- 5.11. It is important that adequate open space is provided within new residential developments to meet the needs of new residents, and to provide a good quality residential environment that will contribute towards an enhanced quality of life for all.
- 5.12. To ensure adequate open space facilities for all residents in the Borough, the provision of open space will be linked to the development of new housing. It may not be possible or desirable for open space provision to be provided on site in all circumstances, particularly in smaller developments or where a development is in very close proximity to an existing open space facility. In such cases financial contributions may be sought from developers to improve and/or develop nearby existing facilities.
- 5.13. Formerly the 'Six Acre Standard', Fields in Trust has produced a new guidance note titled 'Planning and Design for Outdoor Sport and Play', which is now widely-endorsed policy on the minimum standards for play and recreational space. The guidance recommends benchmark standards which local planning authorities should use to develop local standards.
- 5.14. The Council will use this document (and subsequent reviews) to help inform future policy and evidence base work around Open Space issues. The Council last carried out an 'Open Space, Sports and Recreation Study' in 2006 and, as part of the evidence base work to be undertaken for the Site Allocations DPD, will look to update this study. Local standards for open space provision will be investigated through this process.
- 5.15. Policy DM11 provides more detailed policy guidance on how the Council will seek to provide new open space in conjunction with new development. Alongside Policy DM21: Protection of Open Spaces this reflects one strand of the Council's aim of improving the quality of health of residents in the Borough, as set out in the Core Strategy. The criteria within the policy consider the accessibility, design and maintenance of open space, including impacts on local biodiversity and geodiversity.
- 5.16. The future management of open space is as important, if not more so, than the provision itself. The Council will expect an appropriate management scheme to be agreed as part of any planning permission, either through a planning condition or planning obligation (s.106 agreement). This may take the form of the developer themselves undertaking the maintenance, or a third party management company.

The Council will adhere to a policy of no net gain of its open space maintenance liabilities through the course of the Plan period.

Policy DM12: Affordable Housing

1. New housing developments of 15 or more dwellings should provide 20% affordable housing⁵⁵ that will be provided on the following basis:
 - a. affordable housing includes social/affordable rented, intermediate housing provided to specified eligible households whose needs are not met by the market, and Starter Homes⁵⁶;
 - b. in line with identified needs of tenure, size and type as set out in the latest available evidence on housing needs;
 - c. in line with relevant requirements set out in Policy DM16: Housing Standards;
 - d. constructed and designed to the same standard as market housing and should be fully integrated into the development;
 - e. within larger housing developments, the affordable housing will be evenly distributed throughout the development. Where a site has been divided and brought forward in phases, the Council will consider the site as a whole for the purposes of calculating the appropriate level of affordable housing provision;
 - f. provided in accordance with the approach set out in Development Management Guidance Note 2.
2. Landowners and developers are expected to fully consider the overall costs of development, including the required planning obligations prior to negotiating the sale or purchase of land. The overall cost of the development should include the provision of affordable housing, whether provided on site, off site or via a commuted sum.
3. There should be no discernible design difference between the affordable housing and market housing across the same site. As such criteria in Policy DM10: New Residential Development applies equally to affordable housing.
4. There will be a presumption that onsite provision of affordable housing will be sought in the first instance. Where off site provision has been identified and justified as a more appropriate solution, the Council will agree house types and location on a site-by-site basis. Commuted sum payments equating to the equivalent of a 20% on-site provision will be sought.
5. The provision of fewer (or no) affordable homes may be considered where they would make a scheme unviable. In this instance it will be necessary for the applicant to produce evidence to that effect through a full scheme viability assessment. The applicant will be expected to meet the cost of an independent consultant to appraise the findings of the viability assessment and report them to the Council.

⁵⁵ The full definition of affordable housing is set out in Development Management Guidance Note 2 appended to this document and will be updated to take account of proposals in the Housing and Planning Act following the publication of secondary legislation.

⁵⁶ The Government has introduced Starter Homes through the Housing and Planning Act 2016 – at the time of writing secondary legislation is awaited for details of how these homes are to be provided.

Policy DM12: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	H1: Housing Provision H2: Affordable Housing
NPPF paragraph links	47-55
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Blackburn with Darwen and Hyndburn Strategic Housing Market Assessment & Housing Needs Study (2014); • Pennine Lancashire Housing Strategy 2009-2029; • Hyndburn Plan Viability Study (2016) • Development Management Guidance Note 2

- 5.17. The council is committed to providing a full range of housing to meet the Borough's future housing requirements and as part of this, ensuring suitable housing is available for people on low incomes. Detailed guidance on the implementation of this policy can be found in Development Management Guidance Note 2, appended to this document.
- 5.18. The Council is committed to keeping its evidence base up to date in relation to affordable housing matters in the Borough. Identified needs of tenure, size and type (as set out in paragraph 1a of Policy DM10: New Residential Development) will be derived from a combination of a Strategic Housing Market Assessment (SHMA) & Housing Needs Study and Housing Viability Assessment.
- 5.19. The latest SHMA and Housing Needs Study (2014) indicates a need for a 60%/40% split of affordable housing tenure between social or affordable rent and intermediate housing. In terms of property size a 60%/40% split between 1 & 2 bed housing and 3 & 4 bed housing is identified. Finally in terms of type, affordable provision should be seeking to provide 10% flats/maisonettes, 10% terraced housing, 30% semi-detached, 20% detached and 25% bungalow/elderly housing.
- 5.20. The Council has undertaken a Plan Viability Study that indicates the broad site typologies, locations and circumstances where affordable housing may be considered viable in the borough. Where the applicant believes that the provision of affordable housing is unviable however, the onus is on them to demonstrate via a full scheme viability assessment why a reduced, or nil rate of affordable housing is to be provided. Where affordable units are provided, the Council will adopt a flexible approach in negotiating a suitable mix of provision based on site specifics and location.
- 5.21. Whilst the Council no longer provides affordable housing directly, its role is now more of an enabler and negotiator through Registered Providers (RPs). Although working

with other RPs would not be precluded, the RPs who currently work with the Council are:

- Symphony Housing Group
- Twin Valley Homes
- Great Places Housing Group

5.22. Developers are strongly encouraged to work with one of the RPs to bring forward suitable affordable housing in line with Policy DM12: Affordable Housing, and other relevant policies in the Local Plan.

Policy DM13: Development of Housing within Residential Gardens

1. There will be a strong presumption against the development of housing within the garden or curtilage of residential properties. This type of development will only be permitted in the following circumstances:
 - a. where the development is required to accommodate dependents with special care needs, or;
 - b. where a new dwelling is proposed on the footprint of an existing building:
 - i. the new dwelling would not be larger than the building that it would replace and the resultant dwellings would each have adequate garden and car-parking areas, and;
 - ii. the development would not cause harm to the character and appearance of the locality.

Policy DM13: Policy context and relationships

Local Plan (1996) policies to be replaced	H.2: Housing Development within the Urban Boundary
Core Strategy (2012) policy links	H1: Housing Provision
NPPF paragraph links	47-48, 53
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance

5.23. The housing stock within the Borough of Hyndburn consists of predominantly terraced housing which accounts for almost 53% of the total stock, significantly higher than the national average of 25%⁵⁷. The result is a built environment that is characteristic of large areas of high density housing with small backyards. Where gardens exist, these areas are often characterised by larger houses built at lower density with a distinctive character that relate well to their surroundings and support a sense of local pride and civic identity.

5.24. Developing housing within the gardens of these larger properties not only serves to increase the density of areas but also reduce their attractiveness, bringing about a steady erosion of their character and appearance. These areas often make a significant contribution to townscape and the overall quality of place in Hyndburn. In many respects they represent a small, but significant, part of the Borough's housing stock. The development of housing within gardens makes a very small contribution to supply and it is considered that the benefits of retaining large garden areas, in terms

⁵⁷ Figures taken from the 2011 Census, as published in the Blackburn with Darwen and Hyndburn Strategic Housing Market Assessment and Housing Needs Study 2014.

of the positive impact they have on the local amenity, character and appearance of an area, outweighs the benefits of developing new houses within these areas.

- 5.25. Policy H1 of the Core Strategy therefore clearly sets out a strong presumption against the development of housing within the garden or curtilage of residential properties in Hyndburn to help redress the dominance and imbalance of such high density housing in the Borough. Policy DM13 sets out the exceptions where the Council will consider infill proposals in residential gardens positively.
- 5.26. The Council recognises that, where development within residential gardens is restricted, a greater land requirement will be needed to meet the housing target set out in the Local Plan, however the impact of this is considered to be very low due to the small numbers involved. To offset this impact the Council will ensure that, where viable and deliverable, new housing allocations in the Site Allocations DPD are on brownfield land within the urban area, continuing the 'brownfield first' policy set out in the previous Local Plan and in the NPPF.

Policy DM14: Housing with Care for Older People and People with Disabilities

1. Proposals for the development of housing with care will be supported subject to the following criteria;
 - a. they are located within the urban area, including town centre locations;
 - b. they are located in accessible locations that enable residents to access local shops and services including health, community and transport;
 - c. they provide sufficient car parking in line with the requirements of the car parking and access standards (see Development Management Guidance Note 8); and
 - d. adequate provision is made for open space / grounds that can be used by the residents for sitting, relaxation and gentle exercise.

Policy DM14: Policy context and relationships

Local Plan (1996) policies to be replaced	H.8: Conversion of large houses to residential care; Appendix 5: Provisions of residential accommodation with care
Core Strategy (2012) policy links	H1: Housing Provision H2: Affordable Housing
NPPF paragraph links	47-55
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Blackburn with Darwen and Hyndburn Strategic Housing Market Assessment & Housing Needs Study (2014); • Pennine Lancashire Housing Strategy 2009-2029; • Extra Care and Specialist Housing Strategy for Lancashire (2014); • Extra Care Housing - RTPi Good Practice Note 8 (2007); • Design Principles for Extra Care – CSIP/Housing LIN (2008); • Housing our Ageing Population: Plan for Implementation (HAPPI2) Report (2012); • The Extra Care Housing Toolkit – Housing LIN

5.27. Hyndburn will have an increasing proportion of elderly residents over the lifetime of the Local Plan. Over the next 5 years alone (by 2021), there are projections of an increase of 19% of over 65's, and 27.5% of over 85's⁵⁸. Whilst the development of more 'lifetime' homes, bungalows, and housing meeting the national access standards (see Policy DM16) will help meet some of this need, there is an increasing demand for more flexible accommodation options. These options are required to meet a range of 'care needs' and a move away from an over reliance on residential and care homes to more independent living backed up with onsite care and support.

⁵⁸ ONS population projections

- 5.28. This policy relates to ‘older people’ and ‘people with disabilities’ as defined within the NPPF. Housing ‘with care’ refers to a housing model for older people and people with disabilities where occupants have specific tenure rights to occupy self-contained dwellings and also have separate agreements that cover the provision of care, support, domestic, social, community or other services within that accommodation.
- 5.29. Types of accommodation that meet the ‘housing with care’ criteria that should be specifically designed to meet the wide ranging needs of older people and people with disabilities include:
- *Very sheltered or enhanced sheltered housing*: - term reflecting additional care and support needs of older residents in sheltered housing (but not high enough levels to require extra care housing);
 - *Extra Care and Assisted Living*: - Typically, purpose built blocks of flats with communal facilities and space for care and other services to be delivered;
 - *Hub and spoke*: - as above but with a greater focus on designing for wider community use, and therefore probably larger communal facilities available for the wider community;
 - *Close Care*: -Typically, purpose built blocks of flats or bungalows linked to a care home;
 - *Retirement Village*: - purpose built extra care within a larger retirement village concept with a range of dwelling types and facilities;
 - *Specialist*: - extra care designed to accommodate a particular group, for example people with dementia;
 - *Separated* - general extra care but with a specialist wing or unit (for example for people with dementia, or learning disability)
- 5.30. The specification and design of the accommodation should be developed with reference to the guidance stated particularly around the following elements:
- 5.30.1. Location and suitability of the site
- 5.30.2. Residents’ homes/flats
- 5.30.3. Communal facilities and spaces
- 5.30.4. Staff accommodation
- 5.30.5. Overall scheme/buildings
- 5.31. Policy DM16: Housing Standards, sets a target of new affordable housing provision that should be tailored to meet the needs of elderly or disabled residents, in line with Building Regulations Requirement M4(2). This will be subject to viability testing prior to Publication of the DM DPD.
- 5.32. In certain circumstances it may be justified that the provision of open space / grounds for use by residents within a site is not practical. Where this is the case the onus will be on the applicant to demonstrate how all future residents will have alternative good access to off-site amenity space elsewhere if the application is to be supported.

Policy DM15: Gypsy and Traveller Sites

1. The Core Strategy identifies sufficient land to meet the needs of Gypsies and Travellers until at least 2018. Sufficient land will be identified, in suitable locations, to meet the needs for the remainder of the Plan period in the Council's Site Allocations DPD.
2. All development proposals for traveller sites will be assessed in accordance with 'Planning policy for traveller sites⁵⁹' and will be expected to:
 - a. be located within a reasonable distance from services such as a school, bus stop, local shop and health services;
 - b. be located in accessible locations with good access to public transport provision; and
 - c. cause no unacceptable harm to:
 - i. highway safety;
 - ii. visual amenity;
 - iii. residential amenity;
 - iv. the biodiversity or geodiversity of the area;
 - v. the character or appearance of a conservation area; or
 - vi. heritage assets and their setting;
3. Applications for new Gypsy and Travellers pitches will not be supported if there are sufficient vacant pitches on allocated or existing sites elsewhere in the Borough.

Policy DM15: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	H3: Gypsy and Traveller Provision
NPPF paragraph links	-
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Planning Policy for Traveller Sites, 2015; • Hyndburn BC Gypsy and Traveller and Travelling Showpeople Accommodation Assessment, 2014

- 5.33. The Core Strategy seeks to make provision for the needs of travelling show people and Gypsies and Travellers (both permanent and transit pitches/sites) through the allocation of sites within the Site Allocations DPD. Hyndburn already provides a disproportionate number of sites for Gypsies and Travellers when compared to other local authorities in Lancashire and believes that there should be a more even distribution of sites across local authority areas. In line with the recommendations of

⁵⁹ Planning policy for traveller sites, Department for Communities and Local Government, 2015

the Gypsy and Traveller and Travelling Showpeople Accommodation Assessment 2014 the Council will work collaboratively and cross boundary with neighbouring Local Authorities to address the needs of the community.

- 5.34. The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) identifies that there are sufficient pitches to meet the needs of the Gypsy and Traveller Community at least up to 2018. Identified needs beyond this point (8 pitches 2019-2024, and a further 10 pitches 2024-2028) will be sought through the Site Allocations DPD. There are no identified needs for the Travelling Showpeople Community.
- 5.35. The Government published revised 'Planning Policy for Traveller Sites' in August 2015, with further reforms proposed in the forthcoming Housing Bill. The Council will assess new development proposals in line with national guidance and additional criteria set out in Policy DM15. It is important that sites for Gypsies and Travellers are developed in locations where they will not have an unacceptable impact on the residential or visual amenity of the settled community, but that they are located in sustainable locations.
- 5.36. To help facilitate the provision of appropriate sites through the Site Allocations DPD, the Council will undertake a full site assessment study looking at the qualitative aspects of existing provision. Policy DM15 will resist applications for new pitches where sufficient vacant pitches on allocated or existing sites are available in the Borough. Once complete, the Council's Site Assessment Study will be used in support of decision-making.

Policy DM16: Housing Standards

1. In accordance with the national regime of optional technical standards for housing the Council will adopt the following local standards, in line with the national Planning Practice Guidance⁶⁰:
 - a. Access - at least 30% of any new affordable housing provided on a site⁶¹ should be specifically tailored to meet the needs of elderly or disabled residents, or be easily adaptable, in line with Building Regulations Requirement M4(2) Category 2.
 - b. Internal space – the nationally described space standards⁶².
2. Access - in applying the optional access standards for housing the Council will adopt a flexible approach where necessary, taking into consideration specific factors, such as site topography and vulnerability to flooding, along with evidence on the economic viability of individual developments.
3. Space – applicants will be expected to design schemes in accordance with the nationally described standards, including sufficient built-in storage. Applicants must submit appropriate supporting documentation alongside the planning application to ensure that compliance with the standards can be verified, including completion of an internal space compliance statement⁶³.

Policy DM16: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	H1: Housing Provision H2: Affordable Housing
NPPF paragraph links	47, 50, 54
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Strategic Housing Market Assessment and Housing Needs Study 2014; • Technical housing standards – nationally described space standard, DCLG, 2015 • Lifetime Homes;

⁶⁰ <http://planningguidance.communities.gov.uk/blog/guidance/housing-optional-technical-standards/>

⁶¹ With the exception of Starter Homes – the definition of ‘affordable housing’ is as set out in Development Management Guidance Note 2, requirement for affordable provision based on level of need identified in the Hyndburn SHMA

⁶² Technical housing standards – nationally described space standard, DCLG, March 2015

⁶³ This should act as confirmation from the applicant that they consider themselves to have submitted a scheme that is in compliance with the relevant space standards

- 5.37. The Government has set a new approach for the setting of technical standards for new housing⁶⁴. The new approach rationalises a host of previous standards to help reduce burdens on developers, and gives Local Planning Authorities the option of setting additional technical requirements that would exceed the Building Regulations in respect of access, water and a nationally described space standard.

Access

- 5.38. The NPPF makes clear that Local Planning Authorities should take account of any evidence that demonstrates a clear need for housing for people with specific needs and plan to meet this need. The Council's SHMA & Housing Needs Study published in 2014 identified a clear need for additional sheltered housing (or greater provision of bungalows) to meet the projected rise in older people, with the number of residents aged over 65 expected to rise at a much higher rate than the rest of the population between 2011 and 2029⁶⁵. The Study also identified a 'clear need' in Hyndburn for properties that can be adapted to suit occupants with specific needs, such as disabled people⁶⁶.
- 5.39. Given the level of need for elderly and adaptable housing identified in the SHMA (in part arising from the local Housing Register), the target of 30% of new affordable housing provision to be adaptable in line with Building Regulations Requirement M4(2) is justified⁶⁷. Measures could include the development of dwellings to 'lifetime homes' standards, with suitable adaptations, or if more specific needs are identified this could include developments such as Extra Care accommodation, see Policy DM14.

Water

- 5.40. Hyndburn is not currently located in an area under water stress and, as such, the Council do not intend to adopt the Water standards in relation to new residential development at this time. The Council will monitor the situation in regards to water stress locally, to ensure continued compliance over the course of the Local Plan.

Internal Space

- 5.41. The Council recognises that the housing market in Hyndburn is a particularly challenging one, as evidenced in the Strategic Housing Market Assessment undertaken jointly with Blackburn-with-Darwen in 2014. The Borough has a very high proportion of terraced dwelling stock, around twice the national average. The lack of a more balanced housing market, including the provision of larger dwellings, is thought to be an important contributing factor to the high levels of net out-migration experienced over recent years.
- 5.42. The Hyndburn Plan Viability Study has taken the adoption of space standards into account in assessing the typical construction costs in the borough, and thus in assessing overall development viability in the borough. As a result the Council is

⁶⁴ Laid out in the Written Ministerial Statement to Parliament: Planning Update March 2015

⁶⁵ P164 of the Hyndburn SHMA and Housing Needs Study 2014

⁶⁶ 71% of homes containing a member with special needs in Hyndburn had not been adapted or purpose built.

⁶⁷ P218 of the Hyndburn SHMA and Housing Needs Study 2014

keen to see the nationally described space standards adopted in Hyndburn for all new residential developments.

Section 6

Environment (Natural and Built)

This chapter includes the following policies:

- DM17: Trees, Woodland and Hedgerows
- DM18: Protection and Enhancement of the Natural Environment
- DM19: Protected Species
- DM20: Flood Risk Management and Water Resources
- DM21: Protection of Open Space
- DM22: Heritage Assets
- DM23: Demolition of Buildings in Conservation Areas
- DM24: Contaminated or Unstable Land & Storage of Hazardous Substances
- DM25: Pollution Control

6. Environment (Natural and Built Environment)

- 6.1. High quality, sustainable development should not just be an ideal, but an objective that can be achieved with a clear understanding of the role and functions of places. There has been an increasing awareness of the detrimental impacts that modern life is having on our environment and climate. The policies that are proposed in this section will seek to minimise the environmental impact of new development, whilst at the same time ensure that it is fit for the future.
- 6.2. The Green Infrastructure (GI) Network in Hyndburn has a vital role to play in the environment. The Council also recognises the multi-functional benefits of GI beyond environmental aspects, to issues around amenity, recreation, health and well-being, and education. The Council's strategic GI policy⁶⁸ is expanded through a number of related policies in this section. The GI network itself will be fully mapped and identified in the Site Allocations DPD.

⁶⁸ Env1 in the Core Strategy

Policy DM17: Trees, Woodland and Hedgerows

1. Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to ancient woodland, and ancient and veteran trees. Where trees and/or woodlands are to be lost as a part of development this loss must be justified as a part of an Arboricultural Implications Assessment (AIA) submitted with the application⁶⁹.
2. The Council will expect developers to plan for retention by using an AIA to inform site layout, in advance of the submission of any application. Where trees, woodland and/or hedgerows lie within a development site, they should wherever possible be incorporated effectively within the landscape elements of the scheme in line with Guidance Note 10: Distance between development and Trees.
3. Development proposals should:
 - a. not result in the loss of trees or woodland which are subject to a Tree Preservation Order⁷⁰, or which are designated as Ancient Woodland⁷¹, Ancient/Veteran trees, or which are considered worthy of protection;
 - b. not give rise to a threat to the continued well-being of retained trees, woodlands or hedgerows;
 - c. not involve building within the canopy or root spread of trees, woodlands, or hedgerows which are to be retained, except where it can be proven that the construction can be carried out in accordance with the most up-to-date British Standard 5837 and an appropriate method statement is fully adhered to;
 - d. make a positive contribution to Green Infrastructure where it is within or adjacent to identified Green Infrastructure networks; and
 - e. make a positive contribution to biodiversity, especially when the development is within or adjacent to the identified woodland ecological network in Hyndburn
4. To ensure that the benefits of the proposed development outweigh the harm resulting from the loss of trees, woodlands or hedgerows, compensatory planting must take place at a ratio of at least 3:1⁷². Where this level of tree planting is not achievable on site, it may be appropriate to contribute to council tree planting in the Borough through a Section 106 Agreement (in line with Policy GC2: Infrastructure, Planning Obligations & CIL).

⁶⁹ More information and guidance on what is expected to be included within an AIA can be found on the Council's website.

⁷⁰ Trees protected by Tree Preservation Orders will be given much greater consideration when considering planning consent.

⁷¹ Policy DM17 cannot be used to justify the loss of Ancient Woodland or Ancient/Veteran trees as they are considered to be an irreplaceable habitat and amenity feature. Locations are identified on the accompanying DM DPD Policy Maps.

⁷² Meaning 3 replacement trees planted for every 1 tree lost

5. Trees within a Conservation Area that are 75mm diameter or above at 1.5m above ground level, and trees protected by tree preservation orders will be given much greater consideration when considering planning consent. Any planning proposal must seek to retain these trees unless there are sound arboricultural reasons (as justified within the AIA) for their removal.
6. The Council will expect developers to provide environmental and amenity enhancement by including the planting of new areas of trees, woodlands, and hedgerows as a part of new development proposals. The council expects the developer to take responsibility for the successful establishment of trees, woodlands, and hedgerows. Individual and small groups of trees must be subject to a maintenance regime lasting not less than 5 years, hedgerows for a period of not less than 10 years, and woodlands for a period of not less than 25 years. Any new planting should follow the guidance contained in Guidance Note 10: Distance between Development and Trees.
7. The Council recognises the wide benefits of creating more woodland, and will support proposals to increase tree cover in appropriate locations.

Policy DM17: Policy context and relationships

Local Plan (1996) policies to be replaced	E.3: Retention of woodlands, trees, hedgerows, walls, etc.
Core Strategy (2012) policy links	Env1: Green Infrastructure
NPPF paragraph links	118, 143
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Access to Woodland Standard, Woodland Trust

- 6.3. Trees, woodlands and hedges are an important part of our urban and countryside landscape. Hyndburn has particular links to trees, most notably through the naming of the town Accrington which is thought to refer to oak woodland surrounding the town (acorn-ring-town). Within Hyndburn there are 6,000 individually protected trees, 128 protected woodlands and 29 protected areas which equates to approximately 73,000 trees under tree preservation orders⁷³. This excludes trees protected by virtue of being within one of Hyndburn's 10 Conservation Areas.
- 6.4. Well managed parks, gardens and squares can positively affect the value of local property and attract investment. In some neighbourhoods the increase in property value due to its 'leafiness' can be as much as 34%. Developments along strategic routes into the towns will be expected to provide high quality landscaping schemes along their frontage which should include provision for tree planting where possible.

⁷³ Up to date information on TPO's can be viewed on the Council's website

- 6.5. Tree, woodland and hedgerow protection and enhancement is taken very seriously within the Borough with a very significant amount of work previously undertaken under the Urban Forestry Scheme along with ELWOOD, and more recently the Prospects Foundation and Prospects Local Panels working with Hyndburn Borough Council. Significant progress has been made over the last 25 years increasing the Borough's tree cover from 4% to 8%, however, this figure is still below the national average of 14% and the European average of 22%. It is important that this valuable work continues and that each developer takes responsibility for ensuring the continual improvement of our natural environment. The Hedgerow Regulations 1997 will be used as appropriate for decisions concerning hedgerows within the Borough.
- 6.6. The requirement for a maintenance regime to be established as part of planning permission is to ensure that trees, woodlands, and hedgerows are nurtured through the establishment period to a stage where they are then able to make a continued and lasting positive impact on the biodiversity and amenity of an area. In the case where land is to be retained by the developer and/or by cooperative of future residents the maintenance plan should be long-term and include details of how the maintenance work will be funded.
- 6.7. Where trees are to be retained on site an Arboricultural Method Statement will be required which will include specifications of the 'exclusion zone' for tree protection in line with the most up-to-date edition of the British Standard 5837 "Trees in Relation to Construction – Recommendations" (currently 2005).
- 6.8. Where proposals involve the loss of trees, Policy DM19 may be of relevance in respect of bats and protected species. Applicants will be expected to have taken this into consideration prior to submitting applications for development. Compensatory planting – ratio of 3 to 1 may not be sufficient compensation for losses of veteran, mature or culturally important trees. The Council's Trees and Woodlands Officer will be consulted on appropriate levels of planting in these instances.
- 6.9. New planting will be supported in line with Council's progress over the last 25 years increasing the Borough's tree cover from 4% to 8%. The Woodland Trust has also adopted a Woodland Access Standard which aspires that everyone should have access to a wood of at least 2ha within 500m of their home, and a wood of at least 20ha within 4km of their home. The Council will seek to improve access in line with these standards over the life time of the Local Plan.

Policy DM18: Protection and Enhancement of the Natural Environment

- 1. The natural environment will be maintained and protected from loss or damage according to the hierarchy of designations of international, national, regional, county and local importance⁷⁴, and in line with the ‘Statements of Environmental Opportunity’ set out in the National Character Area Profile for the Lancashire Valleys.**
- 2. Development proposals likely to have an adverse effect on:**
 - a) the conservation objectives of a site that forms part of the Natura 2000 network will not be supported unless it can be demonstrated there are no alternative solutions and the proposed development must be carried out for imperative reasons of overriding public interest;**
 - b) the special features of a SSSI will not be permitted, unless there is no satisfactory alternative location and the benefits of the development clearly outweigh the impacts on the site and any broader impacts on the national network of SSSI’s. Consultation with Natural England will inform this view;**
 - c) habitats and species of principal importance⁷⁵, or a Biological Heritage Site, will not normally be permitted unless there is no satisfactory alternative location, areas of highest ecological value are retained, mitigation measures are implemented to reduce the harm to the site, and enhancement is provided to achieve a very significant net gain in biodiversity value;**
 - d) a Local Wildlife Site or Local Nature Reserve with biodiversity value of local importance will only be permitted if mitigation and enhancement measures can be provided to achieve a significant net gain in biodiversity;**
 - e) a watercourse (Main River or Ordinary Watercourse) will only be permitted if the relevant environmental permit/consent is obtained from the Environment Agency or Lead Local Flood Authority, as appropriate.**
- 3. In all areas listed above⁷⁶, appropriate ecological surveys and impact assessments (carried out by suitably competent persons and in accordance with Natural England and CIEEM guidance) will be required prior to planning applications for such proposals being determined.**
- 4. Development that would fragment or prejudice the ecological network⁷⁷, including sites providing opportunities for enhancement, will not be supported, unless the benefit of the development clearly outweighs the harm to the network and an alternative connection can be provided.**
- 5. Development in proximity to the ecological network will be expected to contribute towards the on-going management, enhancement and protection of**

⁷⁴ Including geodiversity and Geological Heritage Sites

⁷⁵ As listed in S41 of the Natural Environment and Rural Communities Act (NERC) 2006

⁷⁶ as identified on the accompanying DM DPD Policy Maps

⁷⁷ For the purposes of Policy DM18, the ‘ecological network’ for Hyndburn includes site typologies listed, and the Lancashire Ecological Network boundaries as defined by the Lancashire Environment Record Network (LERN).

the network through the provision of complimentary landscaping, habitat enhancement, and appropriate long-term site management.

6. When the benefits of the development outweigh harm to protected habitats or species (see Policy DM19: Protected Species), provision should be made for appropriate mitigation measures, reinstatement of features and/or compensatory work that will enhance or recreate habitats or relocate species on or off the site and which would ensure that the development would not adversely impact on the long term protection of the habitat or species⁷⁸. Mitigation measures that provide for the enhancement or management of habitat, or the development of appropriate habitat, must be maintained by the developer⁷⁹ for a period of not less than 25 years.
7. In order to secure habitat enhancement for building-dependent species of conservation concern⁸⁰, all major developments should include bat/bird boxes/features on appropriate buildings/elevations.
8. Proposals should seek to safeguard and enhance soil quality within the Borough, ensuring both the appropriate management of agricultural soils and that appropriate value is applied to soils in urban areas for the ecosystem services that they provide.

Policy DM18: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	Env2: Natural Environment Enhancement
NPPF paragraph links	109-119
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • National Character Area (NCA) Profile: 35 Lancashire Valleys; • Guidelines for Ecological Impact Assessment in the UK, Council of the Institute of Ecology and Environmental Management (CIEEM), 2006 • Safeguarding our Soils: A Strategy for England (DEFRA), 2009 • Lancashire Ecological Network Approach and Analysis, LERN, 2015

⁷⁸ This will be secured by condition or through a S106 agreement involving works on or off the site as necessary, in line with Policy GC2: Infrastructure, Planning Obligations & CIL.

⁷⁹ Or a contracted 3rd party

⁸⁰ As defined by Defra

- 6.10. Although there are no sites of international ecological importance within Hyndburn, there are sites in Lancashire and North Manchester that comprise part of the Natura 2000 network. These sites are of international importance and although development within Hyndburn is unlikely to affect the conservation objectives of these sites, in the event that a development proposal is demonstrated to have a significant effect on the conservation objectives of a site it should not be supported unless there are no alternatives and the development must be carried out for reasons of overriding public interest. Appropriate weight will also be attached to the geodiversity interest of designated sites, as well as geodiversity interests in the wider environment as part of the design process.
- 6.11. Designation of locations of highest biodiversity and geological value in the Borough are ratified through the Lancashire Biodiversity partnership. There are currently three sites of national importance in Hyndburn, recognised for their geological interest: the former quarry SSSI at Star Delph and Close Brow Quarry⁸¹; an outcrop at Turn Hill, Whalley; and areas of Oswaldtwistle Moor where hummocky moraine is present. Across the Borough there is also a rich collection of regionally important sites of ecological value known as Biological Heritage Sites (BHSs), together with many Local Wildlife Sites and Local Nature Reserves.
- 6.12. The value of these sites can be maintained and increased by ensuring that they form a permanent part of the Borough's GI network, and that they are connected with other corridors and networks. This will help to address issues surrounding habitat fragmentation and species isolation. Policy DM18 seeks to ensure that the GI network is strengthened over the period of the Local Plan. Developments that lead to increased access to such sites will be recognised and appropriate mitigation will be recommended to ensure their continued protection and enhancement.
- 6.13. Priority habitats occurring in Hyndburn include ponds, rivers, lowland meadows, purple moor grass and rush pasture, upland heath, open mosaic on previously developed land, and various types of wetland and woodland.
- 6.14. The 'Statements of Environmental Opportunity' set out by Natural England⁸² include
- SEO 1 - Conserve and manage the Lancashire Valleys' industrial heritage to safeguard the strong cultural identity and heritage of the textile industry with its distinctive sense of place and history.
 - SEO 2 - Increase the resilience and significance of woodland and trees, and manage and expand existing tree cover to provide a range of benefits, including helping to assimilate new infrastructure; reconnecting fragmented habitats and landscape features; storing carbon; and providing fuel, wood products, shelter and recreational opportunities.
 - SEO 3 - Manage and support the agricultural landscape through conserving, enhancing, linking and expanding the habitat network, and manage and plan for the associated potential impact of urban fringe development, intensive agriculture and climate change mitigation.

⁸¹ Proposals continue for consideration of the West Pennine Moors to be designated as a SSSI.

⁸² As published in the National Character Area (NCA) Profile: 35 Lancashire Valleys (NE452), 2013

- SEO 4 - Conserve and manage the distinction between small rural settlements and the densely urban areas and ensure that new development is sensitively designed to contribute to settlement character, reduce the impact of the urban fringe and provide well-designed green infrastructure to enhance recreation, biodiversity and water flow regulation.
- 6.15. For the purposes of the application of Policy DM18, the ecological network for Hyndburn includes both designated sites, as listed in the policy, and areas that have been identified as being important for safeguarding ecosystem processes and species populations. These are areas that are not within the core sites, but are critical for the establishment of a functioning ecological network. For Hyndburn these include the Lancashire Environment Record Network (LERN) identified woodland and grassland networks that are highlighted on the accompanying DM DPD Policy Maps. Work on a third key network (heath/wetland) is currently at a draft stage.
- 6.16. Development of the LERN woodland and grassland networks is a local response to Government targets for halting biodiversity loss and safeguarding ecosystem goods and services. The development of an ecological network as a conservation strategy is intended to maintain the function of the relevant ecosystem in order to support the conservation of species and habitats while also promoting land management strategies that limit the impacts of human activities on biodiversity. The application of these in Hyndburn will enable local authorities to address the requirements of the NPPF.
- 6.17. Each network has been derived from a combination of 'core areas', 'corridors' and 'stepping stones'. These networks perform important links in the local green infrastructure network, and will therefore be taken into account in decision making. Further advice may be sought from LERN on an application basis, and in line with the 'Lancashire Ecological Network Approach and Analysis' guidance document, as appropriate.
- 6.18. The Site Allocations DPD will formally identify the GI network for Hyndburn. The ecological network referred to in this policy will form a part of this, alongside other areas of green and blue infrastructure across the Borough (such as areas of open space, river networks and canal corridors).

Policy DM19: Protected Species

1. With regards to development proposals that may affect protected species, developers will be expected to abide by the following mitigation hierarchy⁸³:
 - a. Information – providing appropriately detailed surveys (in accordance with Policy DM18: Protection and Enhancement of the Natural Environment). Where there is a reasonable likelihood of protected species being present, relevant ecological surveys and impact assessments (carried out by suitably competent persons in accordance with Natural England and CIEEM guidance) will be required in advance of a planning application being determined;
 - b. Avoidance – avoiding any impact on protected species if possible;
 - c. Mitigation – where it is not possible to avoid all harm, prepare and follow a detailed Mitigation Strategy in order to minimise the impact on protected species; and
 - d. Compensation – where harm will be lasting, rather than just temporary, compensation is necessary by providing equivalent features elsewhere on site (this is in addition to any environmental enhancements required by local policy).

2. Development that would have an adverse impact on protected species or their habitat will not be supported unless:
 - a. it can be demonstrated that there is no satisfactory alternative and the Local Planning Authority is satisfied that there is an overriding public interest meeting the Natural England licence requirements; and
 - b. it can be demonstrated that the proposed development would not have an unacceptable impact on the protected species by reason of appropriate mitigation measures that would form part of the development. Mitigation measures that provide for the enhancement and management of habitat, or the development of appropriate habitat, must be maintained by the developer⁸⁴ for a period of at least 25 years and should be considered to be permanent site features beyond this initial management period, and;
 - c. developments incorporate enhancements and features beneficial to wildlife as part of the overall design, including opportunities to reconnect fragmented habitats to enable species movement, and the provision of significant numbers of bat and bird boxes/features on suitable elevations.

Policy DM19: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	Env2: Natural Enhancement

⁸³ And in line with paragraph 118 of the NPPF

⁸⁴ Or a contracted 3rd party

NPPF paragraph links	117
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Guidelines for Ecological Impact Assessment in the UK, Council of the Institute of Ecology and Environmental Management (CIEEM), 2006 • Natural England Standing Advice

- 6.19. In Hyndburn the protected species most likely to be affected by development proposals include breeding birds, bats, badgers, otters, water voles and possibly Great Crested Newts. In addition to planning permission requirements, there may also be a need for separate licencing in the event of species being encountered. Developers should refer to the latest Natural England Standing Advice to help understand the likely impact of particular developments on protected or BAP species.
- 6.20. Enhancements should be proportionate to the scale of the development proposed and could range from simple measures such as the installation of nest boxes or bat bricks in a small scale development through to the creation of areas of semi-natural habitat and incorporation of ecological corridors for larger scale applications to contribute to the wider ecological network of the Borough.
- 6.21. Breaching protected species legislation is a criminal offence and can result in fines or imprisonment. When considering planning proposals on sites where protected species or habitats are present, the planning authority is required to take into account the impact of the development on protected species or habitats. If protected species are present the planning application will need to show how protected species and their habitat would be protected during and after the development. Without this information the planning application will not be validated.
- 6.22. Some species can only be surveyed at certain times of the year, for example Great Crested Newts. It is therefore necessary for applicants and their agents to plan the submission of the application and associated ecological surveys well in advance. This may save time and money later on. All bats are protected, and where proposed developments involve the loss of trees or the demolition of buildings planning applications should be accompanied by an up to date bat survey undertaken by a qualified ecologist.
- 6.23. The Badger is protected by specific legislation and if badgers are suspected to be present on a site it will be necessary for the planning application to be accompanied by an up to date badger survey that would need to be undertaken by a suitably qualified ecologist. Great Crested Newts and Water Voles are also protected under the Wildlife and Countryside Act. On sites where there are water bodies, drains, culverts or water courses, it will be necessary for planning applications to be accompanied by an up to date newt / vole survey that would be undertaken by a suitably qualified ecologist.

- 6.24. Development that could involve the disturbance or loss of habitat used by breeding birds would also need to be supported by an appropriate survey of breeding birds and development itself undertaken outside the breeding season.
- 6.25. When preparing development proposals, applicants should ensure that the necessary ecological surveys are undertaken and where protected species are encountered they are managed in line with best practice.

Policy DM20: Flood Risk Management and Water Resources

Flood Risk

1. All development proposals in Flood Zones 2 and 3⁸⁵ will be expected to address the 'Sequential Test' and, if necessary, the 'Exception Test', as set out in the NPPF and associated Planning Practice Guidance. For relevant proposals on non-allocated sites, applicants must demonstrate as part of a site-specific flood risk assessment that all other reasonably available sites within zones at lower probability of flooding have been considered, and that flood risk to people and property will be managed satisfactorily.

Surface Water Drainage

2. All major development proposals⁸⁶ will be expected to set out how the development will deal with surface water drainage and management (through an appropriate maintenance and management regime) as part of a flood risk assessment, and contribute towards the improvement of drainage infrastructure off-site if necessary.
3. Surface water should be discharged in the following order of priority:
 - a. an adequate soakaway or some other form of infiltration system
 - b. an attenuated discharge to a watercourse;
 - c. an attenuated discharge to a public surface water sewer⁸⁷; or
 - d. an attenuated discharge to a public combined sewer.
4. On greenfield sites, applicants will be expected to demonstrate that the current natural discharge solution from a site is at least mimicked. On previously developed land, applicants should target a reduction of surface water discharge.
5. Landscaping proposals should consider what contribution the landscaping of a site can make to reducing surface water discharge. This can include hard and soft landscaping such as permeable surfaces.
6. The treatment and processing of surface water is not a sustainable solution. Surface water should be managed at source and not transferred. Every option should be investigated before discharging surface water into a public sewerage network. A discharge to groundwater or watercourse may require the consent of the Environment Agency.
7. Major development proposals should seek to reduce the overall level of flood risk in the area through the layout and form of the development and the

⁸⁵ Maps identifying Flood Zones in Hyndburn are published by the Environment Agency and updated regularly so they are not included on the DM DPD Policy Maps. The latest flood zone mapping is available to view on the Environment Agency's website at <http://apps.environment-agency.gov.uk/wiyby/37837.aspx>

⁸⁶ 10 or more dwellings or 1000sqm other developments

⁸⁷ Applicants wishing to discharge to a public sewer will need to submit clear evidence demonstrating why alternative options are not available

appropriate application of sustainable drainage techniques.

8. The use of Sustainable Drainage Systems (SUDS) will be required unless demonstrated by the applicant to be inappropriate. SUDS can not only reduce the risk of surface water flooding, but also contribute to water quality improvements and biodiversity enhancements. Applicants should also consider the positive role that new tree and woodland planting (in appropriate locations) can play in all these factors.

Water Efficiency

9. Development proposals should demonstrate how measures have been implemented to reduce the usage of water, incorporate high standards of water efficiency (including water saving and recycling measures), and maximise the use of permeable surfaces. Proposals should also conserve the quality of water through minimising the risk of pollution from all sources, e.g. through the application of SUDS where appropriate.

Policy DM20: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	Env4: Sustainable Development & Climate Change
NPPF paragraph links	93 - 108
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance; • Written Ministerial Statement (HCWS161), 2014; • Non-statutory technical standards for sustainable drainage systems, Defra, 2015; • Lead Local Flood Authority Pre-Application Standing Advice, LCC, 2015; • Hyndburn Strategic Flood Risk Assessment (Level 1), 2010; • Ribble Catchment Flood Management Plan, 2009 • Flood risk assessments: climate change allowances, Environment Agency, 2016 • Lancashire and Blackpool Local Flood Risk Management Strategy 2014-2017

- 6.26. Lancashire County Council (LCC) undertakes the role of the Lead Local Flood Authority (LLFA) for Hyndburn taking on a significant proportion of the roles and responsibilities for flood risk management in the area⁸⁸, as well as working with organisations responsible for water management in the area. The Environment

⁸⁸ Including managing the risk from: surface water flooding; groundwater flooding; highway flooding; and flooding from ordinary watercourses. The LLFA is also responsible for risk assessments on reservoirs.

Agency now has a strategic overview role in relation to Main River flooding and the regulation of reservoirs. The Council will consult LCC in accordance with its published note 'When to consult the Lead Local Flood Authority'.

- 6.27. Flooding from rivers is a natural process that plays an important role in shaping the natural environment; however, flooding threatens life and can cause substantial damage to property and the urban environment. The effects of weather events can be increased in severity both as a consequence of previous decisions about the location, design and nature of settlement and land use, and as a potential consequence of future climate change.
- 6.28. Although flooding cannot be wholly prevented, its impacts can be avoided and reduced through good planning and management. Climate change over the next few decades is likely to mean milder wetter winters and hotter drier summers in the UK. These factors are predicted to lead to increased and new risks of flooding over the period of the Local Plan.
- 6.29. With regard to flood risk, one of the aims of sustainable development must be to ensure that new development avoids, reduces and manages flood risk by taking into account present and future flood risk, and the wider implications for flood risk of development located outside flood risk areas. This policy therefore helps avoid inappropriate development taking place in areas at risk of flooding, and to direct development away from areas at highest risk.
- 6.30. There are several Main Rivers in Hyndburn which are listed below. The Borough falls within the area of the Ribble Catchment Flood Management Plan (CFMP). The NPPF and the accompanying NPPG set out a clear framework that seeks to direct development away from areas at risk of flooding.
- Antley Syke
 - Broad Oak Water
 - Harwood Brook
 - Hyndburn Brook
 - Lottice Brook
 - Pleck Brook
 - River Calder
 - River Hyndburn
 - Spaw Brook
 - Tinker Brook
 - Woodlands
 - Woodhook Water
- 6.31. The Environment Agency (EA) identifies areas at risk from flooding through the use of three flood risk zones, areas within Zone 3 being at the highest level of risk.
- Zone 1 – land having less than a 1 in 1,000 annual probability of river flooding in any year (0.1% annual probability).
 - Zone 2 – having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (i.e. a 1% to 0.1% annual probability). A precautionary approach

should be taken to development within Zone 2. Planning applications for new development should be accompanied by a flood risk assessment.

- Zone 3 – land having a 1 in 100 or greater annual probability of river flooding. Areas within Zone 3 are therefore at the highest level of risk and are subdivided into Zone 3a (High Probability) and Zone 3b (The Functional Floodplain). A detailed flood risk assessment would need to be submitted alongside the planning application for developments proposed in Zone 3. This should assess the current risk of flooding and compare it to the future risk of flooding. The design of buildings within this zone should implement measures aimed at minimizing the impact of flooding.

6.32. A Strategic Flood Risk Assessment (SFRA) has been produced for Hyndburn identifying areas of the Borough at risk - areas of Accrington, Church, Altham, Oswaldtwistle and Baxenden are shown to lie within flood risk Zone 3. The SFRA also sets out in more detail the approach that will be taken to development within areas at risk of fluvial flooding.

6.33. All proposals for development in Flood Zone 2 and 3 must be accompanied by a site specific flood risk assessment in accordance with the specific criteria laid out in the NPPF. The nature and extent of the assessment will vary depending on the applicability of SFRA and EA and LLFA standing advice. The Council will work closely with the EA, LLFA and United Utilities in considering any applications within Flood Zones 2 or 3 in accordance with standing advice and relevant guidance and standards. Sites allocated through the forthcoming Site Allocations DPD will not require assessments unless specifically stated.

6.34. Flood Risk Assessments should include the following information as a minimum:

- clear plans and drawings showing the precise positions and sectional information on the proposed land levels.
- commentary and data to demonstrate that the development will not increase risk elsewhere and where possible reduces flood risk overall.
- evidence that the development is appropriately flood resilient and resistant, including safe access and escape routes where required. It should show that any residual risk can be safely managed through emergency planning.
- give priority to the use of sustainable drainage systems based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

6.35. As well as managing flood risk, it is also important to ensure that development does not have an adverse effect on water quality as required by the Water Framework Directive. The Core Strategy (Policy Env4) sets out a requirement for development to minimise negative impact on the environment and one way of achieving this is through the incorporation of sustainable drainage systems. Developments could seek to incorporate a variety of measures to conserve quality through preventing the risk of pollution from foul systems failing and incorrect connections of surface water systems with foul drainage.

- 6.36. The SUDS hierarchy to be applied in line with NPPG is set out in Policy DM20. It should be; into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; or to a combined sewer.
- 6.37. This hierarchy will include a variety of the following options:
- continue and/or mimic the site's current natural discharge process;
 - store for later use;
 - discharge into infiltration systems located in porous sub soils;
 - attenuate flows into green engineering solutions such as ponds, swales or other open water features for gradual release to a watercourse and/or porous sub soils;
 - attenuate by storing in tanks or sealed systems for gradual release to a watercourse;
 - direct discharge to a watercourse;
 - direct discharge to a surface water sewer;
 - controlled discharge into the combined sewerage network, only if it can be demonstrated that there are no other viable options.
- 6.38. All applicants should ensure that they use up-to-date modelling to calculate flood risks/mitigation schemes and ensure that their drainage schemes comply with the advice in BREEAM Pol 03.
- 6.39. The Council will work closely with the LLFA and United Utilities on the management of surface water to ensure that proposals are appropriate and will use planning conditions or planning obligations to ensure that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
- 6.40. On large sites it may be necessary to ensure the drainage proposals are part of a wider, holistic strategy that coordinates the approach to drainage between phases, between developers, and over a number of years of construction.

Policy DM21: Protection of Open Spaces

1. The loss of land designated as open space will only be permitted where:
 - a. it can be demonstrated to the satisfaction of the Local Planning Authority that it is surplus to requirements and would not create or worsen an existing deficiency, referring to any relevant local standards and the Borough's Green Infrastructure Network⁸⁹; or
 - b. the development is ancillary to, or is designed to support, the function of the open space and the quality and use of the space is maintained; or
 - c. development affecting part of the open space is accompanied by enhancement of the remaining space, resulting in an overall improvement of the open space provision; or
 - d. it relates to a cleared site, that has been landscaped but where there is a clear intention for future redevelopment; or
 - e. the development is for other forms of open space which outweigh the loss of the current type of open space; or
 - f. a replacement facility of the same type is provided by the developer directly on a site which is equivalent or better in terms of quantity, quality and accessibility or an agreed contribution is made to the Council for new provision or the improvement of existing open space and maintenance.

2. Decisions concerning open space (provision or loss of) will take into account the Lancashire Ecological Network and policy aims regarding its connectivity and functionality, in line with Policy DM18: Protection and Enhancement of the Natural Environment.

Policy DM21: Policy context and relationships

Local Plan (1996) policies to be replaced	L.2: Development of Playing Fields
Core Strategy (2012) policy links	HC2: Leisure, Health and Culture Env1: Green Infrastructure
NPPF paragraph links	73-78
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Lancashire Green Infrastructure Strategy, 2009 • Planning Tools and Guidance, Sport England

6.41. This policy builds upon Core Strategy Policy HC2 (Leisure, Health and Culture) which seeks to retain existing sports and recreation facilities unless it can be demonstrated that such facilities are no longer necessary or where adequate alternative provision is made. It also relates to Core Strategy Policy Env1 on the Green Infrastructure network, with developments expected to contribute towards its enhancement and protection. The NPPF defines Green Infrastructure as 'a network of multi-functional

⁸⁹ Relevant local space standards and the GI network will be identified in the Site Allocations DPD

green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities’.

- 6.42. In accordance with national policy (NPPF), all open spaces of public value which offer important opportunities for sport and recreation should be protected. This includes, but not limited to parks and gardens, amenity greenspace, natural/semi-natural greenspace, allotments, cemeteries, children’s play spaces, outdoor sports facilities and civic spaces.⁹⁰ There are also various other legislative requirements such as The School Standards and Framework Act 1998 relating to the protection of playing fields.
- 6.43. The policy seeks to protect the most important open spaces but also recognises that there will be instances where open space may be surplus to requirements and put to better use. The policy also seeks to support small scale development that is ancillary to the open space function (e.g. toilets, storage or changing facilities) and that would contribute towards more effective use of that space.
- 6.44. The Council as part of regeneration efforts has acquired and cleared a number of sites across the Borough. Many of these have been temporarily landscaped as an interim use but with the clear intention that they will be subject to future development. This policy seeks to support the development of open space in such circumstances.
- 6.45. In line with the NPPF, the policy allows for the loss of open space where it would be replaced by alternative sports and recreation provision where the new provision outweighs the loss of the old. The policy also reflects national policy in supporting appropriate replacement facilities to be made available where justified.
- 6.46. Open Spaces form a part of the wider GI network in the Borough alongside ecological resources. The full network of green infrastructure in Hyndburn will be set out in the Site Allocations DPD, alongside an assessment of local open space provision and any appropriate standards that the Council wishes to employ.
- 6.47. In the absence of local standards, the Council will employ Natural England’s Accessible Natural Greenspace Standard (ANGSt) to assess the accessibility to open space in the Borough and any relevant Fields in Trust guidelines, as set out in Policy DM11: Open Space Provision in New Residential Development, with regards to provision.

⁹⁰ Local Green Space, see para’s 76 – 78 of the NPPF

Policy DM22: Heritage Assets

- 1. The Council will support development proposals where they seek to minimise harm to the significance of heritage assets and their setting.**
- 2. Conservation Areas – development proposals and alterations to buildings within or affecting the setting of Conservation Areas will be expected to preserve or enhance their special character and appearance and setting. The Council will expect proposals to demonstrate how they have regard to the following:**
 - a. the setting, scale, density and other characteristics of the conservation area;**
 - b. features which contribute positively to the area’s character and appearance;**
 - c. historic street patterns, boundaries, roofscape, open spaces and views;**
 - d. how the local pallet of materials reinforce local distinctiveness;**
 - e. retention of individual features of interest such as walls, sandstone kerbs and railings; and**
 - f. retention and enhancement of open spaces**

All proposals will be expected to have regard to relevant Conservation Area Appraisals and Management Plans.

There will be a presumption in favour of the retention of buildings, features and open space which make a positive contribution to the special character and appearance of a conservation area and its setting. Demolition or other substantial loss will only be permitted where it can be demonstrated that there are clear public benefits that outweigh the harm or loss (and proposals are in line with Policy DM23: Demolition of Buildings in Conservation Areas).

- 3. Listed Buildings and their settings will be preserved and enhanced. The Council will expect any proposals for works to listed buildings including alterations, extensions, change of use or new development within the curtilage and/or its setting to have regard to:**
 - a. the significance of the heritage asset including specific features of the asset of architectural and historic interest;**
 - b. the setting of the asset and the contribution it makes to the wider area;**
 - c. the extent to which the proposed works would result in public benefits; and**
 - d. the economic viability of function of the heritage asset (either at present or where evidence is provided in terms of the future).**

Demolition of any harm to the significance of a listed building and its setting will only be justified where the public benefits of the proposal clearly outweighs the harm and can clearly be demonstrated that the tests set out in national policy can be met. Any such proposals will need to be accompanied by a heritage statement and a record be deposited with the local Historic

Environment Record.

4. **Locally Listed Buildings** – the Council will apply a presumption in favour of the retention of locally designated assets and seek to retain buildings included on its local list of buildings of architectural/historic interest wherever possible by encouraging their sympathetic maintenance and enhancement. Alterations or extensions to locally listed buildings will be expected to achieve a high standard of design. Where a development proposes the loss of a locally listed asset, salvage and/or reuse of key features of the building should be investigated. Proposals will need to be accompanied by a heritage statement and a record be deposited with the local Historic Environment Record
5. **Scheduled Monuments** – development that is likely to adversely affect the Scheduled Ancient Monument at Aspen Colliery, Oswaldtwistle, or any future additional scheduled monuments, will not be permitted. Substantial harm to, or the loss of such heritage assets, will be wholly exceptional in line with the NPPF.
6. **Archaeology** – the Council will ensure the preservation, protection and where possible the enhancement of the archaeological heritage of the Borough⁹¹. Where proposals affect heritage assets of archaeological interest, preference will be given to preservation in situ. Where loss of the asset is justified in accordance with national policy, the remains should be appropriately recorded, assessed, analysed, disseminated and the archive deposited.
7. **Non-designated heritage assets** – where development is proposed that may affect a non-designated heritage asset, the Council will have regard to the scale of any harm and the significance of the heritage asset when reaching a decision. Non-designated heritage assets that are demonstrably of equivalent significance to designated assets will be treated as if they are. Where development is permitted the Council may require that a formal record be made and deposited.
8. **The Council recognises the significance of ‘setting’ to a heritage asset and will look favourably on development proposals that contribute positively. The Council will not support proposals that fail to preserve or enhance setting, alongside the heritage asset itself (in accordance with the requirements set out above).**

Policy DM22: Policy context and relationships

Local Plan (1996)
policies to be replaced

E6: Listed Buildings
E8: Development in Conservation Areas
E9: Scheduled Ancient Monuments

⁹¹ including archaeology of local importance and non-designated heritage assets of archaeological interest

Core Strategy (2012) policy links	Env6: High Quality Design RA2: Historic Character and Identity
NPPF paragraph links	126-141
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Hyndburn Conservation Area Appraisals and Management Plans, HBC; • Managing Significance in Decision-Taking, Historic England, 2015; • The Setting of Heritage Assets, Historic England, 2015f

6.48. Heritage assets are an irreplaceable resource. The Council has a duty to conserve and enhance the character and appearance of the Borough's heritage assets when carrying out its statutory functions through the planning system, in accordance with their significance. The Council views the Borough's heritage assets as a key factor in enabling development and regeneration. The Townscape Heritage Initiative work in Accrington Town Centre is a good example of this, and encourages the education of local communities in relation to local heritage assets.

6.49. In accordance with the NPPF, this policy recognises the need to conserve heritage assets in a manner appropriate to their significance. Not all of the heritage assets in Hyndburn are necessarily designated. It is therefore also important to recognise the value of our undesignated historic environment in planning for the future. Many buildings are of significance, particularly to the environment, even though they may not be protected by law. Heritage assets include historic designed landscapes and not just building based resource.

6.50. There are currently 10 Conservation Areas in Hyndburn⁹², which include pre-industrial hamlets, canalside industrial settlements and Victorian parks and town centres. Some have conservation area appraisals and management plans in place. The 10 areas are:

Town	CA Name	CA Status
Accrington	Accrington Town Centre	Appraisal & Management Plan
Accrington	Christ Church	Designation only
Altham	St. James	Draft Appraisal & Management Plan
Church	Church Canalside	Appraisal & Management Plan
Clayton-le-Moors	Mercer Park	Designation only
Great Harwood	Great Harwood Town Centre	Appraisal & Management Plan Conservation Area extended in 2014
Oswaldtwistle	Ryddings	Appraisal & Management Plan
Oswaldtwistle	Stanhill	Designation only

⁹² Identified on the accompanying DM DPD Policy Maps

Oswaldtwistle	The Straits	Appraisal & Management Plan
Tottleworth	Tottleworth	Appraisal & Management Plan

- 6.51. The Council publishes full details on its Listed Buildings within the Borough online. In November 2015 the list details a total of 109 listed buildings comprising one Grade I listing (Martholme, Martholme Lane, Great Harwood), 9 Grade II* listings and 99 Grade II listings. The Council also undertakes local listing, applicants should contact Planning to get the most up to date picture on whether a building is listed or not.
- 6.52. Hyndburn has just one Scheduled Ancient Monument⁹³, the Coke Ovens and Canal Basin at Aspen Colliery, Oswaldtwistle. Under the terms of the Ancient Monument and Archaeological Areas Act 1979 no action to demolish, remove, repair, alter or add to this may be undertaken without 3 months' notice. Scheduled Monument Consent will also be required.
- 6.53. There are many other known sites of archaeological interest present around the Borough. Lancashire County Council updates and maintains the Historic Environment Record which should be considered the definitive record for archaeological sites.

⁹³ are identified on the accompanying DM DPD Policy Maps

Policy DM23: Demolition of Buildings in Conservation Areas

1. Conservation area consent will not be granted for the demolition of a building in a conservation area which makes a positive contribution to the character or appearance of the area unless it can be clearly demonstrated that:-
 - a. there is no realistic prospect of the building continuing in its existing use or that a suitable alternative use cannot reasonably be found; or
 - b. the building is in poor structural condition and the cost of repairing and maintaining it would be disproportionate in relation to its importance and to the value derived from its continued use; and
 - c. the demolition is part of a redevelopment proposal which would, in its own right, serve to preserve or enhance the character or appearance of the conservation area.
2. In exceptional circumstances, the fact that a development would bring substantial benefits to the local community may be weighed in the balance against arguments in favour of the preservation of the building.
3. Any proposal for demolition must be accompanied by firm proposals for redevelopment or other acceptable end-use of the site. Any permitted demolition will not be allowed to proceed until the Council is satisfied that the proposals will be implemented.
4. Applicants should consider any potential impacts on protected species in line with Policy DM19: Protected Species, prior to submitting an application for demolition.

Policy DM23: Policy context and relationships

Local Plan (1996) policies to be replaced	E.8: Development in Conservation Areas
Core Strategy (2012) policy links	Env6: High Quality Design
NPPF paragraph links	126-141
Key documents of relevance / guidance	<ul style="list-style-type: none">• Planning Practice Guidance• Conservation principles, policies and guidance, Historic England (2008);• Enabling development and the Conservation of Significant Places, Historic England (2008).

- 6.54. Within Conservation Areas there will normally be a presumption against the total or substantial demolition of non-listed buildings that make a positive contribution to the character or appearance of the area.

- 6.55. In exceptional cases where it can be reasonably demonstrated that the building is as a whole incapable of accommodating an appropriate and viable, beneficial use, or that it is beyond viable repair, the merits of the proposed redevelopment of the site may be a material consideration when an application for demolition is considered. The applicant will be required to submit detailed proposals for the redevelopment of the site after demolition. Where appropriate a condition will be imposed that prevents the demolition of the building in question until a contract has been let for the approved redevelopment of the site.
- 6.56. The demolition of an historic building cannot be justified simply because it is economically more attractive to redevelop than to repair and re-use, or because a developer has acquired a building at a price that reflects the potential for redevelopment. In situations where owners may have allowed their buildings to deteriorate structurally over a period of time, less weight may be attached to the condition of the building when assessing a case for its demolition.
- 6.57. The demolition of buildings within conservation areas can have a damaging effect by removing structures that contribute to their character or leaving unsightly gaps in the built-up environment. As with listed buildings, where buildings in conservation areas contribute positively to the street scene, there will be a presumption in favor of retention. However, where this is not the case, the criteria in Policy DM23 will ensure that demolition is supported only when detailed plans for the site's redevelopment have been approved, to ensure that the scheme will conserve and enhance the character of the area.

Policy DM24: Contaminated or Unstable Land & Storage of Hazardous Substances

1. Where development is proposed on previously developed land, land known to be contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to render harmless the contamination identified. Prior to the commencement of development (or in accordance with an alternative programme agreed), the remediation works shall be carried out and a validation report submitted to evidence that the works have been successful or explain what further works are needed to make the contamination harmless.
2. Development proposals in areas where there is evidence of underground mineral working (including Coal Authority Development High Risk areas) or land instability will be expected to be accompanied by appropriate geo-technical reports (or a Coal Mining Risk Assessment) that demonstrate that the proposed development is safe and stable or can be made so. Prior to the commencement of development (or in accordance with an alternative programme agreed), any necessary remediation, treatment or mitigation works shall be carried out to make the site safe and stable and to protect public safety.
3. Development will not be supported which involves the storage or use of hazardous substances that would result in restrictions on development being imposed by the Health and Safety Executive on land outside the application site.
4. Development in close proximity to hazardous (notifiable) installations⁹⁴ will not be supported where it would cause a significant hazard to the health of residents or occupiers and the environment.

Policy DM24: Policy context and relationships

Local Plan (1996) policies to be replaced	I5: Development in Vicinity of Hazardous Installations
Core Strategy (2012) policy links	-
NPPF paragraph links	109, 120, 121, 172
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Model procedures for the management of land contamination (CLR11);

⁹⁴ the Health and Safety Executive's (HSE) Planning Advice Web App is publicly available and provides free confirmation of whether proposed development lies within a HSE consultation zone of a major hazard site or a major accident hazard pipeline.

- Risk based approach to development management: guidance for developers (HSE);
- HSE's land use planning methodology (PADHI)

- 6.58. Hyndburn was at the forefront of the industrial revolution and to this day remains one of the north Lancashire's main manufacturing centres. Past industrial activity has left a legacy of land contamination that needs to be managed in a way that does not harm the health of local residents or the environment. Successful remediation is essential not just to allow new development but is also fundamental to the image of the Borough.
- 6.59. For the purposes of this policy contaminated land is land that has been polluted with harmful substances to the point where it now poses an unacceptable risk to health and the environment. The Council maintains a Contaminated Land Register and any site included in the register, or any site that is potentially contaminated will be required to carry out a site investigation and agree a scheme of mitigation with the Council in order to ensure that contaminated land issues are properly considered and addressed prior to development commencing.
- 6.60. There is only one listed hazardous installation in the Borough, at Blythes Chemicals located in Church. Consultation Zones from other installations outside of Hyndburn also encroach into areas of the Borough. The Health and Safety Executive's (HSE) Consultation Zones are not shown on the DM DPD Policy Maps as the HSE provides a free public online Web App for this service, alongside major accident hazard pipelines. Hazardous substances are also controlled by the need for a separate Hazardous Substances Consent. Through applying this policy, it will be necessary to demonstrate that any developments that involve hazardous substances would not cause a significant hazard to the health and wellbeing of local residents or to the local environment.
- 6.61. The stability of land, insofar as it affects potential land uses, is a material consideration that should be taken into consideration when determining planning applications. Much of Hyndburn lies on coal-bearing geology and this has been mined in many locations across the Borough. This is evidenced not only by former colliery sites, for example Huncoat Colliery, but also by the presence of numerous mineshafts and entrances. Whilst the shaft entrances tend to be visible and known about, the underground network of shafts and tunnels is less visible and may only be a few feet from the surface.
- 6.62. As well as the health and safety risks associated with the collapse of former workings, new development could also disturb mine gases and present a risk of explosion. The Coal Authority High Risk Areas are indicated on the DM DPD Policy Maps and applicants will be expected to submit a Coal Risk Assessment if located in such areas.
- 6.63. Proposals for development should refer to all relevant guidance covering land contamination, unstable land, and hazardous substances and installations. These include guidance such as:

- The Model Procedures for the Management of Land Contamination (CLR11) (Defra and the Environment Agency) (2004)
- A Framework for Assessing Sustainability of Soil and Groundwater Remediation (Sustainable Remediation Forum UK) (2010)
- CL:AIRE Development Industry Code of Practice V2 'The Definition of Waste' (2011)
- Groundwater Protection: Principle and Practice (Environment Agency).

6.64. In the event of a proposal being located near to a hazardous installation the Council will also apply the Health and Safety Executive's (HSE) Planning Advice Web App, which provides a software version of the methodology used in providing land use planning advice (replaces the previous PADHI+). In combination with advice provided by the HSE, consideration will also be given to site-specific circumstances and any proposed mitigation measures. If the HSE advises against development, planning permission will only be granted in circumstances where it can be demonstrated that the benefits that would be brought by the proposed development would significantly outweigh the potential risks to health and the local environment.

Policy DM25: Pollution Control

- Potentially polluting industrial and waste development will not be permitted:**
 - where they are within, or in close proximity to, existing or proposed residential, educational, institutional, recreational or major retail developments;
 - where they would have an unacceptable adverse impact on the viability of existing neighbouring businesses; or
 - where the emissions from the development would have an unacceptable adverse impact on existing or proposed development.
- Where proposals satisfy criteria above, the Council will consider whether any potential impacts on the natural environment (including water quality and wildlife habitats)⁹⁵ are acceptable in line with Policy DM18: Protection and Enhancement of the Natural Environment.
- The proposed development of sensitive uses (such as residential) adjacent to existing sources of pollution (e.g. noise, odour, traffic etc.) must demonstrate through the submission of appropriate impact assessments that there would be no detrimental impact on future residential amenity.

Policy DM25: Policy context and relationships

Local Plan (1996) policies to be replaced	-
---	---

⁹⁵ At the local, regional or national level

Core Strategy (2012) policy links	Env7: Environmental Amenity
NPPF paragraph links	109-110, 120
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Pollution prevention guidance (PPG); • Defra guidance on Local Authority Pollution Control (LAPC) regime

- 6.65. The NPPF states that plans should seek to minimise pollution and other adverse effects on the local and natural environment⁹⁶, and one of the primary aims of the planning system is to separate incompatible land uses. This policy is intended to protect the environment and population of Hyndburn from the potentially harmful effects of development.
- 6.66. Industrialised economies, particularly in economies in areas like Pennine Lancashire where there is still a significant manufacturing base, sometimes require land for uses that involve industrial processes that give rise to some form of emission or waste, or involve the processing of hazardous materials. Where developments do give rise to emissions to the environment (be it air, water or ground) the potential presence of a regulatory system to monitor and enforce these processes is also a material consideration that should be taken into consideration.
- 6.67. The development of hazardous installations, such as Blythes Chemicals in Church, Accrington, can severely blight an area and prevent its regeneration. It is therefore important to ensure that such developments are directed towards appropriate locations and will not give rise to potential health and safety impacts in the future.
- 6.68. Developments that involve industrial processes that would result in emissions to atmosphere via a chimney/stack would need to submit supporting information that demonstrates how the emissions will be dispersed, their composition and concentration. Development that results in emissions being dispersed across residential or other sensitive land uses should not be supported.

⁹⁶ Paragraph 110

Section 7

Environment (Design and Quality)

This chapter includes the following policies:

- DM26: Design Quality and Materials
- DM27: The Control of Advertisements
- DM28: Shop Fronts and Security Shutters
- DM29: Environmental Amenity
- DM30: Wind Energy
- DM31: Waste Management in New Development

7. Environment (Design and Quality)

- 7.1. It would be hard to over-estimate the role that planning and design play in the creation of a valued urban and rural environment. Our lives are strongly influenced by the quality of our surroundings and planning strongly influences those surroundings: it affects where we live, where we work, and the places that we visit to do our shopping, sport or recreation.
- 7.2. At the heart of the planning process is the need to promote sustainable development, that is development that meets social needs, supports stable levels of economic growth and at the same time protects the environment making prudent use of natural resources.
- 7.3. We do not want to live with a legacy of poor quality development. If poor quality development is permitted it will be with us for generations and will only contribute to the development of a poor quality environment that will continue a spiral of decline. For that reason the Council sets out its policies here on the specific design considerations, and quality issues, that it expects to see in planning applications relating to new development.

Policy DM26: Design Quality and Materials

1. New development will be expected to contribute towards Hyndburn being a successful, sustainable⁹⁷ place by demonstrating consideration of the following characteristics in the overall scheme design:
 - a. character – how the proposed development will help develop a sense of place and history and will respond to, and reinforce, locally distinctive patterns of development, and landscape character;
 - b. continuity and enclosure – how the proposed development will create clarity of form and help develop a place where public and private space are clearly distinguished;
 - c. quality of the public realm – how the proposed development will create a sense of well-being and amenity and help develop a place with public spaces and routes that are lively and pleasant to use, including provision of public art where opportunities exist;
 - d. ease of movement – how the proposed development will provide connectivity and permeability and help develop a place that is easy to get to, and move through;
 - e. legibility – how the proposed development will provide legibility by creating a place that has a clear image and is easy to understand;
 - f. adaptability – how the proposed development will contribute towards the creation of a place that may change easily if required (including adaptable homes in line with Policy DM16: Housing Standards); and
 - g. diversity – how the proposed development will provide ease of choice, and help create a place with variety and mixed uses.

2. New development will also be expected to take the following specific design criteria into consideration:
 - a. the urban structure – the relationship between the new development and its surroundings;
 - b. the urban grain – the nature and extent of the subdivision of the area into smaller development parcels;
 - c. density and mix – the amount of development and range of uses proposed, avoiding the over intensive development of sites;
 - d. height and massing – the scale of the building ,other buildings and spaces, its size and detail, and the impact it has on views and skylines;
 - e. building type – height, access, and relationship with existing buildings and space, treatment of upper floors and roof;
 - f. façade and interface – the rhythm, harmony and pattern of its openings relative to enclosure, its setback, boundary treatment, frontage condition and the architectural expression of its entrances, corners, roofscape and projections;
 - g. details and materials – the appearance of the building in relation to building techniques, the characteristics of materials used and their source, and lighting and signage treatment (see Development Management Guidance Note 3 for further details);

⁹⁷ paragraph 56 of the NPPF makes clear that good design is ‘a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’.

- h. streetscape and landscape – the design of routes and spaces, their microclimate, ecology and biodiversity, and how they connect and enhance the local green infrastructure network;
- i. the use of sustainable construction principles and design; and
- j. where relevant, future flood risk through the application of Climate Change Allowances in flood risk assessments.

3. Proposals for new residential development will also be expected to accord with Policy DM10: New Residential Development. For schemes of 5 or more dwellings, this should include how the applicant has considered and addressed requirements of the ‘Building for Life 12’ assessment criteria in the design of the scheme.

4. Proposals for major non-residential development will be expected to achieve a BREEAM ‘very good’ rating, where viable and feasible.

5. Proposals for all major developments that will play a ‘significant’⁹⁸ role in local place making will be expected to undertake a formal ‘design review’ process. The Council will expect design review to take place at the pre-application stage, to inform development of the scheme in the proper way, and the costs will be borne by the applicant or developer.

Policy DM26: Policy context and relationships

Local Plan (1996) policies to be replaced	E.10: Criteria for determining proposals E.15: Public Art
Core Strategy (2012) policy links	ENV4: Sustainable Development and Climate Change Env6: High Quality Design
NPPF paragraph links	56-68
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Building for Life 12, Building for Life Partnership, 2015; • Good Practice Guidance: Sustainable Design and Construction, Cross Sector Group on SD&C, 2012; • Improving the design of new housing, CABE, 2010; • The value of good design, CABE, 2002; • Urban Design Compendium, English Partnerships, 2001; • Development Management Guidance Note 3

7.4. Development changes the places where we live. As well as aiming to get the right land uses in the right location, it is important to recognise that to develop successful places it is important to get the physical form of development right. Urban design

⁹⁸ The assessment of significance will relate to the individual site and its context, and should be discussed with the Council at the pre-application stage. The requirement will only apply to major developments (10 or more dwellings, or 1,000sqm floorspace of non-residential). As a guide however in many contexts, such as the more urban areas of Accrington, only the larger majors of 50+ dwellings will be considered ‘significant’.

plays an important role in shaping our environment and is relevant at all scales, from the large-scale town centre development to a household extension. The overall effect of many small developments, such as household extensions, can change a place dramatically, for better or worse, over a relatively short period⁹⁹.

- 7.5. There is a need for high quality design in Hyndburn. A valued urban environment will not be achieved through the development of mediocre or poorly designed development. New build development will become part of our environment for many generations and it is important that people like the place where they live and feel a sense of pride with it.
- 7.6. Good urban design is a powerful tool for achieving a higher quality of life, greater economic viability and a more efficient use of resources. It is key to making places where people want to live, and which will nurture economic success. New development should assist in creating a genuine sense of place and community and either reinforce or complement any positive and distinctive attributes of the local context, including existing architectural styles and building traditions and other important elements of local townscape or landscape character.
- 7.7. The criteria set out in Policy Env6 of the Core Strategy are based on the qualities that successful streets, spaces, towns and villages have in common. Policy DM26 should be seen as complementary to the Core Strategy strategic policy on design. Applicants should address all design related aspects of their scheme in the accompanying Design and Access Statement, to be submitted with relevant planning applications.
- 7.8. A design statement will generally be required to accompany all major (1000 sq. m floorspace, 10 or more dwellings or 1 hectare or more site area) planning applications (including outline applications) apart from householder applications, those for minor proposals (e.g. extensions and/or external alterations) affecting unlisted buildings outside conservation areas, and changes of use which do not affect the character or appearance of an existing building.
- 7.9. Design statements should include at least: a survey and analysis of the site's characteristics and context; a short written statement that sets out the design approach and the way it addresses the Council's policy; and appropriate plans and elevations which illustrate the development site in its wider surroundings, beyond the adjacent buildings. Relevant perspective and axonometric views and photographs may also be a useful inclusion. Such material will be particularly important in relation to complex or large-scale proposals, and those involving sensitive sites.
- 7.10. For straightforward or smaller scale proposals, this level of detail is unlikely to be necessary. Instead, illustrative material might simply comprise photographs of the development site and its surroundings and, where appropriate, plans of the proposed scheme in relation to neighbouring development and uses. In the case of the larger scale and/or more complex schemes, pre-application discussions are recommended

⁹⁹ This has been demonstrated by some of the Conservation Area Appraisals that have been undertaken in Hyndburn. Concern about the cumulative impact of household extensions on the character of an area has been raised.

in order to avoid unnecessary delays at a later stage. Design and access statements should be part of such discussions alongside design review where appropriate (further details provided below).

- 7.11. For larger or particularly sensitive sites, for example those within conservation areas, the Council may require the preparation of a planning and design brief or else a concept statement that sets out the planning framework for the site, including matters relating to design.
- 7.12. High standards of design are particularly essential to new housing developments. It is now generally agreed that in the past too much reliance has been placed on standard house types. The towns and townships that comprise Hyndburn are characterised by stone or red-brick housing with slate roofs and it is important that extensions and new housing development reflect this through the use of appropriate materials and by incorporating features such as sills, lintels and chimneys into new developments. New developments should incorporate sufficient open space and not be dominated by roads and car-parking. Hyndburn has a legacy of poor quality housing that does not meet the needs of the 21st Century and it is only through the provision of better quality housing that the Borough will be regenerated.
- 7.13. As part of its commitment to making new housing developments across the Borough more distinctive and “liveable”, the Council is prepared to take a more flexible approach to highway design standards and space around the buildings as long as a proposal clearly demonstrates a sensitive, well-conceived design approach that meets policy criteria above in relation to appearance and functionality.
- 7.14. The physical form and qualities of a place shape - and are shaped by - the way it is used, and the way people and vehicles move through it. New development should help to create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport, e.g. in line with the principles set out in the ‘Manual for Streets’ and ‘Manual for Street 2’ (see Policy DM32: Sustainable Transport, Traffic and Highway Safety for further details). People should come before traffic.
- 7.15. Places that are designed to be used safely and securely by all in the community, frequently for a wide range of purposes, and throughout the day and evening, work well. Local authorities in partnership with the police should promote designs and layouts that are safe (both in terms of road safety and personal security) and take account of crime prevention and community safety considerations. Housing developers will be expected to consider applying the design and traffic management principles associated with “home zones” to their schemes. These give priority to pedestrians over vehicles and reduce vehicle speeds in local streets.
- 7.16. It is important that all new non-residential developments also meet environmental standards in terms of function and impact, not just for the short term but over the lifetime of the development. The Council will therefore expect all major non-residential developments to meet the BREEAM standard ‘Very Good’ as a minimum, although higher standards will be encouraged where appropriate. Exceptions will be considered where it can be demonstrated to the satisfaction of the Council this is not

viable or feasible. In particular the Council is keen to see the Materials and Management components of the BREEAM standard being met, however all components are required for a certificate to be granted.

- 7.17. Applications for major non-residential development should include BREEAM certificates based on a design stage assessment being submitted with the application documentation (Interim Certificate). Planning conditions tied to consent will require the submission of post-construction assessment certificates, conducted by an accredited assessor, prior to occupation unless otherwise agreed by the local planning authority.
- 7.18. The NPPF makes clear (in paragraph 62) that local planning authorities should have design review arrangements in place in order to ensure that proper assessment and support is provided to deliver the high standards of design expected. The benefits of such a process are greatest when undertaken early on in the process, to ensure that recommendations are fully able to inform the scheme's evolution.
- 7.19. Hyndburn Council does not currently have any formal local design review arrangements in place. The Council does have an informal pre-app Member presentation process, however this does not have any specific urban design expertise input and is seen as a complementary process to design review. There is a regional design panel (Places Matter!) to which relevant schemes will be referred, or applicants should approach directly¹⁰⁰. The NPPF also recommends that, when appropriate, certain major projects should be considered for a national design review (currently provided by Design Council Cabi). The applicant/developer will be expected to cover the cost of design review, and the panel report will be a material consideration in the determination of any planning application.

¹⁰⁰ For further details see www.placesmatter.co.uk

Policy DM27: The Control of Advertisements

1. Proposals for advertisements should meet the following criteria:
 - a. they should be in scale and sympathy with their immediate surroundings and not dominate buildings, street scenes or open areas;
 - b. they should respect the design and appearance of buildings on which they are displayed and be properly co-ordinated with the design of the building. The advertisement should respect the window / wall proportions of an elevation and the rhythm of an elevation;
 - c. the size, location, proliferation and level of illumination will be taken into consideration when assessing whether an advertisement is acceptable on amenity grounds;
 - d. signs in open countryside, rural areas, residential areas, conservation areas or in proximity to listed buildings will require particularly sensitive treatment and will need to be more carefully designed so they do not have an adverse impact on these areas;
 - e. public and highway safety will be taken into consideration when assessing whether an advertisement is acceptable, and;
 - f. they should comply with the more detailed criteria set out in Development Management Guidance Note 4.

Policy DM27: Policy context and relationships

Local Plan (1996) policies to be replaced	E.11: Advertisements
Core Strategy (2012) policy links	-
NPPF paragraph links	67-68
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Development Management Guidance Note 4 • Outdoor advertisements and signs: a guide for advertisers (CLG), 2007

7.20. Local Planning Authorities are responsible for the day to day operation of the advertisement control system established by the Town and Country Planning (Control of Advertisements) Regulations 2007. The advertisement control system covers a very wide range of advertisements and signs including:

- Posters and notices
- Placards and boards
- Fascia signs and projecting signs
- Pole signs and canopy signs
- Models and devices
- Advance signs and directional signs
- Estate agents board

- 7.21. Advertising is closely associated with urban life and can be one of the most dominant elements of the environment. It can enhance the appearance and vitality of a street but can also cause considerable damage to visual amenity by cluttering the built environment and detracting from the quality of the area. Advertisements (defined under the Advertisement Regulations) include not only hoardings, but blinds and canopies with lettering, flags with logos, balloons etc.
- 7.22. In considering proposals for an advertising hoarding or other advertisement, including blinds and canopies where relevant, or in deciding whether to take action to remove an existing advertisement, the Council will have regard to the criteria set out in Development Management Guidance Note 4 (Advertisements).
- 7.23. Powers will be used to remove any advertisement or hoarding erected without permission and, where appropriate and practical, to challenge existing hoardings and advertisements that cause substantial injury to visual amenity and public safety, including for disabled people. Policy GC3: Planning Enforcement sets out the Council's approach to enforcement action in relation to breaches of planning control.

Policy DM28: Shop Fronts and Security Shutters

- 1. The Council will support a mix of street shopping frontages of high quality design and heritage to help maintain a vibrant and healthy streetscene.**
- 2. The Council will apply the following 'hierarchy of locations' in relation to decision making on shop fronts:**
 - a. statutory/local listed buildings and Conservation Areas – for which there will be a strong presumption for the retention and restoration of existing historic, traditional, or art deco shop fronts**
 - b. town centre locations outside of Conservation Areas - for which repair and restoration of traditional shop fronts will be expected, combined with an acceptance of contemporary design where this brings life and interest**
 - c. locations outside of Town Centres – for which traditional or modern designs will be considered appropriate, with the retention of high quality historic designs where these survive.**
- 3. The Council will expect proposals for new shop fronts, or alterations to existing shop fronts, to demonstrate a high quality of design. Proposals should complement the original design proportions, materials and detailing of the front of the shop, surrounding street scene, and the building that it forms part of. Key features such as stall risers, pilasters, glazing bars and fascias will be expected to be retained/incorporated unless the applicant can demonstrate why this is not appropriate under the circumstances. Proposals are required to take into account Development Management Guidance Note 5.**
- 4. Within the hierarchy set out above, the Council will support the installation of new shop fronts provided the following general criteria are met:**
 - a. new shopfronts are designed to allow equal access for all users, incorporating a Best Practice approach to access and inclusion. The use of forecourts and pavements, where permitted, should not create an obstruction and should be designed so that the pavement is equally accessible for all users.**
 - b. within Primary Frontages and Secondary Frontages (see Policy DM4: Retail Frontages) premises provide and retain clear views into and out of shop window(s). Inset entrances on shopfronts should be glazed and well-lit, to contribute to the attractiveness, safety and vitality of Town Centres, and to avoid blank frontages to the street.**
 - c. blinds, canopies or shutters, where acceptable in principle, are appropriate to the character of the shop-front and its setting. External security shutters will not normally be permitted in conservation areas. Solid or plain metal security shutters will not normally be permitted.**
 - d. signage and illumination to shop fronts must demonstrate a high quality of design (and be in line with DM27: Advertisements), which is in keeping with the character and materials of the host building and surrounding streetscene, and does not compromise public safety. Flashing internal or external lighting will not be permitted**
 - e. where appropriate, flood design measures are incorporated into new shop**

front design.

Policy DM28: Policy context and relationships

Local Plan (1996) policies to be replaced	E8, E10 and E11.
Core Strategy (2012) policy links	Env6, Env7 and R2
NPPF paragraph links	Paragraphs 56 - 68
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Development Management Guidance Note 5;

- 7.24. Hyndburn has many important shopping areas and groups of shops which are often busy and well-known public places with their own distinctive character and history, where shopfronts of architectural or historic interest make an important contribution to the character and appearance of the Borough. However, the character and quality of many of Hyndburn's traditional shopping streets has been eroded by poor, careless and unsympathetic alterations to shopfronts. Widespread use of inappropriate materials and standardised shopfront designs has in some areas led to a loss of local distinctiveness and a negative impact on historically important buildings.
- 7.25. The Council will adopt the 'hierarchy of locations' as set out in Policy DM28, to guide decision-making and provide clarity to applicants in relation to shop fronts. Listed buildings and Conservation Areas reflect the most important heritage aspects of the Borough, and therefore a strong presumption for retention and restoration of historic, traditional or art deco shop fronts within these areas will be applied. This may include the reinterpretation of the characteristics of historic shop fronts in new designs, to maintain the character and appearance of the relevant heritage asset. An exception for example may be to allow for contemporary styled shop fronts on a modern/contemporary building in a Conservation Area. Where high quality historic designs are located outside of town centres, these may be added to the Local List. Policy DM28 will be applied in line with the requirements of the NPPF in terms of considering the harm to significance of a heritage asset.
- 7.26. The design of new shopfronts and alterations to existing shopfronts is important to the appearance of the individual property, to the character and appearance of shopping areas, and provides visual connections between ground floor shops and the street. The council will expect well designed, accessible shopfronts that respect the character of the area and the architectural unity and integrity of the shop building of which they form part. The presence of poor quality shopfronts and shutters within the vicinity is no justification to approve more, and the Council has a key aim to enhance the streetscene of its shopping centres over the Local Plan period.
- 7.27. The design of a new shopfront within a modern building should reflect the design of the building of which it forms part, but should also consider the appearance of neighbouring shopfronts in terms of fascia lines, stall riser height, materials and other architectural features. The design of a shopfront where the traditional surround and

shopfront remain complete should be repaired and conserved wherever possible. These repairs must preserve the character of the original shopfront and be of matching style, materials and construction, whilst delivering a contemporary standard of amenity that meets current access standards.

- 7.28. The council will ensure that alterations to shopfronts are well designed and contribute positively to the surrounding area. This will improve the streetscape and is beneficial for business. In Accrington the Townscape Heritage Initiative (THI) is one such project focusing on the area around the Town Hall and Market Hall, and will run from 2015-2019. Specific further guidance that should be taken into account by applicants may arise through this THI work and other grant schemes in the Borough. The THI approach will seek to provide additional guidance based on sound historic research of specific properties that are fundamental to the restoration of shop fronts, particularly within Conservation Areas.
- 7.29. Poorly sited or badly designed shop signs, including projecting signs and illumination, can have a detrimental effect on the character and appearance of areas and may raise issues of public safety. Signage will be expected to accord with Policy DM27: The Control of Advertisements. It is important that roller shutters on premises are designed in a manner which strikes a balance between protecting property, ensuring that the vitality of an area is not undermined, and ensuring that the perception of crime is not increased.
- 7.30. Many pedestrians, particularly those with visual impairments, use the building line as a navigational aid. That line should wherever possible be retained as a continuous and unimpeded route. Where tables and/or seating or shop displays are put out in the street environment, and where this is deemed acceptable by the council, the area should be clearly identified, enabling users to move around the intrusion safely and with confidence. An undue obstruction should not be caused.
- 7.31. The council will use the Shopfront Design Guidance Note (GN5) to assess proposals concerning shopfronts and shop signs. Sufficient details regarding shopfronts should therefore be provided at planning application stage to enable assessment of the proposal in the context of this policy, GN5 and other relevant planning considerations.

Policy DM29: Environmental Amenity

1. Development will be required to protect, and where possible improve, the amenity of surrounding existing and future residents. The Council will require that new development:
 - a. does not result in the loss of privacy or unacceptable increase in the sense of enclosure. On all new residential development the following external space standards should be achieved:
 - i. single storey and two storey, at least 21 metres shall be maintained between facing windows of habitable rooms;
 - ii. single storey and two storey, where windows of habitable rooms face a blank gable or a wall with only windows to non-habitable rooms, at least 12 metres shall be maintained, and;
 - iii. for each additional storey above 2 storeys, or where land levels create an equivalent difference in the heights of the buildings, an additional set back of 3 metres shall be required.
 - b. does not result in the unacceptable loss of outlook;
 - c. benefits from adequate levels of daylight and sunlight; and
 - d. does not create an unacceptable level of noise, vibration, artificial light, odour, fumes of dust pollution during construction and over the life of the development.

2. In accordance with 1d. proposals for sensitive new developments (such as residential) should be located an acceptable distance away from sources of pollution (including, noise, dust, air, odour, light and traffic) from existing operational businesses, and be in line with Policy DM25: Pollution Control. They should also not be located adjacent to any existing utility infrastructure that has the potential to impact on their future amenity.

Policy DM29: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	Env7: Environmental Amenity
NPPF paragraph links	109,120, 125
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Site Layout Planning for Daylight and Sunlight: A guide to good practice (BRE); • Guidance on the Control of Odour and Noise (Defra)

7.32. This policy gives further detail to Policy ENV7 'Environmental Amenity' of the Core Strategy. The first part of this policy requires new developments to be designed to

ensure that there is sufficient privacy and that they do not result in an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. However, a distance of approximately 21 metres between windows of habitable rooms (include living rooms, dining rooms, kitchens and bedrooms) reduces inter-visibility to a degree acceptable to most people. This figure will be applied to all development proposals but the Council recognises that privacy is affected by amongst other things, the design and layout of development.

- 7.33. For the purposes of this policy, “outlook” is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. In applying part (b), the Council will expect careful consideration of the layout and massing of buildings in order to ensure they do not result in an increased sense of enclosure and loss of outlook (as distinct from the loss of a view). Single aspect dwellings should be avoided. If dwellings overlook bin stores screening and landscaping should be used to limit the impact.
- 7.34. In applying part c) of the policy, the Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight. The Council will expect the impact of all development to be assessed following the methodology set out in the most recent version of Building Research Establishment’s (BRE) “*Site Layout Planning for Daylight and Sunlight: A guide to good practice*”. Depending on the scale of the development, a Daylight and Sunlight Report may also be required to fully assess the impacts.
- 7.35. For the purposes of this policy light pollution is defined as the adverse effect of artificial lighting and includes glare, light spillage and sky glow. In applying part (d) of this policy the Council will seek to limit the impact of artificial lighting by ensuring well-designed artificial lighting. Badly designed lighting schemes can be damaging to the environment and result in visual nuisance to residents, as well as impact upon wildlife, especially along canal corridors / waterways.
- 7.36. Odour and fumes from commercial development can have an adverse impact on the amenity of surrounding residents. In particular the siting of flues needs to consider the impact on amenity and design. Best practice guidance should be followed; the current best practice guidance is DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005).
- 7.37. Dust pollution can often be a particular problem during the construction phase of the development. The Council will use conditions to secure Construction Management Plans where necessary and dust pollution should be fully considered along measures to control the impact on highways (e.g. wheel washing).
- 7.38. The Council will also seek to limit the impact of existing noise and of vibration sources on new development and limit the noise and vibration emissions from new developments. The effect of noise and vibration can be minimised by separating uses

sensitive to noise from development that generates noise and by taking measures to reduce any impact. For the purposes of this policy, developers should comply with the current best practice standards (British Standards). Where necessary, Acoustic Reports to demonstrate compliance will be required. In respect of evening and night time uses it is important to remember that while acoustic reports can ensure noise is contained while the venue is operating it does not address noise caused by patrons entering and leaving the premises and patrons smoking outside. Where appropriate the Council will use conditions to control the hours of operation of premises.

- 7.39. New development of sensitive uses should consider the locations of any existing utility infrastructure in the locality that may impact on the development's future amenity. Planning applications for sensitive development proposed near such works (e.g. water treatment works) should require advance consultation with the relevant body and must be supported by any relevant impact assessments.

Policy DM30: Wind Energy

1. Proposals for the development of wind turbines will be supported provided that:
 - a. the development site is in an area identified as suitable for wind energy development¹⁰¹;
 - b. the proposal would not have a significant adverse effect, either as a stand-alone turbine or cumulatively, on landscape character and value;
 - c. the proposal would not have a significant adverse visual, noise or 'shadow flicker' impact on local residents and sensitive users
 - d. all hydrological and drainage impacts have been fully assessed and appropriate mitigation measures included to reduce and mitigate impacts, including those on deep peat areas;
 - e. impacts on public rights of way and bridleways are addressed;
 - f. the development would not have an unacceptable adverse impact on the operation of radar systems required for commercial or military air traffic safety¹⁰², or the Met Office Safeguarded Meteorological Site on Hameldon Hill¹⁰³
 - g. the development would not have an adverse impact on television and broadband reception; and
 - h. all other relevant planning impacts identified by local communities and Development Management Guidance Note 6 have been fully addressed.
2. The Development of wind turbines in the Green Belt constitutes inappropriate development that harms the openness of the Green Belt. The development of wind turbines will therefore only be supported where the applicant is able to demonstrate that the wider environmental benefits associated with the development of renewable energy at the application site represent very special circumstances that outweigh the loss of openness.
3. At such time when a development becomes redundant or reaches the end of their consented period, any turbines and associated facilities (including underground concrete foundations, underground cables, above ground structures including fences and access tracks) should be decommissioned and the site restored. The most appropriate method of restoration will be determined based on local circumstances, ensuring that disturbance is minimised whilst returning the site as close as possible to its natural state.

Policy DM30: Policy context and relationships

Local Plan (1996) policies to be replaced	-
--	---

¹⁰¹ the Council will identify areas suitable for wind energy development through the Site Allocations DPD

¹⁰² Applicants are expected to consult with the Ministry of Defence, BAE Systems and NATS as appropriate

¹⁰³ See the Meteorological (Hameldon Hill) radar consultation zone set out on the Policy Maps.

Core Strategy (2012) policy links	Env5: Renewable Energy
NPPF paragraph links	93-99
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Development Management Guidance Note 6; • Written Ministerial Statement (HCWS42), 2015; • Landscape Guidance for Wind Turbines up to 60m, Julie Martin, 2013; • The Assessment and Rating of Noise from Wind Farms (ETSU-R-97), The Working Group on Noise from Wind Turbines, 1996 • Exploring the Potential for Renewable Energy Development in Hyndburn, Maslen Environmental, 2011 • Planning Guidance for Renewable Energy, produced for Lancashire County Council by SQM, 2011

7.40. The Climate Change Act 2008 (as amended) and Renewable Energy Directive 2009/28/EC set legally binding targets for the reduction of carbon emissions and the consumption of energy from renewable resources, respectively. The Council has developed a positive strategy for the management of wind turbine development in the Borough that aims to strike a balance between the national need for renewable energy and the need to protect local landscapes and to protect the Green Belt from inappropriate development. The strategy is based around the following key elements:

- Identifying areas of the Borough that have potential to accommodate large scale wind turbine development subject to the criteria set out in Policy Env5 of the Hyndburn Core Strategy, and in line with the requirements of the Written Ministerial Statement of June 2015.
- Seeking to protect the openness of the Green Belt over the period of the plan by recognising that turbine development constitutes inappropriate development that should only be permitted in very special circumstances. The policy recognises that the wider environmental benefits associated with renewable energy may be considered to represent very special circumstances but at the same time seeks to protect the openness of the Green Belt by limiting the density of turbines within it.
- Within areas designated countryside, ensuring that proposals for wind turbine development are rigorously assessed to ensure that they will not have an unacceptable adverse impact on the landscape when considered in isolation.
- Within the urban area, small / micro turbines will be supported provided they do not give rise to unacceptable adverse impacts on local amenity

7.41. There has been a steady increase in the number pre-application enquiries and planning applications for wind energy developments in Hyndburn, particularly in relation to small and medium sized developments. It is important that we look favourably on wind energy development that does not cause unacceptable harm to our built and natural environment. When preparing wind energy proposals a range of environmental, social and economic effects need to be considered.

- 7.42. Whilst Government policy recognises the benefits associated with wind turbine development, it also accepts that it should not give rise to unacceptable harm to our built and natural environment. The Council has produced a comprehensive validation checklist for wind turbines, together with a pre-application advice note, which gives guidance on some of the key issues that need to be dealt with. Planning issues, as covered under Policy DM30 include aircraft and radar, biodiversity, cultural heritage, landscape and visual impact, local amenity, local economy, soils and hydrology and telecommunications. The advice note was first published in 2012, and has been incorporated into the Development Management Guidance Note 6 in this DPD.

Large Scale Turbine Development

- 7.43. With regard to large-scale turbine development, the Council has undertaken a study to establish those areas of the Borough where this form of development could be acceptable. Although the site of the existing Hyndburn Windfarm on Oswaldtwistle Moor was identified as the largest area, a number of smaller sites were also identified where smaller numbers of large turbines could be sited. In assessing the suitability of large-scale turbines in these locations it would be necessary to consider the cumulative impacts associated with any existing and consented turbines. This work will form an important part of work to formally identify 'suitable areas for wind development in line with the new requirement of NPPG.

Turbine Development in the Green Belt

- 7.44. A large proportion of Hyndburn's rural area has been designated as Green Belt. There is around 3,960 ha of land within the Green Belt that amounts to around 54% of the area of Hyndburn. Over time there is a danger that the openness of the Green Belt around the towns within Hyndburn could be steadily eroded by an increasing number of turbine developments. The Government attaches great importance to Green Belts and local policy should reflect national policy in seeking to maintain the openness of the Green Belt by preventing inappropriate development within it.
- 7.45. National policy recognises that, when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. An example of this would be that the renewable energy generation benefits are so significant as to outweigh the harm to Green Belt.

Turbine Development in the Countryside

- 7.46. Those areas outside the urban areas of Hyndburn are designated as Countryside Area. The acceptability of turbine development in these areas will be assessed against the criteria set out in Policy Env5 of the Hyndburn Core Strategy and the criteria set out in Development Management Guidance Note 6, including any subsequent updates, of the Development Management DPD.
- 7.47. In January 2013 Julie Martin Associates were commissioned to prepare landscape guidance for wind turbines up to 60m in height located in the south and west

Pennines. Often impacts run across administrative boundaries and need to be considered in liaison with adjacent planning authorities. The guidance was commissioned in recognition of this and will form the basis for the consideration of the landscape impacts of small and medium turbines in these areas.

Cumulative Impact

- 7.48. Cumulative effect is a complex issue that is increasingly relevant to the assessment of wind energy schemes. A number of schemes have already been approved in Hyndburn and in adjacent authorities. Some have been implemented, and for this reason increasing significance will be attached to consideration of cumulative effects. Cumulative effect may occur as a result of more than one scheme being constructed and is the combined effect of all the developments, taken together. Of particular concern is the cumulative impact of proposals for different sizes and types of turbines that can give a visually jarring effect. There may also be cumulative impacts on bird populations and other wildlife, the historic environment, hydrology and telecommunications.
- 7.49. In order to consider potential cumulative effects it is necessary, first of all, to establish the 'baseline' situation in relation to wind energy development in the surrounding area, this is something that the applicant will be required to do as part of the application submission. Information should be collected about all existing, consented and application stage wind energy developments (as well as those refused but subject to appeal). Key issues are likely to relate to any smaller scale turbines (under 60m) within 5km and any larger scale turbines (over 60m) within 10km of the application site.
- 7.50. Cumulative effects are defined as the additional changes caused by a proposed development in conjunction with other similar developments and occur when further wind energy development is proposed in the vicinity of existing or consented wind turbines. This affects landscape character and ultimately can lead to the landscape assuming a different character overall, where wind turbines come to dominate a particular landscape. Specific types of cumulative effect that may occur include:
- Fragmentation of landscape patterns - where turbines are poorly or inconsistently sited relative to existing landscape features;
 - Creation of visual clutter - where wind turbines on different sites are seen in combination, especially where close together;
 - Visual conflict - where the differing rotation speeds, heights and/or appearances of turbines that are seen together detract from landscape perceptions;
 - Skyline impacts - where multiple turbines change or occupy a significant proportion of a distinctive skyline; and
 - Visual impacts on recreational interests - such as long distance paths or cycle routes where there are combined or sequential views of turbines over long sections of route.

Decommissioning and Site Restoration

- 7.51. Wind Turbine developments and their associated equipment are temporary and, if not repowered, are usually only commercially viable for a maximum of 25 years. It is therefore important that the area is returned to its previous state. A decommissioning, restoration and aftercare plan is likely to be appropriate for most sites. This will be supported by a planning condition and, where appropriate on larger sites, may include arrangements for a bond to cover the cost of restoration.
- 7.52. Any restoration plan will be expected to state that all visible traces of the wind farm / turbines should be removed. In terms of the tracks and bases (including concrete foundations), an assessment will likely be necessary to determine the specific impact these have had on the site based on the local circumstances. A decision will then be made as to whether the complete removal or reduction of such features in height to below the level of the surrounding area and covering, is the most appropriate way to restore the site, minimising further impacts.

Policy DM31: Waste management in all new development

- 1. All new development should provide suitable waste management facilities for the handling, storage and collection of segregated wastes arising from the permanent use of the development. For new residential developments of 10 or more dwellings, the applicant will be expected to meet the cost of providing appropriate waste containers¹⁰⁴.**
- 2. Planning applications for residential development should meet the following requirements:**
 - a. All developments must provide adequate space for waste facilities capable of accommodating the Council's standard waste containers including general household waste, recyclable waste and compostable waste (see Development Management Guidance Note 7);**
 - b. The design must incorporate and identify the location and design of bin storage and collection facilities;**
 - c. The design and layout of waste storage facilities must be satisfactorily integrated into the development and must not be visually intrusive;**
 - d. For detached, terraced and semi-detached properties, wheeled bins and boxes need suitable storage areas located on an area of hard standing within the rear curtilage with access to a collection point at the front of the property. Where bins cannot be accommodated within the rear curtilage the developer shall provide bin stores at the front of the property (see Development Management Guidance Note 7 on suitable designs);**
 - e. For all apartments/flats developers shall provide communal bin stores, irrespective of their locations within the site, or bin storage rooms;**
 - f. Particular care should be given to the siting of bin storage areas and the external appearance of bin stores in any Conservation Area and within the curtilage of any Listed Buildings;**
 - g. Road construction, widths and turning heads must be sufficient to accommodate waste collection vehicles and should be designed to prevent parking from obstructing access to the site.**
 - h. Developers will be expected to meet the cost of providing appropriate waste containers.**
- 3. Onus will be on the applicant to demonstrate how proposed new development satisfies sustainable design and construction techniques in relation to water saving devices, grey water recycling and rainwater harvesting.**
- 4. Developers should also demonstrate in support of their application that there is adequate capacity within the existing sewerage infrastructure to accommodate proposed flows from the development.**

Policy DM31: Policy context and relationships

¹⁰⁴ Either through a planning condition or a contribution in accordance with the details set out in Development Management Guidance Note 7, and in Policy GC2: [Infrastructure](#), Planning Obligations & CIL.

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	-
NPPF paragraph links	-
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Development Management Guidance Note 7; • Joint Lancashire Minerals and Waste Core Strategy; • Rubbish to Resources: Waste Management Strategy for Lancashire 2008-2020

- 7.53. At a national level the UK's Landfill Directive¹⁰⁵ requires, amongst other things, a reduction in the amount of material being sent to landfill. This naturally implies an increase in re-use, recycling, and composting of waste to ensure a more sustainable management of waste streams. The district and county authorities of Lancashire deal with the collection and disposal of waste respectively. To help meet national targets and duties, and to find better ways of handling and disposing of waste together, the Lancashire Waste Partnership (comprising all district, county and unitary authorities in Lancashire) has been established.
- 7.54. At a County Level the Lancashire Waste Strategy¹⁰⁶ places a number of duties on the Borough. These include reducing and stabilising waste to 0% growth each year, and to recycle or compost 56% of household waste by 2015, increasing to 61% by 2020. In order to ensure that both of these objectives can be met it is vital that all new dwellings are designed to enable waste to be segregated for recycling, and to be stored and collected in such a way that is mutually beneficial to all parties.
- 7.55. In residential schemes in particular waste is a major design issue as unsightly bins and bin stores can detract from the character and appearance of an area. The design and siting of bin stores will be considered in conjunction with Policy DM26: Design Quality and Materials. Where the development is for flats/apartments, discussions need to be made with the Council's Waste Department. For further details on all proposals applicants should refer to Development Management Guidance Note 7.
- 7.56. Policy CS7 of the Joint Lancashire Minerals and Waste Core Strategy (part of the statutory development plan for Hyndburn) provides further policy framework and details on the specific targets for industrial and commercial developments and recovery values from waste.
- 7.57. In terms of water management, it is more cost effective overall to save water through the design of new development (which will save energy and reduce CO2 emissions) than to implement greywater and rainwater systems (that can sometimes increase the total amount of energy and emissions arising from water use). The Council will

¹⁰⁵ European Directive 1993/31/EC on the landfill of waste

¹⁰⁶ Rubbish to Resources: Waste Management Strategy for Lancashire 2008-2020

however support and encourage both, as simple, low cost, greywater diversion systems can save considerable quantities of water at a time of peak demand.

- 7.58. Where new developments are proposed near, or reasonably close to, publically sewerred areas, the expectation is that foul and sewage waste should use existing infrastructure. Where there is insufficient capacity, the developer may be expected to phase works to correspond with timings of relevant improvement and infrastructure works that may come forward. The Environment Agency and United Utilities should be consulted as early on as possible to avoid any potential delays to development.

Section 8

Accessibility and Transport

This chapter includes the following policies:

- DM32: Sustainable Transport, Traffic and Highway Safety
- DM33: Sustainable Transport Infrastructure

8. Accessibility and Transport

- 8.1 A key objective of the Local Plan is to help ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling. This is important for all, but especially in promoting social inclusion for those residents of the Borough who do not have regular use of a car.
- 8.2 Reducing reliance and use of the private car, and ensuring that development is located in accessible locations and can be accessed using a variety of modes of transport, is important for a number of reasons:
- Growth and competitiveness
 - Climate Change
 - Equality of Opportunity
 - Health, Safety and Security, and
 - Quality of Life and Natural Environment
- 8.3 The Core Strategy stresses the importance of developing a comprehensive and high performing transport network that would be capable of supporting these aims whilst enabling economic recovery and prosperity. One of the key aims of the Local Transport Plan is to develop a transport network that supports economic growth and recovery across the county by tackling poor connectivity, congestion and poor parts of the network.
- 8.4 Two of the guiding principles set out in the Government's Transport White Paper¹⁰⁷ are to "enable sustainable transport choices" and to "encourage active travel" for both environmental and health reasons. In a Borough where life expectancy is in the bottom 10% nationally and where there are low levels of car ownership there is a need to ensure that, where possible, development is located within walking and cycling distance of shops and that opportunities to walk and cycle are developed to the full.
- 8.5 Encouraging people to walk, cycle or use public transport over short distances is one of the main thrusts of Government Policy and local planning policy should be constructed around the need to facilitate choice and use of alternatives. This involves two main threads:
- Ensuring that new development meets the needs of those who walk and cycle; and
 - Ensuring that new development is well connected to transport networks
- 8.6 Most transport infrastructure is located along main road corridors or key priority bus routes. Whilst some new developments can be accessed directly from these routes, in reality most will be a distance from them. The policies in this chapter therefore seek to ensure that connectivity and needs are placed foremost in the decision making process around all new developments and proposals.

¹⁰⁷ Creating Growth, Cutting Carbon – Making Sustainable Transport Happen. Published 27 January 2011, Department for Transport.

Policy DM32: Sustainable Transport, Traffic and Highway Safety

- 1. All development proposals will be required to actively encourage sustainable travel in line with Policy DM33: Sustainable Transport Infrastructure, and by prioritising the needs of sustainable transport modes in accordance with the following street user hierarchy:
 - a. pedestrians;**
 - b. cyclists;**
 - c. public transport users;**
 - d. special vehicle service (including taxi's, deliveries and servicing needs); and**
 - e. other motorised transport;****
- 2. Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment and should be located where the need to travel will be minimised, and is in a location that is readily accessible by a variety of transport modes. Development proposals that generate significant amounts of traffic will be required to provide a travel plan that sets out the means by which the developer will encourage users to adopt more sustainable modes of travel. Proposals should not give rise to an increase in traffic volumes that exceed the capacity of the local or strategic transport network, and they should not cause harm to the character of the surrounding area.**
- 3. All development proposals will be required to meet the local parking standards¹⁰⁸ in order to provide sufficient space for parking and help to encourage greater use of public transport, cycling and walking. The Council may seek to apply the local parking standards flexibly where specific circumstances are justified. Where parking proposals exceed local standards the Council will expect contributions to be made towards local transport infrastructure to help mitigate impacts of the scheme.**
- 4. Inclusive design for all users will be a key principle throughout all levels of the street user hierarchy. Development will be required to meet the following criteria:
 - a. ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety¹⁰⁹;**
 - b. enable ease of access to, around and within a development for all potential users including those with impaired mobility;**
 - c. maintain and develop the existing network of rights of way and other routes with established public access, contributing to the network of green infrastructure through appropriate planting and 'greening' along such routes as the canal towpath;**
 - d. detailed design should reflect best guidance and local guidance. There should be a view to rationalise or improve signage and street furniture and****

¹⁰⁸ The Council's local parking standards are set out in the Development Management Guidance Note 8: Car parking, access standards and transport assessment/travel plan thresholds.

¹⁰⁹ Core Strategy Policy HC3 details specific requirements for the design of residential roads.

- remove unnecessary street clutter in the vicinity of the site;
- e. contribute towards creating activity and natural surveillance and thereby contributing to an attractive and safe environment for pedestrians, cyclists, and the wider community, and;
- f. encouraging travel by other modes of transport through protecting and improving connectivity between places, especially through walking and cycling networks, including along the canal towpath.

Policy DM32: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	T1: Improving Connectivity T2: Cycle and Footpath Networks HC3: The Design of Residential Roads
NPPF paragraph links	29-41.
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • DfT Draft Cycling and Walking Investment Strategy (2016) • Lancashire County Council Transport Plan 2011-2021 (LTP3); • East Lancashire Highways and Transport Masterplan; • Manual for Streets & Manual for Streets 2; • Development Management Guidance Note 8

Sustainable Transport Modes

- 8.7 Attractive and safe development proposals are planned and designed in such a way that prioritises movement by walking and cycling and contribute towards creating an environment that is also easy to move around in. Development proposals are expected to take account of the Council’s movement hierarchy outlined above and current best practice guidance including relevant Department for Transport documents
- 8.8 Providing a network of permeable and legible streets with direct routes, in particular for pedestrians and cyclists as part of a new development, can help to encourage walking and cycling by minimising distances and aiding way finding. In this way, higher footfall and levels of active travel movements are encouraged to promote natural surveillance and minimise opportunities for anti-social behaviour. The Council expects new development to be designed to be safe and accessible to all and will resist proposals for 'gated developments

Transport Assessments and Travel Plans

- 8.9 It should not be assumed that where a proposal accords with the relevant local parking standard it is automatically acceptable in terms of the longer term transport

implications of the development. Applications for development with significant transport implications should demonstrate the measures they are taking to minimise the need for parking within the scheme. Where the transport infrastructure is not sufficient to support the level or type of development proposed it is necessary to consider the provisions of Policy DM33: Sustainable Transport Infrastructure

8.10 The Government is seeking to raise awareness of the impacts of travel decisions and promote the widespread use of travel plans amongst businesses, schools, hospitals and other organisations. Local authorities are expected to consider setting local targets for the adoption of travel plans by local businesses and other organisations and to set an example by adopting their own plans. The Council's thresholds for both Transport Assessments and Travel Plans are set out in Development Management Guidance Note 8.

8.11 Although there is no standard format or content for travel plans, their relevance to planning lies in the delivery of the following sustainable transport objectives:

- reductions in car usage (particularly single occupancy journeys) and increased use of public transport, walking and cycling
- reduced traffic speeds and improved road safety and personal security particularly for pedestrians and cyclists; and
- more environmentally friendly delivery and freight movements, including home delivery service

8.12 The Council will expect Travel Plans to be submitted alongside planning applications which are likely to have significant transport implications, including those for:

- all major developments comprising jobs, shopping, leisure and services
- smaller developments comprising jobs, shopping, leisure and services which would generate significant amounts of travel in, or near to, air quality management areas, and in other locations where there are local initiatives or targets set out in the development plan or local transport plan for the reduction of road traffic, or the promotion of public transport, walking and cycling. This particularly applies to offices, industry, health and education uses;
- new and expanded school facilities which should be accompanied by a school travel plan which promotes safe cycle and walking routes, restricts parking and car access at and around schools, and includes on-site changing and cycle storage facilities;
- where a travel plan would help address a particular local traffic problem associated with a planning application, which might otherwise have to be refused on local traffic grounds; and
- where increased levels of pedestrian and/or vehicular usage at a level crossing are anticipated

8.13 Where travel plans are to be submitted alongside a planning application, they should be worked up in consultation with the local authority and local highway authority.

They should have measurable outputs, which might relate to targets in the local transport plan, and should set out the arrangements for monitoring the progress of the plan, as well as the arrangements for enforcement, in the event that agreed objectives are not met. This would be addressed through a legal agreement between the relevant parties and the Council under s.106 of the Town and Country Planning Act¹¹⁰.

Highway Safety

- 8.14 Highway Safety is fundamental to the design of the highway network and no development should have a negative impact on highway safety. Effective traffic management is essential to the safe and free flow of movement on the highway network. It can improve accessibility and potentially reduce congestion by understanding flows of traffic at peak and non-peak periods. Where it is necessary for the developer to undertake improvements to the highway network to facilitate the safe and smooth movement of traffic, or incorporate pedestrian, cycle or public transport improvements, these works will be secured through the use of appropriate planning conditions and legal agreements.

Car parking

- 8.15 This policy integrates the Council's Car Parking Standards (set out in full in Development Management Guidance Note 8). The standards set out the parking provision that the Council expect to see in new developments to ensure that new developments provide the right balance of car parking, adequate to meet the development's needs whilst helping to minimise use of the private car and encourage sustainable transport use.
- 8.16 In line with the Government's ambition that Local Authorities remove 'maximum' parking standards from Local Plans, the Council will seek to apply standards flexibly. Where specific circumstances are justified (e.g. location/market specific factors) parking provision may be agreed above locally defined standards. However, in these circumstances the expectation is that the developer will pay additional contributions towards local transport infrastructure schemes to help offset any adverse impacts of the proposed scheme.

Highways and Design

- 8.17 A range of development of a variety of scales can have a potential impact on the existing road networks and there needs to be an understanding of the cumulative impact of development on existing highway networks when a development is being considered. The Council will expect this to be covered within the Design and Access Statement and/or Transport Statement accompanying development proposals.
- 8.18 The quality of the public realm and street scene is a critical element in creating successful town centres, neighbourhoods and places that are attractive for people to

¹¹⁰ This would normally include an administrative charge imposed by the Highway Authority that reflects the cost of preparing, implementing and monitoring the travel plan.

live in, work and visit¹¹¹. Improving the attractiveness, legibility and safety of routes and facilities for pedestrians and cyclists will ensure that more journeys are undertaken on foot or by bike thus easing the pressure on the Borough's public transportation network. Policy HC3 of the Core Strategy expects new residential roads to be designed in accordance with the principles set out in the Manual for Streets with the aim of reducing vehicle speeds to no more than 20mph.

¹¹¹ Manual for Streets, Department for Transport 2007

Policy DM33: Sustainable Transport Infrastructure

- 1. Where development is not located with access to sustainable transport infrastructure, developers will be expected to undertake, or fund, appropriate infrastructure works and/or implement practical measures that will cost effectively mitigate the impact of the development and improve accessibility**
- 2. Development proposals should make appropriate contributions towards improvements in transport infrastructure, particularly to facilitate walking, cycling and public transport use¹¹². This may include contributions towards enhancements of railway stations and/or the canal towpath.**
- 3. The Council will support proposals that seek to enhance the network of walking and cycling routes forming a coherent network within and between new and existing developments, and protect the strategic network of routes, including the canal towpath. Where proposals reduce, sever or adversely affect the amenity of footpaths, bridleways and cycle routes linking to the countryside and strategic routes, satisfactory provision must be made for their diversion.**
- 4. The Council will work closely with the Canal and River Trust (CRT) to ensure that impacts on the canal, supporting infrastructure and user safety are minimised where proposals are:**
 - a. within the CRT consultation buffer zone¹¹³; and, where there may be**
 - b. impacts on the structural integrity of the canal and/or its infrastructure; or**
 - c. impacts on the operation and access of the waterways and towpaths**
- 5. The Council will work closely with Network Rail to ensure that impacts upon the railway and user safety are minimised where proposals are:**
 - a. adjacent to, above or under the railway line¹¹⁴; or**
 - b. anticipated to result in a material increase in the volume or character of traffic using a level crossing (pedestrian or vehicular); or**
 - c. likely to affect pedestrian and vehicle users' ability to see level crossing warning signs**
- 6. Developments resulting in a material increase or significant change in the character of traffic using a rail crossing will be refused, unless it can be demonstrated that safety will not be compromised in consultation with Network Rail.**
- 7. Where appropriate, development will be expected to provide suitable facilities for interchanging between various modes of transport.**

¹¹² In line with the street user hierarchy set out in Policy DM32

¹¹³ As shown on the accompanying DM DPD Policy Maps

¹¹⁴ i.e. located within the Network Rail buffer zone as shown on the accompanying DM DPD Policy Maps

Policy DM33: Policy context and relationships

Local Plan (1996) policies to be replaced	L.1: Footpaths, bridleways and cycle routes
Core Strategy (2012) policy links	T3: Motorway and Trunk Road Improvements A9: Whinney Hill Link Rd
NPPF paragraph links	29-41
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • East Lancashire Strategic Cycle Network Investment Plan, 2014 • Lancashire Cycling and Walking Strategy (draft 2016)

- 8.19 New development will place additional pressure on existing highway infrastructure and/or public transport infrastructure and there is a need to ensure that a contribution is made towards the cost of maintaining or providing this infrastructure.
- 8.20 New residential, employment and commercial development will be expected to provide bus shelters, traffic signals, cycleways (or connections to cycleways), canal towpath improvements and landscaping as part of the development. Where this cannot be secured through planning conditions a contribution towards provision, and maintenance, of this infrastructure will be expected via a legal agreement under s.106 of the Town and Country Planning Act, and in line with Policy GC2: Infrastructure, Planning Obligations & CIL.
- 8.21 Long distance footpaths, bridleways, canal towpaths and cycle routes act as key sustainable transport links. They also act as important links between town and country increasing access to the countryside by walkers, horse riders and off-road cyclists. Between 2015 and 2019 significant investment is being planned in expanding the 'East Lancashire Strategic Cycleway Network' in areas of Hyndburn. This includes completing the Huncoat Greenway and improving and extending National Cycle Route 6 from Accrington town centre into Rossendale towards Ramsbottom. Alongside this scheme is the Connecting East Lancashire revenue project that will provide grants for businesses and community groups to improve facilities for cyclists. Lancashire County Council is also in the process of producing a Lancashire wide cycling and walking strategy (draft being consulted on in September 2016) which will be taken into account in decision making.
- 8.22 Strategic links are shown on the accompanying DM DPD Policy Maps and, together with the wider network of all Public Rights of Way¹¹⁵ form an important green link and biodiversity resource. The Council will, in particular, seek to develop and enhance

¹¹⁵ Lancashire County Council manage the Public Rights of Way for Lancashire, and publish and keep up to date the definitive map online at <http://mario.lancashire.gov.uk/agsmario/>

long distance routes over the period of the Local Plan in conjunction with relevant organisations (such as Lancashire County Council and Sustrans).

- 8.23 The Canal and River Trust (CRT) is a statutory consultee with responsibility for the management of navigable inland waterways of England and Wales, including the associated infrastructure such as towpaths, locks and tunnels. The Council and developers should therefore work closely with the CRT in relation to any proposed application located within the CRT consultation buffer zone (highlighted on the DM DPD Policy Maps), consulting at the earliest possible opportunity.
- 8.24 Any proposed planning application (including for open space) adjacent to a railway line / Network Rail land has the potential to impact upon the safety, operation and integrity of that land. i.e. impacts that may affect safety, performance, access and infrastructure (bridges, cuttings, embankments, signalling and telecoms equipment, overhead lines etc.). Network Rail is a statutory consultee for any development 10m or less from the railway boundary with measurements being taken from the boundary and not from the railway tracks themselves. The Network Rail Buffer Zone is highlighted on the DM DPD Policy Maps.
- 8.25 In addition the Council has a duty to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over the railway. The Council will work closely with the Network Rail Town Planning Team to ensure that its duties are met with regards to rail infrastructure through the Borough. This will include proposals that may impact on railway stations through improved interchange facilities.

Section 9

Rural Issues

This chapter includes the following policies:

- **DM34: Development in the Green Belt and Countryside Area**
- **DM35: Farm Diversification and Local Food Networks**
- **DM36: Equestrian Development**

9. Rural Issues

- 9.1. Two thirds of the Borough lies within the rural area, which is land outside of the defined urban boundary. It is largely open countryside with a few villages (Altham and Belthorn), hamlets and farmstead groups. As a result of their limited accessibility and infrastructure, development in these small, scattered settlements will be limited to local need and farm diversification only.
- 9.2. Any exceptions to development within the rural areas are set out in the Local Plan. The Core Strategy proposes urban extensions at Oswaldtwistle¹¹⁶, Huncoat¹¹⁷ and Altham¹¹⁸. Any further urban extensions necessary to meet the objectively assessed need for housing and employment over the plan period will be set out in the Site Allocations DPD.
- 9.3. The Hyndburn Local Plan divides the rural areas into 3 different policy areas for the purposes of the control of development in the Borough:
- Green Belt – where maintaining the openness of the area is paramount with development only permitted in exceptional cases.
 - Countryside Area – where development is limited to that which would maintain the rural character.
 - Safeguarded Land (Former Areas of Special Restraint) – which is not allocated for development at the present time but that is necessary to meet longer-term development needs stretching well beyond the plan period
- 9.4. The purpose of this section is to present a more detailed policy framework for development within the rural areas that reflects the strategic approach set out in Core Strategy (Policy BD1: The Balanced Development Strategy). The degree of constraint on the type and scale of development in the Green Belt and the Countryside Area is similar in some instances, although with greater restrictions particularly on new dwellings in the Green Belt.

¹¹⁶ 'Policy A5: Brookside Business Centre' supports a sustainable construction center and country park

¹¹⁷ 'Policy A7: Housing in Huncoat' provides strategic housing allocation for the Borough

¹¹⁸ 'Policy RA3: Protection and development of Altham Business Park' for employment uses

Policy DM34: Development in the Green Belt and Countryside Area

New buildings

- 1. The erection of new buildings in the Green Belt will be permitted where:**
 - a. there is a need for occupation by agricultural or forestry workers (in accordance with Development Management Guidance Note 9); or**
 - b. the development comprises limited infilling; or**
 - c. the development involves the redevelopment of a previously developed site and there is no greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development; or**
 - d. the building will replace an existing building with a residential use and would not result in a material increase in the volume of the original building (outside the scope of paragraph 3 below).**

- 2. All proposals involving the development of new buildings in either Green Belt or the Countryside Area, must meet the following criteria:**
 - a. have suitable access in place, or the ability to create a suitable access, without adversely impacting on rural character;**
 - b. protect and enhance¹¹⁹ nature conservation features and species, including the area's soils;**
 - c. be capable of being developed without adversely affecting the character of the rural landscape;**
 - d. have satisfactory arrangements in place for the discharge of foul and surface water and considered issues of flood risk in line with Policy DM20: Flood Risk Management and Water Resources. It must also be demonstrated that the proposed development, where necessary, can be serviced by existing utility infrastructure, or that a co-ordinated approach will be applied between the phased delivery of development and delivery of future infrastructure works;**
 - e. for residential proposals, any new curtilage which is being created should be proportionate to the size of the building and be in keeping with the surrounding rural landscape;**
 - f. the design of any buildings must be sensitive to the local area and must respect the rural setting in terms of the materials used, their detailing and overall appearance. A more traditional approach will be favoured and any scheme should not have an urbanising impact on the site and surrounding area.**

Extensions

- 3. The extension of a building will be permitted where:**
 - a. the proposal would result in an increase of no more than 50% of the volume of the original building in both Green Belt and the Countryside Area; and**
 - b. the proposal would not have a detrimental impact on the original building,**

¹¹⁹ providing net gains in biodiversity where possible

a group of buildings or on the wider area in terms of its scale (i.e. is proportionate), design and use of materials.

Conversion

4. The conversion of existing buildings for residential use in both Green Belt and the Countryside Area will be permitted where a traditional building exists of permanent and substantial construction, as demonstrated by a structural survey (no more than 50% re-build excluding the roof), and is capable of being converted without substantial extensions (over and above those set out in paragraph 3 above).
5. Where buildings are to be converted, extensions will only be permitted where these do not impact upon the traditional form and character of the original building, and are designed sensitively to the rural setting.
6. Conversions will be expected to have no unacceptable harm to elements that contribute to the significance of heritage assets in line with Policy DM22: Heritage Assets, and consider energy efficiency improvements in accordance with the latest building regulations.

Leisure and Recreation

7. Proposals to enhance promote or improve access to leisure and recreational facilities will be supported, subject to development being in line with criteria set out elsewhere in this policy. Over the period of the plan the Council will seek to encourage the use of waterways for tourism, leisure, recreation and sporting activities.

Policy DM34: Policy context and relationships

Local Plan (1996) policies to be replaced	S.2: Re-use of buildings in the Green Belt S.5: Countryside Areas
Core Strategy (2012) policy links	BD1: The Balanced Development Strategy
NPPF paragraph links	28, 79-92, 109, 112
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Development Management Guidance Note 9

- 9.5. There is a general presumption against proposals for new development in rural areas, in order to support the Councils adopted 'Balanced Development Strategy'. Policy BD1 of the Core Strategy states that '*development in such areas should be limited to supporting farm diversification and promoting leisure and recreational facilities whilst retaining landscape character. Within the settlements of Belthorn and Altham new development will be limited to that required to meet specific local needs that satisfy the requirements of Green Belt and other rural policies*'.

- 9.6. Policy DM34 provides the policy framework through which the Council can recognize the value of the natural environment to the local economy and protect the rural areas of the Borough, whilst supporting sustainable rural tourism and leisure developments that will benefit businesses in rural areas. The DM DPD Policy Maps identify the urban boundary

Agricultural and forestry workers' dwellings

- 9.7. Essential dwellings for agricultural and forestry workers are a well-established element of rural policy which has been carried forward in the National Planning Policy Framework (NPPF). Current national policy hasn't however retained the detailed guidance contained within the former Planning Policy Statement 7 (Annex A), which has previously been useful in assessing such developments.
- 9.8. The 'functional' and 'financial' tests contained within the old PPS 7 provided a useful tool to assist the decision making process on agricultural workers dwellings. As such the Council will work to Development Management Guidance Note 9. The note sets out the criteria that applicants will need to satisfy in respect of proposed agricultural and forestry workers' dwellings. Agricultural Statements will be expected in support of such applications with any independent assessments of these being paid for by the applicant.

New buildings and re-use of existing

- 9.9. The re-use of existing buildings can have many benefits such as securing the re-use of a heritage asset or supporting the vitality of rural communities. The Council is therefore supportive of the re-use of suitable buildings provided the proposed use is appropriate in the rural area. The Council will require the submission of a structural survey by a qualified Structural Engineer that demonstrates that the building is structurally sound and capable of conversion without substantial reconstruction. Planning permission will therefore not normally be granted where more than 50% of the external wall length from foundations upwards requires rebuilding.
- 9.10. In addition to being structurally sound, the building needs to be of sufficient architectural quality to warrant conversion. Modern agricultural buildings such as the portal frame structures or those that use other material such as concrete that detract from the quality of the environment will not be considered suitable for conversion, unless permitted under the latest General Permitted Development Order.
- 9.11. The replacement of dwellings outside the urban boundary needs to be managed in order to prevent development that is harmful to the openness and purposes of Green Belt and the character and appearance of the Countryside Area. The policy seeks to ensure that replacement dwellings have the same or less visual impact and, in the case of the Green Belt, on openness, through suitable positioning, physical form, and sympathetic design.

- 9.12. The degree to which soils are likely to be disturbed or harmed as a result of development, and whether the 'best and most versatile' agricultural land is involved will be considered. The Council will ask for a Hydrology and Soil Assessment on applications where this is appropriate to ensure that new development complies with paragraphs 109 and 112 of the NPPF on conservation and sustainable management of soils.

Leisure and Recreation

- 9.13. Core Strategy Policy BD1 recognises the need to promote leisure and recreational facilities within the rural areas of the Borough. The Leeds and Liverpool Canal represents a key element of Hyndburn's green infrastructure and open space network and is a key leisure and tourism asset. The Council will seek to enhance the role of this (and other waterways) throughout the period of the Local Plan. Proposals for leisure and recreation within the Green Belt or Countryside Area will be assessed against the relevant criteria set out in Policy DM34.

Policy DM35: Farm Diversification & Local Food Networks

1. The Council will permit proposals for limited non-agricultural development on a farm holding where this would:
 - a. make a positive contribution to the continued viability of the farm holding;
 - b. not result in the irreversible loss of agricultural land which the Council considers worthy of protection¹²⁰, except in exceptional circumstances;
 - c. not have a detrimental impact on the amenity of properties;
 - d. safeguard and enhance¹²¹ the open character and landscape quality of the land including ecology;
 - e. protect water features and resources from adverse effects of pollution;
 - f. not conflict with the purposes of the Green Belt nor adversely affect its openness or amenity;
 - g. in the case of retail development not more than 20% of the sales floorspace would involve the sale of produce other than unprocessed goods from an associated agricultural holding;
 - h. not harm people's enjoyment of the countryside, and;
 - i. ensure that the local highway can accommodate the additional volume and type of traffic generated by the proposed development.

2. In parallel, proposals for new development that will help contribute to a more sustainable, local food network (in terms of food production, distribution, procurement and waste management) will be strongly supported in principle.

3. Where new employment is generated as part of any development proposals, applicants should demonstrate active efforts to support training and apprenticeship schemes, to help facilitate employment diversification in the Borough.

Policy DM35: Policy context and relationships

Local Plan (1996) policies to be replaced	-
Core Strategy (2012) policy links	-
NPPF paragraph links	28
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • Agricultural Land Classification: protecting the best and most versatile agricultural land – Natural England TIN049 (2012);

¹²⁰ The Council, in line with Natural England guidance, considers the best and most versatile land to be Grades 1, 2 and 3a of the Agricultural Land Classification

¹²¹ Including net gains in nature where possible

- Diversifying farming businesses – Defra guidance (2014);
- Good planning for good food – Sustain (2011)

- 9.14. Farming plays a vital role in shaping and maintaining the fabric of the Borough's countryside. There is a need to identify within the Local Plan how the Council will facilitate the appropriate diversification of farm-based operations in order to help support agricultural businesses and sustain the rural economy.
- 9.15. Farm diversification can entail various types of related enterprise, ranging from food processing, farm shops, tourist accommodation and recreational facilities, to the creation of workshops for letting to local firms. It is important to ensure that diversification schemes bring long-term and genuine benefits to individual farm operations and the wider rural area, whilst minimizing and managing any adverse effects on the environment.
- 9.16. The loss of part of a farm holding may affect the viability of the remainder. As such, subject to the planning considerations outlined in the policy, the Council will support farm diversification where it will help to sustain a farm holding, securing jobs whilst maintaining the management of the landscape.
- 9.17. Where appropriate, proposals may be required to be accompanied by a statement setting out how the development will affect the existing farm structure and viability, and accompanied by a business plan to show how the diversification will support the existing holding and will support any training or apprenticeship schemes for new employees where relevant.
- 9.18. The Council strongly supports the principles of local food growing, distribution and procurement initiatives. Such enterprises strongly reflect all three tiers of sustainable communities (economic, social and environmental) and the Council will help support proposals wherever possible¹²². The Site Allocations DPD will seek to identify and allocate food-growing spaces across the Borough to help secure sustainable local food networks for the future.

¹²² Sustainable Food Lancashire and 'Incredible Edible' offer examples of community-led food growing initiatives

Policy DM36: Equestrian Development

- 1. The Council will expect the following criteria to be satisfied when considering proposals for equestrian development:**
 - a. Access - the site must have a vehicle access which is satisfactory in highway terms or it must be capable of being achieved without adversely affecting the character of the rural landscape;**
 - b. Landscaping - the proposed building or works must be capable of being sited without causing harm to visual amenity or the rural character of the area. In such cases the location of the buildings and facilities within the site must be carefully chosen to minimise the visual impact. Additional landscaping or screening may be required in certain locations;**
 - c. Design and Materials - stables shall be designed specifically for housing horses, be of an appropriate scale in the context of local surroundings, shall be of a high standard of design and shall be required to be constructed in timber;**
 - d. Size of Stables - in accordance with the British Horse Society Guidance there shall be:**
 - i. one acre of land per horse (both in Green Belt and Open Countryside);**
 - ii. within Green Belt there shall be a maximum limit of 3 stables plus a tack room;**
 - iii. within Open Countryside each application will be taken on its merits considering all other material planning considerations;**
 - iv. stable boxes should be designed with a mono pitch or shallow sloping roof, should be large enough for a horse to stand up with at least 0.9m clearance above its head and of an adequate size, i.e. no more than 13 square metres or 3.7 X 3.7 metres squared and should be enough to house a horse comfortably,**
 - v. tack rooms and hay stores should be part of the same building complex, and be of a size that is similar to an individual stable. Any requirement for larger than usual facilities would have to be sufficiently justified;**
 - vi. stables shall be of timber construction in order to protect the character and appearance of rural areas, and;**
 - vii. in order to protect timber construction, regular application of an animal friendly wood preservative and internal blockwork walls of up to 1.2 metres or low brick plinths below the timber walls may be used.**
 - e. Waste arrangements – full details of drainage methods of storage and disposal of manure should be included within the planning application. Applicants should refer to the Environment Agency Local Planning Guidance for Lancashire, and they must not be sited where they will cause a nuisance to houses and public rights of way.**
 - f. Lighting - in the Green belt and Countryside Areas, applications for the floodlighting of existing riding arenas or for developments including the provision of floodlighting will not be approved where there will be an unacceptable visual impact or an unacceptable impact on highway safety. Floodlights will not be permitted where neighbouring properties will be**

subject to unacceptable levels of attendance glare.

2. Planning permission will not be granted for commercial equestrian developments which are likely to result in a significant increase in activity and general disturbance to neighbouring residents, or which would have been an adverse impact on the character and open nature of the approved greenbelt or open countryside.
3. The Council will consider carefully the cumulative impact of existing and consented stables within an area from an amenity point of view, and the potential environmental impacts of equine development on the natural environment.

Policy DM36: Policy context and relationships

Local Plan (1996) policies to be replaced	S.7 – Non-agricultural stables in rural areas
Core Strategy (2012) policy links	-
NPPF paragraph links	28
Key documents of relevance / guidance	<ul style="list-style-type: none"> • Planning Practice Guidance • British Horse Society Guidance • Environment Agency Cumbria and Lancashire Area: Local Planning Guidance for Planning Authorities, 2015

Access

- 9.19. Major works to achieve satisfactory access roads or sight lines may not be acceptable if they are detrimental to the character of the landscape. Vehicle access tracks and passing places shall be constructed of sympathetic surface materials and be screened or landscaped where necessary.
- 9.20. The views of Lancashire County Council will be sought where access improvements are required and where there will be significant increase in the volume of traffic using a particular road as a result of the proposal. It is illegal for horses to be ridden on public footpaths. Where equestrian developments are proposed in close proximity to the public footpath network the applicant's attention will be drawn to this fact.

Landscaping

- 9.21. Additional landscaping/screening will be required where necessary. Advertisement consent may be required for the display of signage and will be considered on grounds of visual amenity and highway safety in accordance with the council's advertisement policies.

Design

- 9.22. Careful consideration should be paid to the location of the development within the site to ensure that it is not visually intrusive and harmful to the character and appearance of the area. On some land it will not be possible to satisfactorily site a building or carry out works without harming visual amenity or rural character. The criteria in relation to location of buildings is as follows:
- the building should relate to existing buildings/landscape features; and
 - the building should relate to the profile of the land, by utilising any hollows etc.
- 9.23. In addition engineering operations required in order to form maneges or riding arenas shall be required to:
- have regard to the existing landscape features of the area;
 - be fenced in a traditional manner; and
 - have surface material of a colour in keeping with the locality.

Amenity

- 9.24. Developments for equestrian facilities are normally situated in rural areas where there is little existing disturbance to local residents. Where a proposed use is for the stabling of horses other than those owned by the applicant such as livery stables, riding schools, etc. consideration will be given to the likely increase in the numbers of people and vehicles visiting the site. If, in the opinion of the local planning authority, the proposed development will lead to a significant increase in the potential for disturbance of neighbouring residents planning permission will not normally be granted. The local planning authority will consider the imposition of conditions to limit the number of horses kept at the establishment in order to restrict the scale of the development.

Floodlighting

- 9.25. Floodlighting towers and the light emitted by floodlights are considered to be visually intrusive and inappropriate forms of development for rural areas. Within urban areas careful considerations must be given to the effect of glare on neighbouring residents. Where floodlighting is considered to be acceptable, suitable conditions will be imposed to minimise their impact on neighbouring properties.

Section 10

Implementation and Monitoring

Implementation and Monitoring

Implementation

- 10.1. In line with the Town and Country Planning (Local Planning) (England) Regulations 2012 this is the 'Publication' version of the Hyndburn DM DPD, the final version of the document that the Council plans to submit to the Secretary of State. The document will be subject to a six-week statutory consultation period starting in September 2016.
- 10.2. Following the consultation period the Council will then submit all relevant documents to the Secretary of State¹²³, at which point the policies will hold a relative degree of weight in decision making, with weight dependent upon the comments received and any outstanding objections. The submission of the DM DPD will initiate the 'Examination' process, to be managed by an independent Planning Inspector¹²⁴. The Council hope to adopt the DPD¹²⁵ sometime during 2017, dependent upon the length of the Examination in Public process¹²⁶.
- 10.3. Once adopted, the DM DPD will replace the majority of outstanding saved policies from the Hyndburn Local Plan 1996. Throughout this document, the specific Local Plan 1996 policies that will be replaced by new DM DPD policies are set out in the summary tables below each policy. Subject to all the policies set out in this DPD being adopted, Table 10.1 highlights the only policies that would remain saved and outstanding from the Local Plan 1996, which all relate to site allocations on the extant 1996 Proposals Map. These policies will be replaced through the Council's Site Allocations DPD in due course.

Table 10.1 – Local Plan 1996 policies to be saved beyond adoption of the DM DPD

Policy Ref.	Policy Name
S.6	Land reserved for community uses
H.2	Housing development within the urban boundary
I.1	Employment development sites

Monitoring

- 10.4. The DM DPD forms a key part of the Local Plan, and it is important that the Council is able to monitor the effectiveness of the Local Plan once adopted (in line with the plan-monitor-manage approach). Hyndburn Borough Council will publish how the implementation of policies in the DM DPD is progressing via the Authority Monitoring Report (AMR).
- 10.5. The AMR for Hyndburn will seek to look at:

¹²³ relevant documents are set out under Regulation 22

¹²⁴ see Regulations 23-25

¹²⁵ see Regulations 25-26

¹²⁶ the Council's Local Development Scheme (LDS) sets out the anticipated timeline for all DPDs in the Local Plan

- How policies are working and being implemented in practical terms - e.g. how sites are being taken up and developed;
- How plans and policies are affecting wider indicators – e.g. unemployment, deprivation and similar matters (referencing the monitoring framework proposed in the Sustainability Appraisal where appropriate);
- How the work programme set out in the Council’s latest Local Development Scheme is progressing;
- How the implementation of any Neighbourhood Plans is progressing; and
- Contributions made by development, including section 106 planning obligations, Community Infrastructure Levy and New Homes Bonus and how they have been used.

10.6. Publication of the AMR will be dependent upon the resource available. Where the Council believes that greater benefit is to be achieved from progressing policy matters and DPDs themselves, the AMR may be delayed in being published. The Council will ensure however that, at key stages in progressing any DPD (e.g. Submission stage), that an up to date AMR is available.

10.7. Once the DM DPD is adopted, a more comprehensive review of the entire document will be undertaken at least every five years, to determine whether the strategy and policies might require any significant modifications through a revision. The need to undertake any such revision will generally be taken through consideration of the cumulative effects of targets not being met, rather than any one individual target not being achieved. This is in accordance with the plan-monitor-manage approach, and will be reported to Council committees as relevant.

Guidance Notes

These Guidance Notes provide additional detailed policy advice on particular subject areas set out in the DM DPD. Each Guidance Note (GN) is therefore referenced from a particular policy within the DM DPD, and should be considered part of the statutory development plan, i.e. the GNs carry an equal weight in any decision making process as the relevant Policy itself.

This chapter includes the following Guidance Notes (and policy links):

- **GN1: Open space in new residential development (DM11)**
- **GN2: Affordable housing (DM12)**
- **GN3: Materials and colour (DM26)**
- **GN4: Advertisements (DM27)**
- **GN5: Shop front design (DM28)**
- **GN6: Wind Turbine Proposals (DM30)**
- **GN7: Waste management (DM31)**
- **GN8: Car parking, access standards and transport assessment/travel plan thresholds (DM32)**
- **GN9: Agricultural, forestry and other occupational dwellings (DM34)**
- **GN10: Distances between development and trees (DM17)**

GN1: Open space in new residential development (policy link DM11)

1.0 Types of Open Space

- 1.1 The formal definition of open space is ‘*any land laid out as a public garden or used for the purposes of public recreation, or land which is a disused burial ground*¹²⁷. The definition can therefore incorporate the more formal outdoor playing spaces or more informal spaces contributing to recreation, amenity or biodiversity uses. As set out in Policy DM11, the Council will seek to provide open space in line with local standards (where prescribed), or where relevant the Fields in Trust guidance and Natural England’s Accessible Natural Greenspace Standard (ANGSt). For the purposes of this Guidance Note, the Council considers the following typologies to be the most important to Hyndburn.

Formal Recreation Provision

- 1.2 Outdoor facilities such as pitches, greens and courts that are marked out for formal recreational facilities such as football, rugby, hockey, cricket, tennis, basketball and bowling and that are available for general public use.

Casual Children’s Play Space

- 1.3 Facilities can be split into two categories;

a. Non-equipped children’s play space

Open space in a safe location and of a size capable of providing opportunities for informal play activities

b. Equipped Children’s Play Space

Designated open space areas with items of permanently installed playground equipment specifically designed for children’s play. They should be well located and designed, safe, easily accessible and available for general public use

Landscaped Amenity Open Space

- d. Open Space that provides a landscape setting for the development and adjoining land uses and is available for general public enjoyment. Will include trees, shrubs, hedgerows, wildlife habitats, ecological features, grassed areas, banks, terraces and mounding.

¹²⁷ Section 336 of the Town and Country Planning Act 1990

2.0 Equipped Children’s Play Space

- 2.1 Proposed Accessibility Benchmark Standards for Children’s Playing Space are set out in the Fields in Trust guidance¹²⁸. The Council will aspire to meet these standards whilst maintaining suitable, applicable quality benchmark standards.
- 2.2 The standards state that a Local Area for Play (LAP) facility must be at least 100m² in size and should be specifically designated for young children (age 4-6) for play close to where they live. The location should be within around 1 minute walking time from home. The area should be appropriate for low key games, be flat, well drained with a grass or hard surface. To minimise disturbance to local residents it should include an activity zone and buffer zone, sufficient to minimise audible and visual intrusion.
- 2.3 A Local Equipped Area for Play (LEAP) facility should be at least 400m² in size and suitable for children of early school age (4-8), and should be within 5 minutes of home. They should include at least five different types of play equipment and a well-drained grass or hard surface playing area. A buffer zone should exist of least 20 metres between the edge of the activity zone and residential property to minimise intrusion.
- 2.4 A Neighbourhood Equipped Area for Play (NEAP) facility should be suitable for children between 8-14 years and should be within 15 minutes of home. They should incorporate a minimum of 8 types of play equipment and be at least 1000m² in size. A buffer zone of at least 30 metres is recommended.

Spac	Time / Walking Dist.	Straight Line Dist.	Min. Size Activity Zone	Total Area (Inc. Buffer)	Nearest House Property Boundary	Characteristics
LAP	1 Min / 100m	60m	100m ²	400m ² (0.04ha)	5m from activity zone	Small low key games area (may include “demonstrative” play features)
LEAP	5 min / 400m	240m	400m ²	3,600m ² (0.36ha)	20m from activity zone	About 5 types of equipment. Small games area
NEAP	15 min / 1,000m	600m	1,000m ²	8,500m ² (0.85ha)	30m from activity zone	About 8 types of equipment. Kickabout and cycle play opportunities

This table has been reproduced from The Fields in Trust “Planning and Design for Outdoor Sport and Play”.

- 2.5 Over the Plan period the Council will prioritise LEAP and NEAP provision over LAP facilities. A rationalisation strategy is in place to ensure that the provision of better quality equipped areas for play are provided as opposed to a larger number of poorer quality areas. This will be managed within the framework of relevant standards of provision and ANGSt accessibility standards, to be evidenced and set out in the Site Allocations DPD.

¹²⁸ Planning and Design for Outdoor Sport and Play

3.0 Location of Open Space

3.1 The appropriate location of open space can be dependent upon a number of factors. The landscape assessment process can be used to assist in determining the location of open space. The location should be selected taking into account the following factors:

- a) Existing features, which have been identified, to be retained or enhanced and incorporated within the open space.
- b) New open space should link as far as possible to existing open spaces surrounding the site and the wider access network and ecological network (see Policy DM18). This will give continuity to the system of open spaces and enhance their ecological value.
- c) It should be overlooked by nearby housing and be in an open location to provide a degree of social safety.
- d) In fulfilling c), the open space must not be located so close to dwellings as to cause loss of amenity or privacy. Adequate buffer zones must be provided.
- e) Consideration should be given to any potential dangers such as from nearby electricity cables, busy roads and railway lines;
- f) The positive relationship that the location may have encouraging public enjoyment of the canal, encouraging the development to relate positively to the canal and fully integrate the waterway into the public realm;
- f) It should be easily and safely accessible by foot to serve the whole development not just one area of it (this may include creating access links).
- g) Siting of the open space should take account of the road layout to minimise the risk of road related accidents.

4. General Principles for the Design of all Types of Open Space

- a) Quality materials and good construction details are crucial.
- b) Existing features should be retained / enhanced, taking account of any existing ecological or green infrastructure network, with a net gain in nature where possible, e.g. through habitat creation
- c) New landscape features should visually enhance the development and contribute to a distinctive identity for the housing area.
- d) All the open space elements should be integrated to create a quality estate environment.
- e) Access for maintenance and cleansing should be designed into the open space.
- f) Long term maintenance and cleansing of the site should not be too onerous and complex.
- g) Hard and soft landscape should be used in an imaginative way.
- h) The impact of the design should be considered in the short / medium and long term.
- i) The open space should be designed so as to minimise the potential for crime.
- j) On areas designed for young children there should be either:
 - i) no lighting; or
 - ii) lighting only between 9am and 9pm, in order to prevent teenagers from using the areas at night. Lighting should be designed so as to prevent light nuisance to nearby properties.
- k) Open spaces adjacent to railway infrastructure should include suitable trespass proof fencing to prevent accidental or unauthorised access onto operational railway land

GN2: Affordable housing (policy link DM12)

1. Introduction

- 1.1 Hyndburn Borough Council is committed to providing for a full range of housing to meet the Borough's future housing requirements. This means ensuring that suitable housing is available for people on low incomes. A specific aim in the Borough's Core Strategy is a requirement for developers of new housing to make provision for an element of affordable housing¹²⁹.
- 1.2 This Guidance Note is intended to inform all those involved in developing housing proposals specifically what is expected in the provision of affordable housing through Hyndburn Borough Council's planning system. It sets out the Council's policy on achieving affordable housing ahead of detailed discussions with developers.
- 1.3 It is also intended to help standardise the approach for dealing with affordable housing and ensure it is dealt with in a clear, fair and consistent manner. This Guidance Note will be updated in line with proposals set out in the Housing and Planning Act (e.g. Starter Homes), once secondary legislation is published providing the detail on such matters.

2. Planning Policy Background

- 2.1 Meeting the shortage of affordable housing has been identified as a major priority by the Government. Hyndburn like many other authorities suffers severe shortfalls in specific types of housing for meeting local needs.
- 2.2 In recent years the Council's role has shifted from being a direct provider of affordable housing to being an enabler and negotiating the provision of affordable housing whenever possible through other providers, notably Registered Providers (Housing Associations) and through the planning system.
- 2.3 The Council negotiates the provision of new affordable housing using national planning policy guidance contained in the National Planning Policy Framework (NPPF), National Planning Practice Guidance, and policies adopted in the Core Strategy.
- 2.4 The Requirements of the NPPF insofar as they relate to affordable housing are that:
 - Affordable housing should be based on objectively assessed need identified through a Strategic Housing Market Assessment (NPPF para 47).
 - Where need is identified it should be met on-site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified e.g. to improve or make more effective use of the existing housing stock (NPPF para 50).
 - Local Planning Authorities should be responsive to local circumstances and needs in rural areas, particularly in considering whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs (NPPF para 54).

¹²⁹ Core Strategy Policy H2: Affordable Housing

- Local Planning Authorities should regard providing limited affordable housing for local community needs under policies set out in the Local Plan as appropriate development in the Green Belt (NPPF para 89).
- To ensure viability, the costs of any requirements likely to be applied to development including affordable housing, should when taking into account the normal cost of development and mitigation provide competitive returns to a willing land owner developer to enable the development to be deliverable (NPPF par 173).
- The cumulative impact of all local and nationally required standards and policies, including affordable housing should not put implementation of plans at serious risk and should facilitate development throughout the economic cycle (NPPF para 174).
- Affordable housing requirements should be assessed at the plan-making stage, where possible, and kept under review (NPPF para 177).

2.5 Hyndburn's Core Strategy sets out the future planning and development of the Borough over the period to 2026. The Core Strategy was formally adopted in January 2012 following a Public Examination and contains specific policies relating to housing in sections H1 and H2. Policy H2 specifically refers to affordable housing requirements. It states:-

On developments of 15 or more houses the developer will be required to make provision for 20% of the houses to be affordable. In meeting this target consideration will be given to the availability of financial grants and evidence on the economic viability of individual developments.

3. Definitions and Affordable Housing Requirements in Hyndburn

3.1 The definition of affordable housing within Annex 2 of the NPPF is:

Social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions for it to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative housing provision.

The Housing and Planning Act 2016 has added Starter Homes to the list of types of affordable housing, and the NPPF will be amended in due course to reflect these changes following the publication of secondary legislation. Starter Homes are to be new dwellings, available to first-time buyers only (aged between 23-40) and sold at a discount of at least 20% of the market value (always for less than £250,000 outside of Greater London). This Guidance Note will be updated to reflect these changes once implemented.

3.2 **Social rented** is housing owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

3.3 **Affordable rented** - the concept of Affordable Rents was introduced in 2011 and is rented housing let by local authority or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to

rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable). Registered providers will be required to offer Affordable Rented homes where developments are funded by Homes and Communities Agency. New flexibilities will allow a proportion of Social Rent properties to be made available at re-let at Affordable Rent. Registered Providers have the flexibility on the length of tenancy to be offered for Affordable Rent, and they retain the option to offer lifetime tenancies. Tenancies for Affordable Rent properties must be generally for a minimum of five years. However, providers will have the flexibility to offer longer tenancies, including lifetime tenancies.

- 3.4 **Intermediate housing** - intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.
- 3.5 **Discounted market housing** - discounted units are offered to local people or people with local connections normally in rural areas who would otherwise be unable to buy a home in the locality at an open market price. The amount of discount will be negotiated on the basis of the Council's latest housing needs survey and up to date house price and income information for the locality. Discounted market homes will be available to purchase according to eligibility criteria agreed between the Council and the developer as part of the planning process. Specific eligibility criteria will be set out in a S106 agreement for the scheme but, for example, a purchaser's income should not enable them to buy a home that matches their needs on the open market, and their household might include:
- at least one member who lives or has previously lived in Hyndburn; or
 - a member who has recently started, or is about to start work in the Borough; or
 - a member who needs to live in the Borough to act as a carer to an ill or elderly person.
- 3.6 Evidence clearly points to a significant proportion of people wishing to purchase a house in the Borough having insufficient income to do so. The Hyndburn Strategic Housing Market Assessment (SHMA) 2014 estimates that there is a net annual requirement for around 225 affordable dwellings in the Borough, although this does not account for the role that the private rented sector plays in meeting affordable housing need which has increased significantly in recent years.
- 3.7 The existing affordable housing policy contained in the Core Strategy seeks to provide 20% affordable housing on sites of 15 units or more. In general, the recommendation (in the SHMA 2014) is that Hyndburn seeks 60% of affordable housing provision to be social/affordable rented, with 40% intermediate. The Council will negotiate the tenure split site by site based on site specifics and location.
- 3.8 The Council will seek to impose occupancy controls to ensure the shared ownership or discounted units remain available to people in housing need in perpetuity. To achieve this objective a section 106 agreement will incorporate a right for the council to nominate and approve purchasers of the shared ownership or discounted units.
- 3.9 In exceptional circumstances a commuted sum payment in lieu of a site provision maybe acceptable. For example where there is a significant amount of affordable housing in a particular locality. In these cases the Council may use funds to assist Registered Providers on sites elsewhere or to assist in bringing back empty houses

back into use for affordable housing purposes. The amount of off-site contribution will be determined on a site by site basis and following receipt of a satisfactory viability report.

4. Negotiating affordable housing on prospective developments

- 4.1 On potential developments of 15 or more units the developer will be asked to provide 20% affordable housing in descending order of priority:- the strong presumption will be onsite provision in the first instance.
- a. On -site provision of agreed house types.
 - b. Off - site provision of agreed house types and location on a site by site basis. e.g. where monitoring indicates that a particular area has an over-concentration of affordable housing.
 - c. Commuted sum payments equating to the 20% provision required on a site by site basis.
- 4.2 The Council is keen to enter into negotiations on affordable housing at the earliest possible stage of the planning process. Pre-planning application discussions are very important. They benefit both developers and the Council by ensuring a better mutual understanding of the needs and constraints relating to the overall development of the site and the expectations for affordable housing. Pre application guidance is available on the Council's website¹³⁰.
- 4.3 The Council will require draft section 106 agreements including affordable housing matters to accompany planning applications to enable validation of such applications in accordance with the Hyndburn Borough Council validation checklist.
- 4.4 Landowners and developers are expected to fully consider the overall costs of development, including the required planning obligations prior to negotiating the sale or purchase of land. Consequently, the overall cost of the development **should include** the provision of affordable housing, whether provided on-site, off-site, or via a commuted sum.
- 4.5 Time expired planning applications which have not been built and are seeking extensions of time limits will be required to complete a new development appraisal test for affordable housing.

5. Off-site provision and assessment of commuted sums

- 5.1 As mentioned above the Council may (in exceptional circumstances) be willing to accept the affordable housing to be provided either partly or wholly off- site. The onus is on the developer to demonstrate the case to the Council's satisfaction that this can be delivered in an acceptable way and time period. In such circumstances the Council will seek to secure alternative provision in the same vicinity of the development site, or elsewhere in the Borough in an area of housing need.
- 5.2 On schemes of 15 units or more, if the developer considers that the affordable housing requirement makes the development unviable, it will be necessary for the developer to complete a scheme viability assessment which includes affordable housing provision. In assessing individual scheme viability the Council will use the Development Appraisal Model produced by the Homes and Community Agency (HCA) and will require the developer to provide the Council with all relevant information relating to land purchase, site remediation costs, full open market prices

¹³⁰ http://www.hyndburnbc.gov.uk/site/scripts/documents_info.php?documentID=614&pageNumber=1

and build costs. The HCA Development Appraisal Model is available from the HCA web site¹³¹. The Council may also use the findings of its own Plan Viability Study to inform decisions on the viability of affordable housing contributions.

- 5.3 The Council will require applicants to pay for viability assessment to be independently assessed by a qualified professional. The Council may choose to use independent consultants to verify and appraise the content of viability assessments.
- 5.4 The calculation of the commuted sum payment will be made at the time of the planning application and will be included in the section 106 agreement. The expectation is that the commuted sum will normally be payable at the commencement of the development, although for significant major schemes, this can be piecemeal in line with phasing and will be considered on a site by site basis.
- 5.5 Commuted sums including those attracted from small developments will specifically contribute towards funding additional affordable housing solutions. These may include new provision, gap funding towards helping scheme viability, bringing new sites forward or refurbishment of long term empty private houses to be managed by a Registered Provider.

6.0 Management of Affordable Housing

- 6.1 The Council consider the provision and future management of affordable housing can be best secured through the involvement of a Registered Provider (RP), or housing association. This will usually be through one of the RPs who have preferred partner status within our joint commissioning partnership. Developers are strongly encouraged to work with one of the RPs below, however working with other RPs would not be precluded. The RPs who currently work with the council are:
 - *Symphony Housing Group (Liverpool)*
 - *Twin Valley Homes*
 - *Great Places Housing Group*

7. Design and Quality Considerations

- 7.1 To ensure a high standard of housing design and help create socially inclusive communities the council expects there should be no discernible design difference between the affordable housing and adjacent market housing. Homes should be built to the latest Homes and Communities Design and Quality standards and meet the design briefs of Registered Providers and Council planning policies. The affordable housing should not be distinguishable from the market housing in terms of external appearance and quality, and therefore, the design and materials employed are to be consistent regardless of tenure (tenure blind).
- 7.2 **Pepper-potting** is commonly defined as the dispersal of affordable housing units within residential developments to promote mixed communities and minimise social exclusion. The overriding purpose of pepper-potting is to ensure affordable housing is fully integrated within market housing.
- 7.3 Generally, the higher the percentage of affordable housing required, the greater the need to ensure that it is integrated within the overall housing stock so that sustainable mixed community and social inclusion objectives are met. Developers are required to discuss at an early stage appropriate layout and phasing of

¹³¹ <https://cfg.homesandcommunities.co.uk/ourwork/development-appraisal-tool>

development with the Local Planning Authority to ensure that affordable housing is dispersed throughout developments.

- 7.4 The Council may in certain circumstances support housing schemes **of more** than 20% affordable housing, subject to the delivery of a tenure mix which supports the sustainability of the new development and the wider neighbourhood.

8. Procedure for Working with Developers

- 8.1 Hyndburn Borough Council Development Management Planning Services have clear guidance procedures for dealing with planning applications at pre planning application stage. These are explained in full in pre-planning application advice on householder, minor and major development schemes available from the Council's website.
- 8.2 Development Management Services operate a team approach involving key services across the Council and statutory partner agencies who will contribute to the processing of the planning application. The team approach does not generally include Registered Providers – we leave it up to the developer to include them or bring them along to the pre-application meetings. However the Council itself may wish to recommend or bring specific providers to the table in relation to major regeneration projects.
- 8.3 Applicants are advised to submit a pre-application enquiry for consideration by Development Management. A view about the affordable housing provision will be included in the Council's overall response to the applicant. For the Council to give as detailed a response as possible the proposals should explain how the applicant is intending to satisfy the affordable housing requirement.
- 8.4 As explained earlier the Council encourages applicants to meet affordable housing requirements through partnerships with Registered Providers. See sections 6 and 9 of this Guidance Note for information on preferred partner RPs. Meetings to discuss types, tenures, etc. with RPs should therefore take place at the earliest possible opportunity.

9. Contacts

- 9.1 The advice in this note is designed to be user friendly and describes the council's policy on affordable housing and housing needs. For initial enquiries about development of a specific site/pre application enquiries please contact the Development Management Team following the pre application advice procedure. Contact details for the preferred partner RPs are as follows:

Twin Valley Homes Prospect House Wharf Street Blackburn BB1 1JD Tel. 01254 269000	Great Places Housing Group Southern Gate 729 Princess Road Manchester M20 2LT Tel.0161 447 5000
--	--

<p>Symphony Housing Group Quay Plaza 2 1st Floor - Lowry Mall Salford Quays Salford M50 3AH T: 0161 875 8005</p>	
--	--

GN3: Materials and colour (policy link DM26)

This Guidance Note provides general guidance on materials and colour relating to new developments across Hyndburn. Where guidance relates to Conservation Areas only, this is stated. Where Conservation Area Appraisals exist for specific Conservation Areas, they will provide further detailed guidance for specific proposals. This Guidance Note does not apply to designated heritage assets which will be considered on a case by case basis in line with Policy DM22: Heritage Assets.

1. Colours

- 1.1 Colour is an important part of our environment. Colours, their shade and intensity and where and how they are used can affect the way we feel and the way in which we perceive our environment and even individual groups or individual buildings. Traditional buildings use a specific range of colours that reflect the era in which they were built. These colours are likely to remain the most suitable for such buildings.
- 1.2 Modern paint colours can be inappropriate as they tend to be more harsh and vivid in comparison. They can often serve to hide the detail of castings or mouldings as the colour is more prominent.
- 1.3 The architectural unity of a conservation area, in whole or part, may depend on the use of specific colours for the decoration of many components including walls, joinery, railings and the public realm.
- 1.4 It is for this reason therefore that where original colour schemes exist they are retained and where traditional colour schemes are known their reinstatement will be supported. Walls and stone detailing which have traditionally not been painted should remain undecorated.

2. Residential

- 2.1 Georgian and earlier Victorian windows were often painted a variety of colours, including dark greens, reds, blues, or warmer, more complimentary colours such as off-white, stone or cream. Such colours blend very well with the natural stone in Hyndburn. Some of the later Victorian windows from the 1880's onwards were often painted white, probably to minimise the light loss caused by glazing bars and to reflect the popular Queen Anne Style. However the white commonly used was not as brilliant as today's white paints can be and the appropriate colour today is an off white or similar shades.
- 2.2 Traditional window frames were almost always painted rather than stained. Woodstain is a modern finish now widely used as it is considered to be more durable than paint; however it is not usually an appropriate finish for a historic building. Modern gloss paint systems in heritage colour ranges perform well in terms of durability, and will have a much more satisfactory appearance.
- 2.3 Renders can often be quite harmful where modern colour finishes are used. There are natural and manufactured pigments that reflect traditional limewash colours.

3. Commercial

- 3.1 The most prevalent finish to traditional timber shopfronts was paint, therefore this will be the most suitable medium in shop front redecoration, replacement and reinstatements.
- 3.2 Where shopfronts form part of one block but are of unrelated design, the paint scheme should be simple to avoid creating visual confusion in the street. Shopfronts in a row which were designed to form part of a wider scheme should incorporate a complimentary paint scheme.
- 3.3 Any shopfront can be completely ruined by ill-considered colour schemes and badly and un-inspired lettering and illumination. It is recognised that in advertising a shop this will be done using colour, lettering/signage and illumination, however, there is a modern tendency to make a shopfront stand out by using bright colours, large signage and lettering and over-illumination.
- 3.4 Limiting the range of colours within a block and avoiding multiple strong contrasts between units helps to unify the group.
- 3.6 It is impossible to dictate upfront appropriate paint colours for each circumstance, however there are many 'heritage' paint colours that are suitable for traditional shopfronts. These heritage colours can emphasise detail such as timber mouldings and really contribute to creating a vibrant street scene. The choice of colour should relate to the shop's location and context but very often rich dark colours or lighter muted tones are suitable as they do not detract from the window display, and enhance the colour of the stonework.
- 3.7 Further detailed guidance on all aspects of shop fronts can be found in Development Management Guidance Note 5: Shop Front Design.

4. Industrial Buildings

- 4.1 The colour of industrial buildings in rural areas or on the edge of rural areas can impact on the way buildings are seen in the context of their surroundings. Natural materials that were traditionally used in the area will always be the preferable choice for buildings due to their minimal visual impact. However, cost and functionality will usually be a consideration for commercial ventures. Typically for walls, pre-cast concrete blockwork may be suitable where it is treated to reflect the local colour of stone usually a buff colour. In wider views dark and non-reflective materials will be preferable to lighter colours as they are less intrusive in the landscape.
- 4.2 The roofing materials for commercial buildings are likely to be profiled sheet in fibre-cement or colour coated steel. The use of suitably coloured materials is important where a building will be visible in the landscape or is sited adjacent to an attractive building group. Dark tones with a low reflectivity are preferable and as a general rule the roof should be darker than the walls since the angle of the roof makes it reflect more light. A number of basic colours and colour combinations are recommended for farm buildings. The most suitable colours will depend on particular location (and there may be an established local tradition to follow).
- 4.3 Most manufacturers can supply fibre cement sheeting with a factory applied colour finish or where the colour is integrated during the process of manufacture. Painting on site is not recommended.

5. Agricultural Buildings

- 5.1 Although the local building materials with which traditional farm buildings of the area were mainly constructed might be preferred on visual grounds, cost and functional considerations will generally dictate a choice from the wide range of factory made products now available.
- 5.2 Typically for walls, pre-cast concrete blockwork at low level as a robust and hygienic surface for livestock management and health. This might be chosen to reflect local colour of stone
- 5.3 The Council may wish to see the use of suitable salvaged stone cladding for walls of buildings in prominent or sensitive sites. In some buildings the lower part of walls may in fact be made up in sheet steel panels or gates or in strong horizontal timber boarding. Generally the lower wall will be substantial to resist heavy cattle movement. At higher level the material would be selected to allow ventilation while screening the interior from rain or snow. Vertical slatted 'Yorkshire Boarding' is an attractive durable material, easily fixed, and replaced which weathers well. Metal cladding will be resisted in rural areas as this has an industrial appearance.
- 5.4 The use of contrasting materials in broad horizontal bands and the creation of a firm shadow line by extending the roof as an overhanging eaves, all help to reduce the apparent height of a large farm building and to bed it more firmly into the land.
- 5.5 In this connection also the extension of the solid lower wall out to the adjacent yard or field walls helps to integrate the new building with its setting.

6. Materials

- 6.1 In conservation areas and other areas considered prominent such as main routes and gateways good quality natural materials will be required which are well detailed, and respect local architectural detailing and styles.
- 6.2 There may be several styles of building that could be appropriate for a particular site in a conservation area. However, whatever the style, whether traditional or contemporary, a key issue will be the ability of the new development to respect the materials and architectural detailing of surrounding buildings. Choice of building materials and details should reflect and reinforce the character of each conservation area. Their use and application should respect local techniques and traditions.
- 6.3 New development should use materials appropriate to the context of the surrounding area. In most cases this means that matching natural stone and slates should be used; however there may be a place for other materials, such as timber, metals, render or glass, in more contemporary designs. Whatever the materials it is vital that they should be of good quality. Artificial stone and slates, or plastics such as uPVC, will not normally be acceptable in conservation areas.
- 6.4 In addition to good quality materials, the appropriate use of architectural detailing can ensure that a development blends well and contributes positively to a conservation area. Good use of detailing can often mean the difference between a bland development and one that enhances its surroundings. The use of local materials and details will help the building respect its context, and designers should be aware of the architectural language of the local vernacular, which adds to the richness of Hyndburn's conservation areas.

GN4: Advertisements (policy link DM27)

The Council will apply the following Guidance Note in conjunction with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Regulations make clear that each application should be determined on its own merits and that it is interests of 'amenity' and 'public safety' that are the key issues that Local Planning Authorities should take into account. The Local Authority will also have appropriate regard to the circumstances of each individual application in coming to any decision.

Policy DM27 and GN4, in conjunction with the relevant sections of the National Planning Practice Guidance, will be used as the Policy framework to assess impact on amenity and public safety for those applications not covered by Schedule 3 of the Regulations – Classes of advertisement for which deemed consent is granted.

Purpose of the Guidance

The aim of the guidance is to allow the appropriate signing of business and other premises without harming amenity, for example minimising clutter or the impact on the architectural qualities of a building or street scene, or safety, for example highway safety at road junctions.

A Advertisements on Buildings

- A1 Advertisements should not cut across or hide significant architectural features of a building e.g. windows, quoins, string courses, cills, lintels, pilasters.
- A2 Advertisements should not be displayed above the lowest part of any first floor windows. Signs should be normally displayed at the fascia height of the building..
- A3 One projecting sign plus one fascia sign per road frontage will normally be considered adequate in most circumstances in order to prevent visual clutter.
- A4 Signs of excessive depth or length normally detract from visual amenity.

B Poster Sites

- B1 Free-standing poster sites (hoardings) will not normally be permitted in rural areas, or in predominantly residential areas because of their affect on visual amenity.
- B2 Poster sites should be in scale with their surroundings.
- B3 Poster displays incorporated into the design structures such as bus shelters and in scale with their surroundings are usually acceptable in terms of visual amenity.

C Advance Directional Signs

- C1 Signs displayed on main roads directing customers to businesses, or other uses may result in the proliferation of signs on main traffic routes to the detriment of highway safety.
- C2 In certain instances a composite sign showing, for instance, the various businesses on an industrial estate may be acceptable. Advance signs to individual premises must be very carefully designed and sited so as not to adversely affect the appearance of the surroundings. Proliferation of such signs will be an important consideration (see C1).

D Signs on Forecourts

- D1 Freestanding signs on pavements and highway verges may obstruct the highway and cause problems for pedestrians especially blind and partially-sighted persons. Static signs on forecourts should comply with the overall aggregate areas of signage permitted under Schedule 3 of the 2007 Advertisement Regulations.

E Design, Materials and the Illumination of Signs

- E1 Signs change with advances in technology but individual designs should minimise the thickness of the sign, through slimline construction or recessing the sign into the fascia, and minimise the degree of internal illumination, for example by fret-cutting lettering and motifs or the use of halo illumination around lettering.
- E2 The intensity of illumination is an important consideration both in amenity and public safety terms. The illuminated signage should be appropriate to the building and its context.
- E3 Unshielded or badly located lighting may cause safety problems by dazzling motorists and will not be approved. Intermittently illuminated signs are generally not considered acceptable on amenity and safety grounds even in commercial areas of the Borough.

F Advertisements in Conservation Areas and on Listed Buildings

- F1 Advertisements in a conservation area should preserve or enhance the character and appearance of that conservation area. An understanding of the character and appearance is therefore an important prerequisite for a successful design. Advertisements are usually successful where they are simple and restrained with muted colours and restricted illumination.
- F2 Consequently, proposals must exhibit an appropriate response to the character and appearance of the area with a sensitive standard of design and good quality materials. National organisations with a corporate identity will be encouraged to produce signs sensitive to traditional forms and materials.
- F3 Within Conservation Areas of a traditional character, signs painted onto a fascia will be most suitable for traditional shopfronts. It may also be acceptable to provide a hanging painted timber sign, or to apply lettering or a logo to the glass of the shop window itself. Where there is no existing fascia on the building any sign should relate to the shopfront, being on it, in it or directly above it. In some instances, painted signs or individual letters fixed directly to the building will be acceptable. In all cases the size, type and colour of lettering must suit the architectural character of the shop front and the building as a whole.
- F4 You may also need a separate Listed Building Consent for any advertisement proposed on a statutorily listed building.

G Shop Front Fascias and Signs

- G1 Fascias are perhaps the most dominant feature of the shopfront. They play a dual role in both communicating the name, trade and number of the shop and forming an important design element in the 'framework' of the shopfront. Shop signs are similarly

important; depending on their position, design and numbers they can either 'clutter' or add a delightful richness and variety to the streetscene.

- a. The scale of the fascia should be in harmony with the other elements of the building. Fascias should not be too deep as they tend to cut off the ground floor from the upper part of the building. Disproportionately large panel fascias and box fascias will be considered to be out of character and generally not acceptable.
- b. The fascia should not extend below the head of the pilaster nor above the perceived floor level below the first floor windows. Corbels above the pilasters have traditionally contained the fascia and also determined its height.
- c. Existing windows and architectural details such as string courses, friezes, cornices and pilasters should not be obscured, boxed in, altered or defaced by fascias or projecting signs or advertisements, as these features add interest to the overall design of the shop.
- d. The use of large areas of acrylic or other shiny materials in fascias should be avoided. On a 19th Century building a painted timber fascia is the most appropriate with either painted lettering or individual letters of another materials.
- e. Box Fascias, usually of plastic and/or metal, often project out of the existing fascia panel, and are too large and bulky and unsympathetic to the style of most buildings. They should generally be avoided.
- f. Good contrast and simple lettering will make signage more legible. Standard shopfront designs used by national retail chains may not be suitable.

Corporate Styles

- G2 Company logos, signs and standard shopfront designs may not be suitable in Conservation Areas. The overall appearance of the building and the area is more important than uniformity of design to promote a 'corporate house style' for multiple retailers / service operators. Within Conservation Areas and on Listed Buildings, where considered essential¹³² applicants will be expected to cooperate in modifying their standard 'corporate' lettering and care should be taken to adapt the design and incorporate the company logo within the overall design of the building.

Signage on Glazing

- G3 Large areas of uninterrupted glazing should be easily identified to prevent people from walking into them accidentally. This should be with permanent marking 1.5m above street level. Clearly visible handles or push plates on fully glazed doors may also help prevent accidents. Young children and people with a visual impairment may not detect the edge of a fully glazed door, and these should have a clearly visible frame or edge.

Projecting or Hanging Signs

- G4 Projecting or hanging signs should provide at least 2.4m clearance from ground level, should be located preferably at fascia level and should not obscure architectural details. In Conservation Areas or on listed buildings, projecting box signs are generally considered unsuitable. Non-internally illuminated hanging signs are preferred for their traditional appearance and simplicity. The hanging sign should be located below the level of first floor window cill, and in such a position as not to damage or obscure corbels or other architectural details.

¹³² To be determined in consultation with the Council's Conservation Officer

G5 Lettering should be part of the shopfront design and should respect the character of the building and the street:

- Size of lettering should be determined by the need to be reasonably legible to shoppers, but not be too large to swamp the fascia or the shopfront.
- Style can help to convey the image of the shop but should not conflict with the other elements of the building.

GN5: Shop front design (policy link DM28)

Introduction

Hyndburn has many important shopping areas and groups of shops that are often busy and well-known public places with their own distinctive character and history. The Council is committed to retaining and enhancing mixed street shopping frontages to provide an attractive streetscape. Well-designed shop fronts have a clear role to play in contributing positively towards this aim.

1. This Guidance Note has been prepared by Hyndburn Borough Council to give advice on the design of shopfronts. It is intended to provide guidance on the replacement of, or alteration to, shopfronts, signs, fascias, etc. within all areas of Hyndburn, including Conservation Areas and for shops which occupy the ground floor of listed buildings.
2. The advice applies to street level premises that have a display window and/or a fascia sign. It includes non-retail uses found in shopping areas or elsewhere such as estate agents, banks, building societies, restaurants and pubs. It will also apply to historic shopfronts that have been converted for other uses such as residential.



Illustration of traditional style shopfronts

3. The guidelines given are not intended to promote any particular style or to be a blue print from which specific designs may be taken, or to remove the need for skilled professional architectural advice. The Council will be flexible in applying the guidance in different contexts, particularly where proposals remain faithful to the overall aims of Policy DM28. The guidelines aim to set out basic principles of good shopfront design and to:
 - provide the necessary information to shopkeepers, shop fitters, builders etc.;
 - familiarise applicants both with some issues in shopfront design and with the Council's Development Plan policies; and
 - to supplement the services of the professional and to encourage applicants to produce attractive and good designs.

Planning Permissions and Consents that may apply to Shopfronts

4. Changes that materially affect the appearance of your shopfront will require planning permission and/or advertisement consent may be required. For example you may need consent for:
 - replacing the whole shopfront or frame
 - installing a new fascia
 - illuminated signs
 - signs above ground floor level or on a wall

- external security shutter and grilles
 - removing the stallriser
 - fitting a new door
 - installing awnings, canopies, flags, banners and pole signs
5. Concerning advertisements, please refer to the DCLG booklet '*Outdoor advertisements and signs: a guide for advertisers (2007)*' as a starting point then to Policy DM 27 and GN4 if consent is required. You may also use the Council's informal pre-application advice procedure, details of which can be found on the Hyndburn Council website.
 6. You may need *planning permission* to change the type of business carried out in your premises (change of use). You do not need *planning permission* for repainting, reglazing or repairing a shopfront (the exception being listed buildings, see below).

Listed Building Consent

7. You may also need Listed Building Consent for any alteration to a shopfront which forms part of a statutorily listed building.

Basic Design Considerations

8. In the design of all shopfronts the following general considerations should be taken into account:-
 - a) **the streetscene:** it is important to consider the effect of the design on the rest of the street and the immediate area.
 - b) **the building as a whole:** it is important to consider the effect of the design on the whole building, and on the adjoining shopfronts.
 - c) **the details:** details in the design are equally important. Original ornaments and other details provide visual interest. Special care in the design of the entrance, windows and signs will help shoppers and will make shopping an easier task, especially for people with a particular disability or mobility problem.

Design Implications

9. Good design, whether modern or traditional, recognises the importance of the various elements of the shopfront, and accommodates the aspirations of the shop owner without detrimentally affecting the building or its context. Good design can enhance and make positive contributions to the building, street scene and retail operation.
10. If the existing shopfront is a distinctive and well-designed one that has fallen into disrepair, then repair work should be all that is required. This is almost always the case with traditional timber shopfronts.

The Principles of the Design Approach

11. In all cases, where a traditional or historic shopfront exists, the council will encourage its retention.

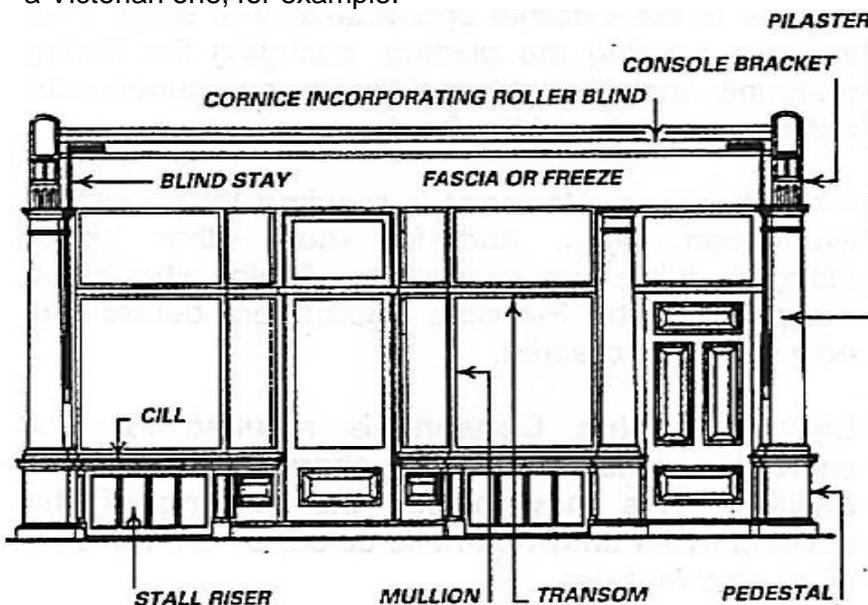
12. There are a variety of approaches which can be adopted to shopfront design. The Council will generally encourage shop owners first to repair original shopfronts, second to repair or re-establish the traditional architectural frame of the shopfront, and third to propose carefully proportioned, modern design.

13. Two common approaches to shopfront design are:

- Traditional Design – where shop fronts have survived special care is needed to ensure that they are preserved and restored in a sensitive manner with careful attention to detail. Traditionally designed shopfronts will be acceptable in Conservation Areas.
- Modern Shopfront - high quality modern design can bring vitality and interest to a street scene. In some contexts traditional design should be the cue for the modern, especially in conservation areas, but in other places a design might be more adventurous in contemporary manner, or, take a middle line between traditional and contemporary approaches.

Traditional Shopfront Surround

14. Traditional shopfronts generally have a surround which involves pilasters, (vertical columns) either side, crowned by a console bracket with a fascia and cornice running between the two, where the shop sign was traditionally placed. The drawing below shows the standard features. However, traditional shop front design went through many fashions for more than a century so that an art deco shop front might be quite different to a Victorian one, for example.



15. Where the traditional surround of a shop remains its features should be retained and a new shopfront incorporated within it.

16. New shop fronts in conservation areas should include a traditional surround and other traditional elements in their design.

Security Shutters and Grilles

17. Within conservation areas externally mounted metal security shutters or grilles will not normally be considered acceptable.
18. A business should consider other solutions which do not harm the appearance of the building before considering roller shutters-
 - Strengthening doorways (e.g. steel backs to doors) and improved locks and
 - Using internal grille shutters.
 - Alarm systems.
 - Bright interior lighting which is visible from the outside.
 - Strengthened glass possibly combined with reducing the size of each glazed area by incorporating additional glazing bars.
 - Construction of solid masonry stall risers to deter ram-raiding.
19. Shutter boxes should be located behind the fascia or integrated within the shop. External shutter housings will not be acceptable in most circumstances.
20. The shutters must relate to the openings to be covered, long shutters covering several openings will not be accepted.
21. Recessed doors should be protected by storm doors, grilles or gates rather than roller shutters.
22. Shutters and shutter guides should be plastic or powder coated in a colour to match and enhance the shop front.
23. External shutters should not extend below windows level and should leave the stall risers visible and should not cover design features such as pilasters, cornices and fascias.

Construction Material and Finish of Shop Fronts

24. Painted or varnished timber is the preferred material for traditional styled shop fronts, unless good reasons suggest otherwise. Metal, timber and seamless glass are suitable for more contemporary designs. Upvc is considered to be an unacceptable material in most instances.
25. Materials should be selected to harmonise with the character of the building concerned.. Stall risers are best constructed in ashlar stone faced blockwork to be resistant to wear as well as attractive visually. Further relevant guidance is provided in Development Management Guidance Note 3: Materials and Colour.

Access and Access for Wheelchair Users

26. Wherever it is practicable, alterations should ensure access for all through the main entrance by creating a clearly defined, well lit, unobstructed and level approach. Where this is not possible, a secondary accessible entrance should be considered. Only in exceptional circumstances should disabled people be obliged to ring a bell or wait to be escorted onto the premises.
27. New shop fronts or alterations to existing shops should be designed with the following points in mind;

- a) The entrance to the shop should be level with the pavement. If this is not possible, a non-slip ramp (maximum gradient 1:12) should be provided, to allow access for people with limited mobility, including elderly people and shoppers with pushchairs
- b) Doors should have a clear opening width of 900mm, with a clear 300mm space adjacent to the opening side of the door. Where there are double doors, there should be a clear opening width of 800mm through at least one of the leaves. Where building constraints make these recommended widths impossible, the minimum clear opening width should be 750mm. Where space is limited automatic doors are helpful, and there are a variety to suit most situations. Traditional shops may choose power-assisted doors, or automatic doors operated via a pushplate. If manual, doors should be light, well hung, and self-closing forces kept to the minimum necessary. Revolving doors are not recommended.
- c) Where there are unavoidable steps, these should be easy going, have a handrail on both sides and should be easy to see by including contrasting step nosings.
- d) On many traditional shopfronts the entrance is recessed. These recesses add variety to the shopping street. However, if open at night, they should be adequately lit for safety reason.

Living over the Shop

28. The Council encourages the residential use of vacant space above shops. This normally requires a separate entrance, which may be incorporated within the shopfront. Where the provision of a separate entrance is proposed at the front of the property care should be taken so that: -

- it does not detract from the shop window, and
- it is consistent with the shopfronts elsewhere in the same shopping parade.

29. To maximise the shop window area, narrow frontages may benefit from the shop and residential entrances being incorporated together as a double entry point in a single recess within the shopfront.

Townscape Heritage Initiative and other Grant Schemes

30. The Council is in the process of facilitating the regeneration of some of the key historic buildings along Blackburn Road (in Accrington Town Centre) under the Townscape Heritage Initiative (THI) project. Grants will be offered to building owners to help fund the reinstatement of local architectural and historic features, and structural and external repairs, alongside work to create a new defined town square and public realm improvements.

31. Whilst guidance contained within this Guidance Note applies to work on shop fronts across all areas of Hyndburn, further specific guidance may be provided in relation to any THI area and funded grant works (including under different grant schemes). Applicants are advised to contact the Council for further details.

GN6: Wind turbine proposals (policy link DM30)

General Requirements

1. The Written Ministerial Statement (WMS) made by the Secretary of State for Communities and Local Government (Greg Clark) on 18th June 2015 altered the planning policy landscape with regards to planning for wind turbines.
2. The WMS stated that '*when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant permission if:*
 - *The development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
 - *Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing*'.
3. The Council intends to identify 'suitable areas for wind energy development' in its Site Allocations DPD. This Guidance Note provides further guidance in relation to some of the planning considerations and impacts that will be assessed under the second part of the WMS, considering the affects of proposals on local communities.
4. Once the DM DPD is adopted, this Guidance Note will update and replace the previous 'Pre-application Advice Note for Wind Turbine Proposals' published by the Council in August 2012.

Application information

5. Proposals for wind turbines need to be carefully considered in order for officers to provide a view in terms of their acceptability. If proposals are at a pre-planning application stage then customers will need to provide the information set out in this Guidance Note, as a minimum. Officers will not be in a position to commence work on providing any pre-planning application advice unless and until all relevant information set out below has been provided

Ministry of Defence (MOD) & Radar Initial Checks

6. We strongly advise enquirers to check with the MOD whether proposed wind turbine(s) would be within flight paths and/or whether proposed wind turbine(s) would have an impact on radar (for example the Warton radar). For further information please use the web link below:

<http://www.mod.uk/DefenceInternet/MicroSite/DIO/WhatWeDo/Operations/ModSafeGuarding.htm>

The MOD will be consulted at planning application stage but it is important to engage directly with the MOD early on in the process. It may not be possible for Hyndburn Borough Council to obtain information from the MOD as part of the formal pre-application advice service (due to MOD workloads) and accordingly enquirers are strongly advised to do their own checks prior to the submission of a formal pre-planning application advice enquiry.

Much of Hyndburn is also included within the Met Office Safeguarded Meteorological Site Radar Consultation Zones as set out in Policy DM30 and on the Policy Maps.

Location Plan

7. Scaled location plan of the site with the proposed tracks, cables and wind turbine(s) annotated in a red line.

Turbine(s) Height and Appearance

8. Scaled drawings to be submitted including the colour and appearance of the turbines.

Photo-montage illustrations

9. To indicate what the turbine(s) will look like from roads, settlements and footpaths. Long and short distance photomontages are required.

A Landscape and Visual Impact Assessment to include zones of theoretical visibility

10. This will include sections taken through the landscape based on topographical information and will demonstrate whether the turbine(s) will be visible from specific road, paths and landmarks. It is possible to use Google earth to inform this process (subject to copy right). To view sections using Google earth:
 1. Press icon that looks like earplugs
 2. Name it
 3. Do NOT press OK but move the sheet to one side
 4. Click on the start of the cross section line, then click on the end. A line appears
 5. Go back to sheet which was moved to one side and click OK
 6. Go to edit
 7. Click elevation profile and the cross section appears

Public rights of way and roads

11. Map showing public rights of way in the vicinity of the site – this can be obtained from Lancashire County Council's Mario Maps (www.lancashire.gov.uk)

Noise Survey

12. To include, if necessary, mitigation (NB: Advice should be sought from Hyndburn Environmental Health in terms of whether there is a need for background noise readings to accompany a noise survey or whether a desk top study would initially suffice).
13. The Planning Practice Guidance makes clear that 'The Assessment and Rating of Noise from Wind Farms' report (ETSU-R-97) should be used in assessing and rating noise from wind energy developments. This may be supplemented by good practice guidance from the Institute of Acoustics where appropriate.

Ornithological and Ecology Survey(s)

14. In the first instance the applicant should carry out a desk study/data search to identify the possible presence of potentially vulnerable species or habitats in the local area, and that

the results of the desk study may indicate that surveys for particular species are required.

15. Relevant organisations to contact (as a minimum) would be the Lancashire Environment Records Network (LERN – the local records centre), and local ornithology and bat groups.
16. The applicant will need to address both construction and operational impacts, for example:
 - Construction (turbine foundation, hardstanding areas, access route, cable route, etc) could have impacts on protected or priority species (for example, nesting birds, badgers, great crested newts/common toads, water voles (if water courses affected), etc) and habitats (if for example within a BHS or an area of priority habitat). The applicant will need to demonstrate that impacts on protected and priority species and habitats will be avoided, mitigated or compensated.
 - Operational impacts tend to be limited to bats and birds, so
 - If the turbine would be located within 50m of potential bat habitat (hedgerows, trees, tree lines, woodlands, watercourses, ponds, buildings, etc), then there should be an assessment of potential impacts on bats. Applicants should refer to guidance issued by the Bat Conservation Trust (Bat Surveys – Good Practice Guidelines) and Natural England (e.g. Technical Information Notes 51 and 59). If impacts on bats (killing or injuring, disturbance, impacts on roosts, etc) cannot be ruled out then options for mitigation should be explored.
 - Turbines can result in collision and disturbance/displacement of sensitive bird species. Smaller turbines are less likely to result in significant collision risk or displacement, but even small turbines (perhaps 25m to blade tip) have the potential to disturb/displace sensitive birds (such as curlew) by several hundred metres. The presence of barn owl roosts/nests/foraging habitat should also be considered, as barn owls may be vulnerable to collision but are also affected by the noise of turbines (they have sensitive hearing) and inappropriately sited turbines could result in abandonment of nests/roosts/territories. The applicant will therefore need to demonstrate that the turbine will not result in impacts on priority bird species. The applicant might want also to refer to RSPB guidance (Wind turbines, Sensitive Bird Populations and Peat Soils: A Spatial Planning Guide for on-shore wind farm developments in Lancashire, Cheshire, Greater Manchester and Merseyside), as this will highlight whether or not the turbine is in a potentially sensitive area (and thus whether or not there is a need for some sort of assessment of potential impacts).
17. If the desk top study indicates a need to undertake specific surveys these must be completed and must accompany the planning application. In all cases the applicant should provide details in terms of how nature conservation will be both protected and enhanced.

Hydrological and Soil Assessment report

18. It will be important to establish whether for example the proposals would have an impact on peat or hydrology for the area.
19. For example, the integrity of any area of deep peat should not be adversely affected, included by dissection for access roads. In addition, development on land that has a peat layer greater than 50cm deep where water is currently used, or is planned to be used, for drinking water supply will not generally be acceptable. This is because of the resultant long-term negative impact on water quality when peat is disturbed.

20. The development of wind farms on peat soils has a number of associated risks that include:
- major disruption to the hydrology of the area which may result in long-term degradation of the peat leading to increase in dissolved organic carbon compounds in the water;
 - damage to peat soil systems as a result of drainage or construction may be impossible to restore. Deterioration of raw water quality will also result in increased or additional treatment at water treatment works;
 - generation of additional sediment (eroded peat) will over time reduce the capacity of reservoirs;
 - when peat is disturbed, a habitat which should be sequestering carbon can emit carbon in a variety of forms, Dissolved Organic Carbon (DOC), Particulate Organic Carbon (POC), gaseous CO₂;
 - alteration of the hydrology of streams associated with peat bodies may negatively influence the flood hydrograph of river catchments, thereby accentuating flood risks downstream; and
 - In general once a peat system has been disturbed, this tends to precipitate a chain reaction of events that leads to loss of carbon, degradation of habitat, negative impacts on raw water quality and alterations to the hydrological functions and services of the upper catchments of river systems.

Highways

21. Plan showing the route to be used for delivery of the turbine(s) and if necessary temporary alterations to the highway to enable delivery.

Visual Amenity Assessment

22. Statement assessing the impact of the proposal in visual amenity terms (this should include reference to a plan for landscape sensitivity for wind farms available on Lancashire County Council Mario Maps – www.lancashire.gov.uk)

Need for Turbine(s)

23. Details of why the wind turbine is needed – e.g. is it to serve nearby development or is it to provide energy to feed into the national grid).

Wind Speeds

24. Details relating to wind speed in the area and whether the turbine(s) would efficiently and effectively generate energy.

Community Involvement

25. Details of engagement with the local community – As a minimum applicants will be expected to have sent letters with proposed plans to those living in residential properties close to the site (at least within 500 metres of the site). A copy of such a letter with list of addresses should accompany the pre- application advice proposal. The pre-application advice proposal should not be submitted until the period (at least 14 days) for receipt of comments from residents has expired. All representations received as part of the pre-planning application consultation should accompany the pre-planning advice application. Applicants are advised to mark the position of the turbine(s) using a wooden stake painted in a bright red colour.

Shadow Flicker Report

26. A report will be needed where there are houses close to the site.

Location of Turbines

27. Wind turbines are often located in exposed locations and where it is difficult to ascertain precise location. Applicants should therefore include OS grid reference coordinates. In addition applicants are advised to mark the position of the turbine(s) using a wooden stake painted in a bright red colour. In exceptional cases the applicants may be asked to position “weighted” balloons so that the location of the proposed turbine(s) can be clearly viewed/assessed from longer distance vantage points.

Requests for Screening Opinions

28. Applicants are advised to request that applications for wind turbines are screened by the Local Planning Authority, having regard to Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, in the following circumstances:

1. (i) The development involves the installation of more than 2 turbines; or
2. (ii) The hub height of any turbine or height of any other structure exceeds 15 metres.

29. The information in the general requirements section above should accompany such a request. Applicants should formally request a screening opinion by letter.

Planning Application Fees for Wind Turbines

30. Circular 04/2008 states:

“Wind turbines are Category 5 for fees purposes (unless of the small domestic type, where installation should be treated as an alteration or curtilage operation in Category 6 or 7a if not allowed as permitted development). To calculate the fee for a new windfarm, add all the land over which the blades of each turbine can rotate to the area of the footprint of any ancillary structures and engineering works. It is not necessary to include within the red line(s) on an application to put up wind turbines any other land between the turbines if no development is proposed there. On a site of no more than five hectares, £335 should be charged for each 0.1 hectare. Over five hectares, a fixed sum of £16,565 is payable with an additional £100 for each 0.1 hectare in excess of the first five hectares, subject to a maximum in total of £250,000.

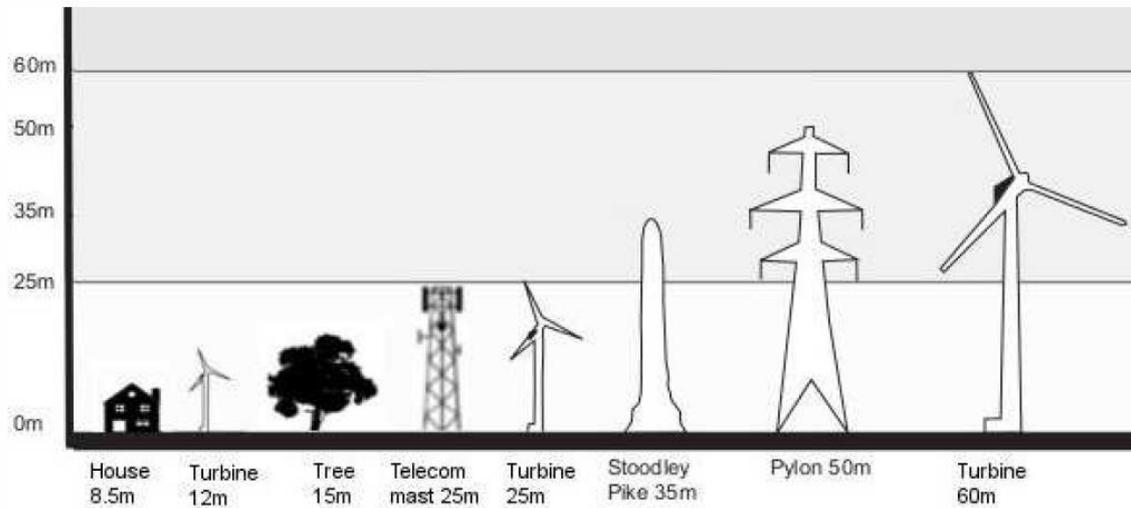
31. Using land within the perimeter of a windfarm for agriculture would not require planning permission for change to a mixed use.

Example

Application to add one turbine to a windfarm, with a substation, buried cable, extended access track and enlargement of the perimeter fence? Including land the blades rotate over, substation and other engineering works, but excluding the access track, the relevant area is 2 hectares. The fee for 2 hectares at £335 per 0.1 hectare comes to 20 x £335 = £6,700. There is no need to include the fixed £170 for new access track (under Category 7b), or the £170 for more fencing (a Category 2 structure that creates no floor space), since only the largest fee is chargeable (see Mixed category applications, below). Therefore only £6,700 would be payable”.

32. The Council charges for pre-planning application advice. Pre-application advice notes, forms and charges are available to be viewed and downloaded from the Council's web site – www.hyndburnbc.gov.uk

Typical heights of Pennine landscape elements, for comparison with turbines of different heights



GN7: Waste management (policy link DM31)

1. Bin Stores and Storage Rooms

- 1.1 The siting of bin stores should have regard to the relationship with the residential development and existing buildings. Bin stores should be visually unobtrusive and may take the form of a suitable building, enclosure or screen. The external appearance of bin stores should have regard to the locality and the materials and colours used should match the residential development. Where possible bin stores should be screened with landscaping and integrated into other domestic features.
- 1.2 Bin storage rooms are acceptable within flatted properties providing that a separating wall or floor with short fire resistance duration is provided between the waste storage room and the rest of the building. The preference, however, is for bins to be accommodated outwith the building. For the development of flats, discussions need to be made with the Council's Waste Department, in accordance with the requirements of this Guidance Note.
- 1.3 The compound must be secure and prevent the waste containers from escaping. The containers should be totally enclosed and ideally covered, together with adequate lighting for residents and collection crews. Bin stores and storage rooms should also have adequate lighting – natural or artificial and good ventilation if completely enclosed. Generally containers will be lined up down both sides of the compound with a access door/s at the end for collection crews, although other layouts may be considered.
- 1.4 Bin stores and storage rooms should allow sufficient space for filling and emptying bins. A 1500mm clear walkway must be provided in front of the waste containers to allow resident access and collection crews to remove individual containers without the need to remove others. The access doors must open outwards towards the collection vehicle and provide a minimum clearance of 1500mm to allow waste containers to be safely manoeuvred in and out by collection crews.
- 1.5 The floor must be hard, smooth and easily cleanable, and of sufficient construction to withstand the weight and movement of waste containers. Where there is a difference in floor levels between the compound floor and the access road, a ramped access at least 1500mm wide must be provided.
- 1.6 For further guidelines on the construction of waste compounds for multi-occupancy developments, see Section 6 below.

2. Distances and Collection Points

- 2.1 Distance from bin storage to collection point must be kept to a minimum. Collection points may either be the kerbside or on a dedicated area of hard-standing to be formed as appropriate.
- 2.2 Bin storage areas should be no more than 45 metres from the roadside collection point where 240 litre bins are used or no more than 15 metres from the collection point where communal bins of more than 1000 litres are used.
 - The route between storage and collection point should be step and obstruction free.

- Developers should seek advice from the Council's Waste Services regarding what type of vehicle is likely to be used for collections and whether there are any specific access requirements.
- Dropped kerbs are essential when planning bin storage and bin stores for development in order to ensure that bins can be presented for collection and collected safely.
- Roadways used by refuse vehicles must be designed to withstand a laden weight of no less than 26 tonnes¹³³

3. Rural Properties

- 3.1 In rural areas residential development may be a considerable distance from the public road. In these circumstances developers should seek advice from the Council's Waste Services regarding properly designed collection points at the roadside and any associated bin store, including opportunities for communal provision.

4. Extensions

- 4.1 Where an existing property benefits from a means of access between front and rear gardens of sufficient width to accommodate wheeled bins, all new extensions should demonstrate that an adequate route for bins from the front to the back of the property is maintained by means of a gap of no less than 1.0m between the extension and curtilage boundary. Exceptions may be made in cases where a route would be maintained through the extension via a garage. A planning condition may be imposed in order to ensure that this provision is maintained and bins do not become stored at the front of the property.
- 4.2 It is acknowledged that minor extensions can be built using permitted development rights and that this could lead to inconsistencies in the application of good practice guidance. Notwithstanding, it is strongly recommended that developers and householders adhere to the terms of this guidance and are advised that planning permission is likely to be required for any new bin store provided at the front of the property as a consequence of any extension.

5. Cost

- 5.1 Developers will be expected to meet the cost of providing appropriate waste containers on new housing sites of 10 or more dwellings. A financial contribution is sought for collection of waste and containers (only for residential development). In 2015 these costs are £50 per property (domestic without garden) and £75 per property (domestic with garden). Prices are however reviewed every year therefore applicants should refer to the Council's latest prices on the website.

6. Construction of waste compounds for multi-occupancy developments

Container Dimensions:

¹³³ Council vehicles specifications for swept path analysis are as follows Overall length – 10.3m, Overall width – 3.15m, Overall body height - 3.85, Min body clearance - 0.25m, Track width 2.75m, Lock to Lock time 5 Sec, Kerb to kerb turning radius – 22.5m

Type of waste	Container	Dimensions (mm)		Floor space Required (mm)
		Width	Height	
Non recyclable waste	1100 Litre Eurobin	Width	1210	1500 X 1160
		Depth	960	
		Height	1340	
Paper Plastic bottles and cans	240 Litre wheeled bin	Width	580	680 X 840
		Depth	740	
		Height	1070	
Glass bottles jars etc	140 Litre wheeled bin	Width	480	580 X 655
		Depth	555	
		Height	1070	
Cardboard	Cage / stacked in designated area	Width	1000	1100 X 1100
		Height	1000	
Textiles (In plastic sacks)	Cage / stacked in designated area			

Minimum number of waste containers split into individual waste streams

No. of dwellings in development	Waste Stream	Type of Container	No. required
Up to 10	Paper	240 Litre wheeled bin	3
	Plastic bottles and cans	240 Litre wheeled bin	5
	Glass	140 Litre wheeled bin	3
	Cardboard	Cage	1
	Non recyclable waste	1100 Litre Eurobin	2
11 to 15	Paper	240 Litre wheeled bin	4
	Plastic bottles and cans	240 Litre wheeled bin	6
	Glass	140 Litre wheeled bin	4
	Cardboard	Cage	1
	Non recyclable waste	1100 Litre Eurobin	3
16 to 20	Paper	240 Litre wheeled bin	5
	Plastic bottles and cans	240 Litre wheeled bin	7
	Glass	140 Litre wheeled bin	5
	Cardboard	Cage	2
	Non recyclable waste	1100 Litre Eurobin	4
21 to 25	Paper	240 Litre wheeled bin	6
	Plastic bottles and cans	240 Litre wheeled bin	8
	Glass	140 Litre wheeled bin	6
	Cardboard	Cage	2
	Non recyclable waste	1100 Litre Eurobin	5
26 to 30	Paper	240 Litre wheeled bin	7
	Plastic bottles and cans	240 Litre wheeled bin	9

	Glass	140 Litre wheeled bin	7
	Cardboard	Cage	3
	Non recyclable waste	1100 Litre Eurobin	6
31 to 40	Paper	240 Litre wheeled bin	9
	Plastic bottles and cans	240 Litre wheeled bin	11
	Glass	140 Litre wheeled bin	9
	Cardboard	Cage	4
	Non recyclable waste	1100 Litre Eurobin	8
41 to 50	Paper	240 Litre wheeled bin	11
	Plastic bottles and cans	240 Litre wheeled bin	13
	Glass	140 Litre wheeled bin	11
	Cardboard	Cage	5
	Non recyclable waste	1100 Litre Eurobin	10
51 to 60	Paper	240 Litre wheeled bin	12
	Plastic bottles and cans	240 Litre wheeled bin	15
	Glass	140 Litre wheeled bin	12
	Cardboard	Cage	6
	Non recyclable waste	1100 Litre Eurobin	12

PLEASE NOTE

Where the development proposes 2 compounds to be constructed the number of bins required should be rounded up to the next even number so each that each compound has equal numbers. i.e.

16 to 20	Paper	240 Litre wheeled bin	6 - (up from 5)
	Plastic bottles and cans	240 Litre wheeled bin	8 - (up from 7)
	Glass	140 Litre wheeled bin	6 - (up from 5)
	Cardboard	Cage	2 - (no change)
	Non recyclable waste	1100 Litre Eurobin	4 - (no change)

For developments with over 60 dwellings please contact the Council for specific advice and guidance at the following address.

Waste Services, Hyndburn Borough Council, Willows Lane, ACCRINGTON,
Lancashire, BB5 0RT

GN8: Car parking, access standards and transport assessment/travel plan thresholds (policy link DM32)

1. In 2011 the previous requirement to set 'maximum' parking standards for residential development by local authorities was removed. Subsequently, through paragraph 39 of the NPPF, the Government has made clear that local planning authorities should consider a range of factors when setting local parking standards. These include accessibility of developments, the type and mix of uses proposed, the availability of (and opportunities for using) public transport in the area, and information on local car ownership levels.
2. A Written Ministerial Statement of the 25th March 2015 further clarified the Government's stance on parking matters stating that local planning authorities should only impose local parking standards where there is clear and compelling justification that it is necessary to manage their local road network. In Hyndburn, maximum car parking and access standards were introduced and adopted in 2010 and have since been used in planning decisions where relevant.
3. The nature of the Borough, in terms of its relatively high-density compact urban form, demographics and low car-use¹³⁴, has meant that the implementation of maximum parking standards over the previous 5 years has not lead to unacceptably blocked and congested streets or pavement parking, one of the main drivers for Government abolishing the national parking standards and the WMS of March 2015.
4. In the absence of any clear negative impacts on the implementation of maximum car parking standards in Hyndburn, and the clear sustainability arguments for restricting car parking provision (helping to encourage reduced car use, in so doing reducing congestion and pollution) the Council intend to retain the use of the adopted standards in the Development Management DPD.
5. As such, this Guidance Note sets out the Car Parking and Standards that the Council will expect to see in new developments (7A). It also sets out the accessibility questionnaire to be used in demonstrating how accessibility by walking, cycling or public transport may be improved as part of any new development (7B). The accessibility questionnaire requires an applicant, where applicable, to justify the reasons why lower parking provision than the maximums specified are being proposed. Finally it covers the local thresholds for new floorspace against which Transport Assessments and Transport Plans will be required to accompany applications.

¹³⁴ the 2011 Census shows that across Hyndburn 28% of households have no access to a car or van, with some areas having in excess of 50% of households

GN8A – Car parking and access standards

Use	Broad Land Use	Specific Land Use	Baseline Maximum Car parking standard (gross floorspace where applicable)
A1	Shops	Food Retail	1 space per 14 sq. m
		Non Food Retail	1 space per 20 sq. m
		Retail Warehouse	1 space per 40 sq. m
A2	Financial and Professional Services	Banks/building societies, estate and employment agencies, professional and financial services	1 space per 30 sq. m
A3	Restaurants and cafes	Restaurants and cafes	1 space per 5 sq. m of public floor area
A4	Drinking establishments	Public houses/wine bars/other drinking establishments	1 space per 5 sq. m of public floor area
A5	Hot Food Takeaways including drive-throughs	Use for the sale of hot food off the premises	1 space per 12 sq. m unless in a town/district centre location
B1	Business	Light industry, business parks, office, call centres, research and development	1 space per 30 sq. m
B2	General Industry	General Industry	1 space per 45 sq. m
B8	Storage and Distribution	Storage or distribution centres, wholesale warehouse, repositories	1 space per 100 sq. m
C1	Hotels	Hotels, boarding houses and guesthouses	1 space per bedroom inclusive of staff parking provision
C2	Residential Institutions	Residential care homes/nursing homes	1 space per 5 beds <i>plus</i> 1 space per 10 beds for visitors/staff ¹³⁵
		Sheltered Accommodation	1 space per 3 beds <i>plus</i> 1 space per 10 beds for visitors/staff
		Residential Training Centres and halls of residence	1 space per bed
		Hospitals	1 space per bed
C3	Dwelling houses (standards also equally apply to flats). Town centre sites will be considered on individual merits	1 bedroom dwelling	1 space
		2-3 bedroom dwelling	2 spaces
		4+bedrooms	3 spaces

¹³⁵ There may be a requirement for additional car parking where a proposal includes an element of low care or where there would be a number of more “mobile” residents, in which case the C3 dwelling house standard will be applied

C4	Houses in multiple occupation	As per C3 standards	As per C3 standards
D1	Non residential institutions	Art galleries, museums, libraries	1 space per 20 sq. m
		Halls and places of worship	1 space per 5 sq. m
		Schools	1 space per 2 staff <i>plus</i> 1 space per 10 students
		Crèche/day nurseries/day nurseries	1.5 per 2 staff plus drop off zone (in or outside the curtilage) of 1 space per 10 children
		Medical/health facilities	4 spaces per consulting room
D2	Assembly and Leisure	Cinemas, bingo and casinos, conference centres, music and concert halls	1 per 5 seats
		General leisure: dance halls (but not night clubs), swimming baths, skating rinks and gymnasiums	1 space per 22 sq. m
Misc. / Sui-Generis		Theatres	1 space per 5 seats
		Motor car showrooms	1 space per 50 sq. m internal showroom
		Petrol filling stations	1 space per pump
		Taxi Booking Offices	1 space per 1.5 cars operating from the business. Off street and dedicated car parking to be provided and within 100 metres of the office.
		Vehicle repair and service stations	1 space per 50 sq. m

Further Guidance

Driveway Lengths

These should be a minimum of 5.5m long to enable up and over doors to open. A relaxation of this standard to 5.0m may be considered depending on the type of garage door to be installed.

Car Parking Space

2.4m x 5.0m

A minimum of 6 metres is required to enable cars to reverse out of a car parking space.

Mobility Parking

Mobility parking spaces (3.0m x 5.0m) shall be provided at a minimum level of 1 per 10 car parking spaces. 1.2 metres hatched area required either side of space (only one side if at open end of row) and normally 1 metre hatched area behind.

Bicycle Parking

Minimum level of 1 per 10 car parking spaces. Long stay covered areas shall be provided on all developments employing 30 or more full or part time staff. Space shall be provided for a minimum of two bicycles for 2-3 bedroom houses and four bicycles for 4+bedroom houses.

Motorcycle Parking

Minimum of 1 per 25 car spaces. Long stay covered areas shall be provided on all developments employing 30 or more full or part time staff.

Domestic Garages

These should be a minimum size of 3.0m x 6.0m. This will enable bicycles to be parked to the rear of the garage. Where no garage is provided alternative covered lockable provision should be made on or within 100 metres of the property.

In respect of domestic car parking standards a garage (6mx3m) would count as one space subject to the imposition of a planning condition controlling use.

Accessibility Questionnaires and Maximum Car Parking Standards

All proposals of over 500 sq. m gross floor area/10 or more houses with low accessibility will be expected to demonstrate how accessibility by walking, cycling and public transport can be enhanced to at least medium accessibility level. Accessibility questionnaires (see GN8B) should be completed for all developments over 500 sq. m or for 10 or more residential units where there is a reduction proposed from the maximum standard. The Local Planning Authority may request financial contributions to improvement/enhance accessibility through a Section 106 agreement.

The starting point is to work to maximum standards. There may be very rare occasions where there is a significant traffic management or highway safety issue(s) in the locality that would require the Local Planning Authority to require more than the maximum standards.

In some cases applicants may be able to demonstrate, though for example the use of the accessibility questionnaires that a site has high accessibility or through mitigation/improvement it can be made so. In those circumstances the Local Planning Authority may allow a reduction in the baseline by up to 10%. The Local Planning Authority would work to maximum car parking standards in respect of sites that have low and medium accessibility. Accessibility questionnaires are attached to these standards (7c).

Travel Assessment and Travel Plan Thresholds

A table is attached to these standards (GN7C) and explains the circumstances when transport assessments and travel plans will need to accompany planning applications. In respect of the A3 (Food and Drink) standard this would equally apply to use classes A4 (Drinking Establishments) and A5 (Hot food Takeaway). In respect of use class C4 (Houses in Multiple Ownership) this would be the same standard as C3 (Dwellinghouses).

Town Centres/Defined Shopping Areas

In defined town centre locations applicants are unlikely to have to work to maximum car parking standards unless there is an identified car parking management/shortage of public car parking spaces. This does not apply in respect of proposed or extended taxi booking offices where applicants will be required to work to the requisite car parking standard. For major town centre proposals (1000 sq m floorspace or more, or ten or more residential units) each application will be considered on its merits.

On-Street Car Parking Outside of Town Centres/Defined Shopping Areas

The starting point is to work to maximum car parking standards and these relate to off street and private spaces. However, there may be instances where it would be acceptable to allow some on-street car parking in respect of the relevant standard. This would, however, be conditional upon no adverse impact on the safe movement of traffic/pedestrians or the amenities enjoyed by existing residents in the locality. Each application will be considered on its merits in respect of this matter.

Other Highway Design and Access Standards

In respect of highway design and access matters not addressed in these standards the Council will determine planning applications against Lancashire County Council's adopted "Civilised Streets" guidance.

GN8B: Accessibility Questionnaires

Site Description:

Application Ref:

Access Type	Criteria	Criteria Scores	Score	Actual Score	
Walking	Distance to the nearest bus stop from main entrance to building via direct, safe route.	<200m	5		
		<300m	3		
		<500m	1		
		>500m	0		
	Distance to nearest railway station from main entrance building	<400m	3		
		<1km	2		
		>1km	0		
Cycling	Proximity to defined cycle routes	<100m	3		
		<500m	2		
		<1km	1		
Public Transport	Bus frequency of principal service from nearest bus stop during operational hours of the development	Urban/ Suburban			
		15 minutes or less	5		
		30 minutes or less	3		
		>30 minutes	1		
		Villages and Rural			
		Hourly or less	5		
		2 Hourly or less	2		
		1 or more per day	1		
		Number of bus services serving different localities stopping within 200 meters of main entrance	4 or more localities served	5	
			3	3	
2	2				
1	1				
Train frequency from nearest station (Mon-Sat daytime)	30 minutes or less	3			
	30-59 minutes	2			
	Hourly or less frequent	1			
Drive time to nearest station	10 minutes or less	2			
	15 minutes or less	1			
Other	Travel reduction opportunities	Facilities on site or within 100 meters that reduce the need to travel			
		• food shop/café	1		
		• Newsagent	1		
		• Crèche	1		
		• Other	1		
Total Aggregate Score					
Accessibility Level	High: 24-30	Medium 16-23	Low: 15 or less		

Accessibility questionnaires should be completed for all developments over 500 sq m or for 10 or more residential units where there is a reduction proposed from the maximum standard. The Local Planning Authority may request financial contributions to improvement/enhance accessibility through a Section 106 agreement.

GN8C: Transport Assessment and Travel Plan Thresholds

The table below illustrates the thresholds that will be used to determine whether a Transport Assessment (TA) and a Transport Plan (TP) will be required.

Use Class	TA Threshold (m ² GFA)	TP Threshold (m ² GFA)
A1 Retail	1,000	1,000
A1 Non food retail	1,000	1,000
A2 Financial & Professional Services.	2,500	2,500
A3 Food and Drink	1,000	◆
B1 (a) Offices	2,500	2,500
B1(b) and (c) Light ind., Research and Dev.	2,500	2,500
B8 Storage & Distribution	10,000	◆
C1 Hotels	1,000	◆
C2 Hospital	2,500	1,000
C2 Residential College / School	250	500
C3 Dwelling Houses	100 dwellings	◆
D1 Primary Schools	1,000	◆
D1 Secondary Schools	2,500	◆
D1 Further Education	2,500	500
D1 Medical	2,500	◆
D1 Conf. facilities	1,000	1,000
D1 Other	2,500	2,500
D2 Cinema	1,000	1,000
D2 Stadia	1,500 Seats	1,500 Seats
D2 Other	1,000	1,000

◆ To be determined by the Highway Authority on a case-by-case basis.

GN9: Agricultural, forestry and other occupational dwellings (policy link DM34)

1. Introduction

1.1 Paragraph 55 of the NPPF makes clear that isolated new homes in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

7.2 It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby. Where independent assessment of any submitted Agricultural Statements are required, the cost of this will be borne by the applicant.

8. Permanent agricultural dwellings

a. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- (i) there is a clearly established *existing* functional need;
- (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned, and;
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

2.2 A *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

- (i) in case animals or agricultural processes require essential care at short notice;

- (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
- 2.3 In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.
- 2.4 The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.
- 2.5 If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.
- 2.6 New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 2.1(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.
- 2.7 Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.
- 2.8 Local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).
- 2.9 Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.

Temporary agricultural dwellings

- 3.1 If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:
- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
 - (ii) functional need (see paragraph 4 of this Annex);
 - (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - (v) other normal planning requirements, e.g. on siting and access, are satisfied.
- 3.2 If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.

4. Forestry dwellings

- 4.1 Local planning authorities should apply the same criteria to applications for forestry dwellings as to those for agricultural dwellings. The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional methods of forestry management, which can involve the use of a peripatetic workforce, new forestry dwellings may not always be justified, except perhaps to service intensive nursery production of trees.

5. Other occupational dwellings

- 5.1 There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.

6. Occupancy conditions

- 6.1 Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it

will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.

- 6.2 Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.

7. **Information and appraisals**

- 7.1 Planning authorities should be able to determine most applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural or other consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural, or other business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.

GN10: Distances between development and trees (policy link DM17)

1. This guidance note provides supplementary guidance on Policy DM17 of the Development Management DPD. Its purpose is to act as a best practice example for the provision of new trees, and retention of existing ones, in new residential developments in the Borough.
2. This guidance note will be used to ensure that there is a reasonable balance between the needs of trees and the needs of developments and their users. This is in order to enable that sufficient space is allowed for existing trees to be retained in a healthy condition, and for existing and new trees to grow to full maturity whilst retaining the long-term amenity of the buildings and associated open spaces. Please note that this guidance note only refers to new developments, and that there may be exceptional circumstances where the Distance Table is not deemed to be appropriate for use (for example where a tree is of exceptional value and development is vital).
3. This guidance note should be used to inform the writing of, and then in conjunction with, Arboricultural Implications Assessments (AIAs). AIAs must be carried out in accordance with the most recent British Standard 5837 as outlined in Policy DM17.

Distance Table

4. The following table outlines the advised distances of a selection of different sized species suitable for planting within developments. This list is not exhaustive, therefore it should be read in conjunction with any advice obtained from a qualified landscape architect (in particular where the application is a 'major' development), and the Local Planning Authority's Trees and Woodlands Officer.
5. Distance calculations are taken from the windows of proposed buildings. Also, where there is a tree proposed in a main garden area, the space that should be allowed for the garden area should be calculated as follows:
 - 'Rear of Usable Garden' - from the furthest edge of the garden to the nearest point of the building; and
 - 'Side of Usable Garden' - from the edge of the usable garden area to the location of the proposed/existing tree.
6. For non-residential developments, 'garage' and 'main room' will not apply. References to gardens will relate to usable open space.
7. All measurements are in metres with height and crown spread as species averages.

Tree Species	Height	Spread	Main Room	Secondary Room	45° to Main Room	Side of Building	Side of Usable Garden	Rear of Usable Garden	Garage
Field Maple	12	8	8	8	5	6	4	14	5
Norway Maple	18	10	10	8	6	7	5	16	6
Sycamore	20	12	12	10	8	10	6	18	8
Silver Maple	18	10	10	8	6	7	5	16	6
Horse Chestnut	18	12	12	10	8	10	6	18	8
Alder (Common, Italian, Grey)	16	8	10	6	5	6	4	14	5
Snowy Mespilus (Amelanchier)	6	4	6	5	3	3	2	8	3
Monkey Puzzle	16	5	6	5	5	6	2	12	5
Birch (Silver, Downy)	16	8	8	6	5	6	4	10	5
Hornbeam	14	8	10	8	5	7	4	14	5
Fastigate Hornbeam	14	6	8	5	5	6	2	12	5
Cedar (Atlas, Deodar)	18	12	14	12	8	10	6	18	8
Lawson Cypress	8	3	6	5	5	5	1	10	5
Tree Cotoneaster	5	4	5	4	2	3	2	8	3
Hawthorn (Various)	5-8	4	5	5	5	5	2	8	5
Leyland Cypress ('Leylandii')	20	5	12	10	6	7	3	18	5
Dove Tree (Peace Tree)	12	8	8	6	5	7	4	12	5
Beech (Common, Copper)	25	20	16	14	10	10	8	18	8
Ash (Common, Manna)	22	16	16	14	10	10	8	18	8
Holly (Various)	10	6	8	6	5	5	3	12	5
Laburnum	8	4	6	5	5	5	2	8	5
Larch (European, Japanese)	16	6	8	6	5	5	3	13	5
Tulip Tree	16	10	12	10	6	8	5	14	5
Crab Apple	7	5	6	5	5	5	3	8	5
Dawn Redwood	18	6	10	8	5	8	5	18	5
Pine (Various)	16	6	8	6	5	5	3	14	5
Spruce	18	5	12	10	6	6	1	16	6

Tree Species	Height	Spread	Main Room	Secondary Room	45° to Main Room	Side of Building	Side of Usable Garden	Rear of Usable Garden	Garage
London Plane	18	12	14	12	8	10	6	16	8
Ornamental Pear ('Chanticleer')	12	5	8	6	5	5	2	8	5
Poplar (White, Black)	20	18	16	14	14	14	10	20	10
Poplar (Lombardy)	20	4	10	10	10	10	5	16	10
Aspen	14	8	10	8	6	8	4	12	5
Wild Cherry	16	12	12	10	10	10	6	16	6
Ornamental Cherry (Various)	8	7	7	7	7	7	3	10	5
Oak (English, Sessile, Red, Turkey, Scarlet)	20	12	14	10	10	10	6	18	8
Oak (Holm)	16	10	12	10	8	8	5	14	6
False Acacia (Robinia)	18	10	12	10	10	10	5	16	8
Willow (White)	25	16	16	16	10	10	8	22	10
Willow (Goat/Pussy)	14	8	8	8	8	8	6	14	8
Willow (Crack, Weeping)	18	18	16	16	14	12	8	20	10
Whitebeam (Common, Swedish)	10	6	8	6	5	5	3	10	5
Rowan	15	6	6	5	5	5	3	8	5
Bastard Service Tree	10	5	6	5	5	5	2	8	5
Lime (Various)	22	12	10	10	10	10	5	20	8
Elm (Wych, English)	18	10	12	10	10	8	6	16	8

DM DPD Policy Maps

The Development Management DPD Policy Maps show the location of key policy constraints or allocations relevant to (and referenced within) this DPD. They are available to view online through the Council's online mapping system, available at:

<http://online-mapping.hyndburnbc.gov.uk/eggpgui/>

IMPORTANT NOTES

Please note that some of the map layers are subject to change over time, therefore applicants and/or developers are advised to consult the Policy Maps regularly to ensure that they have the most up to date information at the time of any application. To ensure that a full picture of development constraints on a site is obtained there are two other additional points to note:

1. Further mapping sites from organisations such as the Environment Agency and Health and Safety Executive may also need to be consulted to gain a full picture of development constraints on sites in the Borough.
2. the Policy Maps should be read in conjunction with the relevant (extant) allocations identified on the Hyndburn Local Plan Proposals Map (adopted November 1996), and the Lancashire Minerals and Waste Local Plan Proposals Map, including identified Site Allocations and Mineral Safeguarding Areas, for a full picture of the Development Plan for the area.

Policy Maps are to be completed prior to Full Council Meeting

What is it for?

Our corporate values include putting the customer first, providing opportunities for bright futures and narrowing inequality across the Borough.

From 1 April 2011, a new legal duty applies to all public authorities. It covers these protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- gender;
- sexual orientation; and, for some aspects, marriage and civil partnerships.

The duty means that – as previously - we should analyse the effect of existing and new policies and practices on equality. It does not specify how we should do this. However, legal cases on the meaning of the previous general equality duties make it clear that we must carry out the analysis **before making the relevant policy decision**, and include consideration as to whether we can reduce any detrimental impact.

The framework overleaf – our Customer First Analysis - is suggested when making a written record of the analysis. This replaces Equality Impact Assessments.

The Analysis should be **proportionate** to the policy decision being taken. In some cases the written record will be a quick set of bullet points or notes under each heading, to deal with any questions which are relevant (or briefly explain why if they aren't). Others will need to be much more detailed. A meaningful Analysis will help the Council make the best decision or formulate a policy which best meets our customers' needs.

Please return completed Customer First Analyses to Shaheen Amaan in Human Resources. Shaheen can guide you through the process if this would be helpful.

If you have any suggestions for improving this process, please let me know.

Kirsten Burnett
Head of HR

Customer First Analysis

1. Purpose

- What are you trying to achieve with the policy / service / function?
The Development Management Development Plan Document (DM DPD) forms part of the new Local Plan for Hyndburn. It sets the detailed planning policies against which planning applications for new development will be considered. Strategic planning policy matters are covered in the Core Strategy (adopted in 2012), and the DM DPD supports the adopted strategic policies, providing more detailed guidance to assist decision makers.
- Who defines and manages it?
Hyndburn Borough Council, through the Planning Service, including both the Plans and Environment and Development Management functions.
- Who do you intend to benefit from it and how?
Existing and future residents of the Borough will benefit, through higher quality developments. Developers will also gain greater upfront certainty on the type of development that the Council will support.
- What could prevent people from getting the most out of the policy / service / function?
Inadequate consultation
- How will you get your customers involved in the analysis and how will you tell people about it?
The DM DPD will be consulted in accordance with the relevant regulations and the Council's Statement of Community Involvement.

2. Evidence

- How will you know if the policy delivers its intended outcome / benefits?
The DM DPD includes a section on monitoring and implementation to ensure the outcomes of the policies are as intended.
- How satisfied are your customers and how do you know?
The local community and organisations have been involved with the production of the DM DPD in earlier stages. Where justified and appropriate, this version of the document incorporates representations received from the community and organisations in previous stages.
- What existing data do you have on the people that use the service and the wider population?
The DM DPD (and Local Plan as a whole) is supported by an extensive evidence base which takes into account the socio-economic profile of the Borough.
- What other information would it be useful to have? How could you get this?
N/A
- Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?
This has been considered where it is relevant to issues of spatial planning and design in the preparation of the DM DPD.
- Are you using partners, stakeholders, and councillors to get information and feedback?

These groups have all been involved in the formulation of the DM DPD in earlier stages, and in production of this 'Publication' version which represents the Council's final version that it wishes to adopt.

3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?
There is no evidence of this to date as the DM DPD is still at the draft stage. The statutory consultation phase of the DM DPD will be undertaken in line with the Council's 'Statement of Community Involvement' which includes measures are taken to ensure that hard to reach groups are engaged. A sustainability appraisal has also been undertaken, and will be updated through the process, which assesses the impact of the DPD on social, economic and environmental matters. Where relevant, an Equality Impact Assessment will also be submitted with the DPD to the Secretary of State.

4. Actions

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?
N/A
- Is it discriminatory in any way?
Not aware of this, every effort will be made to publicise relevant consultations on planning policy as it develops in line with the Council's Statement of Community Involvement at the appropriate time
- Is there a possible impact in relationships or perceptions between different parts of the community?
No
- What measures can you put in place to reduce disadvantages?
Ensure that the future consultations on planning policy and guidance are open to all. The Council's agreed Statement of Community Involvement will be followed wherever practical to ensure this objective is achieved.
- Do you need to consult further?
No. Following the statutory consultation period proposed for September/October 2016 no further consultation will be necessary under the Town and Country Planning (Local Planning) (England) Regulations 2012. The DPD will be formally submitted to the Secretary of State for independent Examination, alongside any comments received during the September/October consultation period.
- Have you identified any potential improvements to customer service?
No
- Who should you tell about the outcomes of this analysis?
This can be made available alongside the adopted plans
- Have you built the actions into your Business Plan with a clear timescale?
N/A

- When will this assessment need to be repeated?
[Next report to Council](#)

Don't forget to return your written record to HR.

Agenda Item 10.

REPORT TO:	Council		
DATE:	15 September 2016		
REPORT OF:	Cllr Abdul Khan, Chair of the Resources Overview and Scrutiny Committee		
REPORT AUTHOR:	Overview and Scrutiny Officer		
TITLE OF REPORT:	Appointment of Co-optees		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To submit recommendations for Co-opted Members on to the Overview and Scrutiny Committees.

2. Recommendations

- 2.1 That Council approves the following appointments of Co-optees to the Resources Overview and Scrutiny Committee:
- Honorary Alderman Paul Barton

3. Reasons for Recommendations and Background

- 3.1 The Councils Constitution, Overview and Scrutiny Procedure Rule C2 states:

Each overview and scrutiny committee may appoint up to three members of the public, who the committee deems to have relevant experience of topics related to that scrutiny committee, as non-voting co-optees.

(i) Applications may be invited to fill a vacancy for a co-opted member at the Overview and Scrutiny Committee; applications may also be received directly from members of the public.

(ii) The application will be considered first at the relevant Overview and Scrutiny Committee. The Committee will consider the knowledge and experience of the applicant relevant to the terms of reference or work programme of the Committee.

(iii) The intention is that such co-optees will be non-political.

(iv) If the majority of the Overview and Scrutiny members support the appointment of the applicant, the proposed appointment will be presented to Council for approval.

3.2 There are 6 positions for Co-opted Members between the 2 Committees.

Honorary Aldermen Dave Parkins and Ian Ormerod, and former councillor Kerry Molineux have been appointed previously by Council.

3.3 A nomination to be Co-opted on to a Committee has been received. Councillor Tony Dobson nominated Honorary Alderman Paul Barton to the Resources Overview and Scrutiny Committee. The nomination stated:

“As a former member of Hyndburn Borough Council, a previous Mayor and a local businessman, Paul has all the attributes to bring a common sense private sector business argument to the role of Resources Overview and Scrutiny Committee. Having a number of successful businesses in Hyndburn has proven to Paul how difficult managing your resources can be and having a breadth of experience on these committees can really help the council move forward.”

3.4 The Resources Overview and Scrutiny Committee discussed this application at its meeting on the 6th September, and have recommended that Honorary Alderman Paul Barton be co-opted on to the Committee.

4. **Alternative Options considered and Reasons for Rejection**

4.1 Council could choose to reject the recommendation from the Committee as it is a Council decision to make an appointment.

5. **Consultations**

5.1 None

6. **Implications**

Financial implications (including any future financial commitments for the Council)	None
Legal and human rights implications	None
Assessment of risk	None

<p>Equality and diversity implications A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</p>	<p>Not Applicable</p>
---	-----------------------

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

- 7.1 *Agenda, reports and minutes of the Resources Overview and Scrutiny Committee on 6th September 2016*
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=132&MId=1082&Ver=4>

This page is intentionally left blank

CABINET

Wednesday, 20th July, 2016

Present: Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Munsif Dad, Gareth Molineux and Ken Moss

In Attendance: Councillors Peter Britcliffe, Tony Dobson, Terry Hurn, Abdul Khan and Paul Thompson

Apologies: Councillor Paul Cox

95 Apology for Absence

An apology for absence was submitted from Councillor Paul Cox (Deputy Leader of the Council).

96 Declarations of Interest and Dispensations

The Portfolio Holder for Resources (Councillor Gareth Molineux) declared a personal interest in the item relating to "Rhyddings Park Heritage Lottery Bid". His interest arose due to his employer being involved in work at the Park.

There were no declarations of dispensations.

97 Minutes of Cabinet - 8th June 2016

The Minutes of the meeting of Cabinet held on 8th June 2016 were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

98 Minutes of Boards, Panels and Working Groups

The Minutes of the meeting of the Learning and Development Panel held on 28th June 2016 were submitted.

Resolved - **That the Minutes be received and noted.**

99 Reports of Cabinet Members

There were no reports.

100 Appointment of Replacement Representative on the Cabinet Committee (Scrap Metal Dealers Act 2013)

The Leader of the Council (Councillor Miles Parkinson) submitted a report relating to the appointment of a replacement representative to serve on the Cabinet Committee (Scrap Metal Dealers Act 2013). The Terms of Reference for the Cabinet Committee were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

On 8th June 2016, Cabinet agreed the establishment of the Cabinet Committee (Scrap Metal Dealers Act 2013) and appointed Councillor June Harrison as one of the three representatives on that Group. The Terms of Reference for the Cabinet Committee stipulated that the three appointed representatives must be members of Cabinet.

There were no alternative options for consideration or reasons for rejection.

Resolved - **That the Leader of the Council (Councillor Miles Parkinson) be appointed to serve on the Cabinet Committee (Scrap Metal Dealers Act 2013) in place of Councillor June Harrison.**

101 Regulation of Investigatory Powers Act 2000 - Half Yearly Report

The Leader of the Council submitted a half-yearly report relating to the use of powers conferred on the Council by Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) and reported that during the period 1st November 2015 to 31st May 2016 there had been no applications for authorisations under RIPA and there were no applications outstanding. As RIPA had not been used in the last three years, Cabinet was requested to consider the submission of future reports only if the RIPA powers had actually been used. Approval of the report was not deemed a key decision.

Reasons for Decision

RIPA had not been used in the last three years.

There were no alternative options for consideration or reasons for rejection.

Resolved (1) **That the report be noted; and,**
(2) **That further reports be submitted to Cabinet only in the event that the powers conferred by RIPA were actually used.**

102 Council Tax Support Consultation

The Leader of the Council submitted a report seeking approval to commence a public consultation on plans to revise Hyndburn Council's Tax Support Scheme for 2017/18. The following documents were attached to the report:-

- Appendix 1 - Council Tax Support Consultation Strategy 2017/18
- Appendix 2 - Proposed Council Tax Support Scheme April 2017
- Appendix 3 - Council Tax Support Consultation 2017/18 Customer First Analysis June 2016

Approval of the report was not deemed a key decision.

Reasons for Decision

1. Council Tax Benefit had been abolished nationally on 31st March 2013 and replaced with Local Council Tax Support Schemes (LCTS) which were designed and implemented by billing authorities. After extensive consultation the Council had decided to implement a scheme that required all working age claimants of Council Tax Support to contribute at least

20% towards their annual Council Tax bill, with the Council providing the remaining 80%. The same support rate was maintained in 2014/15 and 2015/16 despite a reduction in the Government Revenue Support Grant.

2. In preparation for the 2016/17 LCTS scheme, the Council consulted for a second time on options to alter Hyndburn's scheme, as maintaining maximum support levels at 80% was no longer sustainable without impacting on the provision of other services or increasing Council Tax for all taxpayers. The consultation presented three main options to residents. Following that consultation, the 2016/17 Council Tax support scheme for Hyndburn was introduced with a new maximum support level for working age claimants of 73%.

3. Due to the Government's commitment to substantially reduce public expenditure over the next four years, maintaining the support level at 73% would again no longer be sustainable. The Council therefore intended to consult and it was proposed that the three main funding options offered to residents, with the added facility to suggest any alternatives they would like to be considered, should be:-

- Reduce maximum support levels for CTS claimants
- Raise Council Tax levels for all liable taxpayers
- Make savings by cutting or reducing other services

In addition, residents would also be consulted on a number of assessment criteria for Council Tax Support claims to be changed to bring the scheme in line with changes being made on a national level to Housing Benefit Regulations.

Alternative Options considered and Reasons for Rejection

The Council could choose not to consult on its options and the current scheme with a 73% subsidy would continue. That would not allow the views of the local population or interested parties to be considered and would limit the Council's options to fund the Council Tax Support scheme for 2017/18 to either cutting services or raising Council Tax levels.

Resolved

- (1) That the Deputy Chief Executive be authorised to commence a public consultation on plans to revise the current Council Tax Support Scheme from April 2017; and,**
- (2) That it be noted that the consultation would run for 12 weeks from 25th July to 14th October 2016 and would guide the final recommendations to be placed before Full Council for approval of the Council Tax Support Scheme by 31st January 2017.**

103 Rhyddings Park Heritage Lottery Bid

The Leader of the Council submitted an update report on the situation regarding the Heritage Lottery Bid for Rhyddings Park, Oswaldtwistle. In January 2016 the Council had been informed that the Bid to carry out refurbishment works at the Park had been successful. In late January 2016, a petition had been started on Facebook due to some local opposition to one element of the Park's refurbishment, the removal of the sequoia tree to facilitate the landscape improvements to the Rhyddings Street entrance of the Park. It had been agreed that an independent arboricultural consultant's report would be commissioned in respect of the tree and the issue opened up for debate at Full Council. At a meeting of the Council held on 7th July 2016, an advisory vote had been taken and it was

resolved that it be recommended to Cabinet that the sequoia tree should not be removed but should be retained as part of the refurbishment. The Leader of the Council indicated that the long-term future of the tree and the Park in general had been considered and recommended Cabinet to agree that the sequoia tree be removed and the landscape plan as originally agreed by the National Heritage Lottery Board be continued with. Approval of the report was not deemed a key decision.

At the discretion of the Leader of the Council, Councillor Peter Britcliffe (Oswaldtwistle St. Andrew's Ward Councillor) spoke on behalf of residents in favour of the tree being retained.

Reasons for Decision

1. In 2012 the Council's Parks and Cemetery Service started working with Friends of Rhyddings Park to explore the possibility of applying for Parks for People funding administered via the Heritage Lottery Fund (HLF). The outcome of a consultation with Friends of Rhyddings Park was that local residents wished to see various refurbishment works carried out and on 3rd December 2013, Cabinet agreed for the Council to work towards securing Heritage Lottery funding for the Park. In early January 2016, the Council was informed that the Council's bid had been successful. The refurbishment works that the funding would allow for was set out in Paragraph 3.6 of the report and revenue funding would also be made available to employ two staff to facilitate audience development and improved horticultural skills within the Park.

2. In January 2016, a petition had been started on Facebook due to some local opposition to the removal of the sequoia tree to facilitate the landscape improvements to the Park. Following an independent arboricultural consultant's report the issue had been debated at Full Council which had made a recommendation to Cabinet that the tree should be retained. The options available and the long-term future of the sequoia tree and Park in general had since been considered.

There were no alternative options for consideration or reasons for rejection.

- Resolved**
- (1) That the contents of the report be noted;**
 - (2) That bearing in mind the long-term future of the sequoia tree and Park in general, the tree be removed and the landscape plan as originally agreed by the National Heritage Lottery Board be continued with.**

104 Draft Hate Crime / Incident Procedure

The Portfolio Holder for Health and Communities (Councillor Munsif Dad) submitted a report relating to the updating of the Council's Hate Crime / Incident Procedure. The proposed draft Procedure and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The current Hate Crime / Incident Policy and Procedure had been approved in May 2008 and although procedurally more or less sound, referred to old legislation and due to its length and detail was not easily readable or understandable. The proposed Procedure attempted to explain, very simply, the steps employees or elected members should take if they received a report of or witnessed a hate crime / incident. The revised document also raised awareness of employees and elected members responsibilities in relation to the Council's commitment to tackling hate crime.

Alternative Options Considered and Reasons for Rejection

The existing document could be retained by the Council with a few revisions to update it.

Resolved - **That the draft Hate Crime / Incident Procedure be approved.**

105 Proposed Safeguarding Policy

The Portfolio Holder for Communities and Health submitted a report proposing a new Safeguarding Policy. The draft Policy and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The current Policy which dealt with the Council's approach to safeguarding was the Child, Young Person and Vulnerable Adult Policy and had been in place for a number of years. The Policy did not reflect Child Sexual Exploitation or the Prevent Duty and an opportunity had arisen to simplify and shorten the document which would make it easier to understand and follow and to raise awareness of it amongst staff and elected members.

There were no alternative options for consideration or reasons for rejection.

Resolved - **That the draft Safeguarding Policy be approved subject to any inclusions the Head of Human Resources felt appropriate.**

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.

106 Financial Position 2016-17 - Report to End of May 2016

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report on the financial spending of the Council at the end of May 2016 and the prediction of the outturn position to the end of the financial year in March 2017. The financial detail of the report was appended to the report. The spend against Budget in the first two months of the year was £1,639,150 against a Budget of £1,681,281 leaving a positive variance of just over £42,000. The forecast spend for the year to 31st March 2017 was £11,151,000 against a budget of £11,283,000. A surplus of almost £132,000 by the end of the 2016/17 financial year was forecasted, making a Budget surplus of slightly more than 1.1% on the overall activities of the Council. Surpluses on Policy and Corporate Governance, Culture and Leisure and Non Service Items currently outweighed the predicted adverse variances on Environmental Health, Waste Services, Parks and Cemeteries, Regeneration and Property Services and Planning and Transportation. Approval of the report was not deemed a key decision.

Reasons for Decision

To inform Cabinet of the financial spending of the Council at the end of My 2016 and the prediction of the outturn position to the end of the financial year in March 2017.

There were no alternative options for consideration or reasons for rejection.

Resolved - That the report be noted and Corporate Management Team be asked to continue to identify savings and generate a surplus on the 2016/17 Budget to assist with future potential financial pressures on the Council.

107 Exclusion of the Public

Resolved - That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the items.

108 Surrender of Lease Back Arrangement at Elmfield Hall

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report seeking approval to surrender the residue of the Council's 125 year lease of the Parks Department welfare facilities, materials and machinery store at Elmfield Hall, Gatty Park back to Community Solutions North West Limited. Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

To maintain the status quo was not recommended as further investment into Elmfield Hall was desirable, along with Community Solutions North West Limited being able to extend their offer to the local community.

Resolved

- (1) That the report be noted;**
- (2) That Cabinet being satisfied that the proposed surrender was likely to promote the social, economic or environmental well-being of the area, the residue of the Council's 125 year lease of the Parks Department welfare facilities, materials and machinery store at Elmfield Hall, Gatty Park be surrendered back to Community Solutions North West Limited on the terms set out in the report; and,**
- (3) That the Acting Head of Community Services be delegated authority to agree the detailed terms of the surrender in consultation with the Executive Director (Legal and Democratic Services).**

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being as set out in the exempt report.

109 Revocation of Emergency Cabinet Decision on 22nd May 2015 to Sell Land at Clayton Triangle

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report relating to the revocation of a Cabinet decision to sell land owned by the Council at Clayton Triangle and at the rear of St. Mary's Court to Black Label Homes Ltd. A Plan showing the land and a small area of roadway was appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

The land owned by the Council could be marketed separately to the Canal and River Trust land but that was not recommended as the individual sites owned by the Council were small and irregular and the scheme would benefit from combining the sites. That might also help realise a higher capital receipt.

Resolved

(1) That the decisions at i) to iii) below as made by Cabinet on 22nd May 2015 be revoked:-

- i) sell the land at Clayton Triangle, as shown edged red on the attached plan, to Black Label Homes Limited for the sum identified in the report.**
- ii) sell the small area of roadway shown coloured solid red on the attached plan to Black Label Homes Limited for the consideration identified in the report.**
- iii) delegate authority to the Head of Regeneration and Housing to agree the detailed terms of the transactions referred to at i) and ii) above.**

(2) That the site now be marketed for sale on the open market.

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being as set out in the exempt report.

110 Sale of Land at Junction 7 Business Park, Clayton-le-Moors

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Housing and Regeneration submitted a report seeking approval to advertise the proposed disposal of land currently held by the Council as public open space being the land adjacent to Junction 7 Business Park, Clayton-le-Moors (shown edged red on the plan attached to the report) and being all the land contained in Land Registry title number LA854303 (“the Land”). Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

1. Pursuant to Section 123(2A) Local Government Act 1972, the Council had to make known its intention to dispose of public open space and consider objections received. The Council could decide to retain the area for its present use or proceed to dispose as described in the report.

2. The offer could be refused on the basis that the land was currently designated for housing and as such could be valued at as much as identified in the report. It was recommended that this option be rejected as the site was land locked and had no vehicular access other than via the industrial estate. There was also a likelihood of significant remediation costs. Both of those issues could negate any additional value in the site.

Resolved

- **That the Head of Regeneration and Housing, following consultation with the Leader of the Council, be delegated authority to:-**
 - i) **advertise the proposed disposal of land currently held by the Council as public open space being the land adjacent to Junction 7 Business Park, Clayton-le-Moors (as shown edged red on the plan attached to the report) and being all the land contained in Land Registry number LA854303 (“the Land”).**
 - ii) **give due consideration to any objections to the disposal of the land.**
 - iii) **agree the detailed terms and thereafter sell the land if it was considered appropriate to do so following consideration of any objections received.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

CABINET

Wednesday, 31st August, 2016

Present: Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Paul Cox, Munsif Dad and Ken Moss

In Attendance: Councillors Tony Dobson, Eamonn Higgins, Terry Hurn, Abdul Khan and Paul Thompson

Apologies: Councillor Gareth Molineux

128 Apology for Absence

An apology for absence was submitted from Councillor Gareth Molineux.

129 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

130 Minutes of Cabinet - 20th July 2016

The Minutes of the meeting of Cabinet held on 20th July 2016 were submitted for approval as a correct record.

Resolved - That the Minutes be received and approved as a correct record.

131 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:-

- a) Regeneration and Housing Panel - 23rd May 2016
- b) Leader's Policy Development Board - 20th July 2016

Resolved - That the Minutes of the above meetings be received and noted.

132 Reports of Cabinet Members

There were no reports.

133 Development Management DPD Publication (Reg 19)

The Leader of the Council (Councillor Miles Parkinson) submitted a report seeking approval to allow the Development Management Development Plan Document Publication Version (Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 - "the Regulations") to be publicised for a six week consultation period. The Draft Publication Document and a Customer First Analysis were appended to the report. The Publication Document superseded the previous "Consultation Draft" and was in effect the Council's final version of the Document, and a statement of intent that it now wished to

submit to the Secretary of State ready for examination. In accordance with “the Regulations”, a final six week statutory consultation period on the Document now had to take place. Reference was made to the night time economy of Accrington Town Centre. Approval of the report was not deemed a key decision.

Reasons for Decision

(1) The Development Management DPD formed an important part of the new Local Plan for Hyndburn and would set out the more detailed planning policies to be used in the determination of planning applications for the Borough. It would sit alongside the Core Strategy and Accrington Area Action Plans adopted by the Council in 2012 and would replace the majority of Local Plan (1996) Policies that remained extant.

(2) The Development Management Development Plan Document Publication Version contained 39 Policies organised into core Chapters, together with nine “Guidance Notes” and some “Policy Maps”. In addition to amendments which had arisen from representations to the Consultation Draft, the Publication Document also took into account relevant findings from new evidence base reports, changes to Government Policy and Law and refinements recommended by a Sustainability Appraisal.

Alternative Options Considered and Reasons for Rejection

The Development Management Development Plan Document had been prepared in accordance with “the Regulations” and there were no alternative options for its preparation.

Resolved

- (1) That the content of the Development Management Development Plan Document Publication Version be approved and the commencement of a statutory six week public consultation in the period September / October 2016 be agreed; and,**
- (2) That authority be delegated to the Council’s Executive Director (Legal and Democratic Services) and the Chief Planning and Transportation Officer, following consultation with the Portfolio Holder for Planning, to make further necessary changes to the Development Management Development Plan document as they considered necessary or appropriate, prior to commencing public consultation.**

134 Declaration of Local Nature Reserves - Progress

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report on progress with arrangements for the declaration and management of two significant new Local Nature Reserves in Hyndburn. The proposed new sites were:-

- a) Peel Park and the Coppice, including Arden Hall and Land at Plantation Road
- b) Woodnook Vale, including Land at King George V Playing Fields and some areas of Bullough Park and Rothwell Heights

The Portfolio for Education, Leisure and Arts made a presentation on local nature reserves in Hyndburn.

Approval of the report was not deemed a key decision.

Reasons for Decision

(1) Hyndburn had some spectacular natural green spaces, which had significant habitat value and were highly valued by local people and were worthy of greater recognition. The intention to declare new local nature reserves was a long standing aspiration of the Council and had been reflected in the Corporate Strategy.

(2) If the proposed declarations were achieved, Hyndburn would be the first district in Lancashire to meet national targets for local nature reserves. Peel and Woodnook Reserves would be the largest in Lancashire. Significant improvement in the site conditions, habitat management and community activities, as analysed against the Local Nature Reserve Visitor Standards published by Natural England had been achieved and the Lead Adviser from Natural England who had visited the areas had stated "Both sites would be welcome additions to the Local Nature Reserves in England".

Alternative Options Considered and Reasons for Rejection

The decision to simply allow the natural greenspaces to continue to support local recreation and enjoyment of nature without a formal declaration as local nature reserves could be taken. That option was not recommended as the opportunity of a nationally recognised designation would not be achieved and the high quality and diversity of the spaces would not be reflected, especially following recent major improvement programmes. Also since 2006 the Council had been committed to the declaration of new local nature reserves.

Resolved

- (1) That progress be noted and arrangements for the declaration of new Local Nature Reserves at Peel Park and Woodnook Vale, Accrington be supported and the timeline shown in Appendix 2 of the report be aimed for;**
- (2) That all Members of the Council be invited to participate in an organised visit to the Local Nature Reserve areas, which included striking features of natural beauty, and to view the many recent improvements and activities;**
- (3) That continued joint working with Lancashire County Council to assist in their consideration of a Local Nature Reserve declaration in respect of the land in Lancashire Council Council ownership in Woodnook Vale, as referenced in Paragraph 6.5 of the report, be supported; and,**
- (4) That continued joint working with external parties, local organisations and community groups to maximise opportunities to bring in investment through various grant sources be supported.**

135 Overview and Scrutiny Work Programmes 2016/17

The Chair of the Resources Overview and Scrutiny Committee (Councillor Abdul Khan) submitted a report seeking consideration of and comment on the draft 2016/17 Overview and Scrutiny Work Programmes. The Work Programmes and the Criteria for selecting items were appended to the report. As in previous years, additional items would be added to the Work Programmes as the Municipal Year progressed. Approval of the report was not deemed a key decision.

Reasons for Decision

At the beginning of each Municipal Year, the Council's Overview and Scrutiny Committees agreed their respective Work Programmes for the Year, the process for which was set out in the Council's Overview and Scrutiny Procedure Rule C6(a).

Alternative Options Considered and Reasons for Rejection

Cabinet was the relevant body to consider the Work Programmes, pursuant to the Council's Overview and Scrutiny Procedure Rule C6(a).

- Resolved**
- (1) That the Work Programmes for the Overview and Scrutiny Committees, as appended to the report, be noted; and,**
 - (2) That a joint meeting of the Overview and Scrutiny Committees be held in February 2017 to consider the topic of Combined Authorities.**

136 Outcome of the Call-In of the Cabinet Decision on Rhyddings Park Heritage Lottery Bid (Sequoia Tree)

The Chair of the Resources Overview and Scrutiny Committee submitted a report on the outcome of the Extraordinary Meeting of the Resources Overview and Scrutiny Committee held on 11th August 2016 to consider the Call-In of the Cabinet decision on the Rhyddings Park Heritage Lottery Bid (Sequoia Tree). The Cabinet decision was released in full for implementation and the Committee had requested that consideration be given to the use of some of the wood from the Sequoia Tree for part of the improvement scheme in the Park. Approval of the report was not deemed a key decision.

Reasons for Decision

In accordance with the Call-In Procedure for Cabinet decisions, the Procedure was activated on 1st August 2016 by two members of the Resources Overview and Scrutiny Committee. The Call-In was sponsored by Councillor Judith Addison.

Alternative Options Considered and Reasons for Rejection

- (1) To release the Cabinet decision in part for implementation and refer the outstanding part of the decision back to the decision making body for reconsideration, setting out in writing the nature of the Committee's concerns. That option was rejected as the Call-In related to a very specific decision (the felling of the Sequoia Tree), which meant the decision could not be released in part.
- (2) To refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of the Committee's concerns. The decision maker should then reconsider amending the decision or not, before adopting a final decision. That option was rejected as the Committee was satisfied with the reasons for the original Cabinet decision.

- Resolved**
- That the release of the Cabinet decision in full for implementation be noted and consideration given at the appropriate time to the use of some of the wood from the Sequoia Tree for part of the Rhyddings Park Improvement Scheme.**

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.

137 Financial Position 2016/17 - Report to End of July 2016

The Leader of the Council submitted a report on the financial spending of the Council at the end of July 2016 and the prediction of the outturn position to the end of the financial year in March 2017. The financial detail of the report was appended to the report. The spend against Budget in the first four months of the year was £3,371,268 against a Budget of £3,543,881 leaving a positive variance of just over £172,000. The forecast spend for the year to 31st March 2017 was £10,919,000 against a budget of £11,283,000. A surplus of just under £363,000 by the end of the 2016/17 financial year was forecasted, making a Budget surplus of slightly more than 3.2% on the overall activities of the Council. Surpluses on Policy and Corporate Governance, Waste Services, Parks and Cemeteries, Culture and Leisure and Non Service Items currently outweighed the predicted adverse variances on Environmental Health, Regeneration and Property Service and Planning and Transportation. Approval of the report was not deemed a key decision.

Reasons for Decision

To inform Cabinet of the financial spending of the Council at the end of July 2016 and the prediction of the outturn position to the end of the financial year in March 2017.

There were no alternative options for consideration or reasons for rejection.

Resolved - **That the report be noted and Corporate Management Team be asked to continue to identify savings and generate a surplus on the 2016/17 Budget to assist with future potential financial pressures on the Council.**

138 Exclusion of Public

Resolved - **That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the item.**

139 Reports of Urgent Cabinet Decisions

Exempt Information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted copies of two exempt signed Urgent Cabinet Decision forms and accompanying exempt reports relating to the use of the Urgent Cabinet Decision Procedure in respect of:-

- (a) Disposal of Priestley Nook Site for Public Open Space and Grant Agreement with Woodnook JVCO Limited.
- (b) Disposal of 2 – 34 Booth Street, 53 – 67 Royds Street and 5 Hudson Street for Public Open Space and Grant Agreement with Woodnook JVCO Limited.

Approval of the reports was not deemed a key decision.

Reasons for Decision

The reasons for the decisions were set out in the respective exempt decision forms and accompanying exempt reports.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the respective exempt reports.

Resolved - **That the use of the Urgent Cabinet Decision Procedure be noted.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

PLANNING COMMITTEE

Tuesday, 21st June, 2016

Present: Councillor , Councillors Bernard Dawson, Loraine Cox, Judith Addison, Mohammad Ayub, Stephen Button, Stewart Eaves, Melissa Fisher (Vice Chair), Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short, Paul Thompson and Clare Cleary

Apologies: Councillors June Harrison

39 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

Apologies for absence were submitted by Councillor June Harrison.

Councillor Clare Cleary acted as substitute representative for Councillor June Harrison.

There were no declarations of interest.

40 Minutes of the Last Meeting

The minutes of the last Planning Committee held on the 18th May 2016, were submitted for approval as a correct record.

Resolved - That the Minutes be received and approved as a correct record.

41 Town and Country Planning Act 1990- Planning Applications for Determination

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning applications.

Resolved (1) That the following planning application be approved subject to the conditions as per the report and an additional condition in relation to guard rails on the highway which was listed in the report but not detailed as a condition:-

11/16/0118 Change of use of no 184 Haywood Road (part of retail premises) from shop (A1) to hot food takeaway (A5) including elevational alterations and installation of flue. 182-184 Haywood Road, Accrington, BB5 5BP

1. Councillor Malcolm Pritchard spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

Resolved (2) That the following planning application be approved subject to the conditions as per the report and subject to the prior completion of a Section 106 Agreement as mentioned in the report:-

11/16/0128 Major outline: Erection of up to 34 no dwellings (all matters reserved except access)

Land to west of Rhoden Road, Oswaldtwistle

N.B. 1. The Chief Planning and Transportation Officer drew the Committee's attention to the extra supplemental information contained within the update report which was released before the meeting and related to the above planning application.

2. A letter of objection from Councillor Julie Livesey was read out to the planning committee.

3. Mr Simon Thomas spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

4. Ms Tammy Neal spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

5. Mr Nick Baseley spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

Resolved (3) That the following planning application be refused for the reasons set out in the report:-

11/15/0347 Demolition of existing building and erection of 42 no houses and 8 no apartments with associated access and landscaping.
Former Britannia Mill, Spring Street

Mr Michael Lewis spoke at the Committee in support of the above planning application and against the Officer's recommendation to refuse planning permission.

Mr Sam Ward spoke at the Committee in support of the above planning application and against the Officer's recommendation to refuse planning permission.

The Chief Planning and Transportation Officer advised Members of the Planning Committee that permission could be granted with certain conditions attached.

Resolved (4) That the following planning application be approved subject to the conditions as per the report: and the prior completion of a Section 106 Agreement in respect of the matters mentioned in the report-

11/16/0126 Major full: Erection of 12no dwellings
Land at Broadfield Garage, Oswaldtwistle

42 Supplemental Agenda: Planning Application 11/16/0132

The Chief Planning and Transportation Officer submitted a report in the supplemental agenda and additional information contained within the update report setting out recommended action on the following planning application.

Resolved - That the following planning application be approved subject to the conditions as per the report and that the Chief Planning and Transportation Officer be given delegated authority on conditions 3, 4, 7, 8, 10 and 11:-

11/16/0132 Major full: Redevelopment of Whinney Hill Stand (North) following demolition of existing including floodlighting and external works.

Accrington Stanley Football Club, Livingstone Road, Accrington

Councillor Miles Parkinson spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to allow planning permission.

Mr Andy Holt spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to allow planning permission.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

This page is intentionally left blank

JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Monday, 27th June, 2016

Present: Councillor Melissa Fisher (in the Chair), Councillors Stephen Button, Clare Cleary, Stewart Eaves, Julie Livesey and Paddy Short

Apologies Councillors Eamonn Higgins and Joyce Plummer

43 Apologies for Absence

Apologies for absence were submitted from Councillors Eamonn Higgins and Joyce Plummer.

44 Substitutions

Councillors Stephen Button and Clare Cleary attended the meeting as substitute representatives for Councillors Eamonn Higgins and Stephen Button respectively.

45 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

46 Minutes of Last Meeting

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 18th April 2016 were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

47 Court Report - Aiser Iqbal Fazal

A report advising the Committee on the outcome of court proceedings relating to appeals to the Magistrates Court and Burnley Crown Court by Mr. Aiser Iqbal Fazal following the revocation of his private hire vehicle driver's licence was submitted. Both appeals were dismissed and Mr. Fazal was ordered to pay the Council in respect of its legal costs.

Resolved - **That the report be noted.**

48 Licensing Procedure - Complaints

The Licensing Procedure to be followed at the meeting in relation to complaints lodged against licensed Hackney Carriage and Private Hire Drivers was submitted. A copy of the Procedure had been sent to the driver and the complainant.

Resolved - **That the Procedure be noted.**

49 Licensing Guidelines

The Licensing Guidelines (Appendix G of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013 - 2016) were submitted. A copy of the Guidelines had been sent to the driver and the complainant.

Resolved - That the Guidelines be noted.

50 Exclusion of the Public

Resolved - That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the item.

51 Report Relating to a Licensed Private Hire Driver (ZI)

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report informing the Committee of relevant issues relating to a licensed private hire vehicle driver (ZI). A complaint had been lodged by a member of the public against the driver and was set out in the report. The following documents were appended to the report:-

- Appendix 1 - Copy of a file note, failure to notify the Council of a driving offence.
- Appendix 2 - Warning letter for receiving a caution for common assault and failure to notify the Council of said offence.
- Appendix 3 - Copy of a file note, failure to display driver badge.
- Appendix 4 - Copy of a written warning, failure to display driver badge.
- Appendix 5 - Copy of a driving licence, showing conviction.
- Appendix 6 - Copy of a file note, failure to notify the Council of a driving offence.
- Appendix 7 - Copy of a file note, failure to notify the Council of a driving offence.
- Appendix 8 - Copy of a file note, verbal warning for manner of driving.
- Appendix 9 - Copy of a driving licence showing conviction.
- Appendix 10 - Copy of a warning letter.
- Appendix 11 - Copy of a Police email.
- Appendix 12 - Copy of a driving licence showing conviction.
- Appendix 13 - Copy of a final warning letter issued to the driver.
- Appendix 14 - Copy of a complaint made against the driver.

The following additional documents were circulated to the Committee at the request of the driver:-

- Reference letter in support of the driver from the taxi vehicle passenger at the time of the complaint incident.
- Hand drawn sketch by the driver identifying the traffic flow and vehicle manoeuvres at the time of the complaint incident.

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of the complaint, driving offences, cautions, a previous complaint and warnings was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (ZI) and his representative had been invited to attend the meeting and in that respect, the driver was in attendance. The complainant (TD) and her representative had also been invited to the meeting and in that respect, the complainant and her representative were not in attendance.

The Committee was requested to:-

- (a) Determine whether the facts related in the complaint were substantially true;
- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted either unlawfully or in breach of any legislations, regulation or licence condition governing the conduct of licensed private hire vehicle drivers; and,
- (c) Determine what action, if any, should be taken against the driver.

Decision of the Committee:-

Resolved

- (1) That the complaint lodged against the private hire vehicle driver (ZI) be upheld. The Committee found that on the balance of probabilities the evidence provided found in favour of the complaint; and,**
- (2) That, as the conduct of the driver (ZI) had been inappropriate and not that expected of a licensed private hire vehicle driver, his licence be suspended for a period of seven days pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and for the reasons outlined at the meeting and set out in the decision notice.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

This page is intentionally left blank

AUDIT COMMITTEE

Monday, 27th June, 2016

Present: Councillor , Councillors Diane Fielding (Vice Chair), Julie Livesey, Bernadette Parkinson, Stephen Button and Miles Parkinson

Apologies Councillor Noordad Aziz and Joe McIntyre

52 Apologies for Absence, Declarations of Interest, Dispensations and Substitutions

Apologies for absence were submitted from HBC Deputy Chief Executive, Joe McIntyre and Councillor Noordad Aziz.

Councillor Glen Harrison was not present at the meeting and had not submitted his apologies.

Councillor Miles Parkinson acted as substitute representative for Councillor Aziz.

There were no reported declarations of interest or dispensations although Councillor Miles Parkinson would not be voting on any of the agenda items as he was a member of the Cabinet and the Audit Committee acted independently to the Executive.

53 Minutes of the Last Meeting

The minutes of the last meeting held on the 21st March 2016 were submitted for approval.

Resolved - **That the minutes be received and approved as a correct record.**

54 Risk Management Monitoring Report and Partnership Review

The Corporate Performance Manager, Mike Walker, presented a report which informed the Committee of the outcome of the review of the Operational Risk Register and the annual review of partnerships.

There had been no major changes made to the Operational, Generic and Strategic Risk Registers during the review but there had been a number of minor changes made to the Operational Risk Register which were detailed in Appendix 1 of the report.

A summary of all risks contained in the three registers were detailed in Appendix 2 of the report

The list of partnerships was detailed in Appendix 3 of the report and was prepared in March 2016 as a request from HBC's external auditors.

Councillor Miles Parkinson asked if ICT should have a risk included if a computer programme failed and an external person was required to solve the problem. The Corporate Performance Manager reported this was not listed in the register but would speak to the Head of ICT about the issue.

A strategic risk which may be added and would be passed to Joe McIntyre was the potential impact of the EU referendum and the risk to HBC which included pensions.

Resolved - That Audit Committee noted the contents of the report.

55 Annual Internal Audit Report & Audit Opinion 2015/16

The Head of Audit and Investigations, Mark Beard, submitted a report to inform Members of the Annual Internal Audit Report and Audit Opinion for 2015/16 and to give details on the performance of the internal audit team and final outturn position for 2015/16.

The production of an annual internal audit report was a requirement of the public sector internal standards and it enables those charged with governance to gain an independent viewpoint on the Council's control environment.

The average opinion score in 2015/16 was 1.52 as opposed to 1.18 in 2014/15. This is based on a scale of 1 to 4 where 1 is the highest level of assurance and 4 is the lowest level of assurance.

Table 2 in the report detailed the assurance opinions (Comprehensive, substantial, limited and no assurance) and how many were issued in 2015/16.

Table 3 in the report detailed the satisfaction and quality questionnaire results for 2015/16 and included the comparative results for 2014/15 and 2013/14.

The number of completed audit assignments increased from 22 to 29 which was a 31.82% increase on 2014.15. The use of audit time for 2015/16 was reported in table 5 of the report and this was based on actual time spent excluding both statutory/annual leave and sickness absence.

Target coverage for the 2015/16 Audit Plan was 98% and 101.69% was achieved. This is the highest out-turn performance figure that had been achieved by Internal Audit Team at HBC.

Resolved - That the report be noted for informational purposes.

56 Public Sector Internal Audit Standards Self-Assessment and Quality Assurance & Improvement Programme

The Head of Audit and Investigations submitted a report to inform members of the updated self-assessment of the Public Sector Internal Audit Standards (PSIAS) and also the Quality Assurance and Improvement Programme (QAIP) which set out how HBC manage any standards that are not compliant, thus ensuring conformance with the PSIAAs overall.

Appendix 1 of the report contained a CIPFA checklist for assessing conformance with the PSIAS and the local government application note. The PSIAS checklist considers 323 individual tasks and areas that internal audit must comply with and the self-assessment highlighted that 19 were not applicable to internal audit at HBC. Of the remaining 313, the internal audit team was 96.49% compliant (302).

Appendix 2 contained the internal audit, public sector internal audit standards with the quality assurance and improvement programme. The QAIP had been rechecked and revised to reflect the changes from the self-assessment. Of the 11 areas not compliant, 6 are partially compliant and 5 are not compliant.

Councillor Miles Parkinson commented on LCC making cuts impacting upon district councils to provide services and would this be factor for HBC to consider. The Head of Audit and Investigations would make a note of this and investigate the matter.

Resolved - **That Audit Committee noted the report and updated PSIAS Self-Assessment along with the updated QAIP.**

57 Audit Reports & Key Issues- Progress Report for the Period April- June 2016

The Head of Audit and Investigations submitted a report to inform members of the Audit Committee of Audit Reports issued during the period April- June 2016 and bring to the attention of the Committee what the key issues were.

There was a target of 98% of the audit plan to be completed by the end of the current financial year in terms of audit days completed. The figures contained in the report gave updated details to the end of February 2016 and the projected out turn position for 2016/17.

A summary of the main issues arising from audits carried out between April- June 2016 was attached to Appendix 1 of the report and detailed both substantial and comprehensive assurance in the following areas:

- Members Allowances
- Refundable Allotment Deposits

There were also no issues arising from audits carried out in the following areas:

- Health and Safety
- Asset Management

Resolved - **That the report be noted for informational purposes.**

58 Accounting Policies and Public Inspection of the Accounts

The Head of Accountancy submitted a report to request approval from members of the Audit Committee of the accounting principles which are used to prepare the statement of accounts for the financial year 2015/16 and to inform the Committee of the revised arrangements for the public inspection of the accounts.

Appendix A of the report detailed the accounting policies which included the general principles and there was no significant change from those adopted in 2014/15 except for the use of fair value which was also explained in the report.

Resolved (1) **That Audit Committee approved the accounting principles on which the 2015/16 accounts are prepared; and**

(2) **That Audit Committee notes the new rights of public inspection.**

59 Capital Outturn Report 2015/16

The Head of Accountancy submitted a report to set out the financial spend on the Council's capital projects for 2015/16. It included a proposed list of changes to the 2016/17 Capital

Programme i.e. slippage from the previous year. The slippage will be funded from the amounts not spent but authorised in 2015/16.

Appendix A of the report was a Cabinet report dated 8th June 2016 which set out the background and detail to the capital programme. It explained the circumstances surrounding the slippage. The report was approved by Cabinet and now under the Constitution the capital slippage of £998,328 requires Audit Committee approval. Approval will see the capital schemes continue in 2016/17.

Councillor Miles Parkinson took no part in the determination of the above agenda item.

Resolved - **That Audit Committee approved the capital items of slippage from the 2015/16 programme.**

60 Draft Statement of Accounts 2015/16

The Head of Accountancy submitted a report to inform Audit Committee Members of the outcome of draft Statement of Accounts 2015/16 for Hyndburn Borough Council.

The Council's draft SOA 2015/16 was attached to the agenda as appendix A which included the annual governance statement and provided details in the report following areas.

- Movement in Reserves Statement
- Comprehensive Income and Expenditure Statement
- Balance Sheet
- Cash Flow Statement
- Collection Fund

Grant Thornton will undertake the external audit and report back to the Audit Committee at a future meeting with a report on the accounts which would have been approved and required signing off.

Resolved - **That Audit Committee notes the Council's draft statement of Accounts for 2015/16.**

Urgent Business

The Chair was of the opinion that the following items should be considered as urgent, in accordance with Section 100b (4) of the Local Government Act 1972, due to the reports being unavailable by the deadlines imposed to publish the agenda in line with legal regulations.

61 Grant Thornton - Planned Audit Fee for 2016/17

Karen Murray of Grant Thornton, the Council's external auditors, submitted a report to inform Members of the audit fee for Hyndburn Borough Council and the scope and timing of work for 2016/17. The scale of the fee had been set by PSAA at £46,927 and this was unchanged from the previous year.

Resolved - **That Audit Committee notes the letter.**

62 Grant Thornton- Audit Committee Progress and Update for HBC

Tommy Rooney of Grant Thornton, the Council's external auditors, submitted a report which set out progress in delivering Grant Thornton's responsibilities as external auditors. It included an update as of the 8th June 2016 on various items of 2015/16 work. Other items covered were information that may be relevant to the Council such as fighting fraud and corruption locally and building a successful joint venture company.

Resolved - **That Audit notes the letter.**

63 Grant Thornton - The Audit Plan for Hyndburn Borough Council

Karen Murray of Grant Thornton, the Council's external auditors informed members of the committee with a report on the audit plan for HBC which set out for the benefit of those charged with governance an overview of the planned scope and timing of the audit as required by international standard on auditing.

The report helped aided Members to understand the consequences of the workload and discuss issues of risk and the concept of materiality along with identifying areas upon request to undertake additional procedures.

The main responsibilities of Grant Thornton under the code of practice issued by the National Audit Office are to give an opinion on the Council's financial statements and satisfy themselves that the Council had made proper arrangements for securing economy, efficiency and effectiveness in HBC'S use of resources.

The value for money conclusion was detailed which covered informed decision making, sustainable resource deployment and working with partners and other third parties.

Resolved - **That the report be noted for informational purposes.**

64 Time/Date/Venue of Next Meeting of Committee

Resolved - **That the next meeting of the Audit Committee be held on Monday, 19th September 2016 at 5.30 pm in the Queen Elizabeth Room at Scaitcliffe House.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

This page is intentionally left blank

COMMUNITIES AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 28th June, 2016

- Present:** Councillor Eamonn Higgins (in the Chair),
Councillors Bernadette Parkinson (Vice Chair), Mohammad Ayub,
Lorraine Cox and Glen Harrison
Cooptees
- In Attendance:** Councillors Glen Harrison, Stephanie Haworth and Gareth Molineux
Kelly Watson – Principal Policy Officer
- Apologies:** Kath Pratt
-

65 Apologies for Absence and Substitutions

An apology for absence was submitted on behalf of Councillor Pratt.

66 Declarations of Interest and Dispensations

Councillor Glen Harrison submitted a disclosable pecuniary interest in item 6 – Transforming Care/Calderstones NHS, due to his employment by Calderstones and the NHS Trust. Councillor Harrison left the room during determination of the item and took no part in the discussion or decision making of the item.

67 Minutes of Last Meeting

The minutes of the meeting of the Communities and Wellbeing Overview and Scrutiny Committee held on Friday 18th March 2016 were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

68 Appointment of Co-optees

The Overview and Scrutiny Officer submitted a report for Members of the Committee to receive applications for co-opted members on the Communities and Wellbeing Overview and Scrutiny Committee. He reported that two applications had been received from former councillors Kerry Molineux and Dave Parkins. The remaining place remained vacant.

Resolved

- (1) That Honorary Alderman Dave Parkins and former Councillor Kerry Molineux be appointed as co-opted members to the Communities and Wellbeing Overview and Scrutiny Committee for the municipal year 2016/17; and,**
- (2) That it be noted that one vacant position for co-opted member to the Communities and Wellbeing Overview and Scrutiny Committee remained.**

69 Work Programme 2016/17

The Overview and Scrutiny Officer submitted a report to ask the Committee to give consideration to and approve the work programme for 2016/17 of the Community and Wellbeing Overview and Scrutiny Committee. He referred Members to the appendix attached to the report for further details of the work programme and invited Members to submit suggestions for the work programme.

Resolved - **That the 2016/17 Communities and Wellbeing Overview and Scrutiny Committee Work Programme be approved and submitted to the next meeting of Cabinet for comment.**

70 Transforming Care/Calderstones NHS

A report was submitted to Committee to inform Members of the 'Building the Right Support and Transforming Care Plans, and the local effects of these'. The Chief Executive of Calderstones NHS Trust was present at the meeting to provide further information to that contained in the report.

The Chief Executive of Calderstones NHS, Mark Hindle, informed the Committee that three key policy documents were driving change:

- Care and Forensic Security
- Building Life Support
- Homes not Hospitals

He referred to the documents supporting reasons for change and explained that the Chief Executive of NHS England had considered that there was no longer a need for inpatient care and that hospitals such as Calderstones were no longer required. Members of the Committee were informed that it had been considered that people would receive better care in homes with families with external support packages. He reported that closure would take place over a period of time to 2018 with half of the patients being discharged gradually into the community. He gave details of the 3 levels of secure services provided and that the aim of the review was to improve patient diagnosis, treatment and reduce the number of long term bed need in units. He reported on the funding that would be required to support the new clinical model.

In respect of closing Calderstones the Chief Executive of Calderstones reported that this would mean a major change for staff and potential redundancies but reported that they had worked with staff and the Union to meet the challenges of transferring services. He pointed out that staff would be given the opportunity to transfer to Mersey Care or obtain employment in community roles.

Member asked why some service users were being moved to private homes not inspected by the Care Quality Commission which was directly against the Stephen Bubb report and out of 80 service users discharged, how many were being discharged to the private sector?

The Chief Executive reported that there were currently not enough community specific teams and that people were discharged to the most suitable places. He pointed out that consideration was given to the quality of places and that the private sector would be given the opportunity to provide this care.

Councillor Gareth Molineux requested further information on the profits or funding used by the private and third sector organisations.

The Chief Executive reported that there was a 60% to 40% split with 40% reinvestment but pointed out that some of the best quality providers were in the private sector.

The Chair asked for further information on:

- How many of the 80 service users that had been discharged during the last 18 months had been discharged successfully.
- If there was sufficient community care in Lancashire for a 24 hour service.
- When a consultation would take place.
- Why medium and secure services weren't being used.
- If a site had been identified for a suitable unit to be built on.
- Where low, medium and secure service provision would be located.

The Chief Executive explained that only one of the 80 service users had been returned back to the unit. He pointed out that although there were not enough community specific teams at the moment, the Commissioner was working hard to recycle the use of existing money with some slight additional funding to provide a good service. The consultation would take place during late Summer/early Autumn and that medium secure services would probably be located at Meghull and low secure service within East Lancashire although nothing had yet been confirmed.

Kelly Watson, Principal Policy Officer asked for further information on the consultations being held and for an approximation of how many of the workforce resided in Hyndburn, that would likely to be affected.

The Chief Executive reported that there were between 50 & 100 members of staff who lived in Hyndburn and that there was no desire to make anyone redundant and it was their intention to offer alternative work wherever possible. He pointed out that some people had requested redundancy and discussions were taking place with the Unions.

Councillor Molineux referred to the proposed model and the reliance on outside agencies and funding, particularly as European funding may be lost due to Brexit. He asked what guarantees were in place to protect quality of service for patients and adequate funding.

The Chief Executive reported that people would be discharged to the community with significant funding and that there were good places for people to live and that it would be their strategy to ensure that people were discharged to good places.

Councillor Nedwell asked if patients may have to relocate further away from Lancashire if the necessary places were not available.

The Chief Executive indicated that this would be the case.

The Chair referred to the current provision of the purpose built unit at Calderstones for secure patients and asked why a newly built unit had been proposed.

The Chief Executive pointed out that the current state-of-art unit was only 2 years old and had cost £10 m to build and indicated his preference for keeping it open. He indicated that if they could repurpose Mapelwood they would be able to save £25 m but that the decision was being taken by NHS Trust of England. He indicated that there could be legal challenges to their decisions. He also pointed out that over 100 people were being sent out

of Lancashire when there were not enough beds and that the provision of beds could be found in Lancashire at a lower cost.

- Resolved**
- (1) That a report be submitted to Full Council recommending that the Council support the retaining of facilities at Calderstones for medium and low security patients;**
 - (2) That there be greater public consultation to provide for greater informed decision making; and**
 - (3) That the Council writes to the Chief Executive of NHS England to outline the Council's concerns over the closure of the in-patient facilities at Calderstones NHS Trust and to urge reconsideration of using the purpose built facilities for future medium and low secure patients.**

71 The Evergreen School Project

Trustees of the proposed Evergreen school gave a presentation to the Committee on the creation of the new free school in providing secondary education. They reported that they had submitted an application to the Department of Education for a new secondary school in Great Harwood and had received advice on how to set up the school. They referred to the required stages of the application and the information and evidence they would be required to produce. The rationale for the school was to provide flexible teaching based around a project, high quality teaching and learning, provision of parental choice in education and to meet the need for new educational facilities in the area. The Committee was informed that the Trustees of the school were made up of a range of people including many local parents and that the location of Great Harwood had been chosen because there was a need for a further educational facility in this area. A large number of children currently had to travel by bus to school. The educational model was:

- Ebacc
- Additional qualifications
- Project based learning – a different style to the delivery of the national curriculum
- The School would also be used for community based activities

They explained that consideration would be given to where the school would be located in Great Harwood and that priority for attending the school would be given to children who lived in Great Harwood. She indicated that pupils would be encouraged to walk to school. Future plans would be for a sixth form provision. Consideration could also be given to locating the school in Clayton le Moors as there was a need for an educational facility in this area. If the school was given the go ahead she referred to how funding could be accessed.

Details of teaching methods were provided including project based learning, no sets or groups and taking exams at a time considered ready for the child. Teaching would be provided by a range of personnel including teachers, experts from businesses and representatives from organisations and the community. The aim would be to empower children by identifying individual needs and matching them to a preferred teaching method.

Members referred to their support and enthusiasm for the proposed school and the teaching methods that would be engaged. Councillor Molineux indicated that he would provide a letter of support for the proposed school to the Department of Education as a County Councillor for Great Harwood and a district Councillor for Great Harwood.

Resolved

- **That the Committee recommends that the Council gives its support to the application for the proposed free school, the Evergreen School in Great Harwood.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

This page is intentionally left blank

RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 19th July, 2016

Present: Councillor Abdul Khan (in the Chair),
Councillors Lisa Allen, Bernard Dawson, Stewart Eaves, Terry Hurn,
Jenny Nedwell, Tim O'Kane and Paddy Short

In Attendance: Portfolio Holder for Resources (Councillor Gareth Molineux)
Portfolio Holder for Health and Communities (Councillor Munsif Dad)

Apologies: Councillors Jean Battle and Stephen Button

87 Apologies for Absence

Apologies for absence were submitted from Councillors Jean Battle and Stephen Button and from Ian Ormerod (Co-optee).

88 Substitutions

Councillors Bernard Dawson and Stewart Eaves attended the meeting as substitute representatives for Councillors Jean Battle and Stephen Button respectively.

89 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

90 Minutes of Last Meeting

The Minutes of the meeting of the Resources Overview and Scrutiny Committee held on 22nd March 2016 were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

91 Appointment of Co-optees

The Overview and Scrutiny Officer submitted a report relating to the appointment of Co-optees to the Overview and Scrutiny Committees by Full Council on 7th July 2016. No new applications for co-option to the Resources Overview and Scrutiny Committee had been received and Honorary Alderman Ian Ormerod had been reappointed to that Committee. Former Councillor Kerry Molineux had been appointed as a new Co-optee to the Communities and Wellbeing Overview and Scrutiny Committee and Honorary Alderman David Parkins had been reappointed to that Committee.

Resolved - **That the report and appointments be noted.**

92 Overview and Scrutiny Work Programme 2016/17

The Overview and Scrutiny Officer submitted a report asking the Committee to give consideration to and approve the draft 2016/17 Resources Overview and Scrutiny

Committee Work Programme appended to the report. Any additional items would be added to the Work Programme as the Municipal Year progressed. The draft 2016/17 Work Programme for the Communities and Wellbeing Overview and Scrutiny Committee was appended to the report for information.

Resolved - **That the 2016/17 Resources Overview and Scrutiny Committee Work Programme be approved and submitted to the next meeting of Cabinet for comment.**

93 Hackney Carriages - Cross Border Working

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report relating to “cross border” working by hackney carriages which was an issue that had caused particular controversy both nationally and locally. Reference was made to the current legal position on the practice of hackney carriages licensed in one area working as private hire vehicles in other areas and Hyndburn Council’s hackney carriage and private hire licence policies and procedures. Some Councils were now seeking to address the issue by adopting an “Intended Use Policy” and East Lancashire Councils were currently exploring the possible harmonisation of conviction policies and licensing conditions. Responses were given in relation to the following issues raised by the Committee:-

- How big was the problem of “cross border” working in Hyndburn and how many taxis operating in the Borough had not been licensed by Hyndburn Council
- Were “cross border” taxis working for a particular operator
- When had Rossendale Council adopted its Intended Use Policy and was there evidence that it had reduced the number of “cross border” taxis operating in Hyndburn
- Could East Lancashire harmonise their respective convictions policies and licensing conditions and, if so, what progress had been made
- Hyndburn had limited the number of licences it issued, Had the Government got powers to restrict the number of licences issued by other authorities and, if so, was the use of those powers being considered

Resolved (1) **That Cabinet be recommended to:-**

(a) Work with all Lancashire District Councils in lobbying the Government to modernise the piecemeal, complicated, archaic and in some cases ambiguous legislation surrounding private hire and hackney carriage licensing.

(b) Pursue the adoption of a Policy that would allow the Council to undertake enforcement action against hackney carriages operating in the Borough that were not licensed by Hyndburn Council.

(c) Explore actions which could be taken by the Council to reduce problems associated with “cross border” working, regardless of any support emanating from other Councils.

(2) That the Lancashire County Council Health Scrutiny Committee be requested to scrutinise the Child Sexual Exploitation prevention work being carried out at County level.

This page is intentionally left blank

PLANNING COMMITTEE

Wednesday, 20th July, 2016

Present: Councillor , Councillors Bernard Dawson, Judith Addison, Mohammad Ayub, Stephen Button, Clare Cleary, Stewart Eaves, Melissa Fisher (Vice Chair), June Harrison, Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short and Paul Thompson

Apologies: Councillors Loraine Cox

111 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

Apologies for absence were submitted by Councillor Loraine Cox.

Councillor Clare Cleary acted as substitute representative for Councillor Loraine Cox.

There were no declarations of interest.

112 Minutes of the Last Meeting

The minutes of the last Planning Committee held on the 21st June 2016, were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

113 Town and Country Planning Act 1990- Planning Applications for Determination

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning application.

Resolved - **That the following planning application be approved subject to the conditions as per the report and the amended layout for the parking plan and highway safety:-**

11/16/0188 Erection of two storey side extension
Kebb House, Blackburn Old Road, Great Harwood

N.B. Councillor Gareth Molineux spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

This page is intentionally left blank

EXTRA-ORDINARY RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 11th August, 2016

Present:	Councillor Abdul Khan (in the Chair), Councillors Lisa Allen, Jean Battle, Stephen Button, Bernard Dawson, Terry Hurn, Jenny Nedwell and Paddy Short
Co-optee	Mr. Ian Ormerod
In Attendance:	Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) Councillor Judith Addison (Sponsor of the Call-In) Seven Members of the Public
Apologies:	The Mayor (Councillor Tim O'Kane)

114 Apology for Abence

An apology for absence was submitted from the Mayor (Councillor Tim O'Kane).

115 Substitutions

Councillor Bernard Dawson attended the meeting as substitute representative for the Mayor (Councillor Tim O'Kane).

116 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

117 Call-In Procedure Note

The Procedure to be followed at the meeting in relation to call-ins was submitted and attention was drawn to Paragraph 8 which set out the options available to the Committee when reaching a decision on the undermentioned call-in.

Resolved - That the Procedure be received and applied to the undermentioned call-in.

118 Call-In of Cabinet Decision - Rhyddings Park Heritage Lottery Bid

The Chair informed the Committee that the purpose of the meeting was to consider a recommendation arising from the meeting of the Cabinet held on 20th July 2016, when it had been resolved:-

- (1) That the contents of the report be noted;
- (2) That bearing in mind the long-term future of the sequoia tree and Park in general, the tree be removed and the landscape plan as originally agreed by the national Heritage Lottery Board be continued with.

The following documents were submitted:-

- i) Call-In Form
- ii) Rhyddings Park Heritage Lottery Bid (Copy of Cabinet Report dated 20th July 2016)
- iii) Extract from Minutes of Cabinet dated 20th July 2016
- iv) Rhyddings Park Heritage Lottery Bid (Copy of Council Report dated 7th July 2016)
- v) MPTrees AIA Sequoia Rhyddings Park April 2016 (Copy of Council Report dated 7th July 2016)
- vi) Rhyddings Park Heritage Lottery Bid (Copy of Cabinet Report dated 8th June 2016)
- vii) Rhyddings Park Heritage Lottery Bid (Copy of Cabinet Report dated 3rd December 2014)

In accordance with the Call-In Procedure for Cabinet Decisions, the Procedure had been activated by two members of the Committee (Councillors Lisa Allen and Terry Hurn) specifically in relation to the decision to remove the sequoia tree from the Park. Councillor Judith Addison (Sponsor) was in attendance at the meeting and the undermentioned reason was given for the call-in:-

“The controversy about the sequoia tree has arisen because Ward Councillors and local residents were never consulted about the Stage 2 Bid, despite statements to the contrary in the Customer First Analysis dated 20th May 2016. It was only at Stage 2 that the relocation of the Market Cross and consequent felling of the sequoia tree were introduced – they did not feature in the Stage 1 Bid or in the planning consent for the refurbishment and improvement of the Park – Planning Application No. 11/14/0359”.

The call-in related to the following:-

- (a) Cabinet’s recommendation for felling of the sequoia tree was clear but was based on a false premise.
- (b) Councillors and residents had never seen the Stage 2 Bid documentation.
- (c) The Stage 1 Bid submitted by Newground on 30/08/13 had not mentioned the Market Cross or sequoia tree. Planning Consent 11/14/0359 for the Heritage Lottery Scheme, granted on 11/12/14, related solely to the Coach House area at the top of the Park. The English Heritage comments dated 20/10/14 on the Case File confirmed that. Consent to fell the sequoia had been granted under Ref. 11/16/0027 – Works to / Felling of various trees within Rhyddings Conservation Area. Simon Prideaux’s “decision letter” of 16/03/16 stated that the Council would not be issuing Tree Preservation Orders in respect of any of the trees listed – “The reason for that was that the Council’s Cabinet had supported the proposals for the refurbishment and improvement of Rhyddings Park and that application had been made on the basis that those works to trees formed an integral part of those proposals.” The sequoia was shown as T335.
- (d) In relation to policy issues, as a member of the Council’s Planning Committee (former Chair), I (the Sponsor) am concerned that the protection of trees in Conservation Areas was afforded so little importance. The Town and Country Planning Act 1990, Section 211, gave the same protection to trees in a Conservation Area (in this case Rhyddings Conservation Area declared 14/04/92) as it does to trees included in a Tree Preservation Order. Although a Planning Authority could grant consent for works or felling, that would be regarded as the exception rather than the rule and would have to be justified, e.g. if diseased; in

those circumstances replacement planting of a similar tree “at the same place” would normally be required.

- (e) In relation to service delivery issues, it was obvious that the proposals relating to the “impressive vista” at the Park entrance were introduced for the first time in the Stage 2 Bid document which Councillors and residents were not consulted upon. There was not even planning permission for the relocation of the market Cross, which was after all only a replica of the original. Without that proposed relocation, the issue of the sequoia tree would never have arisen. The relocation would involve the cutting of a semi-circular seating area into the grass banking behind. That, we were told, would damage some of the roots of the sequoia tree, thus rendering it unstable.
- (f) The issue of community impact was by far the greatest area of concern and threatened to bring the Council into disrepute. Oswaldtwistle residents saw an unpopular decision being forced upon them by a Leader and Cabinet which doesn’t include any Oswaldtwistle representatives. They think that makes a travesty of democracy, when even their own elected Oswaldtwistle Councillors weren’t consulted and couldn’t have a say in that. Residents loved and valued their local Rhyddings Park, in particular the “natural elements” such as the sequoia tree. If they had been asked, I don’t think there was one single person who would have chosen the market Cross over the tree. As regular users of the Park – some several times a day for dog-walking – they feel that they should be allowed a big say in the plans. They were incensed that their Petition of about 2,000 signatures had largely been ignored by the Council / Cabinet, which they saw as determined to “ride roughshod” over their wishes. (See email sequence between resident Samantha Haslope and Georgina Finn of Heritage Lottery Fund North West Office as attached to the call-in form).

The Sponsor spoke on the reasons for the call-in.

The Portfolio Holder for Education, Leisure and Arts (Councillor Moss) spoke on the reasons for the decision taken by Cabinet.

The Chair invited the Committee and Members of the Public present to ask questions of the Portfolio Holder and the Acting Head of Community Services and responses were given to the following issues / concerns raised:-

- Consultation and Period Undertaken
- Contents and Outcome of Consultation
- Vista and Facilitation of Landscape Improvements
- Flooding and Drainage
- Damage to Tree and Future Maintenance Costs
- Current and Proposed Number of Trees in Park
- Views of Friends of Rhyddings Park and Residents
- Petition Submitted to Council
- Bat Survey
- Tree Replacement
- Reuse of Sequoia Tree Wood as Part of Improvement Scheme

The Sponsor took the opportunity to sum up and the Overview and Scrutiny Officer outlined the three options available to the Committee in reaching a decision on the call-in. The Committee discussed and voted on those options.

Resolved

- That the Cabinet decision be released in full for implementation.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Monday, 22nd August, 2016

Present: Councillor Joyce Plummer (in the Chair), Councillors Paul Cox, Stewart Eaves, Melissa Fisher, Julie Livesey and Paddy Short

Apologies Councillor Eamonn Higgins

119 Apology for Absence

An apology for absence was submitted from Councillor Eamonn Higgins.

120 Substitution

Councillor Paul Cox attended the meeting as substitute representative for Councillor Eamonn Higgins.

121 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

122 Minutes of Last Meeting

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 27th June 2016 were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

123 Licensing Procedure - Complaints

The Licensing Procedure to be followed at the meeting in relation to complaints lodged against licensed Hackney Carriage and Private Hire Drivers was submitted. A copy of the Procedure had been sent to the complainant and the driver (MT).

Resolved - **That the Procedure be noted.**

124 Licensing Guidelines

The Licensing Guidelines (Appendix G of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013 - 2016) were submitted. A copy of the Guidelines had been sent to the complainant and the drivers.

Resolved - **That the Guidelines be noted.**

125 Exclusion of the Public

Resolved

- That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the items.

126 Report Relating to a Licensed Private Hire Driver (MT)

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report informing the Committee of relevant issues relating to a licensed joint vehicle driver (MT). A complaint had been lodged by a member of the public against the driver and was set out in the report. The following documents were appended to the report:-

- Appendix 1 - Copy of final written warning letter
- Appendix 2 - Copy of a witness statement
- Appendix 3 - Copy of the driver's statement

The following additional documents had been circulated to the Committee at the request of the driver:-

- (i) Statement of Truth from the driver
- (ii) Statement of Truth from employee of Max Cabs
- (iii) Copy of log of voice calls made from driver's mobile phone
- (iv) Photograph of Max Cabs log entry of taxi booking call received
- (v) Mobile phone photograph of torn fare payment notes
- (vi) Transcript of telephone call made by the complainant's partner to Max Cabs about the incident

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of the complaint was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (MT) and his representative had been invited to attend the meeting and in that respect, the driver and his Solicitor (JB) were in attendance. At the request of the driver, the Max Cabs employee who had provided a Statement of Truth was invited into the meeting and spoke on the contents of his Statement and in support of the driver. The complainant (TA) and her representative had also been invited to the meeting and in that respect, the complainant and her representative (GM) were in attendance.

The Committee was requested to:-

- (a) Determine whether the facts related in the complaint were substantially true;

- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted either unlawfully or in breach of any legislations, regulation or licence condition governing the conduct of licensed private hire vehicle drivers; and,
- (c) Determine what action, if any, should be taken against the driver.

Decision of the Committee:-

Resolved

- (1) That the complaint lodged against the joint vehicle driver (MT) be upheld. The Committee had not accepted the evidence provided by the driver or the complainant unconditionally but had been satisfied that there were elements of truth in both accounts. The Committee therefore concluded that on the balance of probabilities the circumstances favoured the complainant in that the behaviour of the driver was inappropriate and therefore merited a suspension of his joint vehicle driver licence; and**
- (2) That, as the conduct of the driver (MT) had been inappropriate and not that expected of a licensed joint vehicle driver, his licence be suspended for a period of fourteen days pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and for the reasons outlined at the meeting and set out in the decision notice.**

127 Application for a Private Hire Driver's Licence (MM)

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report outlining an application for a private hire vehicle driver licence.

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of convictions which included plying for hire and two serious complaints was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the applicant (MM) and his representative had been invited to attend the meeting and in that respect, the applicant and his representative (MY) were in attendance.

The Committee was requested to consider whether the applicant was a fit and proper person to be licensed.

Decision of the Committee:-

Resolved

- That, as the applicant (MM) was not considered to be a 'fit and proper person', his application for a Private Hire Vehicle Driver Licence be refused for the reasons outlined at the meeting and set out in the decision notice.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

PLANNING COMMITTEE

Wednesday, 31st August, 2016

Present: Councillor Bernard Dawson (in the Chair), Councillors Loraine Cox (Vice Chair), Judith Addison, Mohammad Ayub, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Terry Hurn, Abdul Khan, Paddy Short and Paul Thompson

Apologies: Councillors Kath Pratt

140 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

Apologies for absence were submitted by Councillor Kath Pratt.

Councillor Terry Hurn acted as substitute representative for Councillor Pratt.

There were no declarations of interest.

141 Minutes of the Last Meeting

The minutes of the last Planning Committee held on the 20th July 2016, were submitted for approval as a correct record.

Resolved - That the Minutes be received and approved as a correct record.

142 Town and Country Planning Act 1990- Planning Applications for Determination

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning applications.

Resolved (1) That the following planning application be approved, subject to the conditions as per the report:-

11/16/0247 Variation of condition No2 (Design of communication mast) of 11/15/0377 Accrington Police Garage, Grange Lane, Accrington

Resolved (2) That the following planning application be approved, subject to the conditions as per the report:-

11/16/0219 Retention of existing building
Baird Moore Stud Farm, Plantation Road, Accrington

Resolved (3) That the following planning application be approved, subject to the conditions as per the report and an additional condition related to traffic management arrangements on the site:-

11/16/0219 Change of use to class D2 (Assembly and Leisure) Trampoline Park and part Sui Generis (Vehicle Part Sales) with external works to building

Land and buildings on the south west side of Sydney Street, Accrington

N.B. The Chief Planning and Transportation Officer read out a letter from the Peel Ward Councillor Joyce Plummer in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

The Chief Planning and Transportation Officer reported that the following planning application had been withdrawn.

11/16/0127 Full use of land for holiday occupation of caravans
Harwood Bar Holiday Park, Mill Lane, Great Harwood

143 Town and Country Planning Act - Planning Application for Determination

The Chief Planning and Transportation Officer submitted a report in a supplementary agenda setting out recommended action on the following planning application.

Resolved - That the following planning application be approved, subject to the conditions as per the report:-

11/16/0260 Change of use of ground floor from shop (A1) to betting shop (sui generis) and alterations to shop front
61-69 Blackburn Road, Accrington

N.B. Mr Andrew Windress spoke at the committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

Agenda Item 13.

REPORT TO:	Council		
DATE:	07 September 2016		
REPORT AUTHOR:	Helen Gee, Member Services Manager		
TITLE OF REPORT:	Motion for debate at Council - To condemn Racism, Xenophobia and Hate Crimes		
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	n/a

Council will be asked to consider the following motion submitted under Council Procedure Rule A9:-

1. That all members of this Council are proud to live in a diverse and tolerant society and that racism, xenophobia and hate crimes have no place in our country.
2. That Hyndburn Council condemns racism, xenophobia and hate crimes unequivocally and it will not allow hate to become acceptable.
3. That this Council will work to ensure that local bodies and programmes have the support and resources they need to fight and prevent racism and xenophobia.
4. That the Council wants to reassure all people in Hyndburn that they are valued members of our community.

Proposer: Councillor Munsif Dad
Seconder: Councillor Noordad Aziz

Submitted on: 6th September 2016

This page is intentionally left blank