

# Agenda

MUNICIPAL YEAR 2016-2017



**HYNDBURN**

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## Planning Committee

Tuesday, 21 June 2016 at 2.00 pm,  
Council Chamber, Town Hall, Accrington

### Membership

Chair: Councillor Bernard Dawson  
Vice-Chair: Councillor Loraine Cox

Councillors: Judith Addison, Mohammed Ayub, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short and Paul Thompson.

## AGENDA

1. **Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**

2. **Minutes of the Last Meeting** (*Pages 3 - 6*)

To submit the minutes of the Planning Committee meeting held on the 18<sup>th</sup> May 2016 for approval as a correct record.

**Recommended** - **That the minutes be received and approved as a correct record.**

3. **Town and Country Planning Act 1990- Planning Applications for Determination**  
(*Pages 7 - 80*)

The attached report sets out recommended action on the following planning applications:-

3A - 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

3B - 11/16/0128: Major outline: Erection of up to 34 no dwellings (all matters reserved except access)

Land to west of Rhoden Road, Oswaldtwistle

3C - 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

3D - 11/16/0126: Major Full: Erection of 12no dwellings

Land at Broadfield Garage Oswaldtwistle

**Recommended - That the applications be determined as set out in the report.**

#### **4. Supplemental Agenda: Planning Application 11/16/0132 (Pages 81 - 96)**

Urgent Business

The Chair is of the opinion that the following item should be considered as urgent, in accordance with Section 100b(4) of the Local Government Act 1972.

Due to important information related to the application being submitted after publication of the agenda.

The attached report sets out recommended action on the following planning application:-

4A - 11/16/0132: Major Full: Redevelopment of Whinney Hill Stand (North) following demolition of existing including floodlighting and external works.

Accrington Stanley, Livingstone Road, Accrington

**Recommended - That the application be determined as set out in the report.**

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## PLANNING COMMITTEE

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**Wednesday, 18<sup>th</sup> May 2016**

**Present:** Councillor Bernard Dawson (in the Chair); Councillors Judith Addison, Lisa Allen, Mohammed Ayub, Loraine Cox, Melissa Fisher, June Harrison, Eamonn Higgins, Abdul Khan, Joyce Plummer, Kath Pratt and Paul Thompson.

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### **Apologies for Absence**

There were no apologies for absence.

### **Substitutions**

There were no substitute representatives.

### **Declarations of Interest and Dispensations**

Councillor Paul Thompson declared a personal interest in planning application 11/16/0020, Eco House, Whinney Hill Road, Altham, due to him knowing the applicant.

### **Minutes of the Last Meeting**

The minutes of the last Planning Committee held on the 13<sup>th</sup> April 2016, were submitted for approval as a correct record.

**Resolved** - **That the Minutes be received and approved as a correct record.**

### **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:-**

11/16/0028                      Erection of rear and side extension to dwelling and extension to detached garage  
59 Balmoral Road, Accrington

N.B. 1. Councillor Lisa Allen left the meeting and took no part in the determination of the application due to her not being present at the last Planning Committee when this application was deferred for a site visit.

2. The Chief Planning and Transportation Officer reported a late representation from the neighbouring property and read out a letter to committee Members which had been submitted.

**Resolved (2) That the following planning application be approved and that the variation is granted subject to the original conditions approved under application 11/12/0456 and the variation to condition 5 as per the report:-**

11/16/0020 Variation of condition No 5 working hours (folio 3) of 11/12/0456  
Eco House, Whinney Hill Road, Altham

1. Mr Chris Bull spoke at the Committee 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 submitted a report and extra supplemental information contained within the update report setting out recommended action on the following planning applications.

**Resolved (3) That the following planning application be approved subject to the completion of a Section 106 agreement and conditions as per the report:-**

11/16/0013 Major Full: Erection of 42 no dwellings with associated infrastructure (including demolition of existing building)  
Waverledge Business Park, Waverledge Street, Great Harwood

1. Mr Andrew Crompton spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

2. Mr Ian Grice spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

**Resolved (4) That the following planning application be approved subject to the conditions as per the report except conditions (24 & 25) and the signing of a Section 106 planning obligation. Conditions 24 & 25 to be amended with delegated authority given to the Chief Planning and Transportation Officer:-**

11/15/0399 Major Full: Erection of 75 no houses with garages and/or parking spaces together with the provision of open space and associated roads and sewers.  
Land off Parker Street, Rishton

1. Ms Katherine Jewell spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

2. Mr Steve Gamble 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.

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**REPORT TO: PLANNING COMMITTEE, 21<sup>st</sup> JUNE 2016, 2.00PM**

**REPORT BY: CHIEF PLANNING & TRANSPORTATION OFFICER**

**APPLICATIONS SUBMITTED UNDER THE TOWN AND**

**COUNTRY PLANNING ACT 1990 FOR DETERMINATION**

**Purpose of Report:** To present planning applications for determination as set out in the report

<b>3A</b>	<b>11/16/0118</b>	<b>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.</b>  182-184 Haywood Road, Accrington, BB5 5BP
<b>3B</b>	<b>11/16/0128</b>	<b>Major outline: Erection of up to 34 no dwellings (all matters reserved except access)</b>  Land to west of Rhoden Road, Oswaldtwistle
<b>3C</b>	<b>11/15/0347</b>	<b>Demolition of existing building and erection of 42 no houses and 8 no apartments with associated access and landscaping.</b>  Former Britannia Mill, Spring Street
<b>3D</b>	<b>11/16/0126</b>	<b>Major Full: Erection of 12no dwellings</b>  Land at Broadfield Garage Oswaldtwistle

**NOTE:** The policies referred to under “Relevant Policies” are set out in the Hyndburn Borough Local Plan, Hyndburn Core Strategy and National Planning Policy Framework.

A list of the above documents and background papers relating to each planning report can also be inspected at Scaitcliffe House, Accrington, upon request or via the HBC website:

<http://planning.hyndburnbc.gov.uk/WAM/searchsubmit/performOption.do?action=search&appType=Planning>

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**Application Number:** 11/16/0118

**Full Application:** 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.

**Address:** 182-184 Haywood Road, Accrington, BB5 5BP

**Determination by:** 03 September 2015

**Applicant:** Mr S Khan

**Agent:**

### **Application Site**

The application site is a commercial property located on the junction of Haywood Road and Ribblesdale Avenue within the urban boundary in Accrington. The building is attached to the end terrace of 186 Haywood Road and is brick built with a slate roof and has attractive stone features on the front elevation. The building is currently occupied by a retail premises with living accommodation at first floor level.

### **Proposal**

Planning permission is sought for a change of use of the ground floor of 184 Haywood Road from retail (Use class A1) to a hot food take-away (Use Class A5). Proposed physical works include the insertion of a new door and windows for the take-away which are proposed to be Upvc. Proposed opening hours are 11am-13.30pm Monday to Saturday, no opening hours have been submitted for Sundays or Bank/Public holidays.

This application is before the planning committee at a councillor's request.

### **Consultations**

Site notice: 1 affixed

Neighbours: Letter sent to 186 Haywood Road and 1 & 3 First Crescent. Three letters of objection received on the following grounds:

- Traffic/parking
- Highway Safety
- Litter
- Gathering of youths
- Odour
- Noise
- Vermin e.g. rats

## LCC Highways:

The application proposes to change approximately 70m<sup>2</sup> of A1 shop usage to A5 hot food takeaway. Under Hyndburn Borough Councils adopted car parking and access standards the A1 usage should provide approximately 3.5 car parking spaces (at a ratio of 1:20), whilst the A5 hot food takeaway should provide approximately 6 parking spaces (at a ratio of 1:12). This is a difference of 2.5 spaces. Although the applicant proposes 6 parking spaces as being available to the building frontage forecourt (design and access statement) in reality this is not available. Both the Haywood Road and Ribblesdale Avenue frontages to the property are adopted footway (not private forecourt) up to the building. The highway Authority would not consider it acceptable for vehicles to drive and park on the adopted footway. Consequently the application has been assessed as having no site specific parking.

The site is not located within a highly sustainable location and as such should not be considered as being suitable for a reduction in parking standards. However on street parking is available both along Haywood Road and more appropriately along Ribblesdale Avenue.

During my site visit I noted a number of pedestrian trips to the shop. Given the nature of the business it is possible that a significant segment of custom will be generated from the local catchment area. Consequently trips may be undertaken on foot or by cycle and some may be linked trips associated with the shop.

The County Council is aware of parking issues generated by local residents parking on grass verges along Haywood Road. However no issues have been recorded with regards the operation of the existing shop.

After giving due consideration to the above I believe it is unnecessary to seek an increased parking provision in order to make this application viable.

However I am concerned about the possibility of vehicles driving across the adopted footway and parking to the building frontage (also footway). During my site visit I witness a vehicle parked on the footway in front of the shop and noted significant damage to the dropped pedestrian crossing and footway structure. It is likely illegal vehicle movements have significantly contributed to this damage.

Notwithstanding damage inflicted on the construction the presence of unexpected vehicular movements along the footway would be detrimental to pedestrian safety.

Consequently should this application be supported I would ask that it is made a condition of any approval given that the applicant fund the introduction of a suitable length of pedestrian guard rail or cycle rack system adjacent to the Ribblesdale Avenue and Haywood Road dropped crossing points as off-site highway works. This is to prevent vehicular access across the footway and to increase the sustainability of the site by providing a point where

bicycles can be locked whilst cyclists visit the store / takeaway. The offsite highway works should be introduced through an appropriate legal agreement prior to the opening of the hot food takeaway.

Should this condition be applied I can confirm that the County Council would offer no further objection to this proposal.

Environmental Health:

Development/Construction phase

Deliveries to and from the site should be restricted to between 0800 and 1800hrs Monday to Friday and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays. Works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300 on Saturdays. Works should not take place on Sundays and bank holidays. All works should be undertaken in accordance with BS5228:2009.

Reason- to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

Development/construction phase

Effect of Noise/dust /fumes on neighbouring premises during the building works.

Measures should be in place to prevent nuisance being caused to residents /occupants from noise, dust and or fumes arising from the building works.

There should not be any burning of construction waste on site, appropriate provisions should be made for its disposal.

Reason- to protect the amenities of existing occupiers at nearby premises from nuisance sources associated with the building site

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Odour and noise

A scheme for the control of cooking odours and fan noise from the premises shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Before the use hereby approved is commenced, the agreed scheme shall be implemented and thereafter retained.

Reason- to prevent dis- amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise.

### **Relevant Planning History**

02/0035: Installation of atm cash machine. a/c 22.2.02

07/0141: Change of use from shop with living accommodation to shop and self-contained first floor flat and external alterations. a/c 24.05.2007

## **Relevant Policies**

### **Development Plan**

#### *Hyndburn Borough Local Plan Saved Policies*

- Policy E.10                      Development Criteria
- Policy R.6                        Hot food Take-away

#### *Hyndburn Core Strategy*

- Policy Env4                      Sustainable Development and Climate Change
- Policy Env6                      High Quality Design
- Policy Env7                      Environmental Amenity

### **National Planning Policy Framework**

- Paragraph 17                    Core planning principles
- Section 7                        Requiring good design

### **Other material considerations**

- Planning Practice Guidance (PPG)
- Development Management DPD (Preferred Options) November 2012

## **Observations**

The key issues for consideration in this application are the principle of the change of use, its impact on residential amenity, design and highways matters.

### **Principle of development**

Saved Local Plan Policy E.10 relates to new development and advises that the Council will have regard, amongst other things, to the nature of the developments and its relationship with the existing area. Additionally, Saved Policy R.6 of the Hyndburn Borough Local Plan states that “when considering proposals for development of or the change of use to premises for the sale of hot food solely for consumption off the premises, the Council will take into account, amongst other matters, the effect on the amenity of local residents and on the character of the area through noise, disturbance, traffic and parking, smell and litter, and the effect on the vitality and viability of local retailing”. As such, the principle of a change of use is considered to be acceptable subject to no detrimental harm to the amenity of the area and highways matters, both of which are detailed below.

## **Impact on amenity**

Policy Env7 of the Hyndburn Core Strategy states that proposals for new development will only be permitted if it does not result in unacceptable adverse impacts through (amongst other things), noise, odour or other nuisances.

The proposal is for use of the ground floor to a hot food take-away and as there are residential premises above and also in adjacent buildings the Environmental Health team have been consulted. The Environmental Health Officer raises no objection to the application subject to conditions on times of construction/demolition and the submission of a scheme for the control of odour and noise being submitted to and agreed in writing by local planning authority prior to the commencement of the development.

Officers are therefore satisfied, subject to an acceptable odour/noise assessment report being submitted and approved, the proposal would not cause harm to residential amenity and would therefore suitably accord with Policies E10 and R.6 of the Hyndburn Borough Local Plan, Policy Env 7 of the Hyndburn Core Strategy and the NPPF

## **Design**

Policy Env6 of the Hyndburn Core Strategy seeks to ensure that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design. Saved Policy E.10 of the Hyndburn Local Plan has similar aims

Proposed physical works include the insertion of a new door and windows for the take-away which are proposed to be uPVC. The new doorway will incorporate a low access, to enable disabled customer access. The current appearance of the ground floor frontage offers little to the character and appearance and in this instance, officers are satisfied that the alterations are appropriate in terms of their design and materials and will be in keeping with the character of the building and the area. As, such, the application is considered to acceptable in terms of design and would therefore comply with the council's development plan.

## **Highways**

Lancashire County Council Highways has been consulted and offer no objection to the application subject to conditions. The engineer noted the following:

*"I am concerned about the possibility of vehicles driving across the adopted footway and parking to the building frontage (also footway). During my site visit I witness a vehicle parked on the footway in front of the shop and noted significant damage to the dropped pedestrian crossing and footway structure. It is likely illegal vehicle movements have significantly contributed to this damage.*

*Notwithstanding damage inflicted on the construction the presence of unexpected vehicular movements along the footway would be detrimental to pedestrian safety.*

*Consequently should this application be supported I would ask that it is made a condition of any approval given that the applicant fund the introduction of a suitable length of pedestrian guard rail or cycle rack system adjacent to the Ribblesdale Avenue and Haywood Road dropped crossing points as off-site highway works. This is to prevent vehicular access across the footway and to increase the sustainability of the site by providing a point where bicycles can be locked whilst cyclists visit the store / takeaway. The offsite highway works should be introduced through an appropriate legal agreement prior to the opening of the hot food takeaway.*

*Should this condition be applied I can confirm that the County Council would offer no further objection to this proposal.”*

Given the above, it is recommended that a Grampian (prior to commencement) condition is attached should planning permission be granted. Subject the requested condition the application is considered to be acceptable in terms of its impact on the adopted highways.

### **Conclusion**

The proposed change of use is considered to be acceptable in principle, design, highways matters and subject to a satisfactory odour/noise assessment to prevent any impact on residential amenity the application is recommended for approval.

### **Recommendation**

That planning permission is GRANTED subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents unless otherwise required by the conditions below:
  - a. The planning application forms and additional information received by Hyndburn Borough Council on 22 March 2016.
  - b. Submitted drawing no. 1 received on 22 March 2016.

Reason: for the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of

the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

3. Prior to the use of the building as a hot food take-away, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained and appropriately maintained.

Reason: To prevent dis-amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise and to comply with Core Strategy Policy Env7 and the NPPF.

4. The use hereby permitted shall not be open to customers except between the hours of 11:00am and 10:30pm on Mondays to Saturdays and not at anytime on Sundays, Bank or Public Holidays.

Reason: In order to protect the residential amenities of the occupiers of the adjacent properties and to comply with Policy Env 7 of the Hyndburn Core Strategy.

5. Deliveries to and from the site should be restricted to between 0800 and 1800hrs Monday to Friday and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays. Works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300 on Saturdays. Works should not take place on Sundays and bank holidays. All works should be undertaken in accordance with BS5228:2009.

Reason: to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

### **Informatives**

- 1) Reasons for approval
- 2) Accordance with plans
- 3) Condition Precedent
- 4) Building Regulations Required
- 5) Relevant Policies

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**Application Number:** 11/16/0128

**Full Application:** Major outline: Erection of up to 34 no dwellings (all matters reserved except access)

**Address:** Land to west of Rhoden Road, Oswaldtwistle

**Determination by:** 21<sup>st</sup> June 2016

**Applicant:** Mr H Grimshaw

**Agent:** IBA Planning Limited

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

#### **Article 8**

The right to respect for private and family life, home and correspondence.

#### **Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

**This application is presented to Planning Committee because it is accompanied by a S106 agreement.**

### **Application Site**

The site extends to 1.62ha and comprises an area of agricultural land, former kennels and wider curtilage associated with the residential property known as 'Greenacres'. The site is bounded by terraced residential properties fronting Rhoden Road to the east, undeveloped land to the north, wooded land containing a small watercourse to the west and open countryside to the south. Vehicular access to both the site and 'Greenacres' is obtained via Rhoden Road which is an adopted (but unmade) highway, in poor condition.

There is land to the north west side of the site which is allocated for housing in the Development Plan (allocation no 9). The development of this site would not restrict the development of this allocated site as it does not provide a viable way in, as such it does not prejudice its development. There is a public footpath to the west of the site.

## **Proposal**

Outline planning permission is sought development of up to 34 dwelling houses within the site, with access being the only matter to be considered at this stage. There are three proposed access points form Rhoden Road. The application includes the upgrading of an unmade length of Rhoden Road alongside the development site comprising the provision of footways, carriage widening, re-surfacing and the provision of off street parking for those existing residential properties.

## **Consultations**

**Public consultation:** Site notice affixed and letters sent to surrounding properties. 22 letters/emails of objection have been received and the reasons for objection have been summarised below:

- Increase in traffic and highways safety.
- Ownership of Rhoden Road/ where will residents park when development and road being built/how will emergency services access during development?
- Conflicts with Policy- NPPF doesn't take precedence as Local Plan is not out of date.
- Pedestrian safety.
- Loss of light and shadowing to residents on Rhoden Road.
- Character of street and loss of rural feel
- Noise pollution
- Risk to health and threat to living a healthier and longer life- e.g. dust and air pollution caused by increase in cars.
- Loss of view affects residential amenity.
- Play area- may attract anti-social behaviour.
- Geological instability ad risk to public health.
- Greenfield land being developed- Brownfield should be first.
- Compromises the key sustainable development principles in the NPPF- development doesn't qualify for sustainable development.
- Distances to amenities like shops.
- Trip rates are wrong.
- Impact on health of resident at no53 Rhoden Road
- Errors in application.

**LCC Highways:** Comments are summarised below:

- Transport Statement:

The Highways Authority considers that the TS traffic generation figures maybe slightly lower than could be expected for a site with limited sustainable transport link. Many of the sites chosen have far better public transport services than the proposed site so it is expected that slightly higher figures would be more realistic. However, given the limited scale of development it is unlikely additional traffic numbers would increase by a significant number. As such the view is that a max peak time increase of 23 vehicles in both directions is being realistic. Given that this is an equivalent to an addition of 1 vehicle every 3 minutes it is not

considered that the development is likely to have a significant impact on current highway network conditions.

- Section 38 Agreement:

The Highways Authority would seek to enter into an appropriate legal agreement with a view to adopting the road and footway layouts, inclusive of highway drainage and street lighting. A condition can be attached to the permission to ensure this.

- Access:

The proposed widening of Rhoden Road, with additional parking bays and a 2m wide footway to the westerly side of the road will match the current configuration of Roe Greave Road. The parking bays should be constructed to a minimum of 2m and an overall carriageway width of 7.5m. This improvement would be acceptable as a mechanism to provide adequate access to the residential proposal. The construction of the access road and footway should be to comply with standards.

On the previous application, the applicant indicated a new footway to tie into the existing, however there is no existing footway present on the westerly side of Roe Greave Road adjacent to Rhoden Road. The County Council require the applicant to introduce a footway along the existing grass verge from Rhoden Road up to the public right of way through an appropriate legal agreement.

The internal illustrative layout is welcomed and meets standards as do the access arrangements.

- Road safety:

Road safety records indicate one collision in the last five years does not raise particular concern with regards to the development of the site. Observations were that vehicle speeds are relatively low for the area.

- Parking standards

Car parking should be provided as per the Council's standard. Driveways should be 5.5m long and 2.5m wide and all garages should be constructed to internal dimensions of 6m x 3m as standard. All garages should have suitable charging for electric motor vehicles as standard. Cover cycle storage provided at 2 spaces per house.

- Layout

Roads should be constructed to 5.5m wide and 2m wide footways. Consideration to be given to street lighting positions and highway drainage layout. Service strips at 1m wide constructed in contrasting material to the adjacent driveways and free form all construction and vegetation beyond grass/turf. Proposed turning heads to be suitable to facilitate public service vehicles and design comply with standards.

- S278

A westerly footway provision from Rhoden Road to public right of way 11-5-FP 111.

The Highways Authority may also need some infrastructure works to facilitate sustainable travel from the site- this will be considered at reserved matters, as will potential for S106 contributions.

*Conclusion:*

- No objection subject to a road widening scheme to be introduced on Rhoden Road, inclusive of a new 2m wide footway, 5.5m wide carriageway and 2m wide parking bays to frontages 1-55 (odd) as indicated on the illustrative layout.
- A new public footway provision on the westerly side of Rhoden Road to the footway.

- The developer to enter into appropriate legal agreements with the County Council for the delivery and subsequent adoption of roads.
- Conditions suggested.

**Lead Local Flood Authority:** No objections to the scheme provided conditions and Informatives are attached.

**United Utilities:** No objections to the scheme provided conditions are attached.

**LCC Education:** No request for contributions has been made, no objections to the scheme.

**Regeneration and Housing:** No objections. Comments will be made in regarding to house types and sizes at the reserved matters stage. Welcome the provision of affordable housing.

**Electricity Northwest:** Comments were received on 2<sup>nd</sup> December 2015 to the previous application and are summarised below. Although comments were not received to this consultation, these still apply:

- Could have impact on infrastructure. Advice is supplied for the applicant.

**HBC Trees and Woodlands Officer:** No objections to the scheme, however a request for monies towards footpath upgrades, improved footpath to the west of the site and planting to the west of the site made.

**HBC Waste Services:** £75 per house for bin provision to be included in the S106.

**HBC Parks and Open Space:** Request for off-site public open space provision made for £62365 towards Rhyddings HLF match funding.

**HBC Environmental Health:** No objections providing suggested conditions are attached relating to site preparation and construction phase, noise dust and fumes and contamination of the site.

**The Coal Authority:** No objections but suggest condition is attached to ensure site investigations are carried out, and agreed with the local planning authority prior to the commencement of development.

### **Relevant Planning History**

11/15/0417 Application in outline for upto 34 dwellings. Withdrawn as the red edge was incorrect.

### **Relevant Policies**

Development Plan

*Hyndburn Borough Local Plan Saved Policies*

- Policy E.10 Development Criteria

### *Hyndburn Core Strategy*

- Policy BD1 The Balanced Development Strategy
- Policy H1 Housing Provision
- Policy H2 Affordable Housing
- Policy HC1 Green Space and Facilities for Walking and Cycling
- Policy HC3 The Design of Residential Roads
- Policy HC4 Community Benefits/Planning Obligations
- Policy Env2 Natural Environment Enhancement
- Policy Env3 Landscape Character
- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity
- Policy T2 Cycle and Footpath Networks

### Material considerations

National Planning Policy Framework (NPPF) including

- Paragraph 17 Core planning principles
- Section 4 Promoting sustainable development
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 10 Climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Hyndburn Borough Council Employment Land Study 2016

Hyndburn Borough Council 5 year Housing Land Supply April 2014

Hyndburn Borough Council Car Parking and Access Standards (2010)

Householder Design Guide (SPD) 2009

DCLG- Technical Housing Standards March 2015.

Guidelines for Proving Journeys on Foot' (Institution of Highways and Transportation 2000)

### **Observations**

Key issues for consideration with this application are 1) Principle of the development/ Housing supply, 2) Traffic and highways, 3) Drainage and flooding, 4) Affordable housing, 5) Housing mix, 6) Residential amenity, 7) Design and layout 8) Landscaping, trees and ecology, 9) Neighbour objections and 10) Sustainability. They are discussed individually below:

#### ***Principle of development/Housing supply***

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the

Development Plan comprises the saved policies of the Hyndburn Council Local Plan (1996) and the adopted Core Strategy.

The site adjoins, but lies outside the existing settlement framework boundary of Oswaldtwistle, as defined on the Proposals Map (1996) and therefore falls, by definition, within the countryside for development management purposes.

Prior to 2007, the site was subject to an allocation under Policy S4 as an 'Area of Special Restraint', and was highlighted as land which may be suitable for housing should there be deemed to be a strategic requirement beyond the plan period (2006). Following a Direction of the Secretary of State, this policy was not saved beyond September 2007; the site is therefore now considered to be 'white land' and as such is not allocated for anything.

Within the National Planning Policy Framework (para 47) there is a requirement on local planning authorities to identify and maintain a five year supply of housing development sites with an additional buffer to ensure there is choice and competition in the housing market. Where this cannot be demonstrated, para 49 of the Framework states that; *'Housing application should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'*. Hyndburn does not have a five year supply of housing and the planning application should therefore be considered in the context of the presumption in favour of sustainable development. The implications of this are considered in the 'Sustainability' section later in this report.

As the site is not allocated by the Local Plan 1996 or the on the Hyndburn Core Strategy, it is necessary to consider the proposal for housing in terms of sustainable development. The implications of this are considered in the 'Sustainability' section later in this report.

### **Traffic and Highways**

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic, Policy T2 deals with the provision of cycle and footpath networks and Policy HC3 deals with the design of residential roads.

The applicant has applied for outline planning permission with access only. A Transport Statement (TS) has been submitted with the application that looks at the impact of the development on the surrounding highway network. The TS concludes that the development will comprise up to 34 residential properties and associated parking, accessed via three new T junctions on Rhoden Road designed to standard and with appropriate visibility splays. In addition, as part of the development proposals, Rhoden Rad will be widened to accommodate two-way traffic and the off-street car parking will be formalised for the residential dwellings fronting the western side of the carriageway. As part of the highway improvement, the carriageway will be resurfaced along the site frontage.

It goes onto say that the development site is accessible by a range of sustainable transport modes, and as such it is a suitable location for development. The facilities in Oswaldtwistle are stated to be within a maximum walking distance (2000m) ('Guidelines for Proving Journeys on Foot': Institution of Highways and Transportation 2000), and given the existing pedestrian infrastructure there are good opportunities for pedestrian travel. The TS states that the existing pedestrian facilities will be enhanced by the development, by the widening of Rhoden Road and the provision of footways to connect to the existing network. It also highlights that given the areas contained within cycling distances accessible via relatively lightly trafficked residential roads, there are good opportunities for cycle travel between the development and the local area.

Objections have been raised in terms of the inaccuracies within the TS relating to TRICS. The TS notes that the proposed dwellings will generate two pedestrian journeys and two public transport journeys in a peak hour. These additional trips, can it says, be accommodated by the existing infrastructure and the proposed measures. It also states that the proposed development will also generate up to 18 two-way traffic movements in a peak hour. It states that almost all of the development traffic will travel to and from the north onto Roe Greave Road. As such, the TS concludes that this is considered to be an immaterial increase in traffic, and there have been no accidents in the last three years and as such, the proposed development will not have a significant impact on the operation or safety of the local highway network. The Highways Authority has considered the TS and state in their consultation response that it is their view that there would be a maximum increase of 23 vehicles in both directions. As this is the equivalent of an increase of 1 vehicle every 3 minutes, the Highways Authority do not consider that the development is likely to have a significant impact on current highway networks.

Objections have been raised in terms of the increase in traffic caused by the development, and highway safety. The Highways Authority has considered the submitted plans and TS, and has provided a detailed response. Overall they are satisfied with the information that has been provided and do not consider the proposal would have a detrimental impact on the highway network. However, they have requested that a new footway would be provided under a S278 agreement with the County Council to provide a link from the development to the public footpath at the west of the site, a road widening scheme be introduced at Rhoden Road to include parking bays to frontages 1-55 (odd) as indicated on the illustrative layout, a Section 38 agreement to adopt the highway once complete and various additional conditions noted in the consultation responses section of this report. These have been agreed with the applicant. The Highways Authority have also stated that the County Council may also require some infrastructure improvement works in order to facilitate sustainable travel from the site and that they may seek to support suitable infrastructure through a S106 contribution. This will be considered at the reserved matters stage.

Objections to the scheme have been also been raised in terms of pedestrian safety. The Highways Authority has considered this in their response and state road safety records indicate one collision has occurred in the last five years in the immediate vicinity of the site (in May 212- along Roe Greave Road) and as such this does not raise particular concern

with regards to the development of the site. Observations were that vehicle speeds are relatively low for the area.

Objections have also been raised in terms of the proximity to local services, and as such the sustainability of the site. In paragraph 2.5 of the TS it is stated that 'Guidelines for Providing Journeys on Foot' (Institution of Highways and Transportation 2000) suggests acceptable distances for walking to services (without impairment) is 1000m (acceptable) and 2000m (maximum). The report demonstrates that the pedestrian catchment area based on 2000m walking distance from the centre of the site via footways along the highway network and traffic free public footpaths. It is shown that the pedestrian catchment area covers the facilities within Oswaldtwistle and the western areas of Accrington. This includes three primary schools, various shops (including a Tesco), pubs, restaurants and leisure facilities. As such Officers are satisfied that this is not a reason to refuse the planning application. Parking and garage provision will be considered at the reserved matters stage, along with the internal layout of the scheme.

As such, in the absence of an objection from the Highways Authority as statutory consultee and with the suggested conditions attached, it is considered that the proposal meets with the relevant planning policies in terms of traffic and highway safety.

### ***Drainage and Flooding***

Paragraph 103 of the Framework seeks to avoid development resulting in an unacceptable flood risk. At the local level, Core Strategy policy Env4 and saved Local Plan Policy E10 have similar aims. There is detailed guidance provided in the NPPG in terms of the hierarchy that should be considered for drainage on sites as set out below:

The NPPG outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy, with the following options to be investigated in order of priority:

1. Into the ground (infiltration)
2. To a surface body (e.g. canal)
3. To a surface water sewer, highway drain, or other drainage system
4. To a combined sewer

A flood risk assessment has been submitted with the proposal which outlines how the site is to be drained. It is the applicant's intention to drain the site separately for foul and surface water, the latter of which using Sustainable Urban Drainage Systems (SUDS).

LLFA and United Utilities have considered the application and have no objections subject to various planning conditions being imposed.

Officers are satisfied that sufficient information has been submitted, at this stage to indicate how the proposed development will be drained. This coupled with the fact that no objections have been received from statutory consultees, means Officers are satisfied that the proposal meets with the relevant planning policies, at outline stage, in terms of flooding and drainage.

### ***Affordable housing***

Policy H2 of the Core strategy requires developments of 15 houses or more to make provision of 20% of the houses to be affordable. It goes onto say that in meeting this target consideration will be given to the availability of financial grants and evidence on the economic viability of individual developments.

The agent has agreed to provide 20% affordable housing on site, which will be the subject of a suitable planning condition. As such it is not considered that compliance with relevant affordable housing policies is not a reason to refusal the planning application at this stage.

### ***Housing mix***

Core Strategy Policy H1 states that new housing development will aim to provide a mix of house types based on the following proportions:

- Detached 26%
- Semi-detached 49%
- Terraced 5%
- Bungalows 8%
- Flats 12%

The aim of the policy is to balance local housing markets by increasing the variety of stock in Hyndburn. The housing offer in the Borough currently has a larger proportion of smaller 2/3 bedroomed terraced properties which account for over half the total housing stock.

As the proposal is for outline permission for up to 34no houses with only access applied for, the detail of the development will be considered at the reserved matters stage. However, Officers consider that the size of the site is suitable to accommodate 34no houses. The design and access statement states that 'the proposed mix of house types will be tailored at the reserved matters stage to respond to current and future demographic trend, market trends and the needs of different groups in the community as called for the NPPF.

The Council's Housing and Regeneration Officer has considered the application and as there is no detail regarding the mix at this stage, raise no objections to the scheme. They do however, welcome the provision of the affordable housing on site. As such it is not considered that compliance with the provisions Policy H2 of the Core Strategy in terms of housing mix is a reason to refuse the application at this stage.

### ***Residential amenity***

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising my reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of

local amenity and can be properly controlled in accordance with best practice and recognised standards.

Only limited assessment can be made at the outline stage as much of the residential amenity considerations will be made at reserved matters stage.

Objections have been raised to the application in relation to noise pollution and dust and fumes during construction. The Council's Environmental Health Officer has considered the scheme and has raised no objection to the proposal. Conditions have been suggested in relation to noise, dust and fumes during construction, which are attached.

Objections have also been raised to the scheme with regards to the increase in pollution due to the increased number of cars in the area. However the area is not designated as an Air Quality Management Area and it is not considered that this permission would result in a significantly detrimental impact on air quality in the area.

Objections have also been raised to the scheme with regards to the loss of light to the properties facing the site, on Rhoden Road. As the proposal is currently only in outline, this cannot be considered in full at this stage. Details of siting and scale of the proposed houses will be submitted at the reserved matters stage. As the proposal stand at this stage however, Officers are satisfied that the distance from the site to the terraces on Rhoden road is acceptable in terms of impact on light to these dwellings, being a minimum of 27m away.

As the proposal is in outline at this stage, the full consideration of the impact on residential amenity will be made at reserved matters stage. As such, this is not currently considered a reason to refuse the application.

### ***Design and layout***

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance. This is reiterated at the national level in the Framework; which also puts a strong emphasis on design. Indeed one of the core planning principles of the Framework (para 17) is:

*'...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.*

The applicant has submitted a Design and Access Statement with the application which aims to show that regard has been had for the site and surroundings and that the indicative layout demonstrated that residential development would be acceptable in terms of design and layout in this location. Nevertheless the illustrative layout plan submitted with the planning application demonstrates that the site can readily accommodate proposed development without giving rise to any problems relating to overlooking, loss of privacy etc.

Also it demonstrates that such a scale of development is commensurate with the character of the surrounding residential locality.

Objections have been received in relation to the loss of the character of the area and in particular the stone flags on the pavement outside the terraces on Rhoden Road. Officers have considered this issue and the applicant has confirmed that the flags and pavement are not within the application site and as such the existing stone pavement, and any character it is considered to convey, is preserved. The overall character of the development will be considered at the reserved matters stage. However overall it is considered that a residential development in this location, adjacent to Green Belt, is acceptable. The allocated Green Belt land which is beyond the site to the south, would ensure that the openness of the countryside in this location is preserved.

As the proposal is in outline at this stage, the full consideration of the impact of the design and layout will be made at reserved matters stage. As such this is not currently considered a reason to refuse the application.

### ***Open Space***

Saved Policy H5 of the Local Plan requires consideration of the existing or proposed on-site or local provision of recreational and amenity open space and children's play areas. Policy HC1 of the Core Strategy requires that developments of over 10 houses or more will contribute towards the provision and maintenance of good quality, accessible, multi-functional green space. It goes on to say that if it is demonstrated that it is not possible to make provision on the site, then a financial contribution in lieu of actual provision will be provided by the developer that will be used to improve or maintain nearby areas of greenspace and improve pedestrian or cycleway facilities.

The Council's Parks department has considered the application and has made a request for a S106 contribution towards parks and open space at £62365. Following discussions with Officers the applicant has agreed to pay £54365 towards public open space with a further £8000 paid towards the upgrading of the footpath network in the area in accordance with Policy T2 of the Hyndburn Core Strategy (see Landscaping and Ecology section of the report). Due to the other provisions within the application (the upgrading of the westerly footpath and provision of play space within the development, Officers accept that some of the off-site contribution towards the-public open space provision can be allocated in this way.

As such the proposal complies with the provisions of saved Policy H5 of the Local Plan and HC1 of the Core Strategy.

### ***Trees, Landscaping and Ecology***

Policy Env2 of the Core strategy requires opportunities for environmental enhancement to be secured; this is supported by the provisions of the Framework. Policy T2 required cycle, footpath and bridleway networks to be safeguarded and extended.

As the proposal is currently outline only with all matters reserved apart from access. The illustrative masterplan shows good quality landscaping is possible within the scheme. The

full landscaping details will be secured by the way of a standard landscaping condition. The Design and access statement submitted with the application states that in addition to the provision of a dedicated landscape buffer between the proposed dwellings and the existing dwelling on Rhoden Road and a buffer along the western boundary, it is proposed that a landscaping scheme will need to consider the provision of additional planting throughout the development in order to help further assimilate the proposal into its setting.

The Council's Trees and Woodlands Officer has considered the submitted details and has no objection to the application. He has however requested that £8000 be agreed with the applicant as part of the S106 agreement to provide monies towards the upgrades to the footpath between Ton Bent and Jackhouse Nature Reserve. This has been agreed by the applicant. In addition, following discussions with Officers, the applicant has also agreed to upgrade the surface of the western public footpath and a suitable condition is attached. A condition has also been suggested which will ensure that a full detailed landscaping and management plan be submitted at the reserved matters stage to include the details of SUDS and tree planting on site, with significant tree planting road side. A further condition is attached to ensure that bat and bird boxes are built into the buildings.

On consideration of the submitted information, and the agreed conditions relating to trees, landscaping and ecology, Officers are satisfied that the proposal meets with the provisions of the relevant planning policies.

#### ***Other issues***

- Coal:

Objections have been raised by neighbours in relation to geological instability in the area and the associated risk to public health. The Coal Authority are a statutory consultee and have considered the coal report submitted with the application. They raise no objections to the scheme but suggest a condition, which has been attached.

- Bins:

A request has been made for the provision of bins at the properties at a rate of £75 per household. This has been agreed by the applicant and included in the S106 agreement. A condition is also attached to ensure bins are located to the rear of the properties at all times, apart from collection days.

#### ***Neighbour objections***

Some of the objections made to the scheme have been considered in the main text of the report. However, the outstanding objection not covered are detailed below:

- Objections have been raised to the scheme with regards to temporary parking, and emergency access for the residents of Rhoden Road during the construction of the new road outside their houses. Officers have considered this and can confirm that issues of temporary parking and emergency parking will usually be dealt with as part of the **S278** agreement with Lancashire County Council (for the construction of the road). It is envisaged that parking is likely to be provided for these residents on the site, while the development of the road takes place. This has been confirmed by LCC.

- Objections have been raised to the scheme with regards to the fact that the residents facing the site, along Rhoden Road own the road and as such don't give permission to develop it. However, the applicant has submitted title plans which confirm that none of the titles to those properties on Rhoden Road which front the application site extend beyond the stone pavement. The appropriate ownership has also been submitted with the application and as such Officers are satisfied that the road is available for development.
- Objections have been raised to the scheme with regards to the fact the proposal does not complying with the current Development Plan; this is covered in detail in the 'Principle of proposal' section of this report.
- Objections have been raised to the scheme with regards to the loss of view due to building on the site. However, loss of view is not a planning consideration.
- Objections have been raised to the scheme with regards to anti-social behaviour related to the inclusion of a public play space on the site, available to residents of the new development and the surrounding streets. Officers have considered this and can confirm that as the proposal is only at outline stage, this can be considered in detail at the reserved matters stage. The benefits of the play will need to be carefully balanced against these perceptions, along with the precise siting of the play area.
- Objections have been raised to the scheme with regards to the provisions of the National Planning Policy Framework (NPPF) which states that brown field land should be developed before green field land such as this, and the consideration that this development does not constitute 'sustainable development' as detailed within the NPPF. However, as the Council does not have a five year supply of housing (see 'Principle of development' section of his report) there is a need to consider the development in terms of its sustainability which is considered in detail in the 'Sustainability' section of this report.
- Objections have been raised to the scheme with regards to the consideration that the development doesn't comply with the provisions of the NPPF in terms of sustainable development. This has been considered in the 'Principle of proposal' and 'Sustainability' sections of this report.
- An objection has been made by the resident at 53 Rhoden Road on terms of his own personal health and the impact the development will have on it. However the area does not lie within an Air Quality management Area and it is not envisaged that he development would lead to a significantly detrimental impact on the surrounding area due to unacceptable pollution levels.
- Finally, it is noted by objectors that there are errors in the application in relation to car parking spaces, the speed limit in the area, that Rhoden Road is not an adopted Road, removal of some trees, that there is no car scrap yard at the bottom of Rhoden Road and that the Core Strategy does not refer to 'rounding off of development' in any circular way as is noted in the application. Officers can confirm that the speed limit is XX and this does not impact on the comments of the Highways Authority in any way. The Highways Authority can also confirm that the road is/is not adopted and this also doesn't affect their conclusions in anyway. It is not possible to ascertain whether trees were removed for the purpose of making the application without a Arboricultural Report. However, Officers can confirm that there are no trees within the site which are or were, subject to Tree Preservation Orders and as such any

removal can be made without permission. Finally, the term 'rounding off development' is a term used by planners to describe the end to a settlement or area and is not indicative of shape.

### ***Sustainability***

Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that the specific policies within the NPPF (paragraphs 18-219), taken as a whole, constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: economic, social and environmental and these require the planning system to perform a number of roles.

Officers have considered the proposed development against the three dimensions of sustainable development below:

*Economic role* – this is an outline planning application which can be developed over a 1 – 3 year period, (at an average build out rate of 35 houses per year). The building of the development will also perform an economic role by generating jobs, and boosting the local economy by providing additional spending local shops and businesses.

*Social role* – a key aspect of the social role of sustainable development is providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services. The development is submitted in full and the applicant aims to develop the site within 1 -3 years. The development will meet an identified need for good quality, family homes, and will make an important contribution of 34 units towards the undersupply of housing within the Borough along with a substantial contribution to the provision and upgrading of open space in the area. The provision of 20% affordable housing and potential for large open spaces and play provision within the scheme will also have an impact on health and well-being, supporting the social role of sustainable development

*Environmental role* – The landscaping and sustainable drainage measures will represent a nature conservation gain. The inclusion of ecological features such as extra tree planting and bat and bird boxes will also ensure an overall net gain in biodiversity. The site is in close proximity to the existing urban area and goods and services in Oswaldtwistle.

For these reasons, the proposed development is considered to represent sustainable development.

### **Conclusion**

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account. Officers consider that the proposal is sustainable in terms of the social, economic and environmental aspects of sustainable development and recommend approval subject to the imposition of planning

conditions and the completion of a Section 106 Agreement relating to off-site public open space provision, upgrading of footpaths and bin provision.

### **Recommendation**

That planning permission is GRANTED subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined by condition 3 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990

2. The development shall be carried out in accordance with the following documents:

The planning application form received 22<sup>nd</sup> March 2016  
Design and Access Statement received 22<sup>nd</sup> March 2016  
Location Plan received 22<sup>nd</sup> March 2016  
Illustrative Layout Plan 15/168-03 received 22<sup>nd</sup> March 2016  
Topographical Survey 2380-01-a rev A received 22<sup>nd</sup> March 2016  
Flood Risk and Runoff Assessment received 22<sup>nd</sup> March 2016  
Transport Statement by ADC Infrastructure received 22<sup>nd</sup> March 2016  
Coal Mining Risk Assessment by BWB consultancy received 22<sup>nd</sup> March 2016  
Landscape and visual Appraisal by FPCR received 22<sup>nd</sup> March 2016

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

### **Reserved matters**

3. a) The reserved matters shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - (i) layout;
  - (ii) scale;
  - (iii) appearance, and;
  - (iv) landscaping.
- b) The reserved matters shall be carried out as approved within two years of their final approval.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

### **Phased Development**

4. Prior to the commencement of development, a scheme and programme for the phased development of the site shall be submitted to, and approved in writing by, the local planning authority. The submitted scheme and programme shall include the following:
  - i. Details of the phased development of the site including the timing of the development of each Zone;
  - ii. Details of the phasing of the landscaping of the site and a plan indicating those areas where advanced landscaping will be implemented;
  - iii. Details of the implementation of the site access and off-site highway works;
  - iv. Details of the implementation of the drainage works.

The development shall be implemented in accordance with the approved scheme and programme.

Reason: To provide for the phased development of the site, to protect local amenity and to ensure the off-site highway works are undertaken, in accordance with policies Env6 and Env7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

### **Levels**

5. At the reserved matters stage, details of all existing and proposed levels across the site, including finished slab levels of all proposed buildings, shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: No details of these matters have been submitted with the application and bearing in mind the topography of the site and to accord with Policy Env 7 of the Hyndburn Core Strategy.

### **Affordable housing**

6. A reserved matters stage, a scheme for the provision of 20% affordable housing to be provided on site shall be submitted unless information can be provided, and agreed in writing with the local planning authority, which demonstrates that affordable housing on site is not viable.

The affordable housing shall then be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of the total number of houses to be developed. The affordable housing shall be “pepper potted” around the site;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order that the proposal accords with Policy H2 of the Hyndburn Core Strategy and the National Planning Policy Framework.

### **Open Space**

7. Prior to the commencement of development a scheme and programme for the management of open space within the site for the duration of the development shall be submitted to, and approved in writing, by the Local Planning Authority.

Reason: In the interests of good design and to protect local amenity in accordance with Policies Env6 and Env7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

### **Housing mix**

8. The house types developed at the site shall provide the following mix:  
Detached housing Not less than 26%  
Semi-detached housing Not less than 49%  
Terraced Not less than 5%  
Bungalows Not less than 8% ,

Reason: To provide for a greater choice and quality of housing and to comply with Policy H1 of the Hyndburn Core Strategy and the National Planning Policy Framework.

### **Houses sizes**

9. The sizes of the houses development at the site shall not be less than that set out within the Technical Housing Standard – National Described Space Standard (or a successor to this document) published by the Department for Communities and Local Government.

Reason: To ensure the development comprises high quality well designed family housing and will provide for a greater choice and quality of housing and to comply with the aims, objectives and Policy H1 of the Hyndburn Core Strategy and the National Planning Policy Framework.

### **Lead Local Flood Authority**

10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) October 2015 / A18-R01 and the following mitigation measures detailed within the FRA:
  - a) Limiting the surface water run-off generated by the 1 in 1 year and the 1 in 100 year + 30% allowance for climate change critical storms so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - b) Unless otherwise agreed in writing all surface water must drain to Whams Brook, Northwest of the proposed development.

Mitigation measures shall be fully implemented prior to commencement and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority in consultation with the lead local flood authority.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env7 of the Hyndburn Core Strategy.

11. No development hereby permitted shall be occupied unless and until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env7 of the Hyndburn Core Strategy.

12. No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Resident's Management Company.
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i) On-going inspections relating to performance and asset condition assessments
  - ii) Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env7 of the Hyndburn Core Strategy.

## **United Utilities**

- 13. Foul and surface water shall be drained on separate systems

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env 7 of the Hyndburn Core Strategy.

- 14. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion), shall be submitted to and approved in writing by the local planning authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env 7 of the Hyndburn Core Strategy.

## Highways

### Section 38

15. The access point and internal estate roads shall be the subject of a dedication agreement with the Highway Authority under the provision of Section 38 of the Highways Act or other appropriate agreement in accordance with the scheme to be submitted to, and agreed in writing by the Local Planning Authority (including street lighting, drainage and road construction details). The development shall accord fully with the approved details.

Reason: In the interest of highway safety and residential amenity in accordance with Policy E.10 and Env7 of the adopted Hyndburn Core Strategy.

### Section 278

16. No part of the development hereby approved shall commence until a scheme and programme for
- a) The provision of a new footway to connect Rhoden Road with the westerly public footpath: 11-5-FP111, and
  - b) The widening of Rhoden Road to include a new 2m wide footway, 5.5m carriageway and 2m wide parking bays to the front of 1-55 (odd) Rhoden Road as indicated on the illustrative layout submitted with this application,

has been submitted to, and approved, by the Local Planning Authority as part of a Section 278 agreement, under the Highways Act 1980.

The highway works shall be implemented in accordance with the approved details prior to the occupation of the first dwelling house in the associated phase of development and retained thereafter.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on the development hereby approved, in accordance with Policy E10 of the Local Plan Policy Env7 of the Core Strategy

### Construction Method Statement

17. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors

- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays
- v) measures to control the emission of dust and dirt during construction
- vi) wheel washing facilities
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) road construction details
- ix) details of working hours.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with the provisions of saved Policy E10 of the Hyndburn Local Plan, Policy Env7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

18. The widened access road of Rhoden Road between the site and Row Greave Road shall be constructed in accordance with Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with the provisions of saved Policy E10 of the Hyndburn Local Plan, Policy Env7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

## **Landscaping**

19. Prior to the commencement of development, a satisfactory programmed landscaping scheme which shall include hard surfacing, means of enclosure, planting of the development, details of SUDS, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy

20. Prior to the commencement of development, a scheme for the upgrading of the footpath to the west of the site shall be submitted to and approved in writing by the

local planning authority. The scheme shall then be implemented in full, in accordance with the approved details prior to the occupation of the first dwelling house.

Reason: To improve the footpath network in accordance with Policy T2 of the Hyndburn Core Strategy.

21. At the reserved matters stage, details of the provision of bat and swift boxes to be incorporated within the scheme shall be submitted. The boxes shall be incorporated into the buildings prior to their first occupation and retained thereafter.

Reason: To compensate for the impact on bats and to comply with Policy Env2 of the Hyndburn Core Strategy and the National Planning Policy Framework.

### **Fences/walls**

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) details of the position, type and height of all fencing and walls to be erected on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The fencing and walls thereby approved shall be provided on site in accordance with the approved details.

Reason: In the interests of good design and the visual amenities of the area, and in order to comply with Policies Env 6 and Env 7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

### **Details of materials**

23. At the reserved matters stage details the external roofing, facing materials, doors, windows and garage doors (including colour or render, paintwork and colourwash) shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies Env 6 and Env 7 of the Hyndburn Core Strategy.

### **Environmental Health**

24. Construction deliveries to and from the site should be restricted to between 0800 and 1800hrs

Monday to Friday and 0800 and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays.

Works should be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs on Saturdays.

Works should not take place on Sundays and bank holidays.

All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

25. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.

There should be no burning off on site of construction waste. A Construction Environmental Management Plan shall be submitted, and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed Environmental Management Plan.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

26. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority for approval in writing:

- (a) A desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
- (b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.  
The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
- (c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
- (d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with the provisions of Policy Env7 of the Hyndburn Core Strategy and the provisions of the National Planning Policy Framework.

## **Coal**

27. Prior to the commencement of development, site investigation works shall be carried out and submitted to the local planning authority for consideration. In the event the site investigations confirm the need for remedial works, the condition should ensure that the remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to the commencement of development. The report submitted shall include the following:
- A submission of a scheme of intrusive site investigations for approval,
  - The undertaking of that scheme of intrusive site investigations,
  - The submission of a report of findings arising from the intrusive site investigations,
  - The submission of a scheme of remedial works for approval, and implementation of those remedial works.

Reason:XXX

## **Bin storage**

28. No development shall commence until a scheme and programme for the provision of bins for all properties and design details setting out the means by which they will be stored at the rear of the properties has been submitted to and approved in writing by the Local Planning Authority. The bins shall be provided prior to occupation of the dwellings and the approved bin storage scheme shall be implemented prior to first use/occupation of the development hereby approved and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies Env6 and Env 7 of the Hyndburn Core Strategy.

## **Informatives**

1. Developers of the site are advised to take note of the consultation response received from Electricity Northwest, available on the website.
2. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse (s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent form Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found on their website: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

13a, 14, 15, 16 17



**Application Number:** 11/15/0347

**Full Application:** Demolition of existing building and erection of 42 no houses and 8 no apartments with associated access and landscaping.

**Address:** Former Britannia Mill, Spring Street

**Determination by:** 30<sup>th</sup> June 2016 (extended date)

**Applicant:** Mr J Emmanuel

**Agent:** D K Seddon

**The application is being presented to Planning Committee as the Chief Planning Officer would like Planning Committee to consider the proposal.**

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

#### **Article 8**

The right to respect for private and family life, home and correspondence.

#### **Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

#### **Application Site:**

The application site measures 0.82ha and comprises a site previously occupied by the former Bridgefield and Britannia Mill. The site is now in a derelict and demolished state, lying to the rear of dwellings fronting Spring Street. It is bordered by the Leeds and Liverpool Canal to the East, and further residential land use to the North and South, located on Well Street. The site is located adjacent to Spring Street located off Hermitage Road (A678) which forms the main arterial route through Rishton. The Northern section of the site includes an access road located off Bridge Street, an electrical substation, and collections of debris and rubble from demolition work on site. The Southern section is inhabited by trees of low to medium height, overgrown shrubbery and vegetation, areas of hard standing and collections of debris and rubble.

### **Proposed Development:**

The application seeks planning permission for 42no dwelling houses and 8no apartments the houses would consist of a number of different house types; 8no 2bed semi-detached on Spring Street, 16no 3 bed town houses with integral garages along the canal (in sets of 4), 9no 3 bedroom semi-detached houses with integral garages within the site, 4no 3 bed semi detached houses within the site, 3no 3 bed semi-detached houses within the site, 2no 4 bed semi-detached town houses within the site, 2no 1bed apartments and 6no 2 bed apartments. The main access to the site would be from Spring Street, down Shuttleworth Street. The application is proposing 50 dwellings on a site of 0/92ha, which provides a density of 54 houses per hectare.

The apartment block would be located at the canal side, on the corner of Bridge Street in the North West corner of the site, adjacent to the electricity sub-station. The block would have a controlled sliding gate along Bridge Street, and would also have a controlled pedestrian gate access to and from the remainder of the site.

There would be a path and hedgerow separating the canal side properties from the canal, and providing access for bins to be moved from the rear of the properties to the front.

Parking would be provided on site at 200%, and 8no cycle spaces would be provided to serve the apartments. All the proposed houses would have gardens and there would be communally landscaped areas at the apartments.

### **Consultations:**

***Neighbour notifications and site notices:*** One letter of objection has been received; the issues raised are as follows:

- Security of objector's property as a result of the removal of the boundary wall, and associated loss of plant life and sheds abutting the garden wall.

***LCC Highways:*** Initial comments received on 28<sup>th</sup> October 2016 and are summarised below:

- Access arrangement via Shuttleworth Street is considered acceptable
- Access to parking area from bridge Street to apartments is considered acceptable
- Parking along Spring Street is in general acceptable but road widths and parking bays needs to be verified. Street surfacing under a S278 would be required.
- Consideration to street lighting is required.
- Turning heads are not to standard
- Access road and footways should be constructed to standard
- Shared pedestrian / cycle link from the northerly cul-de-sac/apartments should be provided.
- Inappropriate speed in the area is not considered to be an issue
- Car parking to be provided to Council standards
- Minimum driveway lengths/ garage internal dimensions
- Cycle storage

- S38 for adoption including street lighting, drainage and road construction details.
- £20000 towards canal towpath
- Up to date transport statement required.
- Conditions suggested relating to constriction management plan, wheel washing, paving of apartment car park, estate road construction gateway to the apartments being inward opening and constructed to requirements, and scheme for construction of site access and off- site highway improvements.

Further comments received 25<sup>th</sup> November 2015 and are summarised below:

- Southern footway to be removed and replaced by 1m service strip for street lighting.
- Westerly turning head needs to be upgraded
- Section of footway outside unit 16 should not be introduced, but laid as shared space carriageway. Parking outside unit 8 recommended to be removed and parking incorporated into the land parcel for the unit. Both cul-de-sac areas would benefit from being shared surface areas.
- Proposed level of parking is acceptable.
- secure cycle storage required for the apartments.
- Section 38 agreement sought for street lighting, drainage and road construction details. Apartment car parking layout is not sought to be adopted.
- S278 agreement sought for the section of Bridge Street from the gated entrance to spring Road, to bring it up to standard. This would also cover improvement works to back Spring Street
- £20000 contribution towards the can towpath upgrades.
- Conditions requested relating to constriction management plan, wheel washing, paving of apartment car park, estate road construction gateway to the apartments being inward opening and constructed to requirements, and scheme for construction of site access and off- site highway improvements.

Final comments were received on 7<sup>th</sup> march 2016, following the submission of the amended Site plan and comments are summarised below:

- *Layout is satisfactory subject to previous conditions.*

**LCC Education:** No request has been made.

**Architectural Liaison Officer:** Comments were received on 30<sup>th</sup> September 2015 and are summarised below:

- Dusk till dawn lighting
- 1.8m close boarded fencing at rear and side of dwellings.
- Lockable gates

**Lead Local Flood Authority:** Initial objection to the proposal received 26th October 2015 on the grounds that:

1. The proposal is contrary to National Planning Guidance regarding runoff destinations
2. Insufficient information is provided.

Further comments were received on 7<sup>th</sup> Dec 2015, the comments are summarised below:

Extra information submitted has been considered and:

1. The applicant has failed to provide any evidence as to why other preferable run off destinations, namely into the ground (infiltration), cannot be utilised. The absence of this evidence is contrary to Para 80 of the Planning Practice guidance and therefore, the LLFA maintain its objection (objection 1) dated 15<sup>th</sup> Oct 2015.
2. The applicant has failed to provide sufficient information in support of this application and therefore, the LLFA is unable to ensure that paragraph 103 of the NPPF can be satisfied. For this reason, the LLFA maintains its objection (objection 2) dated 15<sup>th</sup> October 2015.

Further comments were received on 26<sup>th</sup> April 2016 which remained the same as previously provided despite extra information being submitted. :

1. The applicant has failed to provide any evidence as to why other preferable run off destinations, namely into the ground (infiltration), cannot be utilised. The absence of this evidence is contrary to Para 80 of the Planning Practice guidance and therefore, the LLFA maintain its objection (objection 1) dated 15<sup>th</sup> Oct 2015.
2. The applicant has failed to provide sufficient information in support of this application and therefore, the LLFA is unable to ensure that paragraph 103 of the NPPF can be satisfied. For this reason, the LLFA maintains its objection (objection 2) dated 15<sup>th</sup> October 2015.

**Canal and Rivers Trust:** Comments have been received on 2nd November 2015 and are summarised below:

Urban Design

In line with Policy R3 of the Hyndburn Adopted Core Strategy 2012 and the Rishton Canalside Supplementary Planning Document:

- The arrangement of the blocks of development along the canal creates an excessive wall of built form in mass that the Trust does not consider would be beneficial to the character of the canal corridor. Although arranged as a number of separate blocks the repetition of the busy elevation and limited separation makes for a heavy canalside frontage. The Trust believe that the arrangement of the built form could be reviewed in the context of the Canalside emerging SPD to ensure this scheme sets a positive standard for the development of the canal corridor through Rishton.
- The Trust considers that although the submitted Design and Access Statement states that the scale is appropriate there is no evidence to support that, in response to the local context.
- The statements on architectural style in the SPD present a sensible and appropriate approach to the development of canalside sites. The clarity and simple elegance of the SPD proposals are absent from this scheme as demonstrated by the use of “tudor style boarding”.
- The gable elevation to the apartment block (containing units 37-42) the Trust considers creates a blank elevation to the canal corridor when approaching Rishton from the north. The split roofline also causes concern on what has been identified in the Rishton SPD as a key gateway to the town.

- There is a Grade II listed canal bridge adjacent to the north of the site (Bridge 108 Tottleworth Bridge). The application does not address the impact of the proposed development on the bridge. The Trust considers that given the heritage of the bridge that this should be reviewed and included in the submission.
- The Trust recognises that the proposed hedgerow boundary along the canal will provide some softening and environmental benefit. However it is considered that a more native hedge mix would be more beneficial. The Trust also has concerns regarding the maintenance of the hedge in particular how it will be clipped from the waterside face.
- Given the importance of materials to a scheme at this location if the Council is minded to approve the application, the Trust request that a condition is attached to the decision to ensure that full and complete details of materials to be used are submitted to and approved in writing by the Local Planning Authority.
- The Trust consider that the proposal would benefit from greater reference to the Rishton SPD as this is an opportunity for a significant scheme to set a positive precedent for the future of this length of the Leeds and Liverpool Canal.

**United Utilities:** Initial comments were received on 14th October 2015. The following comments were made:

- Scheme to be drained on separate foul and surface water systems.
- In this instance, we note that the application form states an intention to discharge surface water to a public sewer. Unfortunately there is no information within the application submission which justifies why this may be necessary especially in the context of the proximity of the site adjacent to the Leeds Liverpool Canal. This is clearly a preferable alternative in accordance with the NPPG hierarchy.
- In the context of these circumstances, we request that the applicant reconsiders their drainage strategy and discharges surface water to the adjacent canal. We strongly recommend that this matter is further considered before the planning application is determined. This matter should also be discussed with the Lead Local Flood Authority, who are a statutory consultee on this development proposal. We would also be happy to discuss this proposal with the applicant.

Following the applicants submission of intent to drain surface water to the canal the following comments have been received on 30<sup>th</sup> November and are summarised below:

- Note the developer has taken comments on board and have submitted drainage strategy that they now intend to drain all surface water to the adjacent canal rather than to the public sewer. No objection and suggest a condition to ensure that surface water drains into the canal and no surface water is permitted to drain directly or indirectly into the public sewer.

**British Waterways:** No comments have been received

**National Grid:** No objections have been made, although the applicant has been made aware that care is to be taken.

**Electricity Northwest:** No objections have been made to the proposal however the applicant is made aware of the issues relating to working close to infrastructure.

**Ribble Rivers Trust:** No observations have been received

**Environment Agency:** Comments were received on 9<sup>th</sup> December 2015 and are summarised below:

No objection in principle to the application but requires conditions to be attached relating to:

- Preliminary risk assessment in relation to contamination.
- A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**Parks and Open space:** A commuted sum has been requested for a total of £88953. The money would be used at Holt Street recreation ground to install a play area and plug gap in the existing provision and as match funding for sports pitch improvements at Norden Playing Fields.

**Regeneration and Housing:** Comments were received on 18<sup>th</sup> November 2015, and are summarised below:

- Supportive of the development of this site
- Provision of 8no apartments is acceptable. The proposal for 11no terraced properties on Spring Street is too similar to the existing terraced housing in the vicinity. In order to diversify the housing provision in the area if terraced housing is to be provided in this location, there should be more consideration given to the style and appearance of this block to provide an 'entrance' to the development, along with a more modern appearance. 2 bedroomed bungalows are always in need and demand and the provision of 2 or 3 on this site would assist in diversifying the housing type and meeting housing need.
- Requirement to provide 20% affordable housing has not been met.

Further comments were received following amended plans on 25<sup>h</sup> November 2015, and are summarised below:

- Amended proposals for the properties on Spring Street are welcomed and will provide variety to the predominately terraced street scene in the neighbourhood.
- The remainder of comments sent on 18<sup>th</sup> November 2015, remain the same.

**Environmental Health:** No objection to the application subject to conditions being attached relating to:

- Delivery times
- Noise/dust/fumes/vibration measures
- Contaminated land desk study
- Noise report
- Lighting scheme
- Dust Management Plan
- Final development operational times

**Conservation Officer:** No observations received

**Trees and Woodlands Officer:** Initial comments were received on 1<sup>st</sup> December 2016 and are summarised below:

- Qualifications of the author of the Ecology Report are not detailed in the report, considering the extra detail submitted, this is not a reason for refusal.
- Desk-top survey is not included. No details have been obtained and outlined in reference to the presence/absence of records of protected species within the area, or as to the importance of different habitats within this area with reference to local biodiversity action plan. It is standard practice to include details obtained from the local records centre (LERN). As such do not have sufficient information to grant planning permission.
- Report fails to identify the presence of a nearby Biological Heritage Site (Norden Valley BHS- 85m from the site) and therefore fails to consider the potential effect of this development on the BHS. As such do not have sufficient information to grant planning permission.
- The report does not refer to the proposals and therefore does not assess the impact of the proposals upon ecology of the site and of neighbouring sites. No further information has been provided; therefore we do not have sufficient information to grant consent.
- Information has not been provided which considers the potential of the development to influence the canal habitat during construction and post-habitation, as such the impact of the development on this habitat cannot be adequately assessed. Therefore we do not have sufficient information to grant consent.
- The report fails to assess the potential use of the site for bats for foraging and commuting, does not include a bat activity survey, and does not assess the impact of the development on the loss of potential foraging/commuting habitat. No further information has been provided when requested. An activity survey is necessary and can only be carried out in the active period. If significant commuting and/or foraging occurs over the site the layout will need to reflect this behaviour and provide suitable foraging/commuting routes through from roost sites to the adjacent canal in order to provide a negative impact on the local bat population. Therefore we do not have sufficient information to grant consent.
- The Ecology report has not been carried out in the optimum time and although not a reason for refusal, is a further concern regarding the quality of the information submitted.

#### Trees/Scrubland

- Happy with the new Arboricultural survey as submitted- whilst there is significant loss of trees, this should be possible to compensate for with a detailed, high quality landscaping plan

#### Landscaping/Amenity Planting

- Whilst the lack of provision of open space on site is disappointing, accept that in order for the site to be developed it must contain enough units to be profitable. The provision of hedgerow/tree planting along the canalside will go some way towards improving this aspect. During discussions it was agreed that the area around the apartments would be provided as a wildlife garden, preferably with wildflower meadow to aid biodiversity net gain on site. This has not been done. Careful consideration will need to be given to the final landscaping detail- in particular tree planting in proximity to dwellings. Should the application be granted a consent a condition should be attached requiring a full detailed landscaping plan to be submitted.
- The provision of planting/hedgerow along the canal side will go some way to improving the visual impact of the development from the open countryside.
- The lack of public open space on site is disappointing.
- Have SUDS been considered for use on this site? This would have a significant impact on the landscaping of the site and potentially the site layout.

Final comments were received on 26<sup>th</sup> May 2016 and are summarised below:

- The Bat survey is acceptable.  
Conditions should include:
- Lighting scheme to be submitted and approved by LPA (to be in accordance with suggestions in the ecology report and recommendations of Bat Conservation Trust)
- PD rights for external lighting to be removed on properties adjacent the canal.
- Full detailed landscape scheme based on recommendations of ecology reports and plan PR/JD02/15/LP/01 (Proposed Residential [sic] Development General Arrangement). To include full details of management through establishment, long-term management proposals for communal areas, full details of planting methods.
- Invasive species (Himalayan Balsam) management/eradication plan to be submitted and approved by LPA
- Details of nesting/roosting features (to be built into the structure of those buildings alongside the canal) to be submitted and approved by LPA
- Requirement to carry out any vegetation clearance work outside of the bird nesting season (unless a survey carried out by the ecologist and signed off in writing by the LPA finds that there are no nesting birds present on site).
- Requirement to comply with all recommendations of section 5 of Ecological Survey and Assessment (Jan 2016, ref: 2016-016) and section 5 of Bat Activity Survey Results and Assessment (May 2016, ref: 2016-16b) where those points are not already covered in other conditions outlined above.

#### **Relevant Planning History:**

11/0392 Major Outline: Renewal of extant planning permission 11/08/0530 outline application residential development. Refused 04.04.2008

08/0530 Major Outline: Residential development. Approved at Committee 12.12.2008  
07/0343 Erection of 12 no 3 bedroom houses, 62 no 2 bedroom apartments, 62 no 1  
bedroom apartments and 156 car parking spaces. Withdrawn 09/10/2007

### **Relevant Policies:**

#### *Development Plan*

Hyndburn Borough Local Plan Saved Policies

Policy E10                      Development Criteria

#### *Hyndburn Core Strategy*

Policy BD1                      The Balanced Development Strategy  
Policy H1                        Housing Provision  
Policy H2                        Affordable Housing  
Policy HC1                       Green Space and Facilities for Walking and Cycling  
Policy HC2                       Leisure, Health and Culture  
Policy HC3                       The Design of Residential Roads  
Policy HC4                       Community Benefits/Planning Obligations  
Policy Env2                       Natural Environment Enhancement  
Policy Env4                       Sustainable Development and Climate Change  
Policy Env6                       High Quality Design  
Policy Env7                       Environmental Amenity  
Policy T2                        Cycle and Footpath Networks  
Policy R1                        Housing in Rishton  
Policy R3                        Leeds and Liverpool Canal in Rishton

#### *Material considerations*

National Planning Policy Framework, including  
Paragraph 14                    Presumption in favour of sustainable development  
Paragraph 17                    Core planning principles  
Paragraph 47                    Housing supply  
Paragraph 49                    Housing supply  
Section 4                        Promoting sustainable transport  
Section 6                        Delivering a wide choice of high quality homes  
Section 7                        Requiring good design  
Section 8                        Promoting healthy communities  
Section 10                        Climate change, flooding and coastal change  
Section 11                        Conserving and enhancing the natural environment

Hyndburn Borough Council Car Parking and Access Standards (2010)

Householder Design Guide SPD

Planning Practice Guidance (PPG)

Draft Rishton Canalside SPD June 2015

Hyndburn Borough Council Employment Land Study January 2016

## **Observations**

Planning permission is sought for residential development in this canalside location in Rishton. The proposed development raises a number of issues which will be considered in turn: 1) Principle of the development, 2) Housing supply, 3) Housing mix, 4) Affordable housing, 5) Design and layout, 6) Residential amenity, 7) Traffic and highway safety 8) Public Open Space 9) Drainage and flooding, 10) Ecology, 11) Heritage, 12) Neighbour objection, 13) Sustainability.

### ***Principle of the Development***

The planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The site is a former employment site within the urban boundary of Rishton and is assessed as being a 'poor' quality employment site in the most recent Employment Land Study (2016). As such, part c) of Policy E2 of the Core Strategy applies. This states that employment sites which do not fall in part a) or b) of the policy, such as this, must meet the following criteria in order to be developed for anything other than employment:

- *Continued use of the site would give rise to unacceptable environmental impacts; or*
- *There is no current or likely future demand for the site or premises for employment uses.*

Policy E2 makes it clear that poor quality sites are potentially suitable for development of other uses, including houses. Specifically, Paragraph 4.14 of Policy E2 states that '*there is an opportunity for a comprehensive regeneration scheme along the Leeds and Liverpool Canal in Rishton that would provide an attractive waterside environment*'.

The applicant has submitted a statement which sets out the reasons that the site is unlikely to be used for employment land in the future and as such housing is considered to be a suitable alternative to employment on the site. Planning permission has also been granted for residential development on this site in the past, although that permission has now expired. Therefore it is considered that the provisions of Policy E2 are met and that the principle of housing development on this site is acceptable.

Whilst the principle of residential development is acceptable in this location, it is still necessary to consider more detailed policy requirements for a scheme of this type. The Council recognises the development of brownfield sites in parts of the Borough can present a number of challenges and site constraints can affect financial viability. Where viability is being presented as a reason to not comply with the policy framework, the Council would expect to see adequate supporting information in the form of a robust and detailed financial appraisal.

### ***Housing Supply***

Within the Framework (para 47) there is a requirement on local planning authorities to identify and maintain a five year supply of housing development sites with an additional buffer to ensure there is choice and competition in the housing market. Where this cannot

be demonstrated, para 49 of the Framework states that; *'Housing application should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'*. Hyndburn does not have a 5 year supply of housing and the planning application should therefore be considered in the context of the presumption in favour of sustainable development. The implications of this are considered in the 'Sustainability' section later in this report.

### **Housing mix**

Core Strategy Policy H1 states than new housing development will aim to provide a mix of house types based on the following proportions:

- Detached 26%
- Semi-detached 49%
- Terraced 5%
- Bungalows 8%
- Flats 12%

The aim of the policy is to balance local housing markets by increasing the variety of stock In Hyndburn. The housing offer in the borough currently has a larger proportion of small 2/3 bedroom terraced properties which account for over half the total housing stock. The proposed housing mix is entirely semi- detached properties (42 units) and 8no 1 and 2 bed apartments. No detached properties or bungalows are included within the scheme.

The Council's Housing and Regeneration Officer has commented that they are in support of the general redevelopment of the site, and following the amended plans, are satisfied with the housing mix. However they would rather see some 2 bedroom bungalows on the site, as these are always in high demand in the Borough, and their provision would assist in diversifying the housing type and meeting housing need. The applicant has considered this request during the process and have been unable to include bungalows. However they have submitted amended plans which include 'lifetime homes' provisions on plots 13-16. Officers consider that due to the way these houses are built they are an alternative consideration to bungalows which provide a house which can meet the needs of residents over a lifetime, which would enable them to stay in the houses into old age and as such this is considered a welcome addition to the scheme.

The Council recognise that in canalside locations, such as this, a different mix of house types from that presented by Policy H1 could be accepted. As such the proposal is considered acceptable in terms of the relevant planning policies.

### **Affordable Housing**

Policy H2 of the Core Strategy requires 20% affordable housing provision on site, for developments of 15 houses or more. The policy also states that in meeting this target consideration will be given to the availability of financial grants and evidence on the economic viability of individual developments.

The applicant has submitted a viability statement with the application which deals with the viability of the site, and a supporting letter from 'Trevor Dawson' who are a local commercial property consultant. The evidence shows clearly that the viability of the site is limited and as such, in line with the provisions of Policy H2 of the Core Strategy, Officers are satisfied that to include the provision of affordable housing for this development would render the scheme unviable. As such the proposal is considered acceptable in terms of relevant planning policy in this regard.

### ***Design and layout***

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance. This is reiterated at the national level in the NPPF which also puts a strong emphasis on good design; indeed one of the core planning principles (paragraph 17) is:

*'...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.*

The Rishton Canalside SPD, although not formally adopted, has been through public consultation and as such also provides a good level of guidance on the aspirations of the Council in terms of design and carries some weight in the decision making process. It is supported by the provisions of Policy R3 of the Core Strategy.

The applicant submitted a Design and Access Statement, in which he aims to show that regard has been had for the site and surroundings.

Officers initially had concerns in relation to the to the design and layout of the site; in particular; the heavy canal frontage which gave an excessive wall of built form along the canal not in keeping with its character or the provisions of the SPD, terraced properties fronting Spring Street and proposed 'tudor' detailing on the dwellings.

Following detailed discussions with Officers, amended plans have been submitted which address these issues in the following ways:

- The terraced properties along Spring Street have been replaced with semi-detached properties, improving the housing mix on the site.
- The canal frontage has been amended to include town houses with dual pitched roofs facing the canal side which has provided a more characterful frontage, more in keeping with the provisions of the Rishton Canalside SPD. Although Officers do consider that this could be improved further by providing a mix of house types long the canalside, more in keeping with the suggestions of the Canalside SPD, this is considered an improvement to the original submission. This has also helped to address the concerns raised by the Canals and Rivers Trust.
- The 'Tudor' detailing of the houses has been removed from the canalside properties and a condition could be attached to the planning permission to ensure quality materials are used in the final scheme.

- The Landscaping Plan has been resubmitted showing a path and a hedgerow which would be set back from the canalside to provide access for trimming and pruning and to allow bins to be moved to the front of the properties.

These changes are considered to be acceptable and provide an acceptable quality design for the location and the canal frontage. Should the scheme have not been adjusted or the design not has been brought up to standard in this way, with a strong frontage along the canal in particular, it is not considered that Officers would have been able to support the proposal.

However, Officers consider that the proposal is now improved in terms of design and that it would fit satisfactorily with the provisions of the Rishton Canalside SPD, Policy R3 and Env7 of the Core Strategy and the provisions of the NPPF.

### ***Residential Amenity***

Policy Env7 of the Core Strategy relates to residential amenity and is supported by the Householder Design Guide SPD.

The Design Guide prescribes distances of 21m between first floor main habitable rooms and 12m between a main habitable room window and a gable wall. The site plan as submitted meets with these requirements, apart from between units 9, 10, 11, 12 and 1, 2, 3, 4 and units 1, 2, 3,4 and 5, 6, 7, 8; where the distances at first and second floor is 20.5m. Although this is slightly less than prescribed by the guidelines, it is considered to be acceptable and as such, within the realms of acceptability in terms of overlooking.

Environmental Officers have suggested conditions which will deal with any unwanted noise or disturbance during the construction period.

Officers consider that the proposal is acceptable in terms of residential amenity and in line with the provisions of Policy Env7 of the Core Strategy and the Householder Design Guide.

### ***Traffic and highway safety***

Saved Policy of E10 of the Local Plan states that consideration should be had to the arrangements for servicing and access to proposed development. Policy T2 of the Core Strategy requires Cycle, footpath and bridleways to be safeguarded and extended. Where appropriate contributions will be sought from the developer as a means of ensuring that new development are accessible by a variety of a means of transport. Policy R3 (b) of the Core Strategy requires the integration of the waterway, towing path and canal environment into the public realm in terms of design and management of the development.

Lancashire County Council's Highways Officer has considered the plans and following requested amendments to the proposal, is of the opinion that the proposal is acceptable. Requests have been made for certain conditions to be attached to the planning permission, if granted and also for a S38 Agreement (Highways Act) to be entered into with the Highways Authority which would enable the adoption of the road layout, a Section 278 Agreement (Highways Act) to bring back Spring Road unto standard ad a contribution of

£20000 towards cycleway upgrades on cycle route 6 (canal tow path).

The applicant has submitted a viability statement in which he states he is unable to make contributions towards parks and open space due to the viability of the site. He has also offered £5000 towards this request from the Highways Authority, stating that the development would not be viable should the full £20000 be paid, along with the request from Parks (discussed later).

The PPG states in paragraph 1 that where planning obligations are being introduced, it is important that decisions are underpinned by an understanding of scheme viability in order to ensure that realistic decisions are being made to support development and promote economic growth. It specifically advises the following:

*'Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible'.*

Paragraph 19 subsequently proceeds to confirm that an assessment of viability should lead the local planning authority and the applicant to an understanding of the appropriate scale of planning obligations which are appropriate.

This is reiterated in paragraph 173 and 205 of the NPPF that states:

*'To ensure viability, the cost of any requirements likely to be applied to the 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 returns to a willing land owner and willing developer to enable the development to be deliverable'.*

Policy T2 of the Core Strategy requires that cycle and footpath networks are safeguarded and extended and that contributions towards these will be sought from developers as a means of ensuring that new developments are accessible by a variety of means of transport. Policy R3 (b) of the Core Strategy states that development in the vicinity of the Leeds and Liverpool canal will be expected to integrate the waterway, towing path and canal environment into the public realm in terms of the design and management of the development.

The applicant has stated that he considers that the canal tow path would be automatically improved by the development and as such his offer of £5000 towards this canal towpath improvement should be acceptable. Officers are required to weigh up the benefits of the scheme against this and also take into account viability of the scheme. It is evident from the comments received from Trevor Dawson that the quality of the development is high and as such building costs are reflected in this. As such Officers accept that for this quality of development £5000 towards canal towpath can be considered acceptable. However should the quality for the development not be such, it would be expected that viability is assessed again independently and this would be reflected in this decision.

As such officers consider the proposal meets with the provisions of the relevant planning policies in this respect.

Parking:

The Councils Car Parking and Access Standards (2010) set out the requirements for parking within a new housing development. Following the submission of amended plans, parking provision has been increased to a level which is considered to be acceptable in terms of these requirements.

### ***Public open space***

Policy HC2 of the Core Strategy requires that developments of over 10 houses or more will contribute towards the provision and maintenance of good quality, accessible, multi-functional green space. It goes on to say that if it is demonstrated that it is not possible to make provision on the site, then a financial contribution in lieu of actual provision will be provided by the developer that will be used to improve or maintain nearby areas of greenspace and improve pedestrian or cycleway facilities.

The applicant has submitted a dense scheme, with no open space provision on site. It is considered that due to the family sized housing provided, would be likely to house a high proportion of families with children. The Councils Parks department has considered the application and has made a request for a S106 contribution towards parks and open space at £88953, which would be spent locally. The applicant has stated he is unable to make the full payment, in support of which, he has submitted a viability statement, which has been independently assessed.

Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. The NPPG states that this should be informed by the particular circumstances of the site and proposed development in question (see section 7 above for policy context). The National Planning Policy Framework sets out a core planning principle that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

It goes on to say that local planning authorities should seek to work with interested parties to promote the redevelopment of brownfield sites. To incentivise this bringing back into use of brownfield sites, local planning authorities should:

- look at the different funding mechanisms available to them to cover potential costs of bringing such sites back into use
- take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

The NPPG also states that in making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation

would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

The NPPG states that this is particularly relevant for affordable housing contributions as these are often the largest single item sought on housing developments. However, the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.

As such Officers have considered the viability issues relating to this site and the inability to make a contribution towards public open space and accept that this is not possible in this case. However a different scheme should be submitted, viability would need to be assessed in detail again and this case may change.

### ***Drainage and flooding***

Flood Risk: Paragraph 103 of the NPPF seeks to avoid development resulting in an unacceptable flood risk. At the local level, Core Strategy Policy Env4 and Saved Local Plan Policy E.10 have similar aims. There is detailed guidance provided in the NPPG in terms of the hierarchy that should be considered for drainage on sites as set out below:

The NPPG outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy, with the following options to be investigated in order of priority:

1. Into the ground (infiltration)
2. To a surface water body (e.g. canal)
3. To a surface water sewer, highway drain, or other drainage system;
4. To a combined sewer

After receiving initial objections from the LLFA, the applicant has confirmed that drainage of surface water is to be to sustainable urban drainage (priority 1 of the hierarchy), and submitted some further information in relation to this. However, the application is a full application and it is unclear where the sustainable urban drainage system would be located on the site and how it would work.

Following consideration of this, the LLFA have retained their objections to the proposal, on the basis that they consider infiltration for surface water drainage needs to be considered and dismissed as the best option for the development. United Utilities do not object to the scheme but highlight that the hierarchy above needs to be considered in full.

Officers are concerned that, as the infiltration has not been properly/ fully investigated and not indicated on amended plans, planning permission cannot be supported on these grounds. The full investigation works need to be carried out and submitted for approval by the LLFA prior to being able to recommend the application for approval.

On consideration of the objections from the statutory consultee and the inadequate natures of the information provided by the applicant, Officers consider that there is insufficient information to consider the application in terms of its impact on flood risk and drainage and compliance with the relevant policies and guidance in the NPPG and recommend refusal of the application on these grounds.

### ***Ecology***

Policy Env2 of the Core Strategy requires opportunities for environmental enhancement to be secured, this is supported by the provisions of the NPPF para 109, 118 and 121.

Following extensive discussions with Officers, a further Ecology Report was submitted for consideration. In it was highlighted that, due to the possible commuting route through the site for Bats, from the terraces on Spring Street, further Bat reports are needed. The Council has a duty under EU regulation to ensure that no harm comes to bats and that the correct reports and surveys are carried out prior to the granting of planning permission. The only exception to this is 'exceptional circumstances', when a permission could be conditioned. These reports have now been received and the Trees and Woodland's Officer is satisfied that there would not be an unlawful impact bats and their commuting route and as such has removed his objection to the proposal.

As such Officers are satisfied that the proposal meets with the relevant planning policies with regards to bats on the site.

Officers also requested various changes to the proposal which would ensure that there would be an overall biodiversity net gain on the site, including the planting of a wildflower meadow area close to the proposed apartments, hedgerow/tree planting alongside the canals and bat and bird boxes to be incorporated into the buildings. These have been agreed with the applicant and as such the proposal meets with the provisions of the relevant planning policies in this respect.

### ***Heritage***

Policy Env 6 of the Core Strategy aims to ensure that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design and the protection of heritage assets.

There is a Grade II listed canal bridge adjacent to the North West corner of the site (Bridge 108: Tottleworth Bridge). A Heritage Statement has been submitted with the application which considers the impact of the development on the listed bridge.

The Council's Conservation Officer has considered the proposal and has no objections provided that the existing tree planting around the bridge that is located within the red edge is retained. This will allow the 'countryside canalside' feel of the views of the bridge on the approach along the canal towpath, to be maintained. A suitable condition could be attached to ensure this is done. As such the proposal complies with the provisions of Policy Env6 in this respect.

### ***Neighbour objection***

A letter has been received from a neighbour who is concerned with the security of their property during the development period should the boundary wall to the site be removed and not replaced. They also have concerns with the loss of plants which grow against the wall.

The loss of plants and security of the neighbouring properties is not a planning consideration and as such would not be a reason to refuse the planning application.

### ***Sustainability***

The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that the specific policies within the NPPF (paragraphs 18-219), taken as a whole, constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: economic, social and environmental and these require the planning system to perform a number of roles. These three dimensions all need to be met in order for the development to be considered sustainable.

Officers have considered the proposed development against the three dimensions of sustainable development below:

Economic role – this is a full planning application which can be developed over a 2-3 year period, (at an average build out rate of 35 houses per year). The building of the development will also perform an economic role by generating jobs, and boosting the local economy by providing additional spending local shops and businesses.

Social role – a key aspect of the social role of sustainable development is providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services. The development is submitted in full and the applicant aims to develop the site within 2-3 years. The development will meet an identified need for good quality, family homes, and will make an important contribution of 50 units towards the undersupply of housing within the Borough.

Environmental role – Officers have highlighted that not enough information has been submitted to consider the impact that the development will have on the potential for flooding in the area, and as such it is not possible to consider the impact on the environmental contribution to sustainable development in this regard. The proposal does however have a positive impact on biodiversity net gain and as such this is considered a positive outcome of the scheme.

### **Conclusion**

Residential development is acceptable on the site however the applicant has failed to Address the key policy consideration of flooding. Officers are unable to support an application for housing development which has not considered the NPPG hierarchy in full, as it is not clear without further information whether infiltration is possible.

After considering the economic, social and environmental contributions to sustainable development as detailed within paragraph 14 of the NPPF, Officers conclude that insufficient information has been provided to demonstrate that the application contributes to the environmental element of sustainable development as detailed within the report. As such it is recommended that planning permission be refused for the reason set out below:

### **Recommendation REFUSE**

1. Insufficient information has been provided with the application in order to assess the impact of the proposed development on flooding and drainage on the site and surrounding areas in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan, Policy Env 4 (part d) and Policy Env7 of the Hyndburn Core Strategy and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance. As such it is not possible to thoroughly assess the development's contribution to the environmental element of sustainable development as outlines in Para 14 of the National Planning Policy Framework.

### **Informatives**

The Local Planning Authority operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. In this instance however the applicant has failed to engage with the Council at pre-application stage, or undertake any public consultation prior to submission of the application. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring that upon receipt all representations and consultation responses are available to view on the Council's website, and working to make improvements and changes to the submitted scheme. However the applicant has failed to address key issues in an appropriate manner.

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**Application Number:** 11/16/0126

**Full Application:** Major Full: Erection of 12no dwellings

**Address:** Land at Broadfield Garage Oswaldtwistle

**Determination by:** 30<sup>th</sup> June 2016 (extended date)

**Applicant:** Mr J Ormerod

**Agent:** Mrs Judith Douglas

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

#### **Article 8**

The right to respect for private and family life, home and correspondence.

#### **Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

**The application is before Planning Committee because it is accompanied by a S106 agreement.**

### **Application Site**

The application site is located on the south of Broadfield Road in a rural area south of Oswaldtwistle, approximately Xm from the built up area. The site is currently occupied by a vehicle show room and a large vehicle repair garage capable of accommodating commercial vehicles. The buildings are set within large areas of hardstanding, outbuildings and containers used for storage. The site previously sold fuel. The access to the site is off Broadfield. There is a second access at the southern end of the site which also serves the rear of the neighbouring terraced buildings to 11 Broadfield. The access is also the route of a public footpath. On the northern side of the site are two pairs of brick and ender 1930's semi-detached houses and opposite the site on the eastern side of Broadfield are four stone terraced cottages and a stone detached house.

### **Proposal**

Planning permission is sought for 12no houses and associated parking, access arrangements and landscaping. The housing mix is made up of 4no detached properties,

and 8no semi-detached. Access to the site would be from Broadfield Road. There would also be an access to the south of the site, adjacent to the terraced properties which would be blocked from vehicular access with 3 bollards. The proposals include parking for each house, with the detached properties incorporating integrated garages. Materials proposed include stone and blue slate.

## **Consultations**

*Public consultation:* Site notices displayed. No comments have been received.

*LCC Highways:* Initial comments were received on 14<sup>th</sup> April 2016 and the following issues highlighted:

- Section 38 required with a view to ultimately adopting the road and footway layouts, inclusive of highway drainage and street lighting. A condition to be attached.
- Only a single access is required. The existing track to the gable of 5 Broadfield should not be used for access. Use of Bollards is welcomed.
- Minimum visibility splays required.
- Boundary wall no greater than 90cm.
- Internal road layout is acceptable
- Service strip required adjacent to units 9-12.
- Turning head required at south end of the site
- Access road and footways should be constructed to comply with Lancashire County Council's 'Estate Roads Specification'.
- 27 parking spaces proposed (23 driveway spaces and 4 garage spaces), this complies with parking standards. All driveways should be 5.5m x 2.5m and all garage internal dimensions 6m x 3m. If garages are constructed smaller then outside cycle provision will be required. All garages should also have electrical supply.
- Units 1-8 should have outside cycle storage provided.

Suggested conditions relating to the approval:

- Construction Management Plan
- Wheel washing facilities
- New estate road and access to be constructed to standard to at least base course level before any further development takes place.
- Roads on the front boundary no higher than 1m above the crown level of Broadfield.

Final comments were received on 26<sup>th</sup> May 2016 which confirmed that the changes made to the proposal were acceptable and no objections to the scheme.

*LCC Education:* No request for planning contribution.

*United Utilities:* Comments were received on 26<sup>th</sup> April 2016 and no objection is raised. Conditions are suggested relating to the following:

- Foul and surface water to be drained separately
- Surface water drainage scheme to be submitted and agreed

*Police Liaison Officer:* Comments were received on 11<sup>th</sup> April 2016 and raise no objection to the application. Secured by Design principles are recommended for the development.

*HBC Trees and Woodlands Officer:* Comments were received on 26<sup>th</sup> April 2017. No objections raised but the following has been highlighted:

- 2 access points not required, more greenspace should be provided.
- Condition requiring full landscaping plan including a native hedgerow along the rear of the site to allow for biodiversity and soften the boundary.
- Condition relating to bat/bird boxes at the rear of the site, minimum of 6 of each type built into suitable elevations.

*HBC Parks and Open Space:* Comments were received on 11<sup>th</sup> April 2016. A request for £16503 allocated to play area and sports pitch improvements at Bullough Park was made.

*HBC Regeneration and Housing:* Comments were received on 22<sup>nd</sup> April 2016, and no objection is raised. Mix fits comfortably with the policy and there is no affordable housing requirement.

*HBC Environmental Health:* Comments were received on 21<sup>st</sup> April; 2016. No objection was raised to the application but conditions relating to development and construction hours, the Nuisance caused by noise dust and fumes, contaminated land and noise mitigation have been requested.

*HBC Waste Services:* Bin provision at £75 x 12.

### **Relevant Planning History**

N/A

### **Relevant Policies**

#### **Development Plan check**

#### *Hyndburn Borough Local Plan Saved Policies*

- Policy E.10                      Development Criteria

#### *Hyndburn Core Strategy*

- Policy BD1                      The Balanced Development Strategy
- Policy H1                        Housing Provision
- Policy HC1                      Green Space and Facilities for Walking and Cycling
- Policy HC3                      The Design of Residential Roads
- Policy HC4                      Community Benefits/Planning Obligations
- Policy Env2                      Natural Environment Enhancement
- Policy Env3                      Landscape Character
- Policy Env4                      Sustainable Development and Climate Change
- Policy Env6                      High Quality Design
- Policy Env7                      Environmental Amenity

- Policy RA1 Amount and Distribution of Housing in Rural Areas

### Material considerations

#### *National Planning Policy Framework*

- Section 4 Promoting sustainable transport
  - Section 6 Delivering a wide choice of high quality homes
  - Section 7 Requiring good design
  - Section 8 Promoting healthy communities
  - Section 9 Protecting Green Belt land
  - Section 10 Climate change, flooding and coastal change
  - Section 11 Conserving and enhancing the natural environment
- 
- Hyndburn Borough Council Employment Land Study January 2016
  - Hyndburn Borough Council Car Parking and Access Standards (2010)
  - Householder Design Guide (SPD) 2009
  - Planning Practice Guidance (PPG)

### Observations

Key issues for consideration in relation to this application are 1) Principle of the development, 2) Housing supply, 3) Housing mix, 4) Impact on Greenbelt 5) Design and layout, 6) Residential amenity, 7) Traffic and highways, 8) Drainage and flooding, 9) Trees, Landscaping and Ecology, 10) Neighbours objections and 11) Sustainability.

#### ***Principle of development***

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the saved policies of the Hyndburn Council Local Plan (1996) and the adopted Core Strategy.

Paragraph 87 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the green Belt and should not be approved except in 'very special circumstances'. Paragraph 89 explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green belt, listing a number of exceptions to this. One such exception is '*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land). whether redundant or in the openness of green belt and the purpose of including land within it that the existing development*'.

The site would constitute 'previously developed land' for the purposes of the above policy. In order for residential development to be acceptable it needs to be considered that there is no greater impact on the openness of the Green Belt and the purposes of including land within it. Provided this can be shown to be the case, Officers consider that the Principle of the development is acceptable.

### ***Housing supply***

Within the Framework (para 47) there is a requirement on local planning authorities to identify and maintain a five year supply of housing development sites with an additional buffer to ensure there is choice and competition in the housing market. Where this cannot be demonstrated, para 49 of the Framework states that; *'Housing application should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'*. Hyndburn does not have a 5 year supply of housing and the planning application should therefore be considered in the context of the presumption in favour of sustainable development. The implications of this are considered in the 'Sustainability' section later in this report.

### ***Housing mix***

Core Strategy Policy H1 states that new housing development will aim to provide a mix of house types based on the following proportions:

- Detached 26%
- Semi-detached 49%
- Terraced 5%
- Bungalows 8%
- Flats 12%

The aim of the policy is to balance local housing markets by increasing the variety of stock in Hyndburn. The housing offer in the Borough currently has a larger proportion of smaller 2/3 bedroomed terraced properties which account for over half the total housing stock.

The proposed development would have a mix of 8no semi-detached properties and 4no detached properties.

The Council's Housing and Regeneration Officer has considered the application and is supportive of the proposal to erect houses on the site and consider that the development including this mix of 3 and 4no bedroomed detached and semi-detached houses fits comfortably with the guidelines of Policy H1 of the Hyndburn Core Strategy. As such officers are satisfied that the provisions of this policy are met in this respect.

### ***Impact on Green Belt***

The fundamental aim of Green belt policy is to prevent urban sprawl by keeping land permanently open. Although the development of new housing in the Green Belt is normally considered to be inappropriate development, paragraph 89 of the NPPF lists the exceptions where development is acceptable in the Green belt. This includes *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land). Whether redundant or continuing use (excluding temporary buildings), which would not have a*

*greater impact on the openness of the Green Belt and the purpose of including land within it that the existing development’.*

Annex 2 of the NPPF provides a definition of previously developed land and the relevant part of this says: *‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure...’.*

The assessment which is set out in the NPPF is more flexible than the previous provisions of PPG2 (now superseded by the NPPF) with the emphasis now on assessing ‘appropriate development’ on the basis of whether overall the development has no greater impact (or equivalent) on the openness of the Green Belt.

With regards to the comparative impact of the development on the openness of the green belt between the existing development and the proposed, the existing buildings are generally lower in height (with the exception of the vehicle repair building) and are grouped in the centre of the site. The hardstanding around the building is constantly used for the storage of vehicles. The result of this is that visually the site is more intensively used with limited views through the site to the countryside beyond. The proposed development provides smaller buildings surrounded by gardens with improves the visual permeability of the site, increasing the ability to look through the site to the countryside beyond. It is therefore considered that the development would not have a greater impact on the openness of the Green Belt than the existing development. A condition has been attached to remove permitted development rights on the development.

The proposed detached properties at the rear of the site are well spaced with substantial gardens. This is in contrast to the current layout of the buildings on the site which present the main workshop to the open landscape. By dispersing the buildings across the site and aligning the majority of the houses towards Broadfield, in line with the houses on either side, the impact of the buildings on the Green Belt is much reduced. The spacious setting of the detached houses with gardens at the rear of the site presents a softer edge to the development adjacent to the Green Belt beyond.

On consideration of the guidance in the NPPF therefore, Officers are satisfied that the development would not have an unacceptable impact on the openness of the Green Belt and as such is in line with the relevant provisions of the NPPF.

### ***Design, scale and layout***

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape, and is supported by the provisions of Core Strategy Policy Env 7. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance.

At national level in the National Planning Policy Framework (NPPF) also puts a strong emphasis on design. Paragraph 17 of the NPPF states: *‘...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land*

*and buildings'. Paragraph 56 goes on to state: 'The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. Paragraph 62 states: 'Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review'.*

The applicant submitted a proposal to be considered by officers at the pre-application stage. Extensive discussions took place to ensure that the correct, high quality design was achieved for the site. The proposed housing reflects the traditional materials used in the area and the general pattern of housing development.

The proposed houses at the front of the site, are in the style of terraced houses and the detached houses at the rear of the site reflect the traditional housing in the area, having simple double pitched roofs and gables with chimney stacks. Stone detailing around the doors and quoin stones up the corners of the houses together with natural stone boundary walls to Broadfield ensure that the houses will maintain and enhance local distinctiveness. As such, Officers are satisfied that the development complies with the relevant planning policy in terms of design, scale and layout.

### ***Residential amenity***

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising from reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. The Council's Householder Design Guide Supplementary Planning Document also provides guidance in relation to separation distances.

The separation distances within the development and with the surrounding residential properties fall within the provisions of the Council's Design Guide SPD as such it is not considered that the proposal would have a significantly detrimental impact on neighbouring amenity in terms of overlooking or overshadowing. As such Officers consider the proposal meets with the relevant planning policies in this regard.

The Council requested that a noise screening assessment be submitted with the planning application due to the proximity to the main road. This has concluded that with mitigation measures, the noise levels around the site are unlikely to adversely affect the proposed new dwelling both internally and externally. A condition is attached to ensure the mitigation measures are fully implemented into the development. The Council's Environmental Health Officer has considered the scheme and is of the opinion that subject to the conditions detailed in the consultation section of this report, the proposal is acceptable.

As such it is considered that the proposal meets with the relevant planning policies in terms of residential amenity discussed within this section of the report.

### **Traffic and Highways**

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic. HC3 deals with the design of residential roads.

The applicant has submitted detailed plans which show the site layout. The Highways Authority has considered these and made some suggestions to improve the scheme which are detailed in the consultation section of this report. These have now been incorporated into the scheme and the Highways Authority has confirmed they have no objections to the proposal provided certain conditions are attached.

In the absence of an objection from the Highways Authority and subject to the suggested conditions, Officers are satisfied that the scheme meets with the relevant planning policies in terms of traffic and highways safety.

### **Drainage and flooding**

Paragraph 103 of the Framework seeks to avoid development resulting in an unacceptable flood risk. At the local level, Core Strategy Policy Env4 and saved Local Plan Policy E10 have similar aims. There is detailed guidance provided in the NPPG in terms of the hierarchy that should be considered for drainage on sites as set out below:

The NPPG outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy, with the following options to be investigated in order of priority:

1. Into the ground (infiltration)
2. To a surface body (e.g. canal)
3. To a surface water sewer, highway drain, or other drainage system
4. To a combined sewer

The applicant has noted on the application forms that both foul and surface water would be drained to separate mains sewers. United Utilities have been consulted with regards to the application and have no objections to the scheme provided that conditions are attached to ensure foul and surface water are drained separately and that prior to commencement a surface water drainage scheme is submitted for agreement, which is based on the NPPF hierarchy of drainage options. Due to no objections being received from statutory consultees and the inclusion of suggested conditions, Officers are satisfied that the proposal meets with the relevant planning policies in terms of flooding and drainage.

### **Provision of public open space**

Policy HC1 of the Hyndburn Core Strategy requires that: *'Major housing development (10 or more houses) will contribute towards the provision and maintenance of good quality, accessible, multi-functional greenspace. If it is demonstrated that it is not possible to make a provision on site, then a financial contribution in lieu of actual provision will be provided by*

*the developer that will be used to improve or maintain nearby areas of greenspace and improve pedestrian or cycleway facilities’.*

There would be no provision of public open space within the development. The Council’s Parks Department has requested a contribution towards off site public open space in line with Policy HC1 of £16503. This has been agreed with the applicant and forms part of the S106 agreement.

As such Officers are satisfied that the proposal meets the relevant planning policies in terms of public open space.

### ***Trees, landscaping and ecology***

Policy Env2 of the Core Strategy requires opportunities for environmental enhancement to be secured; this is supported by the provisions of the NPPF.

On consideration of the application, the Council’s Trees and Woodlands Officer requested that a native hedgerow be planted to the rear of the site and the inclusion of at and bird boxes into the build, this has been agreed with the applicant and suitable conditions are attached. The Trees and Woodlands Officer also queried whether the southern access to the site was needed, and suggested this be removed to provide more open space on the site. However, this access is required to gain access to the rear of the adjacent terraces and provides a connection to the public footpath. Three bollards are indicated on the plan to ensure that this is not used for a vehicular access to the site. A suitable condition is attached.

As such Officers are satisfied that, with suitable conditions attached, the proposal is considered acceptable in terms of the relevant planning policy in this respect.

### ***Sustainability***

Resolution 24/187 of the United Nations Generally Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that the specific policies within the NPPF (paragraphs 18-219), taken as a whole, constitute the Government’s view of what sustainable development means in practice. There are three dimensions to sustainable development: economic, social and environmental and these require the planning system to perform a number of roles.

Officers have considered the proposed development against the three dimensions of sustainable development below:

*Economic role* – this is a full planning application which can be developed over a 1-2 year period, (at an average build out rate of 35 houses per year). The building of the development will also perform an economic role by generating jobs, and boosting the local economy by providing additional spending local shops and businesses.

*Social role* – a key aspect of the social role of sustainable development is providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services. The development is submitted in full and the applicant aims to develop the site within 1-2 years. The development will meet an identified need for good quality, low cost family homes, and will make a contribution of 12 units towards the undersupply of housing within the Borough.

*Environmental role* – The development includes a contribution towards public open space improvements in the local area, landscaping improvements and the provision of bat/bird brick/boxes. It is recognised that the that the development is outside the existing urban boundary, however the highway authority has not raised concerns in relation to the accessibility of the site which is in proximity to a bus route and the urban area to the south. The site is on previously developed land and would not affect he openness of the Green Belt. Overall the development is considered to represent sustainable development.

#### **Other matters**

- Bins:

A request for £900 towards bin provision was made and agreed with the applicant, this will be part of the Section 106 agreement. A condition is attached to ensure bins are kept to the rear of the houses, apart from on bin collection days.

- Contamination:

The Council's Environment Health Officers has included a condition to ensure that and contamination is remediated on site.

#### **Conclusion**

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account, Officers consider that the proposal is sustainable in terms of the social, economic and environmental aspects of sustainable development and recommend approval subject to the imposition of planning conditions and a Section 106 Agreement relating to the following:

£16503 towards Public open space

£900 bin provision

#### **Recommendation**

That planning permission is GRANTED subject to the following conditions and the applicant entering into a S106 agreement with the Council in relation to the matters listed above:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans and documents:

Application forms received 22<sup>nd</sup> March 2016

Proposed Site Plan received 4827-02D 19<sup>th</sup> May 2016

Proposed Plans and Elevations Units 9 and 11 4827-05C received 19<sup>th</sup> May 2016

Proposed Plans and Elevations Units 1,2,3,4,5,6,7 and 8 4827-03B received 22<sup>nd</sup> March 2016

Proposed Plans and Elevations Unit 10 4827-04B received 22<sup>nd</sup> March 2016

Proposed Plans and Elevations Unit 12 4827-06B received 22<sup>nd</sup> March 2016 OS Plan 4827-07 received 22<sup>nd</sup> March 2016

Proposed Street Scenes 4827-08B received 22<sup>nd</sup> March 2016 Planning Statement received 22<sup>nd</sup> March 2016

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

3. Notwithstanding the provisions of the Town and Country (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), upon of the grant of this planning permission no development shall take place within Classes {A, B, C, D, E, F, G and H} of Part 1 of Schedule 2 of the said Order (or any order revoking and re-enacting that Order with or without modification), unless a planning application for that development has been first submitted to and approved by the local planning authority.

Reason: In the interests of visual amenity and in order to protect the amenities of the occupiers of neighbouring properties and to comply with Policy Env7 of the Hyndburn Core Strategy and the Hyndburn Householder Design Guide (SPD).

#### **Levels**

4. Prior to the commencement of development details of all existing and proposed levels across the site, including finished slab levels of all proposed buildings, shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: In accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

### **Materials /windows doors rainwater and garage door/ boundary treatment**

5. Notwithstanding the details submitted with the application and prior to their use in the development hereby approved, details and samples of the following shall be submitted to the local planning authority for approval in writing:
  - a) External roofing and facing materials (including colour or render, paintwork and colour wash).
  - b) Rainwater goods, windows and garage doors (including cross sections)
  - c) All surfacing materials to be used on all hard-surfaced areas of the development outside the buildings
  - d) Details of any boundary treatment

The development shall be constructed in accordance with the approved details/samples and retained thereafter unless otherwise prior agreed in writing with the local planning authority.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies Env 6 and Env 7 of the Hyndburn Core Strategy

### **Landscaping and maintenance plan**

6. Prior to the commencement of development a satisfactory programmed landscaping scheme which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include replacement tree planting at a minimum ratio of 3:1. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy.

### **Bat/bird boxes**

7. Details of the number, type, and location of bat and bird bricks and/or features shall be submitted to and approved in writing by the Local Planning Authority. The bricks/features shall be implemented in accordance with the agreed details during the construction of the dwelling houses and available for use prior to the first occupation of the dwelling houses, and retained thereafter.

Reason: To comply with the provisions of Policy Env2 of the Hyndburn Core Strategy.

### **Garages / parking spaces**

8. The garage and parking spaces hereby approved shall be kept freely available for the parking of cars, and shall not be converted or altered to form an additional room within the dwelling or garden area, without the submission and grant of a planning permission for that purpose by the local planning authority.

Reason: In order to comply with Policy Env 7 of the Hyndburn Core Strategy and the Hyndburn Car Parking and Access Standards.

### **Highways**

#### **Section 38**

9. Road and footway layouts shall be the subject of a dedication agreement with the Highway Authority under the provision of Section 38 of the Highways Act or other appropriate agreement in accordance with the scheme to be submitted to, and agreed in writing by the Local Planning Authority (including street lighting, road construction and drainage details).

The development shall accord fully with the approved details prior to the occupation of the first dwelling house and retained thereafter.

Reason: In the interest of highway safety and residential amenity in accordance with Policy E.10 and Env7 of the adopted Hyndburn Core Strategy.

### **Construction Management Plan**

10. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays;
- v) measures to control the emission of dust and dirt during construction
- vi) wheel washing facilities;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) road construction details in accordance with Lancashire County Council specification for construction of estate roads;
- x) Details of hours of construction and the times at which deliveries will be made to and from the site.

There shall not be any burning of waste material on site at anytime during the construction process.

Reason: In the interest of residential amenity and highways safety, in accordance with the provisions of Policy E10 and Env7 of the adopted Hyndburn Core Strategy and the National Planning Policy Framework.

### **Electrical supply/ bike provision**

11. Prior to the first occupation of the dwellings, the following provisions shall be made available for use:
  - a) Necessary infrastructure for Electric Vehicle Charging comprising the provision of one standard 3-pin 13amp single household plug and socket along with associated cabling and mains electric household supply to each dwelling only. Any additional infrastructure requirements would be the responsibility of future residents to provide directly in line with evolving technology on electric cars and associated electric vehicle charging. These provisions shall be made at each dwelling.
  - b) Cycle provision for 2no cycles as detailed on the approved Site Layout Plan.

Reason: To ensure the scheme accords with paragraph 35 of the NPPF, and the provisions of Policy Env7 of the Hyndburn Core Strategy.

### **Environmental Health**

#### **Site preparation and construction phase**

12. Construction deliveries to and from the site should be restricted to between 0800 and 1800hrs Monday to Friday and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays. Works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300 on Saturdays. Works should not take place on Sundays and bank holidays. All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

#### **Effect of Noise/dust /fumes/ vibration on neighbouring premises during the development works.**

13. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.  
There shall be no burning off on site of construction waste.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

#### **Noise**

14. Prior to the first occupation of the dwelling houses, the noise mitigation measures detailed within section 8 of Miller Goodall' Noise Assessment (5<sup>th</sup> February 2016), submitted with the application shall be fully implemented.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

### **Contamination**

15. Prior to the commencement of development, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A; focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. This information shall then be submitted to and agreed in writing with the local planning authority.

Following this a remediation statement shall be submitted to the local planning authority for their approval in writing and the recommendations and remedial measures shall be implemented within the site prior to the first occupation of the dwelling houses hereby permitted.

On completion of the development/remedial works, the developer shall submit a verification report to confirm all works are completed in accordance with the agreed Remediation Statement.

Reason: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with Policy Env7 of the Hyndburn Core Strategy and the provisions of the National Planning Policy Framework.

### **United Utilities**

- 16 Foul and surface water shall be drained on separate systems.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env 7 of the Hyndburn Core Strategy.

17. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing

by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

18. Prior to the commencement of development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) Arrangements for adoption by an appropriate body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- b) Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

19. Refuse and recycling bins shall be located at the rear of the property at all times, and only brought to the front of the dwelling on bin collection days, unless otherwise prior approved in writing with the Local Planning Authority.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policy Env 7 of the Hyndburn Core Strategy.

### **Informatives**

13a, 14, 15, 16, 17  
Low risk coal

The applicant is advised to take note of the full comments from United Utilities which are available on the Council's website.

<b>Decision</b>	
Approved + Conditions	
Informative Note(s)	
Refuse No. of Reasons	
Date	
Signed	

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# Agenda

MUNICIPAL YEAR 2016-2017



**HYNDBURN**

The place to be  
an excellent council

## Planning Committee

Tuesday 21<sup>st</sup> June 2016 at 2.00 p.m  
Council Chamber, Accrington Town Hall

### Membership

Chair: Councillor Bernard Dawson

Vice-Chair: Councillor Loraine Cox

Councillors: Judith Addison, Mohammed Ayub, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short and Paul Thompson.

## SUPPLEMENTAL AGENDA

### Urgent Business

The Chair is of the opinion that the following item should be considered as urgent, in accordance with Section 100b(4) of the Local Government Act 1972.

Due to important information related to the application being submitted after publication of the agenda.

#### 4. Town and Country Planning Act 1990- Planning Applications for Determination

The attached report sets out recommended action on the following planning application:-

- 4A - 11/16/0132: Major Full: Redevelopment of Whinney Hill Stand (North) following demolition of existing including floodlighting and external works.  
Accrington Stanley, Livingstone Road, Accrington

Recommended - That the application be determined as set out in the report.



For all enquiries contact: Michael Cunliffe, Democratic Services (01254) 380109

Email: [michael.cunliffe@hyndburnbc.gov.uk](mailto:michael.cunliffe@hyndburnbc.gov.uk)

Published on Friday 17<sup>th</sup> June 2016

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**REPORT TO: PLANNING COMMITTEE, 21<sup>st</sup> June 2016, 2.00PM**

**REPORT BY: CHIEF PLANNING & TRANSPORTATION OFFICER**

**APPLICATIONS SUBMITTED UNDER THE TOWN AND**

**COUNTRY PLANNING ACT 1990 FOR DETERMINATION**

**Purpose of Report:** To present planning applications for determination as set out in the report

4A	11/16/0132	Major Full: Redevelopment of Whinney Hill Stand (North) following demolition of existing including floodlighting and external works.  Accrington Stanley, Livingstone Road, Accrington
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**NOTE:** The policies referred to under “Relevant Policies” are set out in the Hyndburn Borough Local Plan, Hyndburn Core Strategy and National Planning Policy Framework.

A list of the above documents and background papers relating to each planning report can also be inspected at Scaitcliffe House, Accrington, upon request or via the HBC website:

<http://planning.hyndburnbc.gov.uk/WAM/searchsubmit/performOption.do?action=search&appType=Planning>

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**Application Number:** 11/16/0132

**Full Application:** Major Full: Redevelopment of Whinney Hill Stand (North) following demolition of existing including floodlighting and external works.

**Address:** Accrington Stanley, Livingstone Road, Accrington

**Determination by:** 7<sup>th</sup> July 2016

**Applicant:** D Burgess

**Agent:** Neil Ainsworth

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

#### **Article 8**

The right to respect for private and family life, home and correspondence.

#### **Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

**The application is before Planning Committee as it has been requested by the Chief Planning and Transportation Officer and the proposal is for a major development on land owned by Hyndburn Borough Council.**

### **Application Site**

Accrington Stanley is approximately 1.5 miles north from the centre of Accrington and is within 10 minutes from the M65. The site lies in the north east portion of the Wham Stadium ground between Livingstone Road to the South, Epping Avenue to the North, Haworth Street and Whalley Road to the West and the fields to the East which are used for community sports.

The site is enclosed on its northern boundary by two storey residential development along Epping Avenue and by the rest of the Wham Stadium to the West and South. The site is within an area consisting mainly residential developments with a number of small shops along Whalley Road.

## **Proposal**

The planning application proposes a new North Stand to be built to replace the existing Whinney Hill North Stand in order to meet the needs of Accrington Stanley for spectator seating and facilities. The proposed stand will provide covered seating for approximately 1500 supporters, including 14 wheelchair spectator spaces. It will also provide suitable improved spectator facilities such as WCs and refreshments/merchandise kiosks. The ground floor of the proposed stand will provide a single concourse. This will be sub divided into two smaller concourses for away supporters, if required. The remainder of the ground floor footprint will be given over to plant, storage and service spaces.

The proposed stand will be modern in appearance and will be constructed in brick, steel and metal cladding. The stand will feature a single pitched roof. As part of the proposal, the hard and soft landscaping on the site and around the proposed stand will be enhanced.

Vehicular access to the proposed stand for deliveries, service and emergency access will be provided and will link the existing track to the rear of the East Stand. Pedestrian access will be provided to the proposed stand from around the existing East and West Stands, via the improved hard landscaping. The existing three floodlight towers along the North side of the pitch will be replaced with the two new flood light towers to the sides of the stand. New perimeter fencing will be provided between the existing and proposed football stands

## **Consultations**

**Public consultation:** Site notices and neighbour letters were sent out, 38 letters of support and 2 no objections were received relating to:

- Impact on light and overshadowing to 21 and 23 Epping Avenue
- Noise
- Rubbish generation

**LCC Highways:** No objections have been raised to the application, although conditions have been suggested in relation to lighting and the provision of an emergency plan.

**Police Liaison Officer:**

**HBC Trees and Woodlands Officer:** No objections to the scheme provided a full, detailed landscaping plan (including tree planting) with long term management (minimum 25 years) is a condition of the permission.

**HBC Environmental Health:** No objections to the scheme providing that conditions are attached relating to:

- Construction deliveries
- Noise dust and fumes
- Lighting
- Odour and noise
- Landfill gas protection

## **Relevant Planning History**

N/A

## **Relevant Policies**

### Development Plan

#### *Hyndburn Borough Local Plan Saved Policies*

- Policy E.10                      Development Criteria

#### *Hyndburn Core Strategy*

- Policy BD1                      The Balanced Development Strategy
- Policy HC2
- Policy Env6                      High Quality Design
- Policy Env7                      Environmental Amenity

### Material considerations

National Planning Policy Framework

Hyndburn Borough Council Employment Land Study January 2016

Hyndburn Borough Council Car Parking and Access Standards (2010)

Householder Design Guide (SPD) 2009

Planning Practice Guidance (PPG)

## **Observations**

Key issues for consideration in relation to this application are 1) Principle of the development, 2) Design, scale and layout, 3) Residential amenity, 4) Traffic and highways, and 5) Trees, Landscaping and Ecology. The concerns raised by neighbouring properties are addressed in the relevant section of the report.

### ***1. Principle of development***

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the saved policies of the Hyndburn Council Local Plan (1996) and the adopted Core Strategy.

The football stadium is within the urban area within a reasonable distance of Accrington Town Centre and in close proximity to an arterial route that is served by a high quality bus route (Pennine Reach). Policy HC2 of the Hyndburn Core Strategy states that proposals for new or improved sports, recreation, health, community and cultural facilities will be supported. The application is to improve the facilities at the stadium and improve seating facilities. As such the principle of the proposal is considered to be acceptable.

## **2. Design, scale and layout**

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape, and is supported by the provisions of Core Strategy Policy Env 7. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance.

At national level in the National Planning Policy Framework (NPPF) also puts a strong emphasis on design. Paragraph 17 of the NPPF states: *'...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*. Paragraph 56 goes on to state: *'The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*. Paragraph 62 states: *'Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review'*.

A Design and Access Statement has been submitted with the application which considers the design of the proposed new stand. It states that externally, the proposed Whinney Hill Stand will be of a similar height to the existing South stand. The stand will be modern in appearance and will be constructed from brick, steel and metal cladding and feature a simple single-pitch roof. The scale of the proposed stand would be in-keeping with the height and massing of existing stands within the stadium and would provide an improvement over the current unsightly views of the existing site, in particular from the houses along Epping Avenue. Amended plans have been received which reduced the height of the stand at each end slightly to minimise the impact on the neighbouring houses on Epping Avenue. At its highest point the roof of the proposed stand is approximately 9.8m above ground level but this slopes down to approximately 8.2m where it is closest to the houses on Epping Avenue. The stadium also benefits from being at a lower ground level than the neighbouring houses, bringing the height of the roof to the same height of the roofs of nearby properties.

There would also be hard and soft landscaping (with relevant conditions attached) which will help to enhance the development. This will improve the aesthetics of the site (particularly when looking the development from the houses along Epping Avenue). Officers have considered the design and are satisfied that it would be suitable for this location; within an existing football stadium. A condition is attached to ensure suitable materials are used in the development. As such, Officers are satisfied that the development complies with the relevant planning policies in terms of scale, design and layout.

## **3. Residential amenity**

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising

my reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. The Council's Householder Design Guide Supplementary Planning Document also provides guidance in relation to separation distances.

**Noise:** An objection has been received to the proposal with regards to increased noise generated as a result of the development. A football stadium already exists in this location and the development of the proposed stand should not result in an increase in the frequency of use of the stadium. Officers consider that the noise generated from the proposed stand would be similar to that generated from the existing development as attending numbers would not be increased. It is anticipated that noise would be somewhat decreased in relation to the houses on Epping Avenue as the stand would have a solid rear elevation. No objections have been received from Environmental Health in relation to noise. As such, Officers are satisfied that with the relevant conditions attached, the proposal meets with the provisions of the relevant planning policy in this regard.

**Lighting impact:** It is proposed that changes would be made to the floodlighting at the ground. The floodlighting is currently provided through three lighting towers. It is proposed that the new stand would have lighting from two towers which would be located at each end of the stand to provide lighting across the pitch in line with current standards. A condition is recommended to ensure a full lighting scheme is submitted and agreed in writing with the local planning authority. This will enable Officers to ensure that there would not be a significantly detrimental impact on the amenity of the neighbours on Epping Avenue, in particular in terms of light nuisance/spillage. As such, Officers are satisfied that with the conditions recommended, the proposal meets with the provisions of the relevant planning policy in this regard.

**Loss of light/ Overshadowing:** Objections have been received in relation to the impact the development would have on the neighbours at 21 and 23 Epping Avenue in terms of loss of light to their rear single storey extension which the recent planning approval shows projects 6.35m from the rear main wall of the dwelling house. The extension has habitable room windows facing the development and is separated from the Accrington Stanley stadium by a 1.8m fence. The house is elevated in comparison to the Accrington Stanley ground by approximately 2m<sup>1</sup>. The difference in land levels means that the height of the stand is similar to that of the height of a two storey dwelling in comparison with the dwellings on Epping Avenue. This has been demonstrated by cross section plans provided by the applicant.

The distance from the first floor windows of 21 and 23 Epping Avenue and the proposed stand is over 15m, with the distance from the ground floor extension being approximately 9m. The Council's Householder Design Guide SPD provides guidance in relation to distances between first floor windows and gable walls of two storey dwellings. Although the stand is not a dwelling house, the height, due to the differences in ground levels would

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<sup>1</sup> The plans submitted by the applicant indicate that neighbouring residential gardens are at 155.1m AOD and the base of the proposed stand would be at 152.50 AOD, a difference of 2.6m.

mean the rear elevation can be treated as a gable wall and that the guidance in the SPD gives a good indication of what distance would be acceptable. The SPD details a minimum of 12m between facing first floor habitable room windows and gable wall. The proposed stand would comply with these provisions.

On request from Officers, the applicant has supplied shadow diagrams that show that the proposed stand would have minimal impact on the neighbouring dwellings due to loss of light and overshadowing, during the spring, summer and autumn months. There would be some impact in the mid-winter months (December is shown on the shadow diagrams). However, on consideration of the information submitted, Officers do not consider that this would be significantly detrimental to the amenity of these neighbours due to loss of light or overshadowing. Although there would be some overshadowing of the gardens on Epping Avenue, in mid-winter, the ground floor extension at 23 Epping Avenue is already affected in this regard, as a result of the fence. As such Officers do not consider the impact on the ground floor extension windows would be significantly worse than the current situation as a result of the proposed development.

Also during this time of year, the shadow diagrams show that any impact on the rear gardens of these properties is minimal. In addition to this, it is also unlikely that people would be sat in the gardens during this time of year. Therefore Officers do not consider this is a reason the refuse the application.

As such Officers consider that the proposal complies with the relevant planning policies in this regard.

**Loss of privacy:** It is also necessary to consider if there would be an impact on privacy of neighbouring house on Epping Avenue as a result of the proposed development. In order to ensure this is not the case, Officers have attached a condition to ensure that any windows in the stand facing Epping Avenue are obscure glazed. As such Officers consider that the proposal complies with the relevant planning policies in this regard.

**Mound:** During development which has already taken place, land has been stored at the rear of the site, adjacent to the fences of the properties on Epping Avenue. This has been detailed on the topographical survey submitted with the planning application. A condition has been attached to the permission to ensure that is reduced to be in line with the bottom of the fences of those houses and a further condition is attached, to landscape the bund within three months of the first use of the stand. This will ensure that nuisance does not occur in respect of neighbour amenity, with regards to people climbing and standing on the bund. As such Officers consider that the proposal complies with the relevant planning policies in this regard.

As such it is considered that the proposal meets with the relevant planning policies in terms of residential amenity discussed within this section of the report.

#### **4. Traffic and Highways**

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic. HC3 deals with the design of residential roads.

The Highways Authority has considered the application and considers that given that the proposal will not seek to increase ground capacity, they do not envisage any requirement to add to the existing on-site parking provision as a result of this application. They also confirm that although there is some level of local highway disruption caused by match day parking and travel movements, this is not untypical for a football stadium. They also confirm that consultation with colleagues from the Police's Traffic Movement Team indicates that disruption from the local highway network, although noticeable is not exceptional. The County Council has previously undertaken a suite of traffic management measures in order to maintain traffic flow and safety within the vicinity of the ground. They state that these measures significantly improved traffic flow and safety around the stadium and continue to be effective. They highlight that no mitigation measures have been proposed as part of the application, however this is acceptable as the submission itself is unlikely to generate any significant difference in traffic or travel patterns over the existing.

The Highways Authority has recommended two planning conditions, the first of which is to ensure the ground has a suitable emergency plan and the second, that the flood lighting does not have the potential to be hazardous to highway users due to glare and dazzle. Therefore in the absence of any objection from the statutory consultee and the inclusion of relevant conditions, Officers are satisfied that the proposal meets with the relevant planning policy in terms of traffic and highways safety.

#### **5. Trees, landscaping and ecology**

Policy Env2 of the Core Strategy requires opportunities for environmental enhancement to be secured; this is supported by the provisions of the National Planning Policy Framework.

On consideration of the application, the Council's Trees and Woodlands Officer has no objections to the scheme provided that a condition is attached to ensure a landscaping scheme be submitted and implemented accordingly. As such Officers consider that the proposal complies with the relevant planning policies in this regard.

#### **Conclusion**

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account. The proposed development complies with the policies of the development plan and although some concerns have been raised about the impact of the development on local amenity, it is not considered that the proposed development will have an unacceptable adverse impact on

local amenity. For these reasons it is recommended that the planning application should be supported subject to the conditions set out below.

### **Recommendation**

That planning permission is GRANTED subject to the following conditions and the applicant entering into a S106 agreement with the Council in relation to the matters listed above:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans and documents:

5599-FWP-XX-XX-IE-A-01\_Location Plan – Rev P2  
5599-FWP-XX-XX-IE-A-02\_Site Plan – Building Hatch – Rev P2  
5599-FWP-XX-XX-IE-A-03\_Existing Site Plan – Rev P2  
5599-FWP-XX-XX-IE-A-04\_Proposed Site Plan – Rev P2  
5599-FWP-XX-XX-IE-A-07\_Existing Floor Plans – Rev P2  
5599-FWP-XX-XX-IE-A-08\_Proposed Floor Plans – Rev P2  
5599-FWP-XX-XX-IE-A-09\_Existing Elevations – Rev P2  
5599-FWP-XX-XX-IE-A-10\_Proposed Elevations – Rev P2  
5599-FWP-XX-XX-IE-A-11\_Proposed Elevations with Colour – Rev P2  
5599-FWP-XX-XX-IE-A-12\_Existing 3Ds – Rev P2  
5599-FWP-XX-XX-IE-A-13\_Proposed 3Ds – Rev P2  
5599-FWP-XX-XX-IE-A-14\_Existing and Proposed Sections – Rev P2  
5599-FWP-XX-XX-IE-A-15\_Site Levels – Rev P2  
5599-FWP-XX-XX-IE-A-16\_Plan Highlighting Sections – Rev P2  
5599-FWP-XX-XX-IE-A-17\_Site Sections – Rev P2

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

### **Levels**

3. Prior to the commencement of development details of all existing and proposed levels across the site, including finished slab levels of all proposed buildings, shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: In accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

### **Landscaping and maintenance plan**

4. Prior to the commencement of development a satisfactory programmed landscaping scheme (with 25 year management plan), which shall include hard surfacing, means of enclosure, planting of the development, (including tree and shrub planting on the mound, indicated on the approved Topographical survey), shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented during the first planting season following the first use of the development hereby approved, and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy.

### **Environmental Health**

5. Construction deliveries to and from the site should be restricted to between 0800 and 1800hrs  
Monday to Friday and 0800 and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays.  
Works should be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs on Saturdays.  
Works should not take place on Sundays and bank holidays.  
All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

6. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.  
There should be no burning off on site of construction waste. A Construction Environmental Management Plan shall be submitted, and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed Environmental Management Plan.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

### **Lighting**

7. Prior to the first use of the development hereby approved, a detailed lighting scheme, including hours of use and spillage, shall be submitted to and approved with the local planning authority, in conjunction with the Highways Authority. The scheme shall

then be implemented in accordance with the approved details and retained thereafter.

Reason: in the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

#### **Odour and noise**

8. Prior to the first use of the development, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and agreed in writing by the local planning authority, unless otherwise prior approved in writing. The scheme shall then be implemented in accordance with the approved details and maintained thereafter.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

#### **Landfill Gas Protection.**

9. A well-constructed ground slab and a gas proof membrane of 1200g thickness must be incorporated into the foundations, which shall provide adequate protection against the ingress of any landfill gas. The membrane should be:
  1. Laid carefully so as to avoid tears or perforations
  2. Well capped and taped at the joints, and
  3. Continuous across the whole area of the new development.

Reason: Reason: In the interest of amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

#### **Highways**

##### **Emergency Plan**

10. Prior to the first use of the development hereby permitted a Grounds Emergency Plan, which will detail procedures available to deal with situations including fire, adverse weather, terrorism, electric/gas faults, safety systems, crowd problems, evacuation procedures and emergency access, shall be submitted to and agreed in writing with the local planning authority (in conjunction with the Highways Authority). The plan shall then be updated in line with a timescale prior agreed with the local planning authority.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

##### **Mound**

11. The mound which is indicated on the Topographical Survey (submitted 8<sup>th</sup> June 2016) to the rear of the proposed stand, adjacent to the houses on Epping Avenue, shall be reduced to a height in line with the bottom of the garden fences of these neighbouring residential properties, within three months of the date of this planning permission. The mound shall also be landscaped in accordance with condition 4 of

this permission and retained at that height thereafter, unless otherwise prior agreed in writing with the local planning authority.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env7 of the Hyndburn Core Strategy.

### **Windows**

12. Any windows in the rear elevation of the stand facing the neighbours on Epping Avenue, shall be obscure glazed unless otherwise prior approved in writing with the local planning authority.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env7 of the Hyndburn Core Strategy.

### **Informatives**

13a, 14, 15, 16, 17

Low risk coal

The applicant is advised to take note of the full comments from United Utilities which are available on the Council's website.

Should operatives discover any adverse ground conditions during earth works and suspect it to be contaminated, then they must report this to Environmental Health on 01254 380623.

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