Wednesday, 6 January 2016 at 10.00 am,
Scaitcliffe House, Ormerod Street, Accrington

Membership
Chair: Councillor Miles Parkinson (in the Chair)
Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

A G E N D A

PART A: PROCEDURAL AND INFORMATION ITEMS

1. Apologies for Absence

2. Declarations of Interest and Dispensations

3. Minutes of Cabinet - 2nd December 2015 (Pages 3 - 14)
   To approve the Minutes of the last meeting of Cabinet held on 2nd December 2015 (attached).

4. Minutes of Boards, Panels and Working Groups (Pages 15 - 20)
   To receive the Minutes of the following meetings (attached):-
5. **Report of Urgent Cabinet Decision - Hyndburn Used Furniture Store** *(Pages 21 - 22)*

Report attached.

**PART B: PORTFOLIO ITEMS**

6. **Reports of Cabinet Members**

To receive reports from Cabinet Members.

**Leader of the Council (Councillor Miles Parkinson)**

7. **Development Management Development Plan Document Consultation Draft** *(Pages 23 - 208)*

Report attached.


Report attached.
CABINET

Wednesday, 2nd December, 2015

Present: Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

In Attendance: Councillors Bernard Dawson, Tony Dobson, Terry Hurn, Kerry Molineux and Paul Thompson

1 Apologies for Absence

There were no apologies for absence.

2 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

3 Minutes of Cabinet - 21st October 2015

The Minutes of the meeting of Cabinet held on 21st October 2015 were submitted for approval as a correct record.

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

4 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:

a) Health and Communities Working Group - 15th September 2015
b) Regeneration and Housing Panel - 21st September 2015
c) Leader’s Policy Development Board - 15th October 2015

Resolved - That the Minutes of the above meetings be received and noted.

5 Report of Urgent Cabinet Decision - Hyndburn Used Furniture Store

The Leader of the Council (Councillor Miles Parkinson) submitted a copy of a signed Urgent Cabinet Decision form relating to the release of the Council’s final quarter payment to Hyndburn Used Furniture Store.

Resolved - That the Urgent Cabinet Decision be noted.

6 Reports of Cabinet Members

The Leader of the Council announced that the Council would shortly be advertising in regard to a public consultation exercise to be carried out on proposals to dispose of open space land adjacent to Bank Mill House, Great Harwood. It was hoped that the land would be utilised by local residents for leisure activities.
Commercial Joint Ventures

The Leader of the Council submitted an update report setting out the overall financial position on the Council’s three main Commercial Joint Ventures, which were Globe Enterprise Limited, Barnfield and Hyndburn Limited and Barnfield and Hyndburn Partnership. Approval of the report was not deemed a key decision.

Reasons for Decision

1) The Council and Barnfield Construction Limited were partners of the Barnfield and Hyndburn Partnership which was created in 1995 with Barnfield having a 70% stake and the Council 30%. As partners, the Council and Barnfield did not have the limited liability that surrounded a company and that was the reason that the economic activity of the Partnership had largely been limited. The Partnership had made a book loss on its trading activities for over seven years and the last year in which it had received any rental income was 2006. The Partnership was to be dissolved on completion of the domestic housing development (Mill Gardens) on the Premier Mill site in Great Harwood and income from property sales would be divided between the partners.

2) Barnfield and Hyndburn Limited had been formed in 1997 with Barnfield Construction Limited owning 70% of the Company and the Council 30%. The Company had two assets which generated its activities: namely Norden Court and Alan Ramsbottom Way. Norden Court was a development of nine industrial units in Great Harwood with all units currently being occupied by tenants. Renewal of leases was strong and was not an area of great concern. Alan Ramsbottom Way was land which had been developed for industrial units with most having been sold to the private sector. The Company’s financial position over the last three years had been strong and its Reserves had increased.

3) Globe Enterprise Limited was the largest of the three joint ventures and in addition to the Council and Barnfield Construction Limited had a third partner, Mr. and Mrs. Nevison. Each partner owned 1/3 of the Company. The Company had been formed to develop the former Platts Mill at Scaitcliffe Lodge and its primary aim had been to invest and regenerate parts of Hyndburn. The Company’s assets were the Globe Building in Accrington, the Accrington Superbowl and Cinema Complex, associated retail and office space and the remaining Waterside Offices at St. James Court in Accrington and Great Harwood Town Hall. Due to a downturn in income from increased vacancy levels due to the Recession, the Company’s Shareholder value had shrunk over the last three years, however, its management accounts for 2015 indicated a return to annual profitability.

4) Each joint venture provided a vehicle to enhance the commercial, economic and environmental development of areas of Hyndburn and had ensured job protection and job creation over the last 20 years. The Council had gained financially as its value in all three organisations had grown through their commercial success.

There were no alternative options for consideration or reasons for rejection.

Resolved - That the report be noted.

Piggy Park Food Growing Area, Rishton

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report seeking approval to lease land at Piggy Park, Rishton to the PROSPECTS Foundation for the purpose of a local food growing site. Approval of the report was not deemed a key decision.
Reason for Decision

Cabinet had previously agreed the granting of a 15 year lease to the Rishton Food Growing Association for the purpose of a local food growing project and on the basis that the Association became a properly constituted body with capacity to enter into the lease. The Association had become a constituted body but was not incorporated for the purpose of entering into a lease with the Council and members of the Association were reluctant to take on personal liability for complying with the terms of the draft lease by signing a lease as trustees. The PROSPECTS Foundation had offered to become the Council’s tenant for the purpose of complying with the lease terms, whilst enabling the project to progress quickly. The Foundation would, in turn, appoint the Rishton Food Growing Association to manage the site on it’s behalf as it’s agent.

The current proposal enabled the project to progress without the need for the Council to take on management responsibility for the food growing plots whilst encouraging a local community group to become involved in managing it’s own scheme. The PROSPECTS Foundation acting as the Council’s tenant meant the community group would not be exposed to the risk of financial loss if the project was not a success.

Alternative Options Considered and Reasons for Rejection

1) Do nothing. The Council would continue to maintain the land as open grass.

2) Hyndburn Borough Council manage the site as an allotment. The site would be managed by the Council’s Allotments Manager and tenants would have to sign a tenancy agreement with the Council.

Resolved  (1) That the lease of Piggy Park in Rishton to the PROSPECTS Foundation be agreed; and,

(2) That authority be delegated to the Head of Regeneration and Housing, following consultation with the Portfolio Holder for Education, Leisure and Arts, to agree the detailed terms of the lease.

9 Hyndburn Temporary Accommodation Policies

The Portfolio Holder for Regeneration and Housing (Councillor Clare Cleary) submitted a report relating to temporary accommodation usage in Hyndburn for homeless households and seeking approval of the newly drafted temporary accommodation policies. Approval of the report was not deemed a key decision.

Reasons for Decision

1) Following a series of Supreme Court Judgements in May 2015 on three homeless cases, Part 7 of the Housing Act 1996 had been clarified and a series of principles had been outlined by the Court that needed to be applied by local authorities when assessing priority need and vulnerability. More in depth assessments would now need to take place and the likely outcome for Hyndburn was that more households presenting as homeless would be classed as being in priority need and would consequently be entitled to assistance with accommodation. The new ruling mainly affected single people. The Court had also provided guidance for local authorities for policies that should be in place in regard to the procurement of temporary accommodation and the allocation of temporary accommodation.
to homeless households. The policies had to be up to date, publically available and approved by democratically accountable Members of the Council.

2) The newly drafted policies were ‘common’ across several Lancashire local authorities and would assist in County wide procurement of temporary accommodation if needed in the future. The policies taken together set out how Hyndburn Borough Council would meet it’s responsibilities for the provision of temporary accommodation to people who were homeless or threatened with homelessness. Both policies would be annually reviewed or more frequently if needed, or when new legislation was enacted that needed to be reflected.

Alternative Options Considered and Reasons for Rejection

The local authority had a requirement to provide temporary accommodation to homeless households owed a duty under Part 7 of the Housing Act 1996. That duty, along with the recent Supreme Court Ruling, required the local authority to have up to date and publically available policies in place for the procurement of sufficient units of temporary accommodation and their allocation to homeless households. An alternative option not to develop those policies would conflict with the Council’s statutory duty.

Resolved

(1) That Hyndburn’s temporary accommodation usage and associated costs over the last four / five years be noted;

(2) That the policies for the procurement of temporary accommodation and the allocation of temporary accommodation to homeless households (attached as Appendices 1 and 2 respectively to the report) be approved; and,

(3) That authority be delegated to the Head of Regeneration and Housing, following consultation with the Portfolio Holder for Regeneration and Housing, to:-

a) Monitor the impact of the recent Supreme Court Judgements referred to in the report, together with any resulting increase in need for temporary accommodation for single people.

b) Review the existing temporary accommodation arrangements in the Borough in light of the policies attached to the report.

c) Introduce new temporary accommodation arrangements as and when appropriate, subject to demand.

10 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

The Portfolio Holder for Regeneration and Housing submitted a report on the introduction of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. Approval was sought to impose a penalty charge relating to the breach of the Regulations and for the Statement of Principles which the Council would follow in determining the amount of a penalty charge. The Statement of Principles was attached as Appendix A to the report. Approval of the report was not deemed a key decision.
Reasons for Decision

1) The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1st October 2015 and private landlords now had to ensure that a working smoke alarm had been installed on each storey of a privately rented home, that a working carbon monoxide alarm had been placed in each room which contained a solid fuel burning combustion appliance and at the start of each tenancy that checks that appropriate alarms were in working order had been carried out. Practical enforcement of the new requirements would be undertaken by officers in the Council's Regeneration and Housing Services Department.

2) The Council had a duty to serve a remedial notice within 21 days on landlords found to be in breach of the Regulations. The landlord had 28 days to comply with the requirements of the notice and failure to do so could result in the landlord paying a penalty charge if the Council decided that such should be imposed. The reason for the introduction of a penalty charge was that the Council had a duty to arrange remedial actions where landlords failed to comply with the remedial notice and those costs would need to be recovered. The landlord would be able to appeal to the Council and then to a First-Tier Tribunal against the Council’s decision to serve a penalty charge notice.

3) The Regulations did not apply to registered providers of social housing and excluded student halls of residence, hostels and refuges, care homes, hospitals and other accommodation relating to healthcare provision.

Alternative Options Considered and Reasons for Rejection

The Council had no alternative but to comply with the Regulations, however, it might decide not to introduce a penalty charge.

Resolved

1) That the introduction of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, which conferred on the Council new responsibilities and legal duties from 1st October 2015, be noted;

2) That the levying of a penalty charge by the Council in respect of breaches of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 be agreed and the Head of Regeneration and Housing be delegated authority to:-

(i) Determine whether to impose a penalty charge in each case.

(ii) Determine the amount of each penalty charge having regard to the Council's Statement of Principles.

(iii) Determine the amount of any early payment discount in accordance with Regulation 9(2) of the Regulations.

(iv) Review fixed penalty charge notices at the request of the landlord in accordance with Regulation 10 of the Regulations and to confirm, vary or withdraw fixed penalty charge notices following such review.
(3) That the Statement of Principles (Appendix A to the report) which the Council would follow in determining the amount of a penalty charge be approved.

11 Garage Plot Rental Charge 1st April 2016

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report seeking approval for increased garage plot rents, issue of new tenancy agreements and the introduction of a refundable deposit scheme from 1st April 2016. Approval of the report was deemed a key decision.

Reasons for Decision

1) Garage plots were rented to members of the public and it was a condition of the tenancy agreement that the plots were not used for commercial purposes and that any garage on the plot had to be erected and maintained at the tenant’s own expense. Tenants were also responsible for obtaining planning permission and paying rates in connection with the use of the plots. A significant number of garage tenants did not have a signed tenancy agreement as they predated the formation of the Hyndburn Borough Council in 1974. The more recent form of tenancy agreement was in need of updating and amendment. A common form of tenancy where possible, would ensure consistency for tenants and assist with the management of the garage plots.

2) The Council last increased the annual garage plot rent on 1st April 2007 and it appeared reasonable to increase the rents at a rate lower than annual national inflation and having taken into consideration annual rents charged by neighbouring local authorities.

3) The proposed refundable garage plot deposit would act as a deterrent to garage plots being left in an unacceptable condition by previous tenants and would stop the small number of tenants who were selling their garage to a third party without informing the Council.

Alternative Options Considered and Reasons for Rejection

1) No change. The option to continue to charge rents at the existing amount had been rejected on the grounds that a larger rent increase would be required at a future date.

2) Lower rent increase. That option had been rejected on the grounds that the average rate of annual national inflation since 2007 was 2.67% and it appeared reasonable to increase the rent at a rate lower than annual inflation and to a rate broadly comparable with other neighbouring local authorities.

Resolved

(1) That garage plot rents be increased from £75.00 to £90.00 per annum (excluding VAT) with effect from 1st April 2016;

(2) That authority be delegated to the Chief Planning and Transportation Officer, in consultation with the Executive Director (Legal and Democratic Services), to issue new garage plot tenancy agreements to all existing and new garage plot tenants; and,
(3) That the Chief Planning and Transportation Officer be authorised to introduce a refundable garage plot deposit scheme for all new garage plot tenancy agreements in accordance with the provisions set out in Section 3.6 of the report.

12 Oswaldtwistle Players and Accrington Theatre Group Licence Agreement

The Portfolio Holder for Resources submitted a report seeking approval to agree terms and for the grant of a storage licence agreement between the Council and the Trustees of Accrington Theatre Group and also between the Council and the Trustees of Oswaldtwistle Players. Approval of the report was not deemed a key decision.

Reasons for Decision

The Accrington Theatre Group and Oswaldtwistle Players had relocated their theatre props and stage equipment to a jointly shared room at the Council’s Willows Lane Depot. Previously the equipment had been stored in the basement of the Clayton Civic Theatre which it was proposed would be used by the Clayton Amateur Boxing Club. It was proposed that the shared use of one room to the Trustees of the two Theatre Groups at a nominal annual licence fee be permitted. The Groups were both volunteer organisations who brought social benefit to the local community through the provision of theatre based cultural and social activities. It was felt that the granting of licences on those terms was justified as they would promote and improve the social wellbeing of the Borough. They would also free up other Council owned premises for other social wellbeing purposes.

Alternative Options Considered and Reasons for Rejection

Do nothing. The storage rooms at Willows Lane were unused and surplus to the Council’s present needs. In their present condition, they served no useful economic or social purpose.

Resolved

(1) That authority be delegated to the Head of Regeneration and Housing to agree terms and to the Executive Director (Legal and Democratic Services) to grant a licence to the Trustees of Accrington Theatre Group for use of a storage room at the Council’s Willows Lane Depot, the main terms of which were shown in Section 3.3 of the report;

(2) That authority be delegated to the Head of Regeneration and Housing to agree terms and to the Executive Director (Legal and Democratic Services) to grant a licence to the Trustees of Oswaldtwistle Players for use of a storage room at the Council’s Willows Lane Depot, the main terms of which were shown in Section 3.3 of the report; and,

(3) That the granting of the two licences be authorised and agreed on the grounds of promoting and improving the social wellbeing of the Borough.
13 Review of Whistleblowing Policy

The Portfolio Holder for Resources submitted a report seeking consideration and approval of a revised and updated Whistleblowing Policy. The draft Policy was appended to the report. The report was not deemed a key decision.

Reasons for Decision

The current Policy had been adopted in 2010 to assist Council employees, Councillors and Contractors to raise concerns about wrongdoing or malpractice with the Council without fear of harassment or other reprisal. The revised Policy reflected the latest advice and guidance to local authorities as published by the Charity “Public Concern At Work” in its last Biennial Review in 2011 and by the National Audit Office in a good practice guide for public sector works and employers published in November 2014.

Alternative Options Considered and Reasons for Rejection

1) The suggested Policy was in draft form and could be revised to reflect any comments or concerns Cabinet had; and,

2) The Council was not required by law to have a Whistleblowing Policy, but most local authorities did and that was recognised good practice endorsed by the National Audit Office. If the Council had such a Policy, it seemed sensible to review it from time to time to keep it up to date.

Resolved - That the draft Whistleblowing Policy attached to the report, be approved.

14 Selective Licensing Scrutiny Review

A report setting out the recommendations made by the Resources Overview and Scrutiny Committee on 27th October 2015 in relation to a review carried out by that Committee on Selective Licensing was submitted. The report was not deemed a key decision.

The Portfolio Holder for Regeneration and Housing responded to the recommendations of the Committee as follows:

(1) That Rent Repayment Orders be applied for in all cases where a landlord had been convicted of renting out a licensable property without a licence.

Cabinet Response: Recommendation accepted.

(2) That should capacity allow, the Portfolio Holder be requested to explore opportunities to recognise and reward good landlords who met their responsibilities.

Cabinet Response: Recommendation rejected as it was deemed to be subjective as to who was a good or bad landlord. All landlords had to abide by the Scheme.

(3) That the current policy be amended to clarify that in order to meet the general costs of the selective licensing scheme, the licensing fee was fixed and non-refundable.

Cabinet Response: Recommendation accepted.
(4) That should the existing Scheme be renewed or a further area designated, the use of new website technology to improve the efficiency of the scheme, including online receipt of applications be investigated.

Cabinet Response: Recommendation accepted.

(5) That the Executive Director (Legal and Democratic Services) be requested to instruct the Council's Land Charges Officer to outline in the local land charges response, if the search property was within a selective licensing area.

Cabinet Response: Recommendation accepted.

Reasons for Decision

Cabinet was the relevant body to receive the report.

Alternative Options Considered and Reasons for Rejection

Cabinet could accept, reject or vary any of the recommendations detailed in the report.

Resolved - That the Cabinet’s responses to the recommendations of the Resources Overview and Scrutiny Committee, as set out above, be agreed and reported back to the Committee.

The following item was submitted as urgent business with the Chair’s agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure confirmation of technical details relating to the consultation had been received from the Government Department

15 Public Space Protection Order

The Deputy Leader of the Council (Councillor Paul Cox) submitted a report on the results of the recent consultation exercise on the introduction of public space protection orders under Part 4, Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014. Cabinet was requested to consider the introduction of a number of public space protection orders in the Borough. Approval of the report was not deemed a key decision.

Reasons for Decision

1) Under Sections 59-75 of the Anti-Social Behaviour, Crime and Policing Act 2014, local authorities had the power to make public space protection orders. The suggested orders had been proposed as a response to complaints and concerns raised by Council Officers, Councillors, User Groups of parks and open spaces and members of the public in respect of the activities of dogs and dog fouling in childrens’ play areas, bowling green, cemeteries and town centre areas. From that information and evidence, Officers were satisfied that the statutory criteria had been met and that there were reasonable grounds for making an order.

2) The Council had carried out a consultation exercise in accordance with Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 and the results relating to recommendation 2.1 of the report were relatively clear. The results were set out at Paragraph 3.5 of the report. The results demonstrated public support for the orders. The
results for the exclusion of dogs from designated areas of Council owned sports pitches were not as clear. The consultation results in full were appended to the report.

3) A public space protection order could be put in place for up to three years after which it had to be reviewed.

**Alternative Options Considered and Reasons for Rejection**

The alternative was for dog control measures to remain as they were, but evidence and experience had shown that certain practical measures, as proposed, needed to be put in place to balance the needs of dog owners with the wider use of public spaces.

**Resolved**  
(1) That the introduction of public space protection orders for the following be agreed:-

(i) Exclusion of dogs from Council owned childrens’ play facilities.

(ii) Dogs to be kept on leads within Hyndburn's main town centre areas as defined in the Borough of Hyndburn Local Plan.

(iii) Dogs to be kept on leads in the Borough’s cemeteries.

(iv) Exclusion of dogs from designated Council owned bowling greens.

(2) That, in relation to the exclusion of dogs from designated areas of Council owned sports pitches, a public space protection order in respect of the same should not be introduced;

(3) That the public space protection orders be put in place for three years, after which they be reviewed as required by the Act; and,

(4) That authority be delegated to the Head of Environmental Partnerships to:

(i) Take all action required to introduce the public space protection orders referred to above, following consultation with the Executive Director (Legal and Democratic Services), that would include the text of the orders.

(ii) Determine the level of any Fixed Penalty Notices issued in respect of the public space protection orders, together with the amount of any discount for early payment (the Fixed Penalty Notice could specify two amounts; a lower one if paid within 14 days (suggested £60 to be consistent with other fixed penalties imposed by the Council) and a maximum higher amount of £100).
(iii) Determine the length of the proposed period of education and amnesty when anyone found contravening the public space protection order would be advised and written to informally, rather than served with a fixed penalty notice.

(iv) Take action, as he deemed appropriate, to implement or enforce the public space protection orders referred to above.

The following item was submitted as urgent business with the Chair’s agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.


The Portfolio Holder for Resources submitted a report on the financial spending of the Council at the end of October 2015 and the prediction of the outturn position to the end of the financial year in March 2016. The financial detail of the report was appended to the report. The spend against Budget in the seven months of the year was £6,464,229 against a Budget of £6,548,415 leaving a positive variance of just over £84,000. The forecast spend for the year to 31st March 2016 was £11,407,000 against a Budget of £11,489,000. A surplus of £81,000 by the end of the 2015/16 financial year was forecasted, making a Budget surplus of slightly more than 0.7% on the overall activities of the Council. There were small overspends in Environmental Health, Planning and Transportation and Parks and Open Spaces. Regeneration and Property Services was predicting a large adverse variance of £211,000. However, savings across other Budget areas outstripped those negative variances and the current prediction was for an overall surplus of £81,000 by the end of the financial year. Approval of the report was not deemed a key decision.

Reasons for Decision

To inform Cabinet of the financial spending of the Council at the end of October 2015 and the prediction of the outturn position to the end of the financial year in March 2016.

There were no alternative options for consideration or reasons for rejection.

Resolved - That the report be noted and Corporate Management Team asked to continue to identify savings and generate a surplus on the 2015/16 Budget to assist with future potential financial pressures on the Council.

17 Exclusion of the Public

Resolved - That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the item.
18 Disposal of Land at Walmsley Avenue, Rishton

Exempt Information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Regeneration and Housing submitted an exempt report seeking approval to dispose of Council-owned public open space off Walmsley Avenue, Rishton for the purpose of housing development. A plan showing the Council’s land edged black was appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

Resolved

(1) That the disposal of the Council’s land at Walmsley Avenue, Rishton (shown edged black on the plan attached to the report) to Calico Property Developments Limited at less than market value, for the purpose of residential development, be agreed; and,

(2) That authority be delegated to the Head of Regeneration and Housing, following consultation with the Portfolio Holder for Regeneration and Housing, to agree the detailed terms of the disposal.

Signed:………………………………………………

Date: …………………………………………………

Chair of the meeting
At which the minutes were confirmed
REGENERATION AND HOUSING PANEL

Monday, 23rd November, 2015

Present: Councillor Clare Cleary (in the Chair), Councillors Mohammad Ayub, Tony Dobson, June Harrison and Joyce Plummer

Apologies Wendy Dwyer

23 Apologies for Absence and Substitutions

An apology for absence was submitted on behalf of Councillor Dwyer. There were no substitutions.

24 Declarations of Interest

There were no declarations of interest.

25 Minutes of Last Meeting held on 21st September 2015

The Minutes of the last meeting of the Regeneration and Housing Panel held on 21st September 2015 were submitted for approval as a correct record.

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

26 Housing Renewal Funding

The HMR Programme Monitoring Officer submitted a report to inform the Panel on progress with the 2015/16 Housing Renewal Programme. She reported that there had been an increase in spend on Nuttall Street and a number of properties had been subject to compulsory purchase orders. Any objections to the compulsory purchase orders would be considered by the Secretary of State. She explained that the properties on Augusta Street were owned by PlaceFirst and all were occupied, including the former show house.

With regards to equity loans the HMR Programme Monitoring Officer advised that loans on the properties would only be repayable on the death of the owner or the sale of the property. Councillor Plummer expressed concern that the Council could be left with debt if people did not repay the loans. The HMR Programme Monitoring Officer explained that the majority of people had been making payments to repay the loans and that the Council had no concerns about recovering the money as the loan was secured against the value of the property in the same way as a conventional mortgage.

Agreed - That the report be noted.

27 Woodnook Update

Using a power point presentation the Regeneration & Property Manager reported on progress with the regeneration projects in the Woodnook area including Okases kabd 2 if the empty homes project, facelift work, public open space and the Woodnook Mill site.
In response to a question about the Woodnook Mill site the Regeneration & Property Manager referred to a large culvert running across the middle of the site and to subsequent contamination issues. She reported that PlaceFirst had given ideas to how the site could be developed to address the water course and site contamination. In response to the facelift contract for the Nuttall Street site she reported that three of the properties had structural problems which were being dealt with under the Building Act and gave details of how the Council were working with the owners of the these properties to rectify this issue. The Chair requested that the Council directed its attentions to ensuring that the commercial properties on Nuttall Street adhered to the building regulations so that there would be no slow-down in progress with regeneration work in this area. The Regeneration and Property Manager explained that the Council was working with the businesses on Nuttall Street and progress was being made.

She also informed the Panel of the successful improvements that had taken place on Clement Street and referred to options for the land which had been created after the Booth Street clearance. Members expressed concern that this piece of land could be targeted for anti-social behaviour and requested that this was taken into consideration when deciding on plans for its use.

Agreed - That the report be noted.

28 West Accrington Report

The Regeneration and Housing Manager reported on Phoenix 1 and a requirement for further regeneration at the top of Savoy Street/Newark Street, which had been an area left out of the original plans. She explained that plans were in place to acquire the remaining properties for regeneration. In respect of Phoenix 2 she reported that progress was good and properties had been and were being sold as completed.

In response to a question about the Church/Oswaldtwistle Gateway, the Head of Regeneration and Housing advised on the impact of the Control of Major Accidents Hazards (COMAH) preventing regeneration in the area. However, he indicated some progress with this with interest from a third party. He reported that the Hargreaves Warehouse had been left out of the plans bearing in mind its listing and separate ownership.

Agreed - That the report be noted.

29 Housing and Environmental Standards

The Environmental Protection Manager submitted a report to update the Panel on actions taken by the Environmental Protection Team in relation to land and buildings that are detrimental to the amenity of the area during the period 3 September 2015 to 5 November 2015. He gave details of action that the Council had taken and progress that had been made in enforcing action on a number of properties.

Councillor referred to several properties to which they had concerns including:

King Street shops
Arnold Street
Pub entrance to Sports Centre
The Environmental Protection Manager indicated that he would visit and inspect each of these properties and update Members accordingly.

Agreed - That the report be noted.

30 Increasing Housing Supply

The Head of Regeneration and Housing submitted a report to update the Panel on bringing new housing development across the borough. He reported that there were signs that the market was moving again. He outlined progress with the key sites including Lyndon Playing Fields, Huncoat strategic sites, Clayton Triangle, Hambeldon Mill, Woodnook Mill and Parker Street in Rishton. He explained that the Huncoat strategic area was a large area and the Council’s aim was to create a masterplan for the site which would be split between employment and housing land. He informed the Panel of the pre-planning application advice sought on a number of sites in the borough.

Agreed - That the report be noted.

31 Accrington Town Centre Report - EXEMPT REPORT

The Head of Town Centre and the Regeneration and Property Manager submitted a report to provide the Panel with an update of issues surrounding Accrington Town Centre.

Agreed - That the report be noted.

32 Urgent Business

- Pendle Street - the Regeneration and Property Manager provided a brief update on Pendle Street.

33 The Time and Date of Future Meetings:

Agreed - That the next meeting of the Regeneration and Housing Panel be held on Monday, 25th January 2016 at 10 am.

Signed: .........................................................

Date: ..............................................................

Chair of the meeting
At which the minutes were confirmed
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Tuesday, 8th December, 2015

Present: Councillor Clare Cleary (in the Chair), Councillors Judith Addison, Terry Hurn, Kerry Molineux and Paul Thompson

In attendance: Claire Beattie, Principal ICT Officer; Ben Caulfield, Overview and Scrutiny Officer; Louise Evans, Organisational Development Assistant; Helen Gee, Democratic Services Manager

1 Minutes of the last meeting

Agreed - That the minutes of the last meeting, held on 15th September 2015, be approved as a correct record.

2 Planning Training

It was reported that at its meeting on 27th October 2015, the Resources Overview and Scrutiny Committee had received a report from the Portfolio Holder for Resources on risk management. One of the financial risks which the Council faced was the risk of planning application decisions being overturned at appeal. The cost to the Council would vary case by case but could run into tens of thousands if not more. This was discussed in depth at the Committee meeting, and members felt that, because of this risk, it was essential that all members of Planning Committee, or indeed anyone who sits on Planning Committee as a substitute, should have undergone appropriate training recently. The Committee had also suggested that this should be extended to Licensing Committee and the Judicial Committee (Private Hire and Hackney Carriage Licensing).

The Panel supported this recommendation and discussed how best to implement it. Issues which would need to be taken into account included:

- a requirement for nominated substitutes to be trained
- keeping records of training undertaken
- refresher training
- timing of training, to ensure that new committee members were trained in readiness for the first meeting after the AGM, when committees were appointed.

Agreed - That the Democratic Services Manager be requested to draft a protocol, setting out the requirement for members of Planning, Licensing and Judicial Committee (Private Hire and Hackney Carriage Licensing), or their substitutes, to have undertaken training, including the content and timing of training and how the protocol could be enforced.

3 Member Development Programme 2105/16

The Panel discussed the Member Development Programme for 2015/16. Planned topics were:-
- Emergency planning - national and local anti-terrorism strategies and community cohesion - training on the “Prevent” programme was planned
- Food hygiene ratings and how they work
- Local issues relating to refugees and asylum seekers
- Chairing skills

The Chair commented that recent training sessions on domestic violence and media skills had been excellent.

Agreed - That the Member Development Programme be noted.

4 Other Business

There were no other items of business for discussion.

5 Date of next meeting

It was noted that the next meeting would be on Tuesday, 15th March 2016 at 11.30 a.m.
URGENT CABINET DECISION

EXECUTIVE URGENCY PROCEDURE

(a) Urgent executive decisions which cannot be delayed until the next meeting of the executive or executive committee (as the case may be) may be taken by the relevant Chief Officer after consultation with the following:

- Leader
- a Deputy Leader
- Relevant portfolio holder (if any) or any other Cabinet member if there is no relevant portfolio holder in respect of the decision in question
- The Mayor, pursuant to Rule C15 of the Overview and Scrutiny Procedure Rules [i.e. to agree that it is exempt from call-in].
- Plus one of the following:
  - the Chief Executive; or
  - the Executive Director (Resources) (in the absence of the Chief Executive, or if the Chief Executive is the decision taker); or
  - the Monitoring Officer (in the absence of the Chief Executive or Executive Director (Resources), or if one is absent and the other is the decision taker).

(b) In the absence of the Leader, Deputy Leader or portfolio holder (if any) the consent of another Cabinet member will be required.

(c) The urgent decision, the reason for it and the reason for the use of the urgency procedure must be reported to the next meeting of the executive or executive committee (as the case may be).

HBC Constitution, Executive Procedure Rules

Subject: Hyndburn Used Furniture Store (HUF S).

Report Author: Steve Riley - Head of Community Services

Background:
HUF S are a charitable organisation based in Hyndburn that collect second-hand white goods, furniture and other electric items direct from domestic properties. After repairing or recycling, the items are sold at affordable prices to low income households within the Borough who may otherwise not be able to afford these items if new. All income from the sale of these items goes to covering the annual running costs.

A previous Urgent Cabinet Decision gave approval to release a portion of the payments due to HUF S early. Releasing a percentage of the final payments early allowed HUF S to proceed with the necessary HR procedures to help in their restructuring with a view to reducing their cost base for 2016/17.

The Urgent Cabinet Decision authorised a first payment of £3,000 immediately following the approval of the report and second payment of £7,500 on the signing of the new grant agreement.
At the time of the previous decision it was assumed the agreement with HUFS would be on a 'Grant' type basis. However, Legal advice has confirmed they are providing a service to the Council so the agreement would need to be on a Service Level Agreement (SLA).

**Reason for Urgency:**
The previous report was based on an assumption that there would be a Grant to HUFS and therefore the payments made would not be subject to the Council’s Contract Procedure Rules.

The £7,500 early payment is still outstanding. If this payment is not provided quickly it will mean HUFS cannot implement the necessary cost savings in time for 2016/17. This may result in HUFS no longer being able to provide certain bulky items to the low income families within the Borough.

**Recommendation:**
Agree to wave the Council’s Contract Procedure Rules in respect of tendering the service provided by HUFS and enter into a SLA with HUFS for the collection and re-use/recycle of bulky goods to cover the period up to 31 March 2018. This will align an agreement with HUFS until the end of Cost Share payments and a likely a change in service provision.

**Date of Decision (when finally approved):** 3rd December 2015

**Signatures of Members and Officers:**

- **Chief Officer**
- **Leader**
- **Deputy Leader**
- **Portfolio Holder**
- **Mayor**
  * to exempt from call-in
- **Chief Executive, or**
- **Executive Director (Resources), or**
- **Monitoring Officer**

[Signatures]

[Approval Options]: Approve / Do not approve
1. **Purpose of Report**

1.1 To seek Cabinet approval to allow the Consultation Draft of the Development Management Development Plan Document (DM DPD) to be publicised for a 6-week consultation period.

2. **Recommendations**

2.1 That Cabinet:

   1. approve the content of the DM DPD Consultation Draft and agree to go out to a 6 week public consultation period starting in February 2016; and
   2. delegate authority to the Council’s Executive Director (Legal & Democratic Services) and the Chief Planning and Transportation Officer, in agreement with the portfolio holder for Planning, to make further necessary changes to the DM DPD as they consider necessary or appropriate, prior to commencing public consultation;

3. **Reasons for Recommendations and Background**

3.1 The DM DPD forms an important part of the new Local Plan for Hyndburn. The DM DPD will set out the more detailed planning policies to be used by Development Management Officers in determining planning applications for the Borough. Once complete, the DM DPD will sit alongside the Core Strategy and Accrington Area Action Plan, parts of the Local Plan already adopted by the Council (in 2012), as part of the
statutory development plan for the Borough. It will replace the majority of Local Plan (1996) policies that remain extant\(^1\), though are now considered to be out of date.

3.2 The Consultation Draft DM DPD takes into account relevant national policy and guidance, responses received to previous consultation exercises (see Section 5 of this report), recommendations of a sustainability appraisal, and any up to date evidence of relevance. There will be around 40 policies in total, organised into the following main chapters:

- General Considerations;
- The Economy and Town Centres;
- Community Infrastructure;
- Housing Matters;
- Environment (Natural and Built Environment);
- Environment (Design and Quality);
- Accessibility and Transport; and
- Rural Matters.

3.3 In addition to the policies, the DPD will set out maps relating to relevant policy constraints referred to in the main document. There will also be a number of more detailed Guidance Notes covering the following issues:

- Open space in new residential development;
- Affordable housing;
- Materials and colour;
- Advertisements;
- Shop Front Design;
- Waste Management;
- Car parking, access standards and transport assessment/travel plan thresholds; and
- Agricultural, forestry and other occupational dwellings.

3.4 During the statutory 6-week consultation period the following methods of consultation will be used:

- letters/emails will be sent to all contacts on the Local Plans database (approximately 900 people/organisations);
- copies of the DPD will be deposited in all the Libraries in the Borough;
- the DPD and all supporting documentation will be available on the Council’s website; and
- press releases and press notices will be sent to local newspapers.

\(^1\) Once the DM DPD is adopted the only policies that will remain extant from the 1996 Local Plan will relate to land allocations. These will be replaced by a Site Allocations DPD, which itself will be produced in accordance with the Council’s published Local Development Scheme (2015-2018).
4. **Alternative Options considered and Reasons for Rejection**

4.1 The DM DPD has been prepared in accordance with the Town and Country (Local Planning) (England) Regulations 2012. As the preparation of this document is to be in accordance with this legal framework there are no alternative options for its preparation.

5. **Consultations**

5.1 A wide range of people and organisations have been involved in the evolution of the DM DPD up to this point. Two main consultation events have been undertaken in the past, the first in May-June 2012 and the second in Nov-Jan 2013. Officers now intend to prioritise adoption of the DM DPD to ensure that there are up to date policies in place to help determine planning applications. This is particularly important in light of an improving economic picture, and anticipation of a potential rise in planning applications over coming years.

5.2 In line with the 2012 Regulations the Council is required to undertake this statutory consultation period, after which it may produce a ‘Publication’ Plan which it considers to be the Council’s final version. This must itself also be consulted upon, along with relevant supporting documentation, after which the Council can ‘Submit’ to the Secretary of State and the Examination in Public process begins. It is anticipated that the Council will have a final adopted DM DPD sometime during 2017 (dependent upon the length of the Examination process).

6. **Implications**

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

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2 Under previous regulations the Town and Country Planning (Local Development) (England) Regulations 2004
Consultation on the DPD must be undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

**Assessment of risk**

There are no significant risks associated with this consultation.

**Equality and diversity implications**

*A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.*

The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation; and
- advance equality of opportunity between those who share a relevant protected characteristic and those who don’t; and
- foster good relations between those who share a relevant protected characteristic and those who don’t.

For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. When making a decision in respect of the proposals in this report members should have regard to the Customer First Analysis annexed to this report.

---

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

7.1 Development Management DPD Consultation Draft (January 2016)

8. **Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
Hyndburn Borough Council

Customer First Analysis

What is it for?

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

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

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

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

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

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

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

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

Kirsten Burnett
Head of HR
1. **Purpose**

- What are you trying to achieve with the policy / service / function?
  The Development Management Development Plan Document (DM DPD) forms part of the new Local Plan for Hyndburn. It sets the detailed planning policies against which planning applications for new development will be considered. Strategic planning policy matters are covered in the Core Strategy (adopted in 2012), and the DM DPD supports the adopted strategic policies, providing more detailed guidance to assist decision makers.

- Who defines and manages it?
  Hyndburn Borough Council, through the Planning Service, including both the Plans and Environment and Development Management functions.

- Who do you intend to benefit from it and how?
  Existing and future residents of the Borough will benefit, through higher quality developments. Developers will also gain greater upfront certainty on the type of development that the Council will support.

- What could prevent people from getting the most out of the policy / service / function?
  Inadequate consultation

- How will you get your customers involved in the analysis and how will you tell people about it?
  The DM DPD will be consulted in accordance with the relevant regulations and the Council’s Statement of Community Involvement.

2. **Evidence**

- How will you know if the policy delivers its intended outcome / benefits?
  The DM DPD includes a section on monitoring and implementation to ensure the outcomes of the policies are as intended.

- How satisfied are your customers and how do you know?
  The local community and organisations have been involved with the production of the DM DPD in earlier stages. Where justified and appropriate, this version of the document incorporates representations received from the community and organisations in previous stages.

- What existing data do you have on the people that use the service and the wider population?
  The DM DPD (and Local Plan as a whole) is supported by an extensive evidence base which takes into account the socio-economic profile of the Borough.

- What other information would it be useful to have? How could you get this?
  N/A

- Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?
  This has been considered where it is relevant to issues of spatial planning and design in the preparation of the DM DPD.

- Are you using partners, stakeholders, and councillors to get information and feedback?
These groups have all been involved in the formulation of the DM DPD in earlier stages, and will be again through the consultation processes ahead.

3. Impact

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

4. Actions

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?
  N/A

- Is it discriminatory in any way?
  Not aware of this, every effort will be made to publicise relevant consultations on planning policy as it develops in line with the Council’s Statement of Community Involvement at the appropriate time

- Is there a possible impact in relationships or perceptions between different parts of the community?
  No

- What measures can you put in place to reduce disadvantages?
  Ensure that the future consultations on planning policy and guidance are open to all. The Council’s agreed Statement of Community Involvement will be followed wherever practical to ensure this objective is achieved.

- Do you need to consult further?
  Yes, following the statutory consultation period proposed for February/March 2016 a further period of consultation will be necessary prior to the DPD being formally submitted to the Secretary of State for independent Examination in line with the Town and Country Planning Regulations.

- Have you identified any potential improvements to customer service?
  No

- Who should you tell about the outcomes of this analysis?
  This can be made available alongside the adopted plans

- Have you built the actions into your Business Plan with a clear timescale?
  N/A

- When will this assessment need to be repeated?
  Next report to Cabinet

Don’t forget to return your written record to HR.
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Section 1

Introduction
1. Introduction

1.1. This Development Management Development Plan Document (DM DPD) will, once adopted, form part of the new Local Plan for Hyndburn\(^1\). It is being produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This ‘Consultation Draft’ forms part of the statutory consultation required under Regulation 18 of the 2012 Regulations, and follows earlier rounds of consultation held in May 2012 (Issues and Options) and November 2012 (Preferred Options).

1.2. The primary purpose of this DM DPD is to set out the detailed policy framework that will be used for the determination of planning applications in Hyndburn. The policies contained within the DM DPD provide further detail to the strategic policies set out in the Council’s Core Strategy (adopted in January 2012). They should also be read alongside policies within the Accrington Area Action Plan (also adopted in January 2012) where relevant.

1.3. The Town and Country Planning Act\(^2\) requires that planning applications should be determined in accordance with the policies of the development plan unless material considerations indicate otherwise. For clarity, in Hyndburn the development plan currently comprises the following documents:

- the Hyndburn Core Strategy (adopted 2012)
- the Accrington Area Action Plan (adopted 2012)
- saved policies from the Hyndburn Local Plan (adopted 1996) including the Proposals Map; and
- the Joint Lancashire Minerals and Waste planning documents

1.4. The adoption of the DM DPD and a future Site Allocations DPD (which will identify and allocated areas of land for specific types of development and infrastructure) will fully replace the saved policies from the 1996 Local Plan and the corresponding Proposals Map and complete the new Local Plan for Hyndburn.

1.5. The National Planning Policy Framework (NPPF)\(^3\) sets out the Government’s planning policies for England and how Local Planning Authorities are expected to apply them. It sets out the Government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so and makes clear that ‘each local planning authority should [also] produce a Local Plan for its area’\(^4\). The NPPF is a key material consideration that should be taken into consideration when assessing the acceptability of planning applications.

1.6. Policies contained within this Consultation Draft DM DPD are intended to further the aims and objectives of both the NPPF and the adopted Hyndburn Core Strategy. They include detailed local policies for the management of development across the

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\(^1\) Other documents forming the new Local Plan include the Core Strategy (adopted 2012), the Accrington Area Action Plan (adopted 2012) and the Site Allocations DPD (forthcoming).

\(^2\) Section 70 of the Town and Country Planning Act 1990

\(^3\) Which came into force in March 2012

\(^4\) Paragraph 153, p37 - NPPF uses the terminology ‘Local Plan’ rather than the ‘Local Development Framework’ which was introduced through the Planning and Compulsory Purchase Act (2004) and is now superseded.
Borough. They are aimed at guiding both decision-makers and applicants to achieve the highest possible standards of development for Hyndburn.

1.7. The NPPF is clear that ‘Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan’. Local Plan documents must also meet a number of tests of soundness, namely be ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’.

1.8. As such, this Consultation Draft DM DPD invites you to comment on the proposed policies and content of the Local Plan document. The Council would welcome any comments on the content or structure of the document at this stage. You may view the document and all supporting documents online and hard copies will be made available at all libraries across the Borough and at Scaitcliffe House (Accrington) for the duration of the consultation period.

1.9. Comments must be received no later than <insert date once known>. People and organisations can submit comments in the following ways:

- By using the comments form provided at www.hyndburnbc.gov.uk/dmdpd, or available in hard copy format at all library locations across the Borough and at Scaitcliffe House;
- By e-mailing comments through to planning@hyndburnbc.gov.uk; or
- By writing to the Council at the following address: Hyndburn Borough Council, Plans and Environment, Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

1.10. Please note that all comments should clearly state the policy and/or paragraph number that your comment relates to. The Council is keen to receive feedback on aspects of policies that are supported, and not just those that are objected to, or are seen to require improvement.

1.11. The main set of policies set out in this Development Management DPD are structured under seven key topics, the following section headings:
- Section 3: The Economy & Town Centres
- Section 4: Community Infrastructure;
- Section 5: Housing;
- Section 6: Environment (Natural & Built Environment);
- Section 7: Environment (Design & Quality);
- Section 8: Accessibility and Transport; and
- Section 9: Rural Issues.

1.12. The Council recognises however that there are policies within the DM DPD that serve as overarching policies, applicable to all aspects of development. As such, these are

---

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

6 at www.hyndburnbc.gov.uk/dmdpd
set out first as ‘General Consideration’ policies in Section 2, prior to the more specific ‘topic’ based policy sections.
Section 2

General Considerations

This chapter includes the following policies:

- GC1: Presumption in Favour of Sustainable Development
- GC2: Planning Obligations and CIL
- GC3: Planning Enforcement
2. General Considerations

2.1. The Council will, in considering development proposals, take into account all relevant policies presented in this DM DPD. Where particularly relevant, policies with strong linkages are highlighted through the use of cross-references within the policy text. Council Officers and applicants should however read the policies within this DPD as a whole, alongside other Local Plan policies, and not in isolation.

Policy GC1: Presumption in favour of sustainable development

1. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this and other DPDs (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

   a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
   b. specific policies in the NPPF indicate that development should be restricted.

2.2. The NPPF sets out the Government’s planning policies for England are how they are expected to be applied. In particular, paragraphs 186 and 187 of the NPPF set out a requirement for all local planning authorities to adopt a positive and proactive approach to decision taking.

2.3. Sustainable development can be defined as that which meets the needs of the present generation without compromising the ability of future generations to meet their own needs. The fundamental principle underpinning the planning system in England remains that of achieving sustainable development. The NPPF sets out what this means in practice for the planning system in England, namely the economic, social and environmental roles that it has to play.
Policy GC2: Planning Obligations & CIL

1. Development proposals and infrastructure provision will be co-ordinated to ensure that future growth within Hyndburn takes place in a sustainable manner. The Council will support the provision of relevant infrastructure, services and facilities required to maintain and enhance the quality of life of local people, the local environment, and the local economy.

2. To this aim, development proposals will be expected to provide, or contribute to, the provision of:
   a. measures to directly mitigate its impact, either functionally or geographically. Where it is not possible to secure measures through the use of planning conditions, these will be secured through the use of S106 obligations (see paragraph 3 below);
   b. any specific requirements set out in Supplementary Planning Documents;
   c. any specific requirements set out in relation to sites identified and allocated in the Site Allocations DPD; and
   d. infrastructure, facilities and services required to support growth, which will be set out within any future Community Infrastructure Levy (CIL) for the Borough.

3. The DM DPD contains a number of policies requesting S106 contributions, which are summarised below. These will only be sought where appropriate mitigation or compensation measures cannot be secured through the use of planning conditions. The Council will work closely with developers to ensure that the viability of schemes is not undermined in seeking contributions from relevant policies. Contributions will be sought on a case-by-case basis in accordance with the following policies:
   a. DM6 – Delivering Schools and Early Learning
   b. DM11 – Open Space Provision in New Residential Development
   c. DM12 – Affordable Housing
   d. DM17 – Trees, Woodland and Hedgerows
   e. DM18 – Protection and Enhancement of the Natural Environment
   f. DM31 – Waste Management in all new development
   g. DM34 – Sustainable Transport Infrastructure

2.4. The NPPF makes clear that local planning authorities should only seek planning obligations where it is not possible to address unacceptable impacts through a planning condition and where they are:
   • necessary to make the development acceptable in planning terms;
   • directly related to the development; and
   • are fairly and reasonably related in scale and kind to the development.

2.5. This DM DPD contains a number of policies that place a potential burden on developers in the form of planning obligations. The Council recognises that such
obligations may affect the viability of developments and have therefore sought to develop policies that are flexible in nature to cope with such viability issues.

2.6. Prior to the Publication version of a DM DPD for Hyndburn, a Plan Viability Assessment will be undertaken to fully assess the combined impact of all obligations within the DPD. Policy GC2 seeks to provide a clear reference point for applicants on these matters, providing further guidance over that set out in Core Strategy Policy HC4: Community Benefits / Planning Obligations.

2.7. It is important to recognise that new residential development in particular may place additional pressure on existing infrastructure and that it is reasonable to expect that some of these “external” costs to be met by the developer. The National Planning Policy Framework (NPPF) advises\(^7\) that “to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

2.8. In order to address this, the NPPF goes on to advise\(^8\) “in order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle.” The Council will advise the applicant / developer of the level of financial contribution required as part of the pre-application / planning application process. This will be broken down into the different policy categories that are relevant and that require a contribution.

2.9. If the applicant or their agent believe that the level of s.106 contributions required will render the scheme unviable, the Council will expect the developer to undertake and submit a financial appraisal of the proposal and take an “open book” approach. In arriving at a final level of s.106 contribution, the Council will consider the purpose of the contribution and the priority it should be given in planning terms. As a result of this approach it is likely that any s.106 contributions will be restricted more on brownfield sites where viability is typically more marginal prior to any planning obligations being sought.

2.10. The Community Infrastructure Levy (CIL) is a charge promoted by Government as a more effective and transparent way of securing financial contributions from development, providing a part replacement to the current s.106 planning obligations system. CIL is intended to pay for more strategic infrastructure improvements within an area, and be a fixed upfront charge based on the size, type and location of development proposed.

2.11. CIL is designed to draw in substantial funding to bridge funding gaps associated with the provision of ‘enabling’ development. By setting a standard upfront charge, the Government sees this as a fairer and more transparent way of securing future infrastructure needs, both for the applicant and local authorities. Section 106s may

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\(^7\) NPPF, paragraph 173.
\(^8\) NPPF, paragraph 174.
continue to be used to mitigate against direct impacts of development in order to make proposed development acceptable.

2.12. The Council intend to investigate the possibility of introducing CIL in Hyndburn further. In recent years the viability of adopting the levy has been questioned in some areas, however further investigative work will allow the Council to make an informed decision on the local situation as the new Local Plan is taken forward. Policy GC2 sets the policy framework in place in advance of adoption of CIL if the Council chooses to implement the Levy following further work.

Policy GC3: Planning Enforcement

1. The Council will act proportionately in the extent to which it investigates and pursues breaches of planning control. In considering any enforcement action, the decisive issue for the Council should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.

2. Where it is considered expedient and in the wider public interest to do so, the Council will take the necessary appropriate action to secure compliance with planning related controls, utilising its powers under the Town and Country Planning Act 1990 (as amended) to ensure, where possible, compliance with the relevant policies of the development plan and the National Planning Policy Framework.

3. Where it is considered appropriate to do so, the Council will seek to prosecute those who fail to comply with any statutory planning enforcement notice. Powers under the Town and Country Planning Act 1990 (as amended) allowing direct action to be taken to remedy breaches of statutory notices may also be utilised where appropriate.

4. Planning enforcement investigations and enforcement action will be carried out in accordance with the guidance in Hyndburn Borough Council’s Planning Enforcement Management Plan.

Policy GC3: Policy context and relationships

| Local Plan (1996) policies to be replaced         | -                        |
| Core Strategy (2012) policy links                | -                        |
| NPPF paragraph links                            | 207                      |
| Key documents of relevance / guidance           | - Planning Practice Guidance  
- Hyndburn Planning Enforcement Management Plan |
2.13. The planning system exists to control the development and use of land in the public interest. The planning system can only achieve this if planning controls are enforced when necessary. The enforcement of planning controls is therefore a fundamental part of the planning system, and is a vital means of maintaining public confidence in the system.

2.14. Where unauthorised development does take place in breach of planning and related controls, the NPPF states\(^9\) that ‘the Local Planning Authority should act proportionately’. Although legislation imposes no duty on the Council to utilise its enforcement powers in respect of breaches of planning controls (i.e. it is discretionary), the Council is nevertheless committed to taking enforcement action where it is proportionate, reasonable, and necessary to do so in the wider public interest.

2.15. The Council will set out in its Planning Enforcement Management Plan how it will prioritise dealing with alleged breaches of planning control, and how they will be investigated and dealt with.

\(^9\) in paragraph 207
Section 3

Economy & Town Centres

This chapter includes the following policies:

- DM1: Employment Development
- DM2: Employment Strategies
- DM3: Town Centre Development
- DM4: Retail Frontages
- DM5: Hot Food Takeaways
3. The Economy & Town Centres

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

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

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

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

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

3.4. It is important that there is a positive relationship between employment development and neighbouring land uses. Existing patterns of land-use within the Borough have been strongly influenced by the industrial revolution and this is often characterised by the presence of terraced housing in close proximity to former mills. Many of these former mills are now used for a variety of business or industrial uses that do not always sit happily within predominantly residential neighbourhoods. It is therefore important that the development of employment uses in these areas does not have an unacceptable adverse impact on more sensitive neighbouring uses.
Policy DM1: Employment Development

1. Employment development will be supported provided:

   a. it is within the defined urban area;
   b. that it will not give rise to unacceptable adverse impacts on the amenity of
      neighbouring land uses by virtue of increased levels of noise, odour,
      emissions or dust;
   c. that it is well connected to strategic or local transport networks and is
      accessible using a variety of modes of transport;
   d. that the traffic generated by new employment development does not have
      an unacceptable adverse impact on local amenity and does not
      compromise the safety of other highway users;
   e. that it is designed to a high standard, is of an appropriate scale, relates
      positively to neighbouring development and includes high quality
      landscaping;
   f. that it is energy efficient and meets the minimum requirements of
      BREEAM\(^\text{10}\); and
   g. large scale (above 1ha in size) development proposals provide for a mix of
      development types as a means of reducing the need to travel and ensuring
      that the wider development needs of the Borough are met.

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

Existing employment sites

2. Employment sites of ‘adequate’ quality that are considered appropriate for
   alternative uses\(^\text{11}\) (subject to provision of Core Strategy Policy E2 b) and c)) will
   be required to incorporate employment space as part of a mixed use
   redevelopment. At least 25% of the original gross internal floor space should be
   redeveloped for business uses.

3. Exception to the above will be permitted where a viability exercise
   demonstrates that the continuing use of 25% of the floorspace for employment
   purposes is unviable. The viability exercise must reflect the full economic cycle
   and consider the different types of appropriate B1 employment space.

Office development

4. Office (B1a) development should be located within town and district centres,

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\(^{10}\) i.e. at a minimum gains a ‘Pass’ rating in line with latest BREEAM technical guidance (www.breeam.com)
\(^{11}\) A site will not be considered ‘appropriate for alternative uses’ if it is located in or near the most deprived areas
of the Borough, and supports less-skilled jobs. In these instances the Council will seek site renewal, and the
provision of additional land for occupiers to relocate and/or expand.
and the scale of the development to be compatible with the character of that centre, unless it can be demonstrated that suitable sites are not available, in which case edge of centre sites and then out of centre sites will be permitted. Offices that are proposed as ancillary to an industrial / warehouse development or as part of mixed use developments in accessible locations will be permitted.

Proposals for large B1(a) office developments (more than 500m² gross floorspace, or 0.5ha site area) on unallocated land should be located within town centres. Such developments may be acceptable on other sites within the urban boundary provided it can be demonstrated that:

a. no sequentially preferable site is available and suitable, firstly within 300 metres of the edge of the defined town centre and then other locations with good access to high quality public transport;
b. the scale of development is consistent with the function and character of the town centre;
c. the proposal forms an ancillary part of a large scale mixed use development; and
d. the site is located on an established industrial estate or business park.

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

Policy DM1: Policy context and relationships

<table>
<thead>
<tr>
<th>Local Plan (1996) policies to be replaced</th>
<th>I.2: Employment Development within the Urban Boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Strategy (2012) policy links</td>
<td>E1: Future Employment Provision</td>
</tr>
<tr>
<td></td>
<td>E2: Protection, Modernisation and Development of Employment Sites</td>
</tr>
<tr>
<td>NPPF paragraph links</td>
<td>18-22</td>
</tr>
<tr>
<td>Key documents of relevance / guidance</td>
<td>• Planning Practice Guidance</td>
</tr>
<tr>
<td></td>
<td>• Hyndburn Employment Land Study</td>
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<td>• Hyndburn Town Centre Surveys</td>
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</tbody>
</table>

3.5. It is important to ensure that new employment development\(^{12}\) is well sited and does not have an adverse impact on neighbouring land uses. Patterns of development within Hyndburn have been strongly influenced by the industrial revolution and housing is often adjacent to former mills, now often used as small industrial estates or business parks. Whilst it is important to develop a framework that encourages

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\(^{12}\) New employment development would fall within use classes B1, B2 and B8 as well as a variety of sui-generis uses (those uses that fall outside traditional use classes).
businesses to expand and develop, it is important to recognise that these changes need to be managed in a way that does not result in an unacceptable impact on local amenity.

3.6. It is also necessary to ensure that employment development is designed to a high standard and will not give rise to loss of amenity to neighbouring properties. Building facades should be well related to each other, there should be sufficient distance between properties and new employment development should not over-shadow or overlook more sensitive forms of development.

3.7. It is important to consider the materials used in construction, steel clad portal frame buildings would not be appropriate within or in proximity to residential areas. New employment development should incorporate landscaping as part of the design as a means of reducing potential impacts on amenity and improving the appearance of the area in which they are sited. Landscaping should be maintained for the duration of the development at the expense of the developer.

3.8. It is also important to ensure that employment development is well connected to transport networks (public transport, road and rail) and other goods and services. The highway network should be capable of managing the type and level of traffic generated by new employment development in a manner that is safe and does not have an unacceptable adverse impact on local amenity or highway safety.

3.9. Developments involving new office development, where there would be a larger number of people employed or visiting the premises, should be well connected to transport networks. In cases where sites are in less accessible locations, it may be appropriate to put a limit on the amount of office space that can be developed unless transport improvements are put in place by the developer. These could include implementation of Travel Plans or improvements to public transport, cycling or walking networks.\(^\text{13}\)

3.10. When considering development proposals for new employment development it will be necessary to consider whether the development involves noisy processes or involves operations (including the movement of heavy goods vehicles) that are noisy at quieter times of the day. It is necessary to ask whether this noise be adequately mitigated or controlled through the use of a planning condition and whether the proposed business would operate within "normal" working hours or whether it would involve evening/night-time or early morning operations that could result in noisy activities during quieter, more sensitive, times of the day. Conditions are currently used to control hours of working.

3.11. Some forms of industrial development involve processes that result in emissions being made to the atmosphere or waste products being generated that would need to be disposed of. It is important to ensure that the impacts of these are properly understood and, where appropriate, managed and mitigated. In considering emissions it will be necessary to consider the relationship between the proposed emission sources and their impact on the environment.

\(^\text{13}\) ‘Town Centres’ in Policy DM1 refers to Accrington, Great Harwood and Rishton (as referenced in Policy BD1 of the Core Strategy). ‘District Centres’ refers to all other designated centres.
development and more sensitive land uses, the nature of the emissions and means of mitigation.

3.12. The development of a mix of land uses often results in more sustainable patterns of development and this may be appropriate in some circumstances. Although this is often not possible on smaller sites, on larger sites that are not allocated, developers will be expected to demonstrate that the development would add to the mix of uses within an area or the development itself would provide an appropriate mix of uses. These uses could include community uses for which there is an identified need.

3.13. An assessment of the quality of existing employment sites can be found in the latest Employment Land Study for Hyndburn. Where the Council does not have an up to date assessment of the quality of employment sites (i.e. 5 years or older) and/or the latest assessment is in dispute, onus will be on the applicant to justify the quality of the site using a similar pro-forma and criteria as adopted in the latest Employment Land Study.

3.14. Policy DM1 provides further guidance on Core Strategy Policy E2 in relation to employment sites of ‘adequate’ quality, and their potential redevelopment for alternative uses. The policy permits the loss of such sites where a viability exercise demonstrates that they are no longer viable for employment use. Employment floorspace provision in a new mixed-use development could include live/work units as a legitimate form of employment provision which will be controlled through the use of planning conditions.

3.15. Retail developments form an important part of the economy and the Council recognise that they can provide a greater density of jobs than some more traditional employment land uses (B use classes). On large employment sites, it is expected that retail development will generally be ancillary, and of a scale that would serve local workers’ needs only. Where larger retail developments are proposed these will be assessed against sequential and impact tests in line with national policy and Policy DM3: Town Centre Development.

3.16. Mixed use development can provide very significant benefits, in terms of promoting vitality and diversity and in promoting walking as a primary mode of travel. However, it should not be assumed that the juxtaposition of different uses will automatically lead to less car dependency. The planning policies in the Hyndburn Local Plan aim to produce a broad balance at the strategic level between employment and housing, both within urban areas and in rural communities, to minimise the need for long distance commuting, and travel by private car.
Policy DM2: Employment Strategies

1. Developers of major commercial or employment development\textsuperscript{14} will be encouraged to develop and implement an employment strategy that sets out how they will work alongside Jobcentre Plus to recruit employees.

Policy DM2: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | E1: Future Employment Provision |
| NPPF paragraph links | 18-22 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• HBC Employment Land Study (2015) |

3.17. As a means of seeking to ensure that local people will benefit from new job opportunities and training, addressing some of the issues of worklessness and skills in the Borough, the Council will work alongside developers and Jobcentre Plus to encourage employment strategies to be developed and implemented for all major new development proposals. Employment strategies will be expected to help the local community to benefit from such developments and will be secured through the use of planning conditions or through planning obligations\textsuperscript{15}.

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

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

\textsuperscript{14} ‘major commercial or employment development’ refers to proposals of 1,000 square meters or more of floorspace or 1 hectare or more in site area AND where 10 or more jobs will be created from the operation of the proposal.

\textsuperscript{15} Made under Section 106 of the Town and Country Planning Act 1990
Policy DM3: Town Centre Development

In Town Centre Locations

1. The Council will support proposals for main town centre uses\textsuperscript{16} where they are located within defined town centre or district centre boundaries and accord with other policies in the Local Plan, including high quality urban design and safety and amenity considerations.

2. Proposals for residential development will be considered favourably provided that they are above ground floor level, do not restrict the maintenance of an active street frontage (particularly designated frontages) and include a separate and secure access (preferably to the rear of the property) that does not result in a net loss of ground floor retail space.

3. Retail developments proposed between the Primary Shopping Area (PSA) (where defined) and the Town or District Centre boundary will also be supported where it is demonstrated that the proposal cannot be suitably accommodated within the PSA and will bring positive economic regeneration benefits.

Outside of Town Centre Locations

4. Proposals for main town centre uses of 100sqm or more\textsuperscript{17}, that are not located in defined town or district centres, and are not in accordance with specific policies in the Site Allocations DPD, should address the following:
   a. demonstrate that no sequentially preferable site is available, suitable, and viable through a proportionate but thorough assessment of more central sites\textsuperscript{18};
   b. that in the application of the sequential assessment above, developers and operators demonstrate flexibility in terms of scale and format;

5. The development of shops and other local services under 100sqm will be permitted provided that:
   a. it would help contribute towards the competitiveness and vitality of a local parade or local centre;
   b. elsewhere that it would not lead to an over-provision in the local neighbourhood\textsuperscript{19};
   c. it is suitably located in terms of access on foot from the surrounding area; and
   d. there is adequate servicing, car parking and bin storage space.

6. The development of ancillary retail facilities to support the continued use of existing non-retail premises will normally be supported provided that:

\textsuperscript{16} as defined in the NPPF
\textsuperscript{17} gross floorspace
\textsuperscript{18} in accordance with paragraph 24 of the NPPF
\textsuperscript{19} For the purposes of Policy DM3 the 'local neighbourhood' will be considered to be a 400m radius from the development site, equivalent to around a 5 minute walk
a. The products are manufactured and sold from the same premises;  
b. The retail element can be accommodated without an adverse effect on existing servicing and car parking arrangements or that additional appropriate requirements can be provided; and  
c. The proposal is unlikely to lead to significant loss of amenity to residents in the immediate locality by reason of noise or disturbance.

7. Proposals for new retailing floorspace will be expected to submit a retail impact assessment in line with gross floorspace requirements set out in the Table below. The Council will assess impact in line with the Planning Practice Guidance, and any predicted impacts on local markets where they are in operation within the catchment area of the proposal.

<table>
<thead>
<tr>
<th>Town</th>
<th>Convenience (sq.m)</th>
<th>Comparison (sq.m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accrington</td>
<td>250</td>
<td>2,000</td>
</tr>
<tr>
<td>Great Harwood</td>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td>Rishton</td>
<td>250</td>
<td>100</td>
</tr>
<tr>
<td>Oswaldtwistle</td>
<td>250</td>
<td>200</td>
</tr>
<tr>
<td>Clayton-le-Moors</td>
<td>250</td>
<td>100</td>
</tr>
</tbody>
</table>

Policy DM3: Policy context and relationships

| Local Plan (1996) policies to be replaced | R.5: A1 uses for local communities  
R.8: Ancillary retail facilities |
| Core Strategy (2012) policy links | A3: Development of Local Centres in Accrington  
GH2: Great Harwood Town Centre  
R2: Rishton Local Centre |
| NPPF paragraph links | 23-27 |
| Key documents of relevance / guidance |  
- Planning Practice Guidance  
- Retail Thresholds Advice Note (2015)  
- Retail Study (forthcoming in 2016) |

3.19. A number of policies covering Accrington Town Centre are included in the Accrington AAP, therefore for proposals in Accrington Policy DM3 should be read in conjunction with relevant AAP policies. For proposals in all other centres in Hyndburn, Policy DM3 provides Local Plan guidance.

3.20. The Council recognises that it is important that all centres continue to provide a range of goods and services for local residents, and that the vitality and viability of these centres is protected wherever possible. Grouping of shops and services in centres brings numerous benefits including reducing the need to travel through linked trips, a

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20 Town or District Centres where the catchment area of the proposal is anticipated to affect due to its location
focal point for interaction and an identity which helps distinguish one area from another.

3.21. To retain and develop the vitality and vibrancy of centres, a mix of retail, leisure, and cultural and service provision is key. This must be at an appropriate level to the scale and type of centre, and not of a kind that would damage the ability of the surrounding area, or other centres, to function. Some centres will need to consider the development of larger (retail) units, but smaller units which ‘promote competitive town centres that provide customer choice and diverse retail offer and which reflect the individuality of town centres’\(^{21}\) should be retained. The size of unit proposed is therefore important.

3.22. Development should also make efficient use of buildings and/or land, achieved by an appropriate density of development and ensuring that space above ground floor level is well used (e.g. office space above shops in the town centre core, or residential uses above shops in more peripheral locations).

3.23. The policy seeks to ensure that all residents have access to a shop within a reasonable walking distance. Whilst the majority of new retail development will be located within existing centres, occasionally as part of new large scale housing development new shops may be required where there are no other facilities within a reasonable walking distance. Shops and services, which are considered to provide an important community function, are; a newsagents, green grocers, post office, chemist, butchers and bakers.

3.24. The Council has identified local floorspace thresholds for retail impact assessments, in line with paragraph 26 of the NPPF. The Council will publish a Retail Thresholds Advice Note as evidence in support of its approach. In line with NPPG, the thresholds defined take into account the following matters:

- the scale of proposals relative to town centres;
- the existing viability and vitality of town centres;
- the cumulative effects of recent developments;
- whether local town centres are vulnerable;
- the likely effects of development on any town centre strategy; and
- the impact on any other planned investment

3.25. The Council will identify town and district centre boundaries, along with a Primary Shopping Area where relevant, in the Site Allocations DPD.

\(^{21}\) paragraph 23 of the NPPF
Policy DM4: Retail Frontages

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

2. Exceptions may be made to a. and b. above where the property has been vacant for an 18-month period, and satisfactory evidence has been provided of a marketing exercise over the same period of the property for sale and rent at a realistic price.

Policy DM4: Policy context and relationships

| Local Plan (1996) policies to be replaced | R.5: A1 uses for local communities  
|                                          | R.8: Ancillary retail facilities |
| Core Strategy (2012) policy links        | A3: Development of Local Centres in Accrington  
|                                          | GH2: Great Harwood Town Centre  
|                                          | R2: Rishton Local Centre |
| NPPF paragraph links                     | 23-27 |
| Key documents of relevance / guidance    | • Planning Practice Guidance |
|                                          | • Retail Study (forthcoming in 2016) |

3.26. Policy DM4 highlights, via the use of primary and secondary frontages, locations in the Borough’s centres where retail (A1) uses would be best located. A retail frontage policy also protects against inappropriate or insensitive development. Other relevant frontage policies for Accrington are set out in the Accrington AAP.

3.27. A key factor in helping to develop the vitality and vibrancy of centres is to have an appropriate mix of goods and services within centres. This will vary for the different types of centres and the location within the centres. Following the approach adopted for Accrington Town Centre within the Accrington AAP, which allows for 20% of the primary frontage to be non-retail (other than A5 uses), the same approach is proposed for the primary frontages within Great Harwood Town Centre. The smaller centres serve a more local catchment and, along with secondary frontages, are more appropriate for a wider range of uses.

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22 where not already defined, to be defined in the Site Allocations DPD
23 to be defined in the Site Allocations DPD
3.28. Policy DM4 is in place as the cumulative impact of non-retail uses can have a detrimental impact on the shopping function of a centre, including the creation of a ‘dead’ shopping frontage during daytime hours.

Policy DM5: Hot Food Takeaways

1. The development of hot food takeaways will be supported provided the following criteria are met:

   a. the development is located within a town or district centre and accords with criteria within retail frontage policies\(^{24}\);
   
   b. where the proposed development would be located outside a town or district centre it is no more than 100 square metres (gross) floorspace, it would not give rise to an over-concentration of hot food takeaways within the area;
   
   c. the proposed development is not located within the hot food takeaway exclusion area\(^{25}\);
   
   d. where a new shop front is proposed it is of a high quality design that is in scale and keeping with the area\(^{26}\);
   
   e. provision is made for the control and management of litter both on site and on the public highway;
   
   f. provision is made for the treatment and management of cooking odours and any external flue/means of extraction would not cause harm to visual or residential amenity, and;
   
   g. the development would not give rise to unacceptable adverse impacts on local amenity, privacy or highway safety.

Policy DM5: Policy context and relationships

<table>
<thead>
<tr>
<th>Local Plan (1996) policies to be replaced</th>
<th>R.6: Hot food takeaways</th>
</tr>
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<tbody>
<tr>
<td>Core Strategy (2012) policy links</td>
<td>-</td>
</tr>
<tr>
<td>NPPF paragraph links</td>
<td>23-27</td>
</tr>
</tbody>
</table>
| Key documents of relevance / guidance    | Planning Practice Guidance  
                                       | Obesity and the environment: regulating the growth of fast food outlets (Public Health England, 2014) |

3.29. The Government’s public health strategy\(^{27}\) explicitly recognises that health considerations are an important part of planning policy and one of the key aims set

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\(^{24}\) Frontage Policy ATC2 of the Accrington Area Action Plan, and policy DM4 of the DM DPD

\(^{25}\) The hot food takeaway exclusion areas include locations within 400m of a primary school and/or secondary school that lie outside of designated town and district shopping centres.

\(^{26}\) see policy DM 28: Shop Fronts and Security Shutters

\(^{27}\) see policy DM 28: Shop Fronts and Security Shutters
out in the Council’s Corporate Strategy is to ‘create a place where everyone has the opportunity for a healthier and longer life’.

3.30. Evidence demonstrates that Hyndburn has both a higher number of fast food outlets per population, and higher rates of obesity amongst children, compared to other local authorities in the northwest and England\(^2\). Although there is currently no evidence demonstrating a causal link between the two, it is only in recent years that local authorities have started to use legal and planning systems to regulate the growth of A5 uses and, in any case, it is recognised that obesity is a complex issue and no single intervention is likely to make significant differences to outcomes on its own.

3.31. The Council seeks to act in the interests of the health of the Borough’s residents, particularly young people and children, and therefore it considers that the location and proliferation of A5 uses needs to be carefully controlled. Public Health England\(^2\) recommends that, by improving the quality of the food environment around schools, particularly secondary schools where pupils are allowed to leave the premises at lunchtime, there is the potential to influence children’s food-purchasing habits (and thus future diets).

3.32. Accordingly, the Council has identified a hot food takeaway exclusion area, 400 metres radius from all schools in the Borough. New hot food takeaways will not be supported within these areas, except when located in a defined town or district centre. A 400 metres distance (radius from the application site) is considered to be a practical equivalent of between 5-10 minute walk taking into account physical barriers (e.g. buildings, traffic lights etc.)

3.33. Hot food takeaways that are located in suitable locations (outside of the exclusion area) need to be managed appropriately in order to prevent problems associated with amenity and/or road safety. Applicants should demonstrate that the takeaway would not give rise to any odour or noise issues. This is most commonly addressed through the provision of an appropriate extraction system of which both the noise and visual amenity aspects are important considerations.

3.34. Noise arising from the coming and going of customers, particularly in the evening and night time, can also cause disturbance to residents and it may be necessary to control opening hours. Hot food takeaways will not normally be acceptable where they directly adjoin a residential property, or where a residential flat is located above the premises or above an adjoining property. Proposals will also be expected to put in place measures to control litter.

3.35. Like any development, it is necessary to ensure that there is no adverse impact on the highway network and that sufficient provision is made for parking. Policy DM 32: Traffic and Highway Safety provides further guidance on parking and highway safety.

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\(^28\) Obesity data and tools are published on the National Obesity Observatory via Public Health England \texttt{http://www.noo.org.uk/visualisation}
\(^29\) ‘Obesity and the environment: regulating the growth of fast food outlets’, Public Health England, 2014
Section 4

Community Infrastructure

This chapter includes the following policies:

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

4.1. The Core Strategy sets social inclusion as one of its key crosscutting themes. The vision for the Borough by 2026 includes ‘excellent education provision … at primary, secondary and sixth form college level’ and ‘ready access to first class leisure and cultural opportunities in the Borough’.

4.2. Social inclusion is a factor of many different circumstances, however community infrastructure is one of the key parts of the jigsaw. The Core Strategy seeks to reduce the gaps that exist between some parts of Hyndburn and more favourable areas wherever possible. Policy BD1: The Balanced Development Strategy clearly states that the Local Plan will ‘promote balanced communities where everyone has easy access to a range of services and facilities’.

4.3. The policies in this section seek to ensure that the key services and infrastructure (that are not covered elsewhere in the DM DPD or Local Plan) are delivered, where relevant, as a result of new development. They also seek to protect community facilities wherever possible, and set the detailed policy framework against which proposals for the loss of such facilities will be considered.

\[30\] p29 of the Core Strategy
Policy DM6: Delivering Schools and Early Learning

1. Development at schools will be supported provided:
   a. it would not have an unacceptable adverse impact on the amenity of neighbouring properties;
   b. it is designed to a high standard\(^{31}\) and buildings incorporate a high standard of energy efficiency;
   c. it will be landscaped to a high standard;
   d. it would not adversely affect highway safety;
   e. that sustainable forms of transport are actively encouraged in line with Policy DM32: Traffic and Highway Safety, including the promotion of school buses;
   f. it is accompanied by a Travel Plan where appropriate\(^{32}\); and
   g. it can be demonstrated that the development of new sports facilities would not give rise to noise and disturbance to local residents and the development of new lighting facilities would not give rise to unacceptable levels of glare or light pollution.

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

2. Proposals for the redevelopment of all, or part, of an existing school for other uses will only be supported where there is adequate space on site and it can be demonstrated that there is no need to retain the school\(^{33}\).

3. In relation to proposals for housing development of more than 10 dwellings (with accommodation with 2 or more bedrooms), the Council may ask for a financial contribution towards education provision in the vicinity of the site. The scale of financial provision sought will depend on the following factors:
   a. the size of the development (number and type of housing);
   b. the extent to which the Local Education Authority can demonstrate that existing school provision will not cater for the additional demand created by the development\(^{34}\), and
   c. the degree to which the contribution would affect the financial viability of the development.

4. The use of schools for wider community activities and adult education will be supported provided adequate car parking provision is available and it would not give rise to unacceptable impacts on highway safety and local amenity.

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

\(^{31}\) see Policy DM26: Design Quality and Materials for further policy and guidance

\(^{32}\) see Policy DM33: Transport Assessments and Travel Plans

\(^{33}\) see Lancashire County Council’s strategy for the provision of school places and capital investment for further guidance on factors to be taken into consideration when proposing to alter school provision; for further policy and guidance in relation to the potential loss of school playing fields see Policy DM21: Protection of Open Spaces

\(^{34}\) Lancashire County Council publishes a ‘Strategy for the Provision of School Places and Schools’ Capital Investment’, which will be the initial reference point for understanding existing school provision and capacity.
a. it would not give rise to unacceptable adverse impacts on local amenity;
b. it would not adversely affect highway safety; and;
c. there is sufficient outdoor play space to meet the needs of the children.

Policy DM6: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | ED1: New and improved educational facilities |
| NPPF paragraph links | 69-78 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• Policy Statement – Planning for Schools Development (Communities and Local Government, 2011);  
• Strategy for the Provision of School Places and Schools’ Capital Investment 2015-2018 (Lancashire County Council) |

4.4. The Core Strategy recognises the importance of achieving higher levels of educational attainment, partly through the development of new and improved educational facilities in the Borough. In recent years the development of sixth form education facilities at Accrington Academy and St Christopher’s School has been completed. It is hoped that further development of the Borough’s schools and colleges will help improve the educational attainment of young people in the future.

4.5. The Government has made clear through its Policy Statement (Planning for Schools Development) that it wishes to see more provision and a greater diversity in the state-funded school sector to meet both the needs of local communities, and the drive for increased choice and higher standards. Policy DM6 therefore supplements Policy ED1 of the adopted Core Strategy by providing further guidance on how education provision will be delivered in the Borough to help meet these aims.

4.6. This policy has been developed working closely alongside Lancashire County Council, the Borough’s education provider, who maintain and enhance the network of schools and early learning centres. Schools and colleges are usually located within residential areas and whilst they normally enjoy a good relationship with their neighbours it is important that new or improved education facilities are well designed, and that their impacts on an area are properly understood and managed. The impacts of cars or buses, and the relationship between buildings and their design and use are particularly important.

4.7. The design of all new development at schools and colleges should reflect the intensity of their use and the sensitivity of their surroundings. Industrial style fencing is not appropriate and proposals involving outdoor sporting activities would be
expected to be well sited in relation to neighbouring development. Floodlighting should be well designed to avoid light spillage and glare and not normally used after 9pm.

4.8. The concept of sustainable development is based upon the need to develop a society where future generations can flourish within acceptable environmental limits. Schools and colleges are in an ideal position to influence the views and behaviour of young people by demonstrating the importance of sustainable development through the use of energy efficient buildings, recycling and re-using resources. New school buildings should therefore be expected to demonstrate high standards of energy efficiency and seek to utilise best practice in the re-use of resources. All new buildings and extensions should aim to achieve BREEAM very good standard as well as the most up to date standards set out by the Department for Education’s ‘Standards for school premises’.

4.9. The development of new housing, particularly new family housing, may put pressure on education resources. Where there is a forecast shortfall of provision at a local school as a direct result of a housing development, developers will be expected to make a financial contribution towards the costs of additional school places needed. It is important to recognise that the population of Hyndburn is not growing at the same rate as that in other parts of Lancashire or England and the 2011 census figures suggest that the population of young people will remain steady. It is also important to recognise that the financial viability of new housing developments in Hyndburn is an issue and it is not desirable to have a situation where the scale of contributions towards education provision is a contributory factor in preventing the development from commencing due to its viability.

4.10. As part of the Site Allocations DPD, the Borough Council will undertake further work with the Local Education Authority to identify, more specifically, those areas of Hyndburn where new development may require a contribution towards education. The LEA will be consulted as and when appropriate on individual applications outside of any allocation is proposed.

4.11. Increasing living costs, coupled with a need for both parents to work have resulted in increasing demand for pre-school nurseries. Although some schools have sought to provide nursery places, private companies provide the majority of pre-school nursery places. This is often provided through the conversion of existing buildings and sometimes through the development of purpose built facilities.

4.12. There is normally a need for parents to drop off their children in the morning and pick them up in the afternoon or evening. It is therefore important that sufficient safe parking is provided in a location that will not endanger other road users or pedestrians. Where nurseries are proposed in residential areas it is important to ensure that they would not give rise to unacceptable adverse impacts on local amenity. In these cases it may be necessary to ensure that there is sufficient distance between buildings and whether planning conditions can be used to control factors such as the hours of use or landscaping.
Policy DM7: Cultural and Community Facilities

Protection of existing facilities

1. Proposals for the change of use away from, or loss of, cultural or community facilities\(^{35}\) will be resisted by the Council unless:
   
   a. the existing facility is being relocated or is being replaced on the site or in the same vicinity, or;
   
   b. an existing accessible facility can provide for the lost services, and/or;
   
   c. the use is no longer economically viable and it can be demonstrated that there is no longer a demand for the use as demonstrated through a 12 month marketing exercise\(^{36}\).

2. Where a use is considered to be no longer economically viable, the Council will expect consideration to have been given to grant funding or other support and that the buildings or site cannot be utilised for other community or cultural uses.

New provision and enhancement

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

Policy DM7: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | HC2: Leisure, Health and Culture |
| NPPF paragraph links | 69-74 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• Assets of Community Value, House of Commons Library Standard Note SN/PC/06366  
• Planning Tools and Guidance, Sport England |

4.13. Policy HC2 of the Core Strategy states that community and cultural facilities should be retained unless it can be demonstrated that they are no longer necessary or where alternative provision is made to meet community needs. The NPPF also seeks

\(^{35}\) Cultural and community facilities for the purposes of this policy are those that provide for the health, social, educational, spiritual, recreational and cultural needs of the community

\(^{36}\) Any evidence provided on the marketing should demonstrate that this was undertaken free of tie, and for alternative cultural or community facility use. Marketing should have been undertaken at a fair market price following independent professional valuation (paid for by the developer).
to guard against the loss of valued cultural and community facilities and to plan positively for new facilities.

4.14. Community facilities often compete with other uses which command a higher value and are therefore subject to development pressures. This can put existing facilities under pressure and it is therefore necessary to put in place measures to help preserve such infrastructure.

4.15. In certain situations it may be necessary to relocate a community or cultural facility, either within a site to facilitate a development or on a nearby site. Provided the replacement is of equivalent or better quality than the facility being lost, then such a proposal will be considered acceptable.

4.16. In other circumstances, there may be a surplus in provision of a particular facility, such that the loss of one facility does not create a gap in community/cultural service provision in the local area. Applicants will be required to demonstrate that sufficient alternative provision exists and that it is accessible to users. Where a community or cultural facility is being lost and reliance is being placed on an existing facility to meet the lost services, improvements will be sought to help enhance the quality and accessibility of existing facilities.

4.17. The Council will not support applications for changes of use that result in the loss of community and cultural facilities unless it is clearly demonstrated that the continued use is no longer financially viable, this includes consideration of grant funding and other income streams that might be available. The applicant will also be expected to demonstrate that they have considered the re-use of the site for other types of community and cultural facilities. Alongside this, evidence of a suitable marketing exercise should be provided, undertaken free of tie and at a fair market price.

4.18. Where a facility is identified as an ‘asset of community value’ and a change of use is submitted, the Council will decide whether its listing is a material consideration when considering all the circumstances of the case. The Government has signalled its intention to pass regulations to ensure that any property listed as an asset of community value would have to apply for planning permission to change its use class, as currently it may still do so under permitted development rights.

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

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37 see the Localism Act 2011 and Assets of Community Value (England) Regulations 2012
38 via a Written Ministerial Statement HCWS221, 22nd January 2015
Policy DM8: Public Houses

1. The Council will support proposals for the change of use of a public house to any other A or D1 use class, subject to satisfying other relevant policies in the Local Plan.

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

Policy DM8: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | HC2: Leisure, Health and Culture |
| NPPF paragraph links | 28, 70 |
| Key documents of relevance / guidance | • Planning Practice Guidance • Public House Viability Test, CAMRA, 2014 |

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

4.21. Policy DM8 sets the criteria against which an application for change of use or demolition of a public house will be assessed. The policy is flexible in that change of use to any other A or D1 use class will be supported in principle. This provides flexibility for those pubs struggling in their present form, retaining the vibrancy and use of the site as a local commercial community facility, and ensuring that it could be returned back to pub use more easily in the future if there was a change in the local market.
4.22. Proposals to demolish or convert to residential use will be considered against the criteria set out in Policy DM8 and other relevant policies in the Local Plan. Where a public house may have particular heritage value, or is a designated heritage asset, if there is evidence of deliberate neglect or damage, the deteriorated state of the heritage asset will not be taken into account in any planning decision.

4.23. Any evidence provided on the marketing of the public house over a 12-month period should demonstrate that this was undertaken free of tie, and for alternative local commercial or community facility use. Marketing should have been undertaken at a fair market price following independent professional valuation.

Policy DM9: Telecommunications

1. Proposals for telecommunications development will be permitted provided that the following criteria are met:

   a. if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the local planning authority;

   b. the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual and residential amenity, character and appearance of the surrounding areas;

   c. if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the building;

   d. the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest, and;

   e. detail design should consider colours, materials and design of any existing buildings where new apparatus may be being fixed to.

2. When considering applications for telecommunications development, the local planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.

Policy DM9: Policy context and relationships

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4.24. It is recognised that there is an ongoing need for advanced, high quality communications infrastructure including the development of high speed broadband technology and other communications networks.

4.25. Whilst there are significant economic and social benefits associated with the development of telecommunications infrastructure, the development of masts, antennae and other associated infrastructure can give rise to significant levels of concern relating to visual intrusion and impact on the surrounding area in which it is located.

4.26. The NPPF states that such equipment should be sympathetically designed and camouflaged but does not set out further design or siting considerations; however, it states that the number of masts and sites should be kept to the minimum required for the efficient operation of the network. National Policy also states that further health safeguards are not necessary if proposals meet International Commission guidelines for Public Exposure.

4.27. The necessary evidence to justify the proposed development should support applications for telecommunications development. This should include the outcome of consultations with organisations with an interest in the proposed development. When adding to an existing mast or base station, a statement that self-certifies the cumulative exposure will not exceed the International Commission on non-ionising radiation protection guidelines is needed, or evidence that the applicant has explored the possibility for erecting antennas on an existing building, mast or other structure and a statement certifying International Commission guidelines will be met.

4.28. Relating to the visual intrusion of masts, careful consideration into the design should be carried out to minimise the visual impact of the development. Such design solutions may relate to the form of structure, to colour and to materials, for example masts can be designed to look like trees or street furniture or can be designed into the fabric of a building.

4.29. When freestanding masts outside of the built up area are being developed, it is essential to ensure that they, as far as possible, blend in with the natural landscape. This includes the associated equipment such as underground cable, service routes and means of enclosure should be designed such that there is minimal loss or damage to trees and other natural vegetation. Additional planting of trees and vegetation is a means to screen such development.

4.30. The Council will determine applications on planning grounds. It will not seek to prevent competition between different operators, question the need for telecommunications systems, or determine health safeguards if the proposal meets with International Commission guidelines.
Section 5

Housing Policies

This chapter includes the following policies:

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

5.1. The Council is committed to providing a greater choice and quality of housing offer in Hyndburn in order to help meet the housing needs of its existing residents, and to retain and attract more skilled people and families to live in the Borough. The key elements of the housing strategy are:

- To ensure that there is an adequate supply of land for housing development and that it is in the right locations;
- To ensure that the right house types are being developed to meet future needs;
- To ensure that sufficient affordable housing is being provided; and
- To ensure that sufficient sites are provided for the Gypsy and Traveller Community.

5.2. The Site Allocations DPD will ensure that sufficient land is allocated for housing development over the period of the Core Strategy and the Core Strategy includes a policy on housing mix (Policy H1), a general policy on affordable housing (Policy H2) and a policy on Gypsy and Traveller provision (Policy H3). Whilst the Core Strategy sets the strategic context for housing development, it does not provide detailed advice on the design and development of new housing.

5.3. Planning applications for new housing development are one of the most common categories of application and it is important that applicants, planning officers and elected members and members of the public can clearly understand what factors will be taken into consideration when determining planning proposals for new residential development. Policy DM10: New Residential Development, seeks to clearly set out these criteria, cross-referencing to more detailed policies of this DPD, where necessary.
Policy DM10: New Residential Development

1. Housing development will be supported provided:
   a. An appropriate mix of housing types and tenure is proposed in line with Policies H1 and H2 of the Core Strategy and the latest evidence on housing need;
   b. Where it is located in a town or district centre, that there will be no unacceptable adverse impacts on amenity (from noise or odour);
   c. It is designed to a high standard using appropriate materials (see Policy DM26: Design Quality and Materials), considering the protection and enhancement of heritage resources (in line with Policy DM22: Heritage Assets);
   d. The design is in line with the housing standards set out in Policy DM16: Housing Standards;
   e. For schemes of 5 or more dwellings, the applicant can demonstrate, through their Design and Access Statement, how they have considered and addressed the requirements of the ‘Building for Life 12’ assessment criteria in the design of their scheme;
   f. The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light (see Policy DM29: Environmental Amenity);
   g. Highways are designed in accordance with the ‘Manual for Streets’ and are designed in a way to keep vehicle speeds less than 20mph whilst facilitating access for larger vehicles39;
   h. The applicant demonstrates how the new development will connect to the wider area via public transport, walking and cycling (in line with Policies DM32: Traffic and Highway Safety and DM34: Sustainable Transport Infrastructure);
   i. Suitable provision is made for waste management (see Policy DM31: Waste Management in all new development)
   j. The proposal incorporates a high standard of landscaping, and a scheme and programme demonstrating how relevant areas will be maintained for the duration of the development;
   k. The design incorporates sufficient open space (in line with Policy DM11: Open Space Provision in New Residential Development);
   l. The natural environment, biodiversity and green infrastructure are considered in line with policies in Section 6: Natural and Built Environment); and
   m. That proposals do not increase the risk of flooding on the site or elsewhere, where possible reducing the risk of flooding overall, having regard to the surface water drainage hierarchy (detailed in Policy DM20: Flood Risk Management and Water Resources).

2. The Council has an adopted ‘Householder Design Guide’ SPD and will use this guidance to help determine proposals for residential extensions. Applicants

39 ‘larger vehicles’ include waste collection vehicles, delivery vehicles and emergency vehicles.
should evidence how the SPD has been taken into account in their application.

3. The Council will support the development of new static caravan sites where they form an integral part of existing or planned major recreational facilities and satisfy local environmental, drainage and flood risk considerations set out in the Local Plan.

Policy DM10: Policy context and relationships

| Local Plan (1996) policies to be replaced | H.2: Housing Development within the Urban Boundary  
L.6: New Static Caravan Sites |
| Core Strategy (2012) policy links | H1: Housing Provision  
H2: Affordable Housing  
HC3: The Design of Residential Roads  
ENV6: High Quality Design |
| NPPF paragraph links | 47-55, 56-68 |
| Key documents of relevance / guidance | Planning Practice Guidance  
Strategic Housing Market Assessment, NLP;  
Building for Life 12, Design Council;  
Manual for Streets and Manual for Streets 2, DTI;  
Householder Design Guide, Hyndburn BC. |

5.4. In Hyndburn there is a pressing need for a greater choice and quality of housing to meet the needs of existing residents (so they don't move out of the Borough) and to attract new people into the Borough. To meet this aim, Policy DM10 sets the criteria that will be taken into account when determining planning applications for residential development. Elements of the policy are linked to other, more detailed, policies and where this approach is taken the relevant policy is referred to.

5.5. The housing mix set out in the Council's Core Strategy Policy H1, and updated through recommendations in the Council's latest Strategic Housing Market Assessment, sets the overall aim of rebalancing the housing stock in the Borough. The Council will monitor housing permissions and completions regularly to help measure progress towards meeting the recommended mix of house types.

5.6. Individual planning applications will not be expected to provide the exact proportions of house types set out in Policy H1 or any updates, rather they should aim to contribute in an appropriate way taking into account the individual site context and setting. The Council will apply flexibility where appropriate, however it will in general resist very high-density schemes or those with an overly high proportion of terraced/town house provision.

5.7. The Council will expect new developments to be designed to a high standard, using materials appropriate to their location and setting (further details provided in Policy DM26: Design Quality and Materials, and Guidance Note 3: Materials and Colours).
There is a clear need for new housing to be set within attractive and safe environments, and therefore the Council will expect applicants to use the principles set out in Building for Life 12 (BfL12), which offers a valuable tool for assessing the overall design quality of new homes and neighbourhoods. BfL12 embodies detailed urban design principles. Further policy and guidance on design matters is set out in DM26: Design Quality and Materials.

5.8. The proposal should meet all relevant local housing standards set out in policy DM16: Housing Standards. At present this relates to Access matters only, as the Council currently has insufficient evidence on the local need for applying the national internal space standards, and there is no need for applying the optional water standards in Hyndburn, as it is not an area of water stress. The Council intends to undertake further evidence base work investigating the need and viability of adopting the internal space standards in Hyndburn in particular, and may bring forward proposals through a Site Allocations DPD depending upon the outcome of that work.

5.9. Much of the Borough’s housing has been built at very high densities at a time when housing developments incorporated little green space. Policy HC1 of the Core Strategy (Green Space and Facilities for Walking and Cycling) recognises the importance of good quality, accessible and multi-functional green space and indicates that where it is not possible to make provision on site as part of major new developments, then the developer should provide a financial contribution in lieu of actual provision.

5.10. A static caravan is defined as a caravan that remains permanently on site for all or part of the year. These may be owned by private individuals who may use their vans as weekend homes, or as more of a tourist facility in the form of a leisure park for holiday rental. The Council will ensure that any proposals for static caravans are for existing or planned recreational facilities and that there is do
Policy DM11: Open Space Provision in New Residential Development

1. Residential developments of 10 or more dwellings must make adequate provision for public open space. This should be provided on site or through the improvement of near-by open space in accordance with the following principles:

   a. the provision of public open space in new residential developments will be required to meet the standards prescribed within the Fields in Trust guidance40 (or in line with local standards where prescribed) and in accordance with Development Management Guidance Note 1;
   b. the open space provided should be easily accessible to all houses within the development and should form an integral part of the layout of the development;
   c. natural features within the development such as mounds, valleys, streams and trees will normally be required to be retained and, wherever possible, incorporated into areas of public open space;
   d. where sensitive or important plant and wildlife species are identified, an appropriate buffer zone should be provided to protect and where possible enhance their habitat. Where an existing habitat is disturbed, compensatory habitats and mitigation schemes should be considered and proposed;
   e. landscaping works and the provision of play equipment and its future maintenance is the responsibility of the developer;
   f. where public open space is provided on-site, the developer will be expected to fund its maintenance for a period of at least 20 years, or put in place a sustainable scheme of management;

2. Where evidence on the economic viability of individual developments indicates a lack of a competitive return for landowners and developers41 the Council will consider reducing standards of provision, or any planning obligations, to help ensure deliverability.

Policy DM11: Policy context and relationships

| Local Plan (1996) policies to be replaced | H.5 – Open space in new residential development |
| Core Strategy (2012) policy links | HC1: Green Space and facilities for walking and cycling; HC2: Leisure, Health and Culture HC4: Community Benefits / Planning Obligations |
| NPPF paragraph links | 73-74 |

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

41 See paragraph 173 of the NPPF
Key documents of relevance / guidance

- Planning Practice Guidance
- Planning and Design for Outdoor Sport and Play, Fields in Trust;
- Development Management Guidance Note 1

5.11. It is important that adequate open space is provided within new residential developments to meet the needs of new residents, and to provide a good quality residential environment that will contribute towards an enhanced quality of life for all.

5.12. To ensure adequate open space facilities for all residents in the Borough, the provision of open space will be linked to the development of new housing. It may not be possible or desirable for open space provision to be provided on site in all circumstances, particularly in smaller developments or where a development is in very close proximity to an existing open space facility. In such cases financial contributions may be sought from developers to improve and/or develop nearby existing facilities.

5.13. Formerly the ‘Six Acre Standard’, Fields in Trust has produced a new guidance note titled ‘Planning and Design for Outdoor Sport and Play’, which is now widely- endorsed policy on the minimum standards for play and recreational space. The guidance recommends benchmark standards which local planning authorities should use to develop local standards.

5.14. The Council will use this document (and subsequent reviews) to help inform future policy and evidence base work around Open Space issues. The Council last carried out an ‘Open Space, Sports and Recreation Study’ in 2006 and, as part of the evidence base work to be undertaken for the Site Allocations DPD, will look to update this study. Local standards for open space provision will be investigated through this process.

5.15. Policy DM11 provides more detailed policy guidance on how the Council will seek to provide new open space in conjunction with new development. Alongside Policy DM21: Protection of Open Spaces this reflects one strand of the Council’s aim of improving the quality of health of residents in the Borough, as set out in the Core Strategy.

5.16. The future management of open space is as important, if not more so, than the provision itself. The Council will expect an appropriate management scheme to be agreed as part of any planning permission, either through a planning condition or planning obligation (s.106 agreement). This may take the form of the developer themselves undertaking the maintenance, or a third party management company.
Policy DM12: Affordable Housing

1. New housing developments of 15 or more dwellings should provide 20% affordable housing\(^{42}\) that will be provided on the following basis:
   a. affordable housing includes social/affordable rented and intermediate housing provided to specified eligible households whose needs are not met by the market;
   b. in line with identified needs of tenure, size and type as set out in the latest available evidence on housing needs;
   c. in line with relevant requirements set out in Policy DM16: Housing Standards;
   b. constructed and designed to the same standard as market housing and should be fully integrated into the development;
   c. within larger housing developments, the affordable housing will be evenly distributed throughout the development. Where a site has been divided and brought forward in phases, the Council will consider the site as a whole for the purposes of calculating the appropriate level of affordable housing provision;
   d. provision of fewer affordable homes may exceptionally be considered on sites only if the applicant produces evidence to demonstrate that to provide the full amount would make the scheme unviable. This evidence may need to be independently assessed by the Council and the applicant will be required to pay for such an assessment in accordance with the Council’s adopted validation checklist for planning applications.
   e. provided in accordance with the approach set out in Development Management Guidance Note 2.

2. Landowners and developers are expected to fully consider the overall costs of development, including the required planning obligations prior to negotiating the sale or purchase of land. The overall cost of the development should include the provision of affordable housing, whether provided on site, off site or via a commuted sum.

3. There should be no discernible design difference between the affordable housing and market housing across the same site. As such criteria in Policy DM10: New Residential Development applies equally to affordable housing.

4. There will be a presumption that onsite provision of affordable housing will be sought in the first instance. Where off site provision has been identified and justified as a more appropriate solution, the Council will agree house types and location on a site-by-site basis. Commuted sum payments equating to the equivalent of a 20% on-site provision will be sought.

5. In schemes of 15 units or more, if the developer considers that the affordable housing requirement makes the development unviable, it will be necessary for the developer to complete a scheme viability assessment, which includes

\(^{42}\) The definition of affordable housing is set out in Development Management Guidance Note 2 appended to this document.
affordable housing provision. The applicant will be expected to meet the cost of an independent consultant to appraise the findings of the viability assessment and report them to the Council.

Policy DM12: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | H1: Housing Provision  
H2: Affordable Housing |
| NPPF paragraph links | 47-55 |
| Key documents of relevance / guidance | - Planning Practice Guidance  
Blackburn with Darwen and Hyndburn Strategic Housing Market Assessment & Housing Needs Study (2014);  
Pennine Lancashire Housing Strategy 2009-2029;  
Development Management Guidance Note 2 |

5.17. The council is committed to providing a full range of housing to meet the Borough’s future housing requirements and as part of this, ensuring suitable housing is available for people on low incomes. Detailed guidance on the implementation of this policy can be found in Development Management Guidance Note 2, appended to this document.

5.18. The Council is committed to keeping its evidence base up to date in relation to affordable housing matters in the Borough. Identified needs of tenure, size and type (as set out in paragraph 1a of Policy DM10: New Residential Development) will be derived from a combination of a Strategic Housing Market Assessment (SHMA) & Housing Needs Study and Housing Viability Assessment.

5.19. The latest SHMA and Housing Needs Study (2014) indicates a need for a 60%/40% split of affordable housing tenure between social or affordable rent and intermediate housing. In terms of property size a 60%/40% split between 1 & 2 bed housing and 3 & 4 bed housing is identified. Finally in terms of type, affordable provision should be seeking to provide 10% flats/maisonettes, 10% terraced housing, 30% semi-detached, 20% detached and 25% bungalow/elderly housing. The Council is yet to undertake housing viability work to test the deliverability of these rates. Until such time the Council will adopt a flexible approach in negotiating the suitable mix of provision based on site specifics and location.

5.20. Whilst the Council no longer provides affordable housing directly, its role is now more of an enabler and negotiator through Registered Providers (RPs). Although working with other RPs would not be precluded, the RPs who currently work with the Council are:

- Symphony Housing Group
- Twin Valley Homes
5.21. Developers are strongly encouraged to work with one of the RPs to bring forward suitable affordable housing in line with Policy DM12: Affordable Housing, and other relevant policies in the Local Plan.
Policy DM13: Development of Housing within Residential Gardens

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

Policy DM13: Policy context and relationships

<table>
<thead>
<tr>
<th>Local Plan (1996) policies to be replaced</th>
<th>H.2: Housing Development within the Urban Boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Strategy (2012) policy links</td>
<td>H1: Housing Provision</td>
</tr>
<tr>
<td>NPPF paragraph links</td>
<td>47-48, 53</td>
</tr>
<tr>
<td>Key documents of relevance / guidance</td>
<td>• Planning Practice Guidance</td>
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5.22. The housing stock within the Borough of Hyndburn consists of predominantly terraced housing which accounts for almost 53% of the total stock, significantly higher than the national average of 25%\(^3\). The result is a built environment that is characteristic of large areas of high density housing with small backyards. Where gardens exist, these areas are often characterised by larger houses built at lower density with a distinctive character that relate well to their surroundings and support a sense of local pride and civic identity.

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

\(^3\) Figures taken from the 2011 Census, as published in the Blackburn with Darwen and Hyndburn Strategic Housing Market Assessment and Housing Needs Study 2014.
of the positive impact they have on the local amenity, character and appearance of an area, outweighs the benefits of developing new houses within these areas.

5.24. Policy H1 of the Core Strategy therefore clearly sets out a strong presumption against the development of housing within the garden or curtilage of residential properties in Hyndburn to help redress the dominance and imbalance of such high density housing in the Borough. Policy DM13 sets out the exceptions where the Council will consider infill proposals in residential gardens positively.

5.25. The Council recognises that, where development within residential gardens is restricted, a greater land requirement will be needed to meet the housing target set out in the Local Plan. However the Council will ensure that, where viable and deliverable, the majority of new housing allocations in the Site Allocations DPD are on brownfield land within the urban area, continuing the ‘brownfield first’ policy set out in the previous Local Plan and in the NPPF.
Policy DM14: Housing with Care for Older People and People with Disabilities

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

Policy DM14: Policy context and relationships

| Local Plan (1996) policies to be replaced | H.8: Conversion of large houses to residential care; Appendix 5: Provisions of residential accommodation with care |
| Core Strategy (2012) policy links | H1: Housing Provision H2: Affordable Housing |
| NPPF paragraph links | 47-55 |
| Key documents of relevance / guidance | • Planning Practice Guidance • Blackburn with Darwen and Hyndburn Strategic Housing Market Assessment & Housing Needs Study (2014); • Pennine Lancashire Housing Strategy 2009-2029; • Extra Care and Specialist Housing Strategy for Lancashire (2014); • Extra Care Housing - RTPI Good Practice Note 8 (2007); • Design Principles for Extra Care – CSIP/Housing LIN (2008); • Housing our Ageing Population: Plan for Implementation (HAPPI2) Report (2012); • The Extra Care Housing Toolkit – Housing LIN |

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

44 ONS population projections
5.27. This policy relates to ‘older people’ and ‘people with disabilities’ as defined within the NPPF. Housing ‘with care’ refers to a housing model for older people and people with disabilities where occupants have specific tenure rights to occupy self-contained dwellings and also have separate agreements that cover the provision of care, support, domestic, social, community or other services within that accommodation.

5.28. Types of accommodation that meet the ‘housing with care’ criteria that should be specifically designed to meet the wide ranging needs of older people and people with disabilities include:

- **Very sheltered or enhanced sheltered housing**: - term reflecting additional care and support needs of older residents in sheltered housing (but not high enough levels to require extra care housing);
- **Extra Care and Assisted Living**: - Typically, purpose built bocks of flats with communal facilities and space for care and other services to be delivered;
- **Hub and spoke**: - as above but with a greater focus on designing for wider community use, and therefore probably larger communal facilities available for the wider community;
- **Close Care**: -Typically, purpose built blocks of flats or bungalows linked to a care home;
- **Retirement Village**: - purpose built extra care within a larger retirement village concept with a range of dwelling types and facilities;
- **Specialist**: - extra care designed to accommodate a particular group, for example people with dementia;
- **Separated**: - general extra care but with a specialist wing or unit (for example for people with dementia, or learning disability)

5.29. The specification and design of the accommodation should be developed with reference to the guidance stated particularly around the following elements:

- Location and suitability of the site
- Residents’ homes/flats
- Communal facilities and spaces
- Staff accommodation
- Overall scheme/buildings

5.30. Policy DM16: Housing Standards, sets a target of new affordable housing provision that should be tailored to meet the needs of elderly or disabled residents, in line with Building Regulations Requirement M4(2). This will be subject to viability testing prior to Publication of the DM DPD.
Policy DM15: Gypsy and Traveller Sites

1. The Core Strategy identifies sufficient land to meet the needs of Gypsies and Travellers until at least 2018. Sufficient land will be identified, in suitable locations, to meet the needs for the remainder of the Plan period in the Council’s Site Allocations DPD.

2. All development proposals for traveller sites will be assessed in accordance with ‘Planning policy for traveller sites’ and will be expected to:
   a. be located within a reasonable distance from services such as a school, bus stop, local shop and health services;
   b. be located in accessible locations with good access to public transport provision; and
   c. cause no unacceptable harm to:
      i. highway safety;
      ii. visual amenity;
      iii. residential amenity;
      iv. the character or appearance of a conservation area; or
      v. to the setting of a heritage asset;

3. Applications for new Gypsy and Travellers pitches will not be supported if there are sufficient vacant pitches on allocated or existing sites elsewhere in the Borough.

Policy DM15: Policy context and relationships

| Local Plan (1996) policies to be replaced   | - |
| Core Strategy (2012) policy links          | H3: Gypsy and Traveller Provision |
| NPPF paragraph links                       | - |
| Key documents of relevance / guidance      | Planning Practice Guidance, Planning Policy for Traveller Sites, 2015; Hyndburn BC Gypsy and Traveller and Travelling Showpeople Accommodation Assessment, 2014 |

5.31. The Core Strategy seeks to make provision for the needs of travelling show people and Gypsies and Travellers through the allocation of sites within the Site Allocations DPD. Hyndburn already provides a disproportionate number of sites for Gypsies and Travellers when compared to other local authorities in Lancashire and believes that there should be a more even distribution of sites across local authority areas.

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45 Planning policy for traveller sites, Department for Communities and Local Government, 2015
5.32. The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) identifies that there are sufficient pitches to meet the needs of the Gypsy and Traveller Community at least up to 2018. Identified needs beyond this point (8 pitches 2019-2024, and a further 10 pitches 2024-2028) will be sought through the Site Allocations DPD. There are no identified needs for the Travelling Showpeople Community.

5.33. The Government published revised ‘Planning Policy for Traveller Sites’ in August 2015, with further reforms proposed in the forthcoming Housing Bill. The Council will assess new development proposals in line with national guidance and additional criteria set out in Policy DM15. It is important that sites for Gypsies and Travellers are developed in locations where they will not have an unacceptable impact on the residential or visual amenity of the settled community, but that they are located in sustainable locations.

5.34. To help facilitate the provision of appropriate sites through the Site Allocations DPD, the Council will undertake a full site assessment study looking at the qualitative aspects of existing provision. Policy DM15 will resist applications for new pitches where sufficient vacant pitches on allocated or existing sites are available in the Borough. Once complete, the Council’s Site Assessment Study will be used in support of decision-making.
Policy DM16: Housing Standards

1. In accordance with the national regime of optional technical standards for housing the Council will adopt the following local standards, in line with the national Planning Practice Guidance:\n
   a. Access - at least 30\% of new affordable housing provision to be specifically tailored to meet the needs of elderly or disabled residents, or be easily adaptable, in line with Building Regulations Requirement M4(2).
   b. Internal space – the nationally described space standards.

2. Access - in applying the optional access standards for housing the Council will adopt a flexible approach where necessary, taking into consideration specific factors, such as site topography and vulnerability to flooding, along with evidence on the economic viability of individual developments.

3. Space – applicants will be expected to design schemes in accordance with the nationally described standards, including sufficient built-in storage. Applicants must submit appropriate supporting documentation alongside the planning application to ensure that compliance with the standards can be verified, including completion of an internal space compliance statement.

Policy DM16: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | H1: Housing Provision  
H2: Affordable Housing |
| NPPF paragraph links | 47, 50, 54 |
| Key documents of relevance / guidance |  
- Planning Practice Guidance  
- Strategic Housing Market Assessment and Housing Needs Study 2014;  
- Technical housing standards – nationally described space standard, DCLG, 2015  
- Lifetime Homes; |

5.35. The Government has set a new approach for the setting of technical standards for new housing. The new approach rationalises a host of previous standards to help reduce burdens on developers, and gives Local Planning Authorities the option of ...

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47 Definition of ‘affordable housing’ as set out in Development Management Guidance Note 2
48 Technical housing standards – nationally described space standard, DCLG, March 2015
49 This should act as confirmation from the applicant that they consider themselves to have submitted a scheme that is in compliance with the relevant space standards
50 Laid out in the Written Ministerial Statement to Parliament: Planning Update March 2015
setting additional technical requirements that would exceed the Building Regulations in respect of access, water and a nationally described space standard.

Access

5.36. The NPPF makes clear that Local Planning Authorities should take account of any evidence that demonstrates a clear need for housing for people with specific needs and plan to meet this need. The Council’s SHMA & Housing Needs Study published in 2014 identified a clear need for additional sheltered housing (or greater provision of bungalows) to meet the projected rise in older people, with the number of residents aged over 65 expected to rise at a much higher rate than the rest of the population between 2011 and 2029. The Study also identified a ‘clear need’ in Hyndburn for properties that can be adapted to suit occupants with specific needs, such as disabled people.

5.37. Given the level of need for elderly and adaptable housing identified in the Housing Register, the target of 30% of new affordable housing provision to be adaptable in line with Building Regulations Requirement M4(2) is justified. Measures could include the development of dwellings to ‘lifetime homes’ standards, with suitable adaptations, or if more specific needs are identified this could include developments such as Extra Care accommodation.

Water

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

Internal Space

5.39. The Council recognises that the housing market in Hyndburn is a particularly challenging one, as evidenced in the Strategic Housing Market Assessment undertaken jointly with Blackburn-with-Darwen in 2014. The Borough has a very high proportion of terraced dwelling stock, around twice the national average. The lack of a more balanced housing market, including the provision of larger dwellings, is thought to be an important contributing factor to the high levels of net out-migration experienced over recent years.

5.40. As a result the Council is keen to see the nationally described space standards adopted in Hyndburn for all new residential developments. Further work on the evidencing of the application of these standards, and the impacts of their adoption, will be undertaken prior to Publication of the DM DPD. This will be undertaken in conjunction with the wider Whole Plan Viability Assessment to be undertaken prior to the Publication version of the DM DPD being produced.

51 P164 of the Hyndburn SHMA and Housing Needs Study 2014
52 71% of homes containing a member with special needs in Hyndburn had not been adapted or purpose built.
53 P218 of the Hyndburn SHME and Housing Needs Study 2014
54 Under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012
Section 6

Environment (Natural and Built)

This chapter includes the following policies:

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

6.1. High quality, sustainable development should not just be an ideal, but an objective that can be achieved with a clear understanding of the role and functions of places. There has been an increasing awareness of the detrimental impacts that modern life is having on our environment and climate. The policies that are proposed in this section will seek to minimise the environmental impact of new development, whilst at the same time ensure that it is fit for the future.

6.2. The Green Infrastructure (GI) Network in Hyndburn has a vital role to play in the environment. The Council also recognises the multi-functional benefits of GI beyond environmental aspects, to issues around amenity, recreation, health and well-being, and education. The Council’s strategic GI policy\(^{55}\) is expanded through a number of related policies in this section. The GI network itself will be fully mapped and identified in the Site Allocations DPD.

\(^{55}\) Env1 in the Core Strategy
Policy DM17: Trees, Woodland and Hedgerows

1. Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to ancient woodland, and ancient and veteran trees. Where trees and/or woodlands are to be lost as a part of development this loss must be justified as a part of an Arboricultural Implications Assessment (AIA) submitted with the application.\(^{56}\)

2. The Council will expect developers to plan for retention by using an AIA to inform site layout, in advance of the submission of any application. Where trees, woodland and/or hedgerows lie within a development site, they should wherever possible be incorporated effectively within the landscape elements of the scheme.

3. Development proposals should:
   a. not result in the loss of trees or woodland which are subject to a Tree Preservation Order, or which are designated as Ancient Woodland, Ancient/Veteran trees, or which are considered worthy of protection;
   b. not give rise to a threat to the continued well-being of retained trees, woodlands or hedgerows;
   c. not involve building within the canopy or root spread of trees, woodlands, or hedgerows which are to be retained, except where it can be proven that the construction can be carried out in accordance with the most up-to-date British Standard 5837 and an appropriate method statement is fully adhered to, and;
   d. make a positive contribution to Green Infrastructure where it is within or adjacent to identified Green Infrastructure networks.

4. To ensure that the benefits of the proposed development outweigh the harm resulting from the loss of trees, woodlands or hedgerows, compensatory planting must take place at a ratio of at least 3:1.\(^{59}\) Where this level of tree planting is not achievable on site, it may be appropriate to contribute to council tree planting in the Borough through a Section 106 Agreement (in line with Policy GC2: Planning Obligations & CIL).

5. Trees within a Conservation Area that are 75mm diameter or above at 1.5m above ground level, and trees protected by tree preservation orders will be given much greater consideration when considering planning consent. Any planning proposal must seek to retain these trees unless there are sound arboricultural reasons (as justified within the AIA) for their removal.

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\(^{56}\) More information and guidance on what is expected to be included within an AIA can be found on the Council’s website.

\(^{57}\) Trees protected by Tree Preservation Orders will be given much greater consideration when considering planning consent.

\(^{58}\) Policy DM17 cannot be used to justify the loss of Ancient Woodland or Ancient/Veteran trees as they are considered to be an irreplaceable habitat and amenity feature.

\(^{59}\) Meaning 3 replacement trees planted for every 1 tree lost.
6. The Council will expect developers to provide environmental and amenity enhancement by including the planting of new areas of trees, woodlands, and hedgerows as a part of new development proposals. The council expects the developer to take responsibility for the successful establishment of trees, woodlands, and hedgerows. Individual and small groups of trees must be subject to a maintenance regime lasting not less than 5 years, hedgerows for a period of not less than 10 years, and woodlands for a period of not less than 25 years.

7. The Council recognises the wide benefits of creating more woodland, and will support proposals to increase tree cover in appropriate locations.

### Policy DM17: Policy context and relationships

| Local Plan (1996) policies to be replaced | E.3: Retention of woodlands, trees, hedgerows, walls, etc. |
| Core Strategy (2012) policy links | Env1: Green Infrastructure |
| NPPF paragraph links | 118, 143 |

#### Key documents of relevance / guidance

- Planning Practice Guidance
- Access to Woodland Standard, Woodland Trust

6.3. Trees, woodlands and hedges are an important part of our urban and countryside landscape. Hyndburn has particular links to trees, most notably through the naming of the town Accrington which is thought to refer to oak woodland surrounding the town (acorn-ring-town). Within Hyndburn there are 6,000 individually protected trees, 128 protected woodlands and 29 protected areas which equates to approximately 73,000 trees under tree preservation orders. This excludes trees protected by virtue of being within one of Hyndburn’s 10 Conservation Areas.

6.4. Well managed parks, gardens and squares can positively affect the value of local property and attract investment. In some neighbourhoods the increase in property value due to its ‘leafiness’ can be as much as 34%. Developments along strategic routes into the towns will be expected to provide high quality landscaping schemes along their frontage which should include provision for tree planning where possible.

6.5. Tree protection and enhancement is taken very seriously within the Borough with a very significant amount of work previously undertaken under the Urban Forestry Scheme along with ELWOOD, and more recently the Prospects Foundation and Prospects Local Panels working with Hyndburn Borough Council. Significant progress has been made over the last 25 years increasing the Borough’s tree cover from 4% to 8%, however, this figure is still below the national average of 14% and the

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60 Up to date information on TPO’s can be viewed on the Council’s website
European average of 22%. It is important that this valuable work continues and that
each developer takes responsibility for ensuring the continual improvement of our
natural environment.

6.6. The requirement for a maintenance regime to be established as part of planning
permission is to ensure that trees, woodlands, and hedgerows are nurtured through
the establishment period to a stage where they are then able to make a continued
and lasting positive impact on the biodiversity and amenity of an area. In the case
where land is to be retained by the developer and/or by cooperative of future
residents the maintenance plan should be long-term and include details of how the
maintenance work will be funded.

6.7. Where trees are to be retained on site an Arboricultural Method Statement will be
required which will include specifications of the ‘exclusion zone’ for tree protection in
line with the most up-to-date edition of the British Standard 5837 “Trees in Relation to
Construction – Recommendations” (currently 2005).

6.8. Where proposals involve the loss of trees, Policy DM19 may be of relevance in
respect of bats and protected species. Applicants will be expected to have taken this
into consideration prior to submitting applications for development. Compensatory
planting – ratio of 3 to 1 may not be sufficient compensation for losses of veteran,
mature or culturally important trees. The Council’s Trees and Woodlands Officer will
be consulted on appropriate levels of planting in these instances. Mention re: Section
106 agreement – levels of contribution etc. here?

6.9. New planting will be supported in line with Council’s progress over the last 25 years
increasing the Borough’s tree cover from 4% to 8%. The Woodland Trust has also
adopted a Woodland Access Standard which aspires that everyone should have
access to a wood of at least 2ha within 500m of their home, and a wood of at least
20ha within 4km of their home. The Council will seek to improve access in line with
these standards over the life time of the Local Plan.
Policy DM18: Protection and Enhancement of the Natural Environment

1. The natural environment of the Borough will be protected from loss or damage according to the hierarchy of designations of international, national, regional, county and local importance, and in line with the ‘Statements of Environmental Opportunity’ set out in the National Character Area Profile for the Lancashire Valleys.

2. Development proposals likely to have an adverse effect on:
   a) the special features of a SSSI will not be permitted, unless there is no satisfactory alternative location and the benefits of the development clearly outweigh the impacts on the site and any broader impacts on the national network of SSSI’s. Consultation with Natural England will inform this view;
   b) a UK priority habitat or a Biological Heritage Site will not normally be permitted unless there is no satisfactory alternative location, areas of highest ecological value are retained, mitigation measures are implemented to reduce the harm to the site, and enhancement is provided to achieve a very significant net gain in biodiversity value;
   c) a Local Wildlife Site with biodiversity value of local importance will only be permitted if mitigation and enhancement measures can be provided to achieve a significant net gain in biodiversity.

3. In all areas listed above, appropriate ecological surveys and impact assessments (carried out by suitably competent persons and in accordance with Natural England and CIEEM guidance) will be required prior to planning applications for such proposals being determined.

4. Development that would fragment or prejudice the ecological network, including sites providing opportunities for enhancement, will not be supported, unless the benefit of the development clearly outweighs the harm to the network and an alternative connection can be provided.

5. Development in proximity to the ecological network will be expected to contribute towards the on-going management, enhancement and protection of the network through the provision of complimentary landscaping, habitat enhancement, and appropriate long-term site management.

6. When the benefits of the development outweigh harm to protected habitats or species (see Policy DM19: Protected Species), provision should be made for appropriate mitigation measures, reinstatement of features and/or compensatory work that will enhance or recreate habitats or relocate species on or off the site and which would ensure that the development would not adversely impact on the long term protection of the habitat or species.

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61 For the purposes of Policy DM18, the ‘ecological network’ for Hyndburn includes site typologies listed, and the Lancashire Ecological Network boundaries as defined by the Lancashire Environment Record Network (LERN).
62 This will be secured by condition or through a S106 agreement involving works on or off the site as necessary, in line with Policy GC2: Planning Obligations & CIL.
Mitigation measures that provide for the enhancement or management of habitat, or the development of appropriate habitat, must be maintained by the developer for a period of not less than 25 years.

7. In order to secure habitat enhancement for building-dependent species of conservation concern, all major developments should include bat/bird boxes/features on appropriate buildings/elevations.

Policy DM18: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | Env2: Natural Environment Enhancement |
| NPPF paragraph links | 109-119 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• National Character Area (NCA) Profile: 35 Lancashire Valleys;  
• Guidelines for Ecological Impact Assessment in the UK, Council of the Institute of Ecology and Environmental Management (CIEEM), 2006 |

6.10. Designation of locations of highest biodiversity and geological value in the Borough are ratified through the Lancashire Biodiversity partnership. There is currently one site of national importance in Hyndburn, recognised for its geological interest, the former quarry SSSI at Star Delph and Close Brow Quarry. Across the Borough there is also a rich collection of regionally important sites of ecological value known as Biological Heritage Sites (BHSs), together with many Local Wildlife Sites.

6.11. The value of these sites can be increased by ensuring that they form a permanent part of the Borough’s GI network, and that they are connected with other corridors and networks. This will help to address issues surrounding habitat fragmentation and species isolation. Policy DM18 seeks to ensure that the GI network is strengthened over the period of the Local Plan.

6.12. UK priority habitats occurring in Hyndburn include ponds, rivers, lowland meadows, purple moor grass and rush pasture, upland heath, open mosaic on previously developed land, and various types of wetland and woodland.

6.13. The ‘Statements of Environmental Opportunity’ set out by Natural England include

63 Or a contracted 3rd party  
64 As defined by Defra  
65 Proposals continue for consideration of the West Pennine Moors to be designated as a SSSI.  
66 As published in the National Character Area (NCA) Profile: 35 Lancashire Valleys (NE452), 2013
• SEO 1 - Conserve and manage the Lancashire Valleys' industrial heritage to safeguard the strong cultural identity and heritage of the textile industry with its distinctive sense of place and history.

• SEO 2 - Increase the resilience and significance of woodland and trees, and manage and expand existing tree cover to provide a range of benefits, including helping to assimilate new infrastructure; reconnecting fragmented habitats and landscape features; storing carbon; and providing fuel, wood products, shelter and recreational opportunities.

• SEO 3 - Manage and support the agricultural landscape through conserving, enhancing, linking and expanding the habitat network, and manage and plan for the associated potential impact of urban fringe development, intensive agriculture and climate change mitigation.

• SEO 4 - Conserve and manage the distinction between small rural settlements and the densely urban areas and ensure that new development is sensitively designed to contribute to settlement character, reduce the impact of the urban fringe and provide well-designed green infrastructure to enhance recreation, biodiversity and water flow regulation.

6.14. For the purposes of the application of Policy DM18, the ecological network for Hyndburn includes both designated sites, as listed in the policy, and areas that have been identified as being important for safeguarding ecosystem processes and species populations. These are areas that are not within the core sites, but are critical for the establishment of a functioning ecological network. The Lancashire Environment Record Network (LERN) has identified woodland and grassland networks that are highlighted on the accompanying DM DPD Policy Maps.

6.15. The Site Allocations DPD will formally identify the GI network for Hyndburn. The ecological network referred to in this policy will form a part of this, alongside other areas of green and blue infrastructure across the Borough (such as areas of open space and river networks).
Policy DM19: Protected Species

1. With regards to development proposals that may affect protected species, developers will be expected to abide by the following mitigation hierarchy:67:
   a. Information – providing appropriately detailed surveys (in accordance with Policy DM18: Protection and Enhancement of the Natural Environment). Where there is a reasonable likelihood of protected species being present, relevant ecological surveys and impact assessments (carried out by suitably competent persons in accordance with Natural England and CIEEM guidance) will be required in advance of a planning application being determined;
   b. Avoidance – avoiding any impact on protected species if possible;
   c. Mitigation – where it is not possible to avoid all harm, prepare and follow a detailed Mitigation Strategy in order to minimise the impact on protected species; and
   d. Compensation – where harm will be lasting, rather than just temporary, compensation is necessary by providing equivalent features elsewhere on site (this is in addition to any environmental enhancements required by local policy).

2. Development that would have an adverse impact on protected species or their habitat will not be supported unless:
   a. it can be demonstrated that there is no satisfactory alternative and the Local Planning Authority is satisfied that there is an overriding public interest meeting the Natural England licence requirements; and
   b. it can be demonstrated that the proposed development would not have an unacceptable impact on the protected species by reason of appropriate mitigation measures that would form part of the development. Mitigation measures that provide for the enhancement and management of habitat, or the development of appropriate habitat, must be maintained by the developer68 for a period of at least 25 years and should be considered to be permanent site features beyond this initial management period, and;
   c. developments incorporate enhancements and features beneficial to wildlife as part of the overall design, including opportunities to reconnect fragmented habitats to enable species movement, and the provision of significant numbers of bat and bird boxes/features on suitable elevations.

Policy DM19: Policy context and relationships

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

67 And in line with paragraph 118 of the NPPF
68 Or a contracted 3rd party
6.16. In Hyndburn the protected species most likely to be affected by development proposals include breeding birds, bats, badgers, otters, water voles and possibly Great Crested Newts. In addition to planning permission requirements, there may also be a need for separate licencing in the event of species being encountered. Developers should refer to detailed guidance available from Natural England.

6.17. Enhancements should be proportionate to the scale of the development proposed and could range from simple measures such as the installation of nest boxes or bat bricks in a small scale development through to the creation of areas of semi-natural habitat and incorporation of ecological corridors for larger scale applications to contribute to the wider ecological network of the Borough.

6.18. Breaching protected species legislation is a criminal offence and can result in fines or imprisonment. When considering planning proposals on sites where protected species or habitats are present, the planning authority is required to take into account the impact of the development on protected species or habitats. If protected species are present the planning application will need to show how protected species and their habitat would be protected during and after the development. Without this information the planning application will not be validated.

6.19. Some species can only be surveyed at certain times of the year, for example Great Crested Newts. It is therefore necessary for applicants and their agents to plan the submission of the application and associated ecological surveys well in advance. This may save time and money later on. All bats are protected, and where proposed developments involve the loss of trees or the demolition of buildings planning applications should be accompanied by an up to date bat survey undertaken by a qualified ecologist.

6.20. The Badger is protected by specific legislation and if badgers are suspected to be present on a site it will be necessary for the planning application to be accompanied by an up to date badger survey that would need to be undertaken by a suitably qualified ecologist. Great Crested Newts and Water Voles are also protected under the Wildlife and Countryside Act. On sites where there are water bodies, drains, culverts or water courses, it will be necessary for planning applications to be accompanied by an up to date newt / vole survey that would be undertaken by a suitably qualified ecologist.

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

Policy DM20: Flood Risk Management and Water Resources

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

2. All major development proposals will be expected to set out how the development will deal with surface water drainage and contribute towards the improvement of drainage infrastructure off-site if necessary. Major development proposals should seek to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage techniques.

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

4. Development must also reduce the usage of water and incorporate high standards of water efficiency and also conserve the quality of water through minimising the risk of pollution from all sources.

Policy DM20: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | Env4: Sustainable Development & Climate Change |
| NPPF paragraph links | 93 - 108 |
| Key documents of relevance / guidance | • Planning Practice Guidance; |
| | • Written Ministerial Statement (HCWS161), 2014; |
| | • Non-statutory technical standards for sustainable drainage |

69 10 or more dwellings or 1000sqm other developments
6.23. Lancashire County Council (LCC) undertakes the role of the Lead Local Flood Authority (LLFA) this includes assessing the risk of flooding across its boundaries, as well as working with organisations responsible for water management in the area. The Council will consult LCC in accordance with its published note ‘When to consult the Lead Local Flood Authority’.

6.24. Flooding from rivers is a natural process that plays an important role in shaping the natural environment; however, flooding threatens life and can cause substantial damage to property and the urban environment. The effects of weather events can be increased in severity both as a consequence of previous decisions about the location, design and nature of settlement and land use, and as a potential consequence of future climate change.

6.25. Although flooding cannot be wholly prevented, its impacts can be avoided and reduced through good planning and management. Climate change over the next few decades is likely to mean milder wetter winters and hotter drier summers in the UK. These factors are predicted to lead to increased and new risks of flooding over the period of the Local Plan.

6.26. With regard to flood risk, one of the aims of sustainable development must be to ensure that new development avoids, reduces and manages flood risk by taking into account present and future flood risk, and the wider implications for flood risk of development located outside flood risk areas. This policy therefore helps avoid inappropriate development taking place in areas at risk of flooding, and to direct development away from areas at highest risk.

6.27. Hyndburn is crossed by the River Calder and the River Hyndburn, Tinker Brook and Norden Brook all of which flow into the Calder. For that reason, the Borough falls within the area of the Ribble Catchment Flood Management Plan (CFMP). The NPPF and the accompanying NPPG set out a clear framework that seeks to direct development away from areas at risk of flooding.

6.28. The Environment Agency (EA) identifies areas at risk from flooding through the use of three flood risk zones, areas within Zone 3 being at the highest level of risk.

- Zone 1 – land having less than a 1 in 1,000 annual probability of river flooding in any year.
- Zone 2 – having between a 1 in 100 and 1 in 1,000 annual probability of river flooding. A precautionary approach should be taken to development within Zone 2. Planning applications for new development should be accompanied by a flood risk assessment.
• Zone 3 – land having a 1 in 100 or greater annual probability of river flooding. Areas within Zone 3 are therefore at the highest level of risk and are subdivided into Zone 3a (High Probability) and Zone 3b (The Functional Floodplain). A detailed flood risk assessment would need to be submitted alongside the planning application for developments proposed in Zone 3. This should assess the current risk of flooding and compare it to the future risk of flooding. The design of buildings within this zone should implement measures aimed at minimizing the impact of flooding.

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

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

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

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

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

6.33. The SUDS hierarchy to be applied in line with NPPG should be:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system; or
- to a combined sewer.
6.34. This hierarchy will include a variety of the following options:
   - continue and/or mimic the site’s current natural discharge process;
   - store for later use;
   - discharge into infiltration systems located in porous sub soils;
   - attenuate flows into green engineering solutions such as ponds, swales or other open water features for gradual release to a watercourse and/or porous sub soils;
   - attenuate by storing in tanks or sealed systems for gradual release to a watercourse;
   - direct discharge to a watercourse;
   - direct discharge to a surface water sewer;
   - controlled discharge into the combined sewerage network, only if it can be demonstrated that there are no other viable options.

6.35. All applicants should ensure that they use up-to-date modelling to calculate flood risks/mitigation schemes and ensure that their drainage schemes comply with the advice in BREEAM Pol 03.

6.36. The Council will work closely with the LLFA and United Utilities on the management of surface water to ensure that proposals are appropriate and will use planning conditions or planning obligations to ensure that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
Policy DM2: Protection of Open Spaces

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

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

Policy DM21: Policy context and relationships

| Local Plan (1996) policies to be replaced | L.2: Development of Playing Fields |
| Core Strategy (2012) policy links | HC2: Leisure, Health and Culture |
| | Env1: Green Infrastructure |
| NPPF paragraph links | 73-78 |
| Key documents of relevance / guidance | Planning Practice Guidance |
| | Lancashire Green Infrastructure Strategy, 2009 |
| | Planning Tools and Guidance, Sport England |

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

70 Relevant local space standards and the GI network will be identified in the Site Allocations DPD
6.38. In accordance with national policy (NPPF), all open spaces of public value which offer important opportunities for sport and recreation should be protected. This includes, but not limited to parks and gardens, amenity greenspace, natural/semi-natural greenspace, allotments, cemeteries, children’s play spaces, outdoor sports facilities and civic spaces. There are also various other legislative requirements such as The School Standards and Framework Act 1998 relating to the protection of playing fields.

6.39. The policy seeks to protect the most important open spaces but also recognises that there will be instances where open space may be surplus to requirements and put to better use. The policy also seeks to support small scale development that is ancillary to the open space function (e.g. toilets, storage or changing facilities) and that would contribute towards more effective use of that space.

6.40. The Council as part of regeneration efforts has acquired and cleared a number of sites across the Borough. Many of these have been temporarily landscaped as an interim use but with the clear intention that they will be subject to future development. This policy seeks to support the development of open space in such circumstances.

6.41. In line with the NPPF, the policy allows for the loss of open space where it would be replaced by alternative sports and recreation provision where the new provision outweighs the loss of the old. The policy also reflects national policy in supporting appropriate replacement facilities to be made available where justified.

6.42. Open Spaces form a part of the wider GI network in the Borough alongside ecological resources. The full network of green infrastructure in Hyndburn will be set out in the Site Allocations DPD, alongside an assessment of local open space provision and any appropriate standards that the Council wishes to employ.

6.43. In the absence of local standards, the Council will employ Natural England’s Accessible Natural Greenspace Standard (ANGSt) to assess provision and accessibility to open space in the Borough and any relevant Fields in Trust guidelines, as set out in Policy DM11: Open Space Provision in New Residential Development.

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71 Local Green Space, see para’s 76 – 78 of the NPPF
Policy DM22: Heritage Assets

1. Conservation Areas – development proposals within Conservation Areas will be expected to have regard to Conservation Area Appraisals and Management Plans where they exist. In order to preserve or enhance the significance, character or appearance of the conservation areas, and their settings, the Council will:
   a. refuse permission for any development in those areas which does not preserve or enhance the character or appearance of the area. The Council will expect that development will add to the local character and distinctiveness of the area;
   b. consider the cumulative impact of incremental small-scale changes that may have as great an effect on the significance of a heritage asset as a larger scale development;
   c. refuse permission for the demolition of any building in a conservation area where it is clear that this would have an adverse effect on the character or appearance of the area. In cases where demolition may be justified in accordance with national policy, consent to demolish will be given only when acceptable plans for redevelopment or re-use have been agreed, and proposals are in line with Policy DM23: Demolition of Buildings in Conservation Areas.

2. Listed Buildings – the Council will:
   a. not grant listed building consent for the demolition of any building which is on the statutory list of buildings other than in the most exceptional circumstances;
   b. not permit uses, alterations or extensions that would be detrimental to the significance of the assets including fabric, appearance, historic interest or setting of these buildings. The Council will encourage proposals which seek their re-use, appropriate maintenance, repair and enhancement;
   c. require a relevant historic environmental record\(^{72}\) be made and deposited where development is permitted.

3. Locally Listed Buildings – the Council will seek to retain buildings included on its local list of buildings of architectural/historic interest and encourage their sympathetic maintenance and enhancement. Alterations to extensions to locally listed buildings will be expected to achieve a high standard of design.

4. Scheduled Monuments – development that adversely affects the Scheduled Ancient Monument at Aspen Colliery, Oswaldtwistle will not be permitted.

5. Archaeology – the Council will ensure the preservation, protection and where possible the enhancement of the archaeological heritage of the Borough. Where proposals affect heritage assets of archaeological interest, preference will be given to preservation in situ. Where loss of the asset is justified in accordance with national policy, the remains should be appropriately recorded,

\(^{72}\) In line with paragraph 141 of the NPPF
6. Non-designated heritage assets – where development is proposed that may affect a non-designated heritage asset, the Council will have regard to the scale of any harm and the significance of the heritage asset when reaching a decision. Non-designated heritage assets that are demonstrably of equivalent significance to designated assets will be treated as if they are. Where development is permitted the Council may require that a formal record be made and deposited.

7. The Council recognises the significance of ‘setting’ to a heritage asset and will look favourably on development proposals that contribute positively. The Council will not support proposals that fail to preserve or enhance setting, alongside the heritage asset itself (in accordance with the requirements set out above).

Policy DM22: Policy context and relationships

| Local Plan (1996) policies to be replaced | E6: Listed Buildings  
E8: Development in Conservation Areas  
E9: Scheduled Ancient Monuments |
| Core Strategy (2012) policy links | Env6: High Quality Design |
| NPPF paragraph links | 126-141 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• Hyndburn Conservation Area Appraisals and Management Plans, HBC;  
• Managing Significance in Decision-Taking, Historic England, 2015;  
• The Setting of Heritage Assets, Historic England, 2015f |

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

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

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

<table>
<thead>
<tr>
<th>Town</th>
<th>CA Name</th>
<th>CA Status</th>
</tr>
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<tbody>
<tr>
<td>Accrington</td>
<td>Accrington Town Centre</td>
<td>Appraisal &amp; Management Plan</td>
</tr>
<tr>
<td>Accrington</td>
<td>Christ Church</td>
<td>Designation only</td>
</tr>
<tr>
<td>Altham</td>
<td>St. James</td>
<td>Draft Appraisal &amp; Management Plan</td>
</tr>
<tr>
<td>Church</td>
<td>Church Canalside</td>
<td>Appraisal &amp; Management Plan</td>
</tr>
<tr>
<td>Clayton-le-Moors</td>
<td>Mercer Park</td>
<td>Designation only</td>
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<tr>
<td>Great Harwood</td>
<td>Great Harwood Town Centre</td>
<td>Appraisal &amp; Management Plan</td>
</tr>
<tr>
<td>Oswaldtwistle</td>
<td>Ryddings</td>
<td>Appraisal &amp; Management Plan</td>
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<td>Oswaldtwistle</td>
<td>Stanhill</td>
<td>Designation only</td>
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<tr>
<td>Oswaldtwistle</td>
<td>The Straits</td>
<td>Appraisal &amp; Management Plan</td>
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<tr>
<td>Tottleworth</td>
<td>Tottleworth</td>
<td>Appraisal &amp; Management Plan</td>
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<td></td>
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<td>Conservation Area extended in 2014</td>
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6.47. The Council publishes full details on its Listed Buildings within the Borough online. In November 2015 the list details a total of 109 listed buildings comprising one Grade I listing (Martholme, Martholme Lane, Great Harwood), 9 Grade II* listings and 99 Grade II listings. The Council also undertakes local listing, applicants should contact Planning to get the most up to date picture on whether a building is listed or not.

6.48. Hyndburn has just one Scheduled Ancient Monument, the Coke Ovens and Canal Basin at Aspen Colliery, Oswaldtwistle. Under the terms of the Ancient Monument and Archaeological Areas Act 1979 no action to demolish, remove, repair, alter or add to this may be undertaken without 3 months’ notice. Scheduled Monument Consent will also be required.

6.49. There are many other known sites of archaeological interest present around the Borough. Lancashire County Council updates and maintains the Historic Environment Record which should be considered the definitive record for archaeological sites.
Policy DM23: Demolition of Buildings in Conservation Areas

1. Conservation area consent will not be granted for the demolition of a building in a conservation area which makes a positive contribution to the character or appearance of the area unless it can be clearly demonstrated that:-

   a. there is no realistic prospect of the building continuing in its existing use or that a suitable alternative use cannot reasonably be found; or
   b. the building is in poor structural condition and the cost of repairing and maintaining it would be disproportionate in relation to its importance and to the value derived from its continued use; and
   c. the demolition is part of a redevelopment proposal which would, in its own right, serve to preserve or enhance the character or appearance of the conservation area.

2. In exceptional circumstances, the fact that a development would bring substantial benefits to the local community may be weighed in the balance against arguments in favour of the preservation of the building.

3. Any proposal for demolition must be accompanied by firm proposals for redevelopment or other acceptable end-use of the site. Any permitted demolition will not be allowed to proceed until the Council is satisfied that the proposals will be implemented.

4. Applicants should consider any potential impacts on protected species in line with Policy DM19: Protected Species, prior to submitting an application for demolition.

Policy DM23: Policy context and relationships

<table>
<thead>
<tr>
<th>Local Plan (1996) policies to be replaced</th>
<th>E.8: Development in Conservation Areas</th>
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</thead>
<tbody>
<tr>
<td>Core Strategy (2012) policy links</td>
<td>Env6: High Quality Design</td>
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<tr>
<td>NPPF paragraph links</td>
<td>126-141</td>
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<tr>
<td>Key documents of relevance / guidance</td>
<td>• Planning Practice Guidance</td>
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<td></td>
<td>• Conservation principles, policies and guidance, Historic England (2008);</td>
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6.50. Within Conservation Areas there will normally be a presumption against the total or substantial demolition of non-listed buildings that make a positive contribution to the character or appearance of the area.
6.51. In exceptional cases where it can be reasonably demonstrated that the building is as a whole incapable of accommodating an appropriate and viable, beneficial use, or that it is beyond viable repair, the merits of the proposed redevelopment of the site may be a material consideration when an application for demolition is considered. The applicant will be required to submit detailed proposals for the redevelopment of the site after demolition. Where appropriate a condition will be imposed that prevents the demolition of the building in question until a contract has been let for the approved redevelopment of the site.

6.52. The demolition of an historic building cannot be justified simply because it is economically more attractive to redevelop than to repair and re-use, or because a developer has acquired a building at a price that reflects the potential for redevelopment. In situations where owners may have allowed their buildings to deteriorate structurally over a period of time, less weight may be attached to the condition of the building when assessing a case for its demolition.

6.53. The demolition of buildings within conservation areas can have a damaging effect by removing structures that contribute to their character or leaving unsightly gaps in the built-up environment. As with listed buildings, where buildings in conservation areas contribute positively to the street scene, there will be a presumption in favour of retention. However, where this is not the case, the criteria in Policy DM23 will ensure that demolition is supported only when detailed plans for the site’s redevelopment have been approved, to ensure that the scheme will conserve and enhance the character of the area.
Policy DM24: Contaminated or Unstable Land & Storage of Hazardous Substances

1. Where development is proposed on previously developed land, land known to be contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to render harmless the contamination identified. Prior to the commencement of development (or in accordance with an alternative programme agreed), the remediation works shall be carried out and a validation report submitted to evidence that the works have been successful or explain what further works are needed to make the contamination harmless.

2. Development proposals in areas where there is evidence of underground mineral working or land instability will be expected to be accompanied by appropriate geo-technical reports that demonstrate that the proposed development is adequately supported and will not have an adverse impact on the integrity of old mine workings.

3. Development will not be supported which involves the storage or use of hazardous substances that would result in restrictions on development being imposed by the Health and Safety Executive on land outside the application site.

4. Development in close proximity to hazardous (notifiable) installations will not be supported where it would cause a significant hazard to the health of residents or occupiers and the environment.

Policy DM24: Policy context and relationships

| Local Plan (1996) policies to be replaced | I5: Development in Vicinity of Hazardous Installations |
| Core Strategy (2012) policy links | - |
| NPPF paragraph links | 109, 120, 121 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• Model procedures for the management of land contamination (CLR11);  
• Risk based approach to development management: guidance for developers;  
• HSE’s land use planning methodology (PADHI) |

6.54. Hyndburn was at the forefront of the industrial revolution and to this day remains one of the north Lancashire’s main manufacturing centres. Past industrial activity has left

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73 within the Health and Safety Executive’s (HSE) Consultation Zones as shown on the DM DPD Policy Maps
a legacy of land contamination that needs to be managed in a way that does not harm the health of local residents or the environment. Successful remediation is essential not just to allow new development but is also fundamental to the image of the Borough.

6.55. For the purposes of this policy contaminated land is land that has been polluted with harmful substances to the point where it now poses an unacceptable risk to health and the environment. The Council maintains a Contaminated Land Register and any site included in the register, or any site that is potentially contaminated will be required to carry out a site investigation and agree a scheme of mitigation with the Council in order to ensure that contaminated land issues are properly considered and addressed prior to development commencing.

6.56. There is only one listed hazardous installation in the Borough, at Blythes Chemicals located in Church. The Health and Safety Executive’s (HSE) Consultation Zones around the site are shown on the DM DPD Policy Maps. Hazardous substances are also controlled by the need for a separate Hazardous Substances Consent. Through applying this policy, it will be necessary to demonstrate that any developments that involve hazardous substances would not cause a significant hazard to the health and wellbeing of local residents or to the local environment.

6.57. The stability of land, insofar as it affects potential land uses, is a material consideration that should be taken into consideration when determining planning applications. Much of Hyndburn lies on coal-bearing geology and this has been mined in many locations across the Borough. This is evidenced not only by former colliery sites, for example Huncoat Colliery, but also by the presence of numerous mineshafts and entrances. Whilst the shaft entrances tend to be visible and known about, the underground network of shafts and tunnels is less visible and may only be a few feet from the surface. As well as the health and safety risks associated with the collapse of former workings, new development could also disturb mine gases and present a risk of explosion.

6.58. Proposals for development should refer to all relevant guidance covering land contamination, unstable land, and hazardous substances and installations. These include guidance such as:

6.59. The Council will also apply the Health and Safety Executive’s (HSE) PADHI methodology in the event of a proposal being located near to a hazardous installation. In combination with advice provided by the HSE, consideration will also be given to site-specific circumstances and any proposed mitigation measures. If the HSE advise against development, planning permission will only be granted in circumstances where it can be demonstrated that the benefits that would be brought
by the proposed development would significantly outweigh the potential risks to health and the local environment.

Policy DM25: Pollution Control

1. Potentially polluting industrial and waste development will not be permitted:
   a. where they are within, or in close proximity to, existing or proposed residential, educational, institutional, recreational or major retail developments;
   b. where they would have an unacceptable adverse impact on the viability of existing neighbouring businesses; or
   c. where the emissions from the development would have an unacceptable adverse impact on existing or proposed development.

2. Where proposals satisfy criteria above, the Council will consider whether any potential impacts on the natural environment (including water quality and wildlife habitats) are acceptable in line with Policy DM18: Protection and Enhancement of the Natural Environment.

Policy DM25: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | Env7: Environmental Amenity |
| NPPF paragraph links | 109-110, 120 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• Pollution prevention guidance (PPG);  
• Defra guidance on Local Authority Pollution Control (LAPC) regime |

6.60. The NPPF states that plans should seek to minimise pollution and other adverse effects on the local and natural environment⁷⁴, and one of the primary aims of the planning system is to separate incompatible land uses. This policy is intended to protect the environment and population of Hyndburn from the potentially harmful effects of development.

6.61. Industrialised economies, particularly in economies in areas like Pennine Lancashire where there is still a significant manufacturing base, sometimes require land for uses that involve industrial processes that give rise to some form of emission or waste, or involve the processing of hazardous materials. Where developments do give rise to emissions to the environment (be it air, water or ground) the potential presence of a

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⁷⁴ Paragraph 110
regulatory system to monitor and enforce these processes is also a material consideration that should be taken into consideration.

6.62. The development of hazardous installations, such as Blythes Chemicals in Church, Accrington, can severely blight an area and prevent its regeneration. It is therefore important to ensure that such developments are directed towards appropriate locations and will not give rise to potential health and safety impacts in the future.

Developments that involve industrial processes that would result in emissions to atmosphere via a chimney/stack would need to submit supporting information that demonstrates how the emissions will be dispersed, their composition and concentration. Development that results in emissions being dispersed across residential or other sensitive land uses should not be supported.
Section 7

Environment
(Design and Quality)

This chapter includes the following policies:

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

7.1. It would be hard to over-estimate the role that planning and design play in the creation of a valued urban and rural environment. Our lives are strongly influenced by the quality of our surroundings and planning strongly influences those surroundings: it affects where we live, where we work, and the places that we visit to do our shopping, sport or recreation.

7.2. At the heart of the planning process is the need to promote sustainable development, that is development that meets social needs, supports stable levels of economic growth and at the same time protects the environment making prudent use of natural resources.

7.3. We do not want to live with a legacy of poor quality development. If poor quality development is permitted it will be with us for generations and will only contribute to the development of a poor quality environment that will continue a spiral of decline. For that reason the Council sets out its policies here on the specific design considerations, and quality issues, that it expects to see in planning applications relating to new development.
Policy DM26: Design Quality and Materials

1. New development will be expected to contribute towards Hyndburn being a successful, sustainable place by demonstrating consideration of the following characteristics in the overall scheme design:
   a. Character – how the proposed development will help develop a sense of place and history and will respond to, and reinforce, locally distinctive patterns of development, and landscape character (including heritage assets in line with Policy DM22);
   b. Continuity and enclosure – how the proposed development will create clarity of form and help develop a place where public and private space are clearly distinguished;
   c. Quality of the public realm – how the proposed development will create a sense of well-being and amenity and help develop a place with public spaces and routes that are lively and pleasant to use, including provision of public art where opportunities exist;
   d. Ease of movement – how the proposed development will provide connectivity and permeability and help develop a place that is easy to get to, and move through;
   e. Legibility – how the proposed development will provide legibility by creating a place that has a clear image and is easy to understand;
   f. Adaptability – how the proposed development will contribute towards the creation of a place that may change easily if required (including adaptable homes in line with Policy DM16: Housing Standards); and
   g. Diversity – how the proposed development will provide ease of choice, and help create a place with variety and mixed uses (residential schemes in line with policy DM10: New Residential Development).

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

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75 paragraph 56 of the NPPF makes clear that good design is ‘a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’.
source, and lighting and signage treatment (see Development Management Guidance Note 3 for further details);

h. Streetscape and landscape – the design of route and spaces, their microclimate, ecology and biodiversity, and how they connect and enhance the local green infrastructure network; and

i. The use of sustainable construction principles and design.

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

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

Policy DM26: Policy context and relationships

| Local Plan (1996) policies to be replaced | E.10: Criteria for determining proposals  
E.15: Public Art |
| Core Strategy (2012) policy links | Env6: High Quality Design |
| NPPF paragraph links | 56-68 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• Building for Life 12, Building for Life Partnership, 2015;  
• Good Practice Guidance: Sustainable Design and Construction, Cross Sector Group on SD&C, 2012;  
• Improving the design of new housing, CABE, 2010;  
• The value of good design, CABE, 2002;  
• Urban Design Compendium, English Partnerships, 2001;  
• Development Management Guidance Note 3 |

7.4. Development changes the places where we live. As well as aiming to get the right land uses in the right location, it is important to recognise that to develop successful places it is important to get the physical form of development right. Urban design plays an important role in shaping our environment and is relevant at all scales, from the large-scale town centre development to a household extension. The overall

76 The assessment of significance will relate to the individual site and its context, and should be discussed with the Council at the pre-application stage. The requirement will only apply to major developments (10 or more dwellings, or 1,000sqm floorspace of non-residential). As a guide however in many contexts, such as the more urban areas of Accrington, only the larger majors of 50+ dwellings will be considered ‘significant’.
effect of many small developments, such as household extensions, can change a place dramatically, for better or worse, over a relatively short period.

7.5. There is a need for high quality design in Hyndburn. A valued urban environment will not be achieved through the development of mediocre or poorly designed development. New build development will become part of our environment for many generations and it is important that people like the place where they live and feel a sense of pride with it.

7.6. Good urban design is a powerful tool for achieving a higher quality of life, greater economic viability and a more efficient use of resources. It is key to making places where people want to live, and which will nurture economic success. New development should assist in creating a genuine sense of place and community and either reinforce or complement any positive and distinctive attributes of the local context, including existing architectural styles and building traditions and other important elements of local townscape or landscape character.

7.7. The criteria set out in Policy Env6 of the Core Strategy are based on the qualities that successful streets, spaces, towns and villages have in common. Policy DM26 should be seen as complementary to the Core Strategy strategic policy on design. Applicants should address all design related aspects of their scheme in the accompanying Design and Access Statement, to be submitted with relevant planning applications.

7.8. A design statement will generally be required to accompany all major (1000 sq. m floorspace, 10 or more dwellings or 1 hectare or more site area) planning applications (including outline applications) apart from householder applications, those for minor proposals (e.g. extensions and/or external alterations) affecting unlisted buildings outside conservation areas, and changes of use which do not affect the character or appearance of an existing building.

7.9. Design statements should include at least: a survey and analysis of the site’s characteristics and context; a short written statement that sets out the design approach and the way it addresses the Council’s policy; and appropriate plans and elevations which illustrate the development site in its wider surroundings, beyond the adjacent buildings. Relevant perspective and axonometric views and photographs may also be a useful inclusion. Such material will be particularly important in relation to complex or large-scale proposals, and those involving sensitive sites.

7.10. For straightforward or smaller scale proposals, this level of detail is unlikely to be necessary. Instead, illustrative material might simply comprise photographs of the development site and its surroundings and, where appropriate, plans of the proposed scheme in relation to neighbouring development and uses. In the case of the larger scale and/or more complex schemes, pre-application discussions are recommended in order to avoid unnecessary delays at a later stage. Design and access statements

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77 This has been demonstrated by some of the Conservation Area Appraisals that have been undertaken in Hyndburn. Concern about the cumulative impact of household extensions on the character of an area has been raised.
should be part of such discussions alongside design review where appropriate (further details provided below).

7.11. For larger or particularly sensitive sites, for example those within conservation areas, the Council may require the preparation of a planning and design brief or else a concept statement that sets out the planning framework for the site, including matters relating to design.

7.12. High standards of design are particularly essential to new housing developments. It is now generally agreed that in the past too much reliance has been placed on standard house types. Together with a lack of flexibility in space about building and highway standards, this has resulted in residential developments that lack character and “liveability” and are dominated by road design and the need for convenient car access.

7.13. As part of its commitment to making new housing developments across the Borough more distinctive and “liveable”, the Council is prepared to take a more flexible approach to highway design standards and space around the buildings as long as a proposal clearly demonstrates a sensitive, well conceived design approach that meets policy criteria above in relation to appearance and functionality.

7.14. The physical form and qualities of a place shape - and are shaped by - the way it is used, and the way people and vehicles move through it. New development should help to create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport, e.g. in line with the principles set out in the ‘Manual for Streets’ and ‘Manual for Street 2’ (see Policy DM32: Traffic and Highway Safety for further details). People should come before traffic.

7.15. Places that are designed to be used safely and securely by all in the community, frequently for a wide range of purposes, and throughout the day and evening, work well. Local authorities in partnership with the police should promote designs and layouts that are safe (both in terms of road safety and personal security) and take account of crime prevention and community safety considerations. Housing developers will be expected to consider applying the design and traffic management principles associated with “home zones” to their schemes. These give priority to pedestrians over vehicles and reduce vehicle speeds in local streets.

7.16. The NPPF makes clear (in paragraph 62) that local planning authorities should have design review arrangements in place in order to ensure that proper assessment and support is provided to deliver the high standards of design expected. The benefits of such a process are greatest when undertaken early on in the process, to ensure that recommendations are fully able to inform the scheme’s evolution.

7.17. Hyndburn Council does not currently have any formal local design review arrangements in place. The Council does have an informal pre-app Member presentation process, however this does not have any specific urban design expertise input and is seen as a complementary process to design review. There is a regional design panel (Places Matter!) to which relevant schemes will be referred, or
applicants should approach directly\textsuperscript{78}. The NPPF also recommends that, when appropriate, certain major projects should be considered for a national design review (currently provided by Design Council Cabe). The applicant/developer will be expected to cover the cost of design review, and the panel report will be a material consideration in the determination of any planning application.

**Policy DM27: The Control of Advertisements**

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

**Policy DM27: Policy context and relationships**

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<thead>
<tr>
<th>Local Plan (1996) policies to be replaced</th>
<th>E.11: Advertisements</th>
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<tr>
<td>Core Strategy (2012) policy links</td>
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<tr>
<td>NPPF paragraph links</td>
<td>67-68</td>
</tr>
</tbody>
</table>
| Key documents of relevance / guidance   | • Planning Practice Guidance  
• Development Management Guidance Note 4 |

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

\textsuperscript{78} For further details see [www.placesmatter.co.uk](http://www.placesmatter.co.uk)
- Placards and boards
- Fascia signs and projecting signs
- Pole signs and canopy signs
- Models and devices
- Advance signs and directional signs
- Estate agents board

7.19. Advertising is closely associated with urban life and can be one of the most dominant elements of the environment. It can enhance the appearance and vitality of a street but can also cause considerable damage to visual amenity by cluttering the built environment and detracting from the quality of the area. Advertisements (defined under the Advertisement Regulations) include not only hoardings, but blinds and canopies with lettering, flags with logos, balloons etc.

7.20. In considering proposals for an advertising hoarding or other advertisement, including blinds and canopies where relevant, or in deciding whether to take action to remove an existing advertisement, the Council will have regard to the criteria set out in Development Management Guidance Note 4 (Advertisements).

7.21. Powers will be used to remove any advertisement or hoarding erected without permission and, where appropriate and practical, to challenge existing hoardings and advertisements that cause substantial injury to visual amenity and public safety, including for disabled people. Policy GC3: Planning Enforcement sets out the Council’s approach to enforcement action in relation to breaches of planning control.
Policy DM28: Shop Fronts and Security Shutters

1. The Council will expect proposals for new shop fronts, or alterations to existing shop fronts, to demonstrate a high quality of design. Proposals should complement the original design proportions, materials and detailing of the front of the shop, surrounding street scene, and the building that it forms part of.

2. The council will support the installation of new shop fronts provided:
   
   a. new shopfronts are designed to allow equal access for all users, incorporating a Best Practice approach to access and inclusion. The use of forecourts and pavements, where permitted, should not create an obstruction and should be designed so that the pavement is equally accessible for all users.
   
   b. within Primary Frontages and Secondary Frontages (see Policy DM4: Retail Frontages) premises provide and retain clear views into and out of shop window(s). Inset entrances on shopfronts should be glazed and well-lit, to contribute to the attractiveness, safety and vitality of Town Centres, and to avoid blank frontages to the street.
   
   c. blinds, canopies or shutters, where acceptable in principle, are appropriate to the character of the shop-front and its setting. External shutters will not normally be permitted in conservation areas. Solid or plain metal shutters will not normally be permitted.
   
   d. where appropriate, flood design measures are incorporated into new shop front design.
   
   e. signage and illumination to shop fronts must demonstrate a high quality of design, which is in keeping with the character and materials of the host building and surrounding streetscene, and does not compromise public safety. Flashing internal or external lighting will not be permitted.

3. The Council will resist the removal of shopfronts of architectural or historic interest. In Conservation Areas internally illuminated light boxes will not be permitted and rigid and gloss finish blinds will be unacceptable.

4. Proposals are required to take into account Development Management Guidance Note 5.

Policy DM28: Policy context and relationships

| Local Plan (1996) policies to be replaced | E8, E10 and E11. |
| Core Strategy (2012) policy links | Env6, Env7 and R2 |
| NPPF paragraph links | Paragraphs 56 - 68 |
7.22. Hyndburn has many important shopping areas and groups of shops which are often busy and well-known public places with their own distinctive character and history, where shopfronts of architectural or historic interest make an important contribution to the character and appearance of the Borough. However, the character and quality of many of Hyndburn's traditional shopping streets has been eroded by poor, careless and unsympathetic alterations to shopfronts. Widespread use of inappropriate materials and standardised shopfront designs has led to a loss of local distinctiveness and a negative impact on historically important buildings.

7.23. The design of new shopfronts and alterations to existing shopfronts is important to the appearance of the individual property, to the character and appearance of shopping areas, and provides visual connections between ground floor shops and the street. The council will expect well designed, accessible shopfronts that respect the character of the area and the architectural unity and integrity of the shop building of which they form part. The presence of poor quality shopfronts and shutters within the vicinity is no justification to approve more, and the Council has a key aim to enhance the streetscene of its shopping centres over the Local Plan period.

7.24. The design of a new shopfront within a modern building should reflect the design of the building of which it forms part, but should also consider the appearance of neighbouring shopfronts in terms of fascia lines, stall riser height, materials and other architectural features. The design of a shopfront where the traditional surround and shopfront remain complete should be repaired and conserved wherever possible. These repairs must preserve the character of the original shopfront and be of matching style, materials and construction, whilst delivering a contemporary standard of amenity that meets current access standards.

7.25. The council will ensure that alterations to shopfronts are well designed and contribute positively to the surrounding area. This will improve the streetscape and is beneficial for business. In Accrington the Townscape Heritage Initiative (THI) project is focusing on the area around the Town Hall and Market Hall, and will run from 2015-2019. Specific further guidance that should be taken into account by applicants will arise through this, and any future THI work in the Borough. The THI approach will seek to provide additional guidance based on sound historic research of specific properties that are fundamental to the restoration of shop fronts, particularly within Conservation Areas.

7.26. Poorly sited or badly designed shop signs, including projecting signs and illumination, can have a detrimental effect on the character and appearance of areas and may raise issues of public safety. It is important that roller shutters on premises are designed in a manner which strikes a balance between protecting property, ensuring that the vitality of an area is not undermined, and ensuring that the perception of crime is not increased.

7.27. Many pedestrians, particularly those with visual impairments, use the building line as a navigational aid. That line should wherever possible be retained as a continuous
and unimpeded route. Where tables and/or seating or shop displays are put out in the street environment, and where this is deemed acceptable by the council, the area should be clearly identified, enabling users to move around the intrusion safely and with confidence. An undue obstruction should not be caused.

7.28. The council will use the Shopfront Design Guide to assess proposals concerning shopfronts and shop signs. Sufficient details regarding shopfronts should therefore be provided at planning application stage to enable assessment of the proposal in the context of this policy, the Shopfront Design Guide and other relevant planning considerations.

**Policy DM29: Environmental Amenity**

1. Development will be required to protect, and where possible improve, the amenity of surrounding existing and future residents. The Council will require that new development:

   a. does not result in the loss of privacy or unacceptable increase in the sense of enclosure. On all new residential development the following external space standards should be achieved:

      i. single storey and two storey, at least 21 metres shall be maintained between facing windows of habitable rooms;

      ii. single storey and two storey, where windows of habitable rooms face a blank gable or a wall with only windows to non-habitable rooms, at least 12 metres shall be maintained, and;

      iii. for each additional storey above 2 storeys, or where land levels create an equivalent difference in the heights of the buildings, an additional set back of 3 metres shall be required.

   b. does not result in the unacceptable loss of outlook;

   c. benefits from adequate levels of daylight and sunlight; and

   d. does not create an unacceptable level of noise, vibration, artificial light, odour, fumes of dust pollution during construction and over the life of the development.

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

**Policy DM29: Policy context and relationships**

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7.29. This policy gives further detail to Policy ENV7 ‘Environmental Amenity’ of the Core Strategy. The first part of this policy requires new developments to be designed to ensure that there is sufficient privacy and that they do not result in an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. However, a distance of approximately 21 metres between windows of habitable rooms (including living rooms, dining rooms, kitchens and bedrooms) reduces inter-visibility to a degree acceptable to most people. This figure will be applied to all development proposals but the Council recognises that privacy is affected by amongst other things, the design and layout of development.

7.30. For the purposes of this policy, “outlook” is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. In applying part (b), the Council will expect careful consideration of the layout and massing of buildings in order to ensure they do not result in an increased sense of enclosure and loss of outlook (as distinct from the loss of a view). Single aspect dwellings should be avoided. If dwellings overlook bin stores screening and landscaping should be used to limit the impact.

7.31. In applying part c) of the policy, the Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight. The Council will expect the impact of all development to be assessed following the methodology set out in the most recent version of Building Research Establishment’s (BRE) “Site Layout Planning for Daylight and Sunlight: A guide to good practice”. Depending on the scale of the development, a Daylight and Sunlight Report may also be required to fully assess the impacts.

7.32. For the purposes of this policy light pollution is defined as the adverse effect of artificial lighting and includes glare, light spillage and sky glow. In applying part (d) of this policy the Council will seek to limit the impact of artificial lighting by ensuring well-designed artificial lighting. Badly designed lighting schemes can be damaging to the environment and result in visual nuisance to residents.

7.33. Odour and fumes from commercial development can have an adverse impact on the amenity of surrounding residents. In particular the siting of flues needs to consider the impact on amenity and design. Best practice guidance should be followed; the

7.34. Dust pollution can often be a particular problem during the construction phase of the development. The Council will use conditions to secure Construction Management Plans where necessary and dust pollution should be fully considered along measures to control the impact on highways (e.g. wheel washing).

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

7.36. New development of sensitive uses should consider the locations of any existing utility infrastructure in the locality that may impact on the development’s future amenity. Planning applications for sensitive development proposed near such works (e.g. water treatment works) should require advance consultation with the relevant body and must be supported by any relevant impact assessments.
Policy DM30: Wind Energy

1. Proposals for the development of wind turbines will be supported provided that:
   a. The development site is in an area identified as suitable for wind energy development;\(^79\);
   b. the development would not have an unacceptable adverse impact on the operation of radar systems required for commercial or military air traffic safety;\(^80\);
   c. the proposal would not have a significant adverse effect, either as a stand alone turbine or cumulatively, on landscape character and value;
   d. hydrological and drainage impacts have been fully assessed and appropriate mitigation measures included to reduce and mitigate impacts, including those on deep peat areas;
   e. impacts on public rights of way and bridleways are addressed;
   f. the development would not have an adverse impact on television and broadband reception;
   g. they would not have a significant adverse visual, noise or ‘shadow flicker’ impact on local residents and sensitive users; and
   h. all other relevant planning impacts identified by local communities and Development Management Guidance Note 6 have been fully addressed.

2. At such time when a development becomes redundant or reaches the end of their consented period, any turbines and associated facilities (including underground concrete foundations, underground cables, above ground structures including fences and access tracks) should be decommissioned and the site restored.

Policy DM30: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | Env5: Renewable Energy |
| NPPF paragraph links | 93-99 |
| Key documents of relevance / guidance | • Planning Practice Guidance
• Development Management Guidance Note 6;
• Written Ministerial Statement (HCWS42), 2015;
• Landscape Guidance for Wind Turbines up to 60m, Julie Martin, 2013;
• The Assessment and Rating of Noise from Wind Farms (ETSU-R-97), The Working Group on Noise from Wind |

\(^{79}\) the Council will identify areas suitable for wind energy development through the Site Allocations DPD
\(^{80}\) Applicants are expected to consult with the Ministry of Defence, BAE Systems and NATS as appropriate
7.37. The Council has developed a positive strategy for the management of wind turbine development in the Borough that aims to strike a balance between the national need for renewable energy and the need to protect local landscapes and to protect the Green Belt from inappropriate development. The strategy is based around four key elements:

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

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

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

Large Scale Turbine Development

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

**Turbine Development in the Green Belt**

7.41. A large proportion of Hyndburn’s rural area has been designated as Green Belt. There is around 3,960 ha of land within the Green Belt that amounts to around 54% of the area of Hyndburn. Over time there is a danger that the openness of the Green Belt around the towns within Hyndburn could be steadily eroded by an increasing number of turbine developments. The Government attaches great importance to Green Belts and local policy should reflect national policy in seeking to maintain the openness of the Green Belt by preventing inappropriate development within it.

7.42. National policy recognises that, when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. An example of this would be that the renewable energy generation benefits are so significant as to outweigh the harm to Green Belt.

**Turbine Development in the Countryside**

7.43. Those areas outside the urban areas of Hyndburn are designated as Countryside Area. The acceptability of turbine development in these areas will be assessed against the criteria set out in Policy Env5 of the Hyndburn Core Strategy and the criteria set out in Development Management Guidance Note 6, including any subsequent updates, of the Development Management DPD.

7.44. In January 2013 Julie Martin Associates were commissioned to prepare landscape guidance for wind turbines up to 60m in height located in the south and west Pennines. Often impacts run across administrative boundaries and need to be considered in liaison with adjacent planning authorities. The guidance was commissioned in recognition of this and will form the basis for the consideration of the landscape impacts of small and medium turbines.

**Cumulative Impact**

7.45. Cumulative effect is a complex issue that is increasingly relevant to the assessment of wind energy schemes. A number of schemes have already been approved in Hyndburn and in adjacent authorities. Some have been implemented, and for this reason increasing significance will be attached to consideration of cumulative effects. Cumulative effect may occur as a result of more than one scheme being constructed and is the combined effect of all the developments, taken together. Of particular concern is the cumulative impact of proposals for different sizes and types of turbines that can give a visually jarring effect. There may also be cumulative impacts on bird populations and other wildlife, the historic environment, hydrology and telecommunications.

7.46. In order to consider potential cumulative effects it is necessary, first of all, to establish the ‘baseline’ situation in relation to wind energy development in the surrounding
area, this is something that the applicant will be required to do as part of the application submission. Information should be collected about all existing, consented and application stage wind energy developments (as well as those refused but subject to appeal). Key issues are likely to relate to any smaller scale turbines (under 60m) within 5km and any larger scale turbines (over 60m) within 10km of the application site.

7.47. Cumulative effects are defined as the additional changes caused by a proposed development in conjunction with other similar developments and occur when further wind energy development is proposed in the vicinity of existing or consented wind turbines. This affects landscape character and ultimately can lead to the landscape assuming a different character overall, where wind turbines come to dominate a particular landscape. Specific types of cumulative effect that may occur include:

- Fragmentation of landscape patterns - where turbines are poorly or inconsistently sited relative to existing landscape features;
- Creation of visual clutter - where wind turbines on different sites are seen in combination, especially where close together;
- Visual conflict - where the differing rotation speeds, heights and/or appearances of turbines that are seen together detract from landscape perceptions;
- Skyline impacts - where multiple turbines change or occupy a significant proportion of a distinctive skyline; and
- Visual impacts on recreational interests - such as long distance paths or cycle routes where there are combined or sequential views of turbines over long sections of route.

Decommissioning and Site Restoration

7.48. Wind Turbine developments and their associated equipment are temporary and, if not repowered, are usually only commercially viable for a maximum of 25 years. It is therefore important that the area is returned to its previous state. A decommissioning, restoration and aftercare plan is likely to be appropriate for most sites, and this will be supported by a planning condition.
Policy DM31: Waste management in all new development

1. All new development should provide suitable waste management facilities for the handling, storage and collection of segregated wastes arising from the permanent use of the development. For new residential developments of 10 or more dwellings, the applicant will be expected to meet the cost of providing appropriate waste containers.

2. Planning applications for residential development should meet the following requirements:
   a. All developments must provide adequate space for waste facilities capable of accommodating the Council’s standard waste containers including general household waste, recyclable waste and compostable waste (see Development Management Guidance Note 7);
   b. The design must incorporate and identify the location and design of bin storage and collection facilities;
   c. The design and layout of waste storage facilities must be satisfactorily integrated into the development and must not be visually intrusive;
   d. For detached, terraced and semi-detached properties, wheeled bins and boxes need suitable storage areas located on an area of hard standing within the rear curtilage with access to a collection point at the front of the property. Where bins cannot be accommodated within the rear curtilage the developer shall provide bin stores at the front of the property (see Development Management Guidance Note 7 on suitable designs);
   e. For all apartments/flats developers shall provide communal bin stores, irrespective of their locations within the site, or bin storage rooms;
   f. Particular care should be given to the siting of bin storage areas and the external appearance of bin stores in any Conservation Area and within the curtilage of any Listed Buildings;
   g. Road construction, widths and turning heads must be sufficient to accommodate waste collection vehicles and should be designed to prevent parking from obstructing access to the site.
   h. Developers will be expected to meet the cost of providing appropriate waste containers.

3. Onus will be on the applicant to demonstrate how proposed new development satisfies sustainable design and construction techniques in relation to water saving devices, grey water recycling and rainwater harvesting.

4. Developers should also demonstrate in support of their application that there is adequate capacity within the existing sewerage infrastructure to accommodate proposed flows from the development.

Policy DM31: Policy context and relationships

Either through a planning condition or a contribution in accordance with the details set out in Development Management Guidance Note 7, and in Policy GC2: Planning Obligations & CIL.
7.49. At a national level the UK’s Landfill Directive\textsuperscript{82} requires, amongst other things, a reduction in the amount of material being sent to landfill. This naturally implies an increase in re-use, recycling, and composting of waste to ensure a more sustainable management of waste streams. The district and county authorities of Lancashire deal with the collection and disposal of waste respectively. To help meet national targets and duties, and to find better ways of handling and disposing of waste together, the Lancashire Waste Partnership (comprising all district, county and unitary authorities in Lancashire) has been established.

7.50. At a County Level the Lancashire Waste Strategy\textsuperscript{83} places a number of duties on the Borough. These include reducing and stabilising waste to 0% growth each year, and to recycle or compost 56% of household waste by 2015, increasing to 61% by 2020. In order to ensure that both of these objectives can be met it is vital that all new dwellings are designed to enable waste to be segregated for recycling, and to be stored and collected in such a way that is mutually beneficial to all parties.

7.51. In residential schemes in particular waste is a major design issue as unsightly bins and bin stores can detract from the character and appearance of an area. The design and siting of bin stores will be considered in conjunction with Policy DM\textsuperscript{26}: Design Quality and Materials. Where the development is for flats/apartments, discussions need to be made with the Council’s Waste Department. For further details on all proposals applicants should refer to Development Management Guidance Note 7.

7.52. Policy CS7 of the Joint Lancashire Minerals and Waste Core Strategy (part of the statutory development plan for Hyndburn) provides further policy framework and details on the specific targets for industrial and commercial developments and recovery values from waste.

7.53. In terms of water management, it is more cost effective overall to save water through the design of new development (which will save energy and reduce CO2 emissions) than to implement greywater and rainwater systems (that can sometimes increase the total amount of energy and emissions arising from water use). The Council will

\textsuperscript{82} European Directive 1993/31/EC on the landfill of waste
\textsuperscript{83} Rubbish to Resources: Waste Management Strategy for Lancashire 2008-2020
however support and encourage both, as simple, low cost, greywater diversion systems can save considerable quantities of water at a time of peak demand.

7.54. Where new developments are proposed near, or reasonably close to, publically sewered areas, the expectation is that foul and sewage waste should use existing infrastructure. Where there is insufficient capacity, the developer may be expected to phase works to correspond with timings of relevant improvement and infrastructure works that may come forward. The Environment Agency and United Utilities should be consulted as early on as possible to avoid any potential delays to development.
Section 8

Accessibility and Transport

This chapter includes the following policies:

- DM32: Traffic and Highway Safety
- DM33: Transport Assessments and Travel Plans
- DM34: Sustainable Transport Infrastructure
8. **Accessibility and Transport**

8.1. A key objective of the Local Plan is to help ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling. This is important for all, but especially in promoting social inclusion for those residents of the Borough who do not have regular use of a car.

8.2. Reducing reliance and use of the private car, and ensuring that development is located in accessible locations and can be accessed using a variety of modes of transport, is important for a number of reasons:

- Growth and competitiveness
- Climate Change
- Equality of Opportunity
- Health, Safety and Security, and
- Quality of Life and Natural Environment

8.3. The Core Strategy stresses the importance of developing a comprehensive and high performing transport network that would be capable of supporting these aims whilst enabling economic recovery and prosperity. One of the key aims of the Local Transport Plan is to develop a transport network that supports economic growth and recovery across the county by tackling poor connectivity, congestion and poor parts of the network.

8.4. Two of the guiding principles set out in the Government’s Transport White Paper\(^84\) are to “enable sustainable transport choices” and to “encourage active travel” for both environmental and health reasons. In a Borough where life expectancy is in the bottom 10% nationally and where there are low levels of car ownership there is a need to ensure that, where possible, development is located within walking and cycling distance of shops and that opportunities to walk and cycle are developed to the full.

8.5. Encouraging people to walk, cycle or use public transport over short distances is one of the main thrusts of Government Policy and local planning policy should be constructed around the need to facilitate choice and use of alternatives. This involves two main threads:

- Ensuring that new development meets the needs of those who walk and cycle; and
- Ensuring that new development is well connected to transport networks

8.6. Most transport infrastructure is located along main road corridors or key priority bus routes. Whilst some new developments can be accessed directly from these routes, in reality most will be a distance from them. The policies in this chapter therefore seek to ensure that connectivity and needs are placed foremost in the decision making process around all new developments and proposals.

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\(^84\) Creating Growth, Cutting Carbon – Making Sustainable Transport Happen. Published 27 January 2011, Department for Transport.
Policy DM32: Traffic and Highway Safety

1. All development proposals will be required to actively encourage sustainable travel in line with Policy DM34: Sustainable Transport Infrastructure, and by prioritising the needs of sustainable transport modes in accordance with the following street user hierarchy:
   a. pedestrians;
   b. cyclists;
   c. public transport users;
   d. special vehicle service (including taxi’s, deliveries and servicing needs);
   and
   e. other motorised transport;

2. Development that will generate significant amounts of traffic should be located where the need to travel will be minimised, and is in a location that is readily accessible by a variety of transport modes. Proposals should not give rise to an increase in traffic volumes that exceed the capacity of the local or strategic transport network, and they should not cause harm to the character of the surrounding area.

3. All development proposals will be required to meet the local parking standards\(^85\) in order to provide sufficient space for parking and help to encourage greater use of public transport, cycling and walking. The Council may seek to apply the local parking standards flexibly where specific circumstances are justified. Where parking proposals exceed local standards the Council will expect contributions to be made towards local transport infrastructure to help mitigate impacts of the scheme.

4. Inclusive design for all users will be a key principle throughout all levels of the street user hierarchy. Development will be required to meet the following criteria:
   a. ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety\(^86\);
   b. enable ease of access to, around and within a development for all potential users including those with impaired mobility;
   c. maintain and develop the existing network of rights of way and other routes with established public access, contributing to the network of green infrastructure through appropriate planting and ‘greening’ along such routes;
   d. detailed design should reflect best guidance and local guidance. There should be a view to rationalise or improve signage and street furniture and remove unnecessary street clutter in the vicinity of the site;
   e. contribute towards creating activity and natural surveillance and thereby contributing to an attractive and safe environment for pedestrians,

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\(^{85}\) The Council’s local parking standards are set out in the Development Management Guidance Note 8: Car parking, access standards and transport assessment/travel plan thresholds.

\(^{86}\) Core Strategy Policy HC3 details specific requirements for the design of residential roads.
cyclists, and the wider community, and;
f. encouraging travel by other modes of transport through protecting and improving connectivity between places, especially through walking and cycling networks.

Policy DM32: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | T1: Improving Connectivity  
T2: Cycle and Footpath Networks  
HC3: The Design of Residential Roads |
| NPPF paragraph links | 29-41 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• Lancashire County Council Transport Plan 2011-2021 (LTP3);  
• East Lancashire Highways and Transport Masterplan;  
• Manual for Streets & Manual for Streets 2;  
• Development Management Guidance Note 8 |

8.7. Attractive and safe development proposals are planned and designed in such a way that prioritises movement by walking and cycling and contribute towards creating an environment that is also easy to move around in. Development proposals are expected to take account of the Council’s movement hierarchy outlined above and current best practice guidance including relevant Department for Transport documents.

8.8. Providing a network of permeable and legible streets with direct routes, in particular for pedestrians and cyclists as part of a new development, can help to encourage walking and cycling by minimising distances and aiding way finding. In this way, higher footfall and levels of active travel movements are encouraged to promote natural surveillance and minimise opportunities for anti-social behaviour. The Council expects new development to be designed to be safe and accessible to all and will resist proposals for ‘gated developments’.

8.9. Highway safety is key, and no development should have a negative impact on highway safety. Effective traffic management is essential to the safe and free flow of movement on the highway network. It can improve accessibility and potentially reduce congestion by understanding flows of traffic at peak and non-peak periods.

8.10. This policy integrates the Council’s Car Parking Standards (set out in full in Development Management Guidance Note 8). The standards set out the parking provision that the Council expect to see in new developments to ensure that new developments provide the right balance of car parking, adequate to meet the
development’s needs whilst helping to minimise use of the private car and encourage sustainable transport use.

8.11. In line with the Government’s ambition that Local Authorities remove ‘maximum’ parking standards from Local Plans, the Council will seek to apply standards flexibly. Where specific circumstances are justified (e.g. location/market specific factors) parking provision may be agreed above locally defined standards. However, in these circumstances the expectation is that the developer will pay additional contributions towards local transport infrastructure schemes to help offset any adverse impacts of the proposed scheme.

8.12. A range of development of a variety of scales can have a potential impact on the existing road networks and there needs to be an understanding of the cumulative impact of development on existing highway networks when a development is being considered. The Council will expect this to be covered within the Design and Access Statement and/or Transport Statement accompanying development proposals.

8.13. The quality of the public realm and street scene is a critical element in creating successful town centres, neighbourhoods and places that are attractive for people to live in, work and visit\(^{87}\). Improving the attractiveness, legibility and safety of routes and facilities for pedestrians and cyclists will ensure that more journeys are undertaken on foot or by bike thus easing the pressure on the Borough’s public transportation network. Policy HC3 of the Core Strategy details specific requirements for new residential roads.

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**Policy DM33: Transport Assessments and Travel Plans**

1. The Council will expect developments that generate a significant amount of movement to be supported by Transport Assessments, at a minimum taking account of those factors set out in the NPPF\(^ {88}\), National Planning Practice Guidance, and Development Management Guidance Note 8.

2. A Travel Plan will be required where the development involves development of the type described below, or where the Highway Authority has advised that there is a need for a Travel Plan to be submitted. The Travel Plan should set out measures that are proposed over the longer term that will be taken to give rise to the use of more sustainable modes of transport.

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**Policy DM33: Policy context and relationships**

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) | - |

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\(^{87}\) Manual for Streets, Department for Transport 2007
\(^{88}\) paragraph 32
8.14. It should not be assumed that where a proposal accords with the relevant local parking standard it is automatically acceptable in terms of the longer term transport implications of the development. Applications for development with significant transport implications should demonstrate the measures they are taking to minimise the need for parking within the scheme.

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

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

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

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

- all major developments comprising jobs, shopping, leisure and services;
- smaller developments comprising jobs, shopping, leisure and services which would generate significant amounts of travel in, or near to, air quality management areas, and in other locations where there are local initiatives or targets set out in the development plan or local transport plan for the reduction of road traffic, or the promotion of public transport, walking and cycling. This particularly applies to offices, industry, health and education uses;
- new and expanded school facilities which should be accompanied by a school travel plan which promotes safe cycle and walking routes, restricts parking and car access at and around schools, and includes on-site changing and cycle storage facilities;
- where a travel plan would help address a particular local traffic problem associated with a planning application, which might otherwise have to be refused on local traffic grounds; and
- where increased levels of pedestrian and/or vehicular usage at a level crossing are anticipated.
8.18. Where travel plans are to be submitted alongside a planning application, they should be worked up in consultation with the local authority and local highway authority. They should have measurable outputs, which might relate to targets in the local transport plan, and should set out the arrangements for monitoring the progress of the plan, as well as the arrangements for enforcement, in the event that agreed objectives are not met. This would be addressed through a legal agreement between the relevant parties and the Council under s.106 of the Town and Country Planning Act.\(^{89}\)

### Policy DM34: Sustainable Transport Infrastructure

1. Where development is not located with access to sustainable transport infrastructure, developers will be expected to undertake, or fund, appropriate infrastructure works and/or implement practical measures that will cost effectively mitigate the impact of the development and improve accessibility.

2. Development proposals should make appropriate contributions towards improvements in transport infrastructure, particularly to facilitate walking, cycling and public transport use.\(^{90}\)

3. The Council will support proposals that seek to enhance the network of walking and cycling routes forming a coherent network within and between new and existing developments, and protect the strategic network of routes. Where proposals may reduce, sever or adversely affect the amenity of footpaths, bridleways and cycle routes linking to the countryside and strategic routes, satisfactory provision must be made for their diversion.

4. The Council will work closely with Network Rail’s Asset Protection Team to ensure that impacts upon the railway and user safety are minimised where proposals are:

   a. adjacent to, above or under the railway line;\(^{91}\) or
   b. anticipated to result in a material increase in the volume or character of traffic using a level crossing (pedestrian or vehicular); or
   c. likely to affect pedestrian and vehicle users’ ability to see level crossing warning signs

5. Where appropriate, development will be expected to provide suitable facilities for interchanging between various modes of transport.

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\(^{89}\) This would normally include an administrative charge imposed by the Highway Authority that reflects the cost of preparing, implementing and monitoring the travel plan.

\(^{90}\) In line with the street user hierarchy set out in Policy DM32

\(^{91}\) As shown on the accompanying DM DPD Policy Maps
8.19. New development will place additional pressure on existing highway infrastructure and there is a need to ensure that a contribution is made towards the cost of maintaining or providing this infrastructure.

8.20. New residential, employment and commercial development will be expected to provide bus shelters, traffic signals, cycleways (or connections to cycleways), canal towpath improvements and landscaping as part of the development. Where this cannot be secured through planning conditions a contribution towards provision, and maintenance, of this infrastructure will be expected via a legal agreement under s.106 of the Town and Country Planning Act, and in line with Policy GC2: Planning Obligations & CIL.

8.21. Long distance footpaths, bridleways and cycle routes act as key sustainable transport links. They also act as important links between town and country increasing access to the countryside by walkers, horse riders and off-road cyclists. Between 2015 and 2019 significant investment is being planned in expanding the ‘East Lancashire Strategic Cycleway Network’ in areas of Hyndburn. Alongside this scheme is the Connecting East Lancashire revenue project that will provide grants for businesses and community groups to improve facilities for cyclists.

8.22. Strategic links are shown on the accompanying DM DPD Policy Maps and, together with the wider network of all Public Rights of Way\(^2\) form an important green link and biodiversity resource. The Council will, in particular, seek to develop and enhance long distance routes over the period of the Local Plan in conjunction with relevant organisations (such as Lancashire County Council and Sustrans).

8.23. Any proposed planning application (including for open space) adjacent to a railway line / Network Rail land has the potential to impact upon the safety, operation and integrity of that land. i.e. impacts that may affect safety, performance, access and infrastructure (bridges, cuttings, embankments, signalling and telecoms equipment, overhead lines etc.). In addition the Council has a duty to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over the railway. The Council will work closely with Network Rail to ensure that its duties are met with regards to rail infrastructure through the Borough.

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\(^2\) Lancashire County Council manage the Public Rights of Way for Lancashire, and publish and keep up to date the definitive map online at [http://mario.lancashire.gov.uk/agsmario/](http://mario.lancashire.gov.uk/agsmario/)
Section 9

Rural Issues

This chapter includes the following policies:

- DM35: Development in the Green Belt and Countryside Area
- DM36: Farm Diversification and Local Food Networks
- DM37: Equestrian Development
9. Rural Issues

9.1. Two thirds of the Borough lies within the rural area, which is land outside of the defined urban boundary. It is largely open countryside with a few villages (Altham and Belthorn), hamlets and farmstead groups. As a result of their limited accessibility and infrastructure, development in these small, scattered settlements will be limited to local need and farm diversification only.

9.2. Any exceptions to development within the rural areas are set out in the Local Plan. The Core Strategy proposes urban extensions at Oswaldtwistle, Huncoat and Altham. Any further urban extensions necessary to meet the objectively assessed need for housing and employment over the plan period will be set out in the Site Allocations DPD.

9.3. The Hyndburn Local Plan divides the rural areas into 3 different policy areas for the purposes of the control of development in the Borough:
   - Green Belt – where maintaining the openness of the area is paramount with development only permitted in exceptional cases.
   - Countryside Area – where development is limited to that which would maintain the rural character.
   - Safeguarded Land (Former Areas of Special Restraint) – which is not allocated for development at the present time but that is necessary to meet longer-term development needs stretching well beyond the plan period.

9.4. The purpose of this section is to present a more detailed policy framework for development within the rural areas that reflects the strategic approach set out in Core Strategy (Policy BD1: The Balanced Development Strategy). The degree of constraint on the type and scale of development in the Green Belt and the Countryside Area is similar in some instances, although with greater restrictions particularly on new dwellings in the Green Belt.

93 'Policy A5: Brookside Business Centre’ supports a sustainable construction center and country park
94 ‘Policy A7: Housing in Huncoat’ provides strategic housing allocation for the Borough
95 ‘Policy RA3: Protection and development of Altham Business Park’ for employment uses
Policy DM35: Development in the Green Belt and Countryside Area

New buildings

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

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

Extensions

3. The extension of a building will be permitted where:
   a. the proposal would result in an increase of no more than 45% of the volume of the original building if located in the Green Belt, or 50% in the Countryside Area; and
   b. the proposal would not have a detrimental impact on the original building, a group of buildings or on the wider area in terms of its scale (i.e. is proportionate), design and use of materials.
Conversion

4. The conversion of existing buildings for residential use in both Green Belt and the Countryside Area will be permitted where a traditional building exists of permanent and substantial construction, as demonstrated by a structural survey (no more than 30% re-build excluding the roof), and is capable of being converted without substantial extensions (see paragraph 3 above).

5. Where buildings are to be converted, extensions will only be permitted where these do not impact upon the traditional form and character of the original building, and are designed sensitively to the rural setting.

6. Conversions will be expected to retain features of historical value in line with Policy DM22: Heritage Assets, and consider energy efficiency improvements in accordance with the latest building regulations.

Policy DM35: Policy context and relationships

| Local Plan (1996) policies to be replaced | S.2: Re-use of buildings in the Green Belt  
S.5: Countryside Areas |
<table>
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<tr>
<td>Core Strategy (2012) policy links</td>
<td>BD1: The Balanced Development Strategy</td>
</tr>
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<td>NPPF paragraph links</td>
<td>28, 79-92, 109, 112</td>
</tr>
</tbody>
</table>
| Key documents of relevance / guidance    | • Planning Practice Guidance  
• Development Management Guidance Note 9 |

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

9.6. Policy DM35 provides the policy framework through which the Council can recognize the value of the natural environment to the local economy and protect the rural areas of the Borough, whilst supporting sustainable rural tourism and leisure developments that will benefit businesses in rural areas.

Agricultural and forestry workers’ dwellings

9.7. Essential dwellings for agricultural and forestry workers are a well-established element of rural policy which has been carried forward in the National Planning Policy
Framework (NPPF). Current national policy hasn’t however retained the detailed guidance contained within the former Planning Policy Statement 7 (Annex A), which has previously been useful in assessing such developments.

9.8. The ‘functional’ and ‘financial’ tests contained within the old PPS 7 provided a useful tool to assist the decision making process on agricultural workers dwellings. As such the Council will work to Development Management Guidance Note 9. The note sets out the criteria that applicants will need to satisfy in respect of proposed agricultural and forestry workers’ dwellings.

New buildings and re-use of existing

9.9. The re-use of existing buildings can have many benefits such as securing the re-use of a heritage asset or supporting the vitality of rural communities. The Council is therefore supportive of the re-use of suitable buildings provided the proposed use is appropriate in the rural area. The Council will require the submission of a structural survey by a qualified Structural Engineer that demonstrates that the building is structurally sound and capable of conversion without substantial reconstruction. Planning permission will therefore not normally be granted where more than 30% of the external wall length from foundations upwards requires rebuilding.

9.10. In addition to being structurally sound, the building needs to be of sufficient architectural quality to warrant conversion. Modern agricultural buildings such as the portal frame structures or those that use other material such as concrete that detract from the quality of the environment will not be considered suitable for conversion, unless permitted under the latest General Permitted Development Order.

9.11. The replacement of dwellings outside the urban boundary needs to be managed in order to prevent development that is harmful to the openness and purposes of Green Belt and the character and appearance of the Countryside Area. The policy seeks to ensure that replacement dwellings have the same or less visual impact and, in the case of the Green Belt, on openness, through suitable positioning, physical form, and sympathetic design.

9.12. The degree to which soils are likely to be disturbed or harmed as a result of development, and whether the ‘best and most versatile’ agricultural land is involved will be considered. The Council will ask for a Hydrology and Soil Assessment on applications where this is appropriate to ensure that new development complies with paragraphs 109 and 112 of the NPPF on conservation and sustainable management of soils.
Policy DM36: Farm Diversification & Local Food Networks

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

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

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

Policy DM36: Policy context and relationships

| Local Plan (1996) policies to be replaced | - |
| Core Strategy (2012) policy links | - |
| NPPF paragraph links | 28 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• Agricultural Land Classification: protecting the best and most versatile agricultural land – Natural England TIN049 (2012);  
• Diversifying farming businesses – Defra guidance (2014); |

96 The Council, in line with Natural England guidance, considers the best and most versatile land to be Grades 1, 2 and 3a of the Agricultural Land Classification
9.13. Farming plays a vital role in shaping and maintaining the fabric of the Borough’s countryside. There is a need to identify within the Local Plan how the Council will facilitate the appropriate diversification of farm-based operations in order to help support agricultural businesses and sustain the rural economy.

9.14. Farm diversification can entail various types of related enterprise, ranging from food processing, farm shops, tourist accommodation and recreational facilities, to the creation of workshops for letting to local firms. It is important to ensure that diversification schemes bring long-term and genuine benefits to individual farm operations and the wider rural area, whilst minimizing and managing any adverse effects on the environment.

9.15. The loss of part of a farm holding may affect the viability of the remainder. As such, subject to the planning considerations outlined in the policy, the Council will support farm diversification where it will help to sustain a farm holding, securing jobs whilst maintaining the management of the landscape.

9.16. Where appropriate, proposals may be required to be accompanied by a statement setting out how the development will affect the existing farm structure and viability, and accompanied by a business plan to show how the diversification will support the existing holding and will support any training or apprenticeship schemes for new employees where relevant.

9.17. The Council strongly supports the principles of local food growing, distribution and procurement initiatives. Such enterprises strongly reflect all three tiers of sustainable communities (economic, social and environmental) and the Council will help support proposals wherever possible. The Site Allocations DPD will seek to identify and allocate food-growing spaces across the Borough to help secure sustainable local food networks for the future.

97 Sustainable Food Lancashire and Incredible Edible offer examples of community-led food growing initiatives
Policy DM37: Equestrian Development

1. The Council will expect the following criteria to be satisfied when considering proposals for equestrian development:

   a. Access - the site must have a vehicle access which is satisfactory in highway terms or it must be capable of being achieved without adversely affecting the character of the rural landscape;

   b. Landscaping - the proposed building or works must be capable of being sited without causing harm to visual amenity or the rural character of the area. In such cases the location of the buildings and facilities within the site must be carefully chosen to minimise the visual impact. Additional landscaping or screening may be required in certain locations;

   c. Design and Materials - stables shall be designed specifically for housing horses, shall be of a high standard of design and shall be required to be constructed in timber;

   d. Size of Stables - in accordance with the British Horse Society Guidance there shall be:
      i. one acre of land per horse (both in Green Belt and Open Countryside);
      ii. within Green Belt there shall be a maximum limit of 3 stables plus a tack room;
      iii. within Open Countryside each application will be taken on its merits considering all other material planning considerations;
      iv. stable boxes should be designed with a mono pitch or shallow sloping roof, should be large enough for a horse to stand up with at least 0.9m clearance above its head and of an adequate size, i.e. no more than 13 square metres or 3.7 X 3.7 metres squared and should be enough to house a horse comfortably;
      v. tack rooms and hay stores should be part of the same building complex, and be of a size that is similar to an individual stable. Any requirement for larger than usual facilities would have to be sufficiently justified;
      vi. stables shall be of timber construction in order to protect the character and appearance of rural areas, and;
      vii. in order to protect timber construction, regular application of an animal friendly wood preservative and internal blockwork walls of up to 1.2 metres or low brick plinths below the timber walls may be used.

   e. Waste arrangements
      i. full details of drainage and methods of storage and disposal of manure should be included within the planning application, and;
      ii. they should be sited where they will not contaminate watercourses and damage wildlife/biodiversity features. They must not be sited where they will cause a nuisance to houses and public rights of way.

   f. Lighting - in the Green belt and Countryside Areas, applications for the floodlighting of existing riding arenas or for developments including the provision of floodlighting will not be approved where there will be an unacceptable visual impact or an unacceptable impact on highway safety. Floodlights will not be permitted where neighbouring properties will be
subject to unacceptable levels of attendance glare.

2. Planning permission will not be granted for commercial equestrian developments which are likely to result in a significant increase in activity and general disturbance to neighbouring residents, or which would have been an adverse impact on the character and open nature of the approved greenbelt or open countryside.

3. The Council will consider carefully the cumulative impact of existing and consented stables within an area from an amenity point of view, and the potential environmental impacts of equine development on the natural environment.

Policy DM37: Policy context and relationships

| Local Plan (1996) policies to be replaced | S.7 – Non-agricultural stables in rural areas |
| Core Strategy (2012) policy links | - |
| NPPF paragraph links | 28 |
| Key documents of relevance / guidance | • Planning Practice Guidance  
• British Horse Society Guidance |

Access

9.18. Major works to achieve satisfactory access roads or sight lines may not be acceptable if they are detrimental to the character of the landscape. Vehicle access tracks and passing places shall be constructed of sympathetic surface materials and be screened or landscaped where necessary.

9.19. The views of Lancashire County Council will be sought where access improvements are required and where there will be significant increase in the volume of traffic using a particular road as a result of the proposal. It is illegal for horses to be ridden on public footpaths. Where equestrian developments are proposed in close proximity to the public footpath network the applicant’s attention will be drawn to this fact.

Landscaping

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

Design
9.21. Careful consideration should be paid to the location of the development within the site to ensure that it is not visually intrusive and harmful to the character and appearance of the area. On some land it will not be possible to satisfactorily site a building or carry out works without harming visual amenity or rural character. The criteria in relation to location of buildings is as follows:
- the building should relate to existing buildings/landscape features; and
- the building should relate to the profile of the land, by utilising any hollows etc.

9.22. In addition engineering operations required in order to form maneges or riding arenas shall be required to:
- have regard to the existing landscape features of the area;
- be fenced in a traditional manner; and
- have surface material of a colour in keeping with the locality.

Amenity

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

Floodlighting

9.24. Floodlighting towers and the light emitted by floodlights are considered to be visually intrusive and inappropriate forms of development for rural areas. Within urban areas careful considerations must be given to the effect of glare on neighbouring residents. Where floodlighting is considered to be acceptable, suitable conditions will be imposed to minimise their impact on neighbouring properties.
Section 10

Implementation and Monitoring
10. Implementation and Monitoring

Implementation

10.1. In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, this DM DPD will be subject to a further round of consultation following the consultation exercise on this Regulation 18 version. The subsequent document will be termed the ‘Publication’ version\(^98\), taking into account any representations made in response to this version of the document.

10.2. The Council will then submit all relevant documents to the Secretary of State\(^99\), at which point the policies will hold a relative degree of weight in decision making, with weight dependent upon comments received and any outstanding objections. The submission of the DM DPD will initiate the ‘Examination’ process, to be managed by an independent Planning Inspector\(^100\). The Council hope to adopt the DPD\(^101\) some time during 2017, dependent upon the length of the Examination in Public process\(^102\).

10.3. Once adopted, the DM DPD will replace the majority of outstanding saved policies from the Hyndburn Local Plan 1996. Throughout this document, the specific Local Plan 1996 policies that will be replaced by new DM DPD policies are set out in the summary tables below each policy. Subject to all the policies set out in this DPD being adopted, Table 10.1 highlights the only policies that would remain saved and outstanding from the Local Plan 1996, which all relate to site allocations on the extant 1996 Proposals Map. These policies will be replaced through the Council’s Site Allocations DPD in due course.

<table>
<thead>
<tr>
<th>Policy Ref.</th>
<th>Policy Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.6</td>
<td>Land reserved for community uses</td>
</tr>
<tr>
<td>H.2</td>
<td>Housing development within the urban boundary</td>
</tr>
<tr>
<td>I.1</td>
<td>Employment development sites</td>
</tr>
</tbody>
</table>

Monitoring

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

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\(^98\) see Regulation 19

\(^99\) relevant documents are set out under Regulation 22

\(^100\) see Regulations 23-25

\(^101\) see Regulations 25-26

\(^102\) the Council’s Local Development Scheme (LDS) sets out the anticipated timeline for all DPDs in the Local Plan
10.5. The AMR for Hyndburn will seek to look at:
   - How policies are working and being implemented in practical terms - e.g. how sites are being taken up and developed;
   - How plans and policies are affecting wider indicators – e.g. unemployment, deprivation and similar matters;
   - How the work programme set out in the Council’s latest Local Development Scheme is progressing;
   - How the implementation of any Neighbourhood Plans is progressing; and
   - Contributions made by development, including section 106 planning obligations, Community Infrastructure Levy and New Homes Bonus and how they have been used.

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

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

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

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

- GN1: Open space in new residential development (DM11)
- GN2: Affordable housing (DM12)
- GN3: Materials and colour (DM26)
- GN4: Advertisements (DM27)
- GN5: Shop front design (DM28)
- GN6: Wind Turbine Proposals (DM30)
- GN7: Waste management (DM31)
- GN8: Car parking, access standards and transport assessment/travel plan thresholds (DM32 & DM33)
- GN9: Agricultural, forestry and other occupational dwellings (DM35)
GN1: Open space in new residential development (policy link DM11)

1.0 Types of Open Space

1.1 The formal definition of open space is ‘any land laid out as a public garden or used for the purposes of public recreation, or land which is a disused burial ground’\(^{103}\). The definition can therefore incorporate the more formal outdoor playing spaces or more informal spaces contributing to recreation, amenity or biodiversity uses. For the purposes of this Guidance Note, the Council considers the following typologies to be the most important to Hyndburn.

Formal Recreation Provision

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

Casual Children’s Play Space

1.3 Facilities can be split into two categories;

a. Non-equipped children’s play space

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

b. Equipped Children’s Play Space

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

Landscaped Amenity Open Space

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

2.0 Equipped Children’s Play Space

2.1 Proposed Accessibility Benchmark Standards for Children’s Playing Space are set out in the Fields in Trust guidance\(^{104}\). The Council will aspire to meet these standards whilst maintaining suitable, applicable quality benchmark standards.

2.2 The standards state that a Local Area for Play (LAP) facility must be at least 100m\(^2\) in size and should be specifically designated for young children (age 4-6) for play close to where they live. The location should be within around minute walking time from home. The area should be appropriate for low key games, be flat, well drained with a grass or hard surface. To minimise disturbance to local residents it should include an activity zone and buffer zone, sufficient to minimise audible and visual intrusion.

\(^{103}\) Section 336 of the Town and Country Planning Act 1990
\(^{104}\) Planning and Design for Outdoor Sport and Play
2.3 A Local Equipped Area for Play (LEAP) facility should be at least 400m² in size and suitable for children of early school age (4-8), and should be within 5 minutes of home. They should include at least five different types of play equipment and a well-drained grass or hard surface playing area. A buffer zone should exist of at least 20 metres between the edge of the activity zone and residential property to minimise intrusion.

2.4 A Neighbourhood Equipped Area for Play (NEAP) facility should be suitable for children between 8-14 years and should be within 15 minutes of home. They should incorporate a minimum of 8 types of play equipment and be at least 1000m² in size. A buffer zone of at least 30 metres is recommended.

<table>
<thead>
<tr>
<th>Spac</th>
<th>Time / Walking Dist.</th>
<th>Straigh Line Dist.</th>
<th>Min. Size Activity Zone</th>
<th>Total Area (Inc. Buffer)</th>
<th>Nearest House Property Boundary</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAP</td>
<td>1 Min / 100m</td>
<td>60m</td>
<td>100m²</td>
<td>400m²</td>
<td>5m from activity zone</td>
<td>Small low key games area (may include “demonstrative” play features)</td>
</tr>
<tr>
<td>LEAP</td>
<td>5 min / 400m</td>
<td>240m</td>
<td>400m²</td>
<td>3,600m²</td>
<td>20m from activity zone</td>
<td>About 5 types of equipment. Small games area</td>
</tr>
<tr>
<td>NEAP</td>
<td>15 min / 1,000m</td>
<td>600m</td>
<td>1,000m²</td>
<td>8,500m²</td>
<td>30m from activity zone</td>
<td>About 8 types of equipment. Kickabout and cycle play opportunities</td>
</tr>
</tbody>
</table>

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

3.0 Location of Open Space

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

a) Existing features, which have been identified, to be retained or enhanced must be incorporated within the open space.

b) New open space should link as far as possible to existing open spaces surrounding the site and the wider access network. This will give continuity to the system of open spaces and enhance their ecological value.

c) It should be overlooked by nearby housing and be in an open location to provide a degree of social safety.

d) In fulfilling c), the open space must not be located so close to dwellings as to cause loss of amenity or privacy. Adequate buffer zones must be provided.

e) Consideration should be given to any potential dangers such as from nearby electricity cables, busy roads and railway lines;
f) The positive relationship that the location may have encouracing public enjoyment of the canal;
f) It should be easily and safely accessible by foot to serve the whole development not just one area of it (this may include creating access links).
g) Siting of the open space should take account of the road layout to minimise the risk of road related accidents.

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

a) Quality materials and good construction details are crucial.
b) Existing features should be retained / enhanced.
c) New landscape features should visually enhance the development and contribute to a distinctive identity for the housing area.
d) All the open space elements should be integrated to create a quality estate environment.
e) Access for maintenance and cleansing should be designed into the open space.
f) Long term maintenance and cleansing of the site should not be too onerous and complex.
g) Hard and soft landscape should be used in an imaginative way.
h) The impact of the design should be considered in the short / medium and long term.
i) The open space should be designed so as to minimise the potential for crime.
j) On areas designed for young children there should be either:
   i) no lighting; or
   ii) lighting only between 9am and 9pm, in order to prevent teenagers from using the areas at night. Lighting should be designed so as to prevent light nuisance to nearby properties.
GN2: Affordable housing (policy link DM12)

1. Introduction

1.1 Hyndburn Borough Council is committed to providing for a full range of housing to meet the Borough’s future housing requirements. This means ensuring that suitable housing is available for people on low incomes. A specific aim in the Borough’s Core Strategy is a requirement for developers of new housing to make provision for an element of affordable housing.

1.2 This Guidance Note is intended to inform all those involved in developing housing proposals specifically what is expected in the provision of affordable housing through Hyndburn Borough Council’s planning system. It sets out the Council’s policy on achieving affordable housing ahead of detailed discussions with developers.

1.3 It is also intended to help standardise the approach for dealing with affordable housing and ensure it is dealt with in a clear, fair and consistent manner.

2. Planning Policy Background

2.1 Meeting the shortage of affordable housing has been identified as a major priority by the Government. Hyndburn like many other authorities suffers severe shortfalls in specific types of housing for meeting local needs.

2.2 In recent years the Council’s role has shifted from being a direct provider of affordable housing to being an enabler and negotiating the provision of affordable housing whenever possible through other providers, notably Registered Providers (Housing Associations) and through the planning system.

2.3 The Council negotiates the provision of new affordable housing using national planning policy guidance contained in the National Planning Policy Framework (NPPF), National Planning Practice Guidance, and policies adopted in the Core Strategy.

2.4 The Requirements of the NPPF insofar as they relate to affordable housing are that:

- Affordable housing should be based on objectively assessed need identified through a Strategic Housing Market Assessment (NPPF para 47).
- Where need is identified it should be met on-site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified e.g. to improve or make more effective use of the existing housing stock (NPPF para 50).
- Local Planning Authorities should be responsive to local circumstances and needs in rural areas, particularly in considering whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs (NPPF para 54).
- Local Planning Authorities should regard providing limited affordable housing for local community needs under policies set out in the Local Plan as appropriate development in the Green Belt (NPPF para 89).
- To ensure viability, the costs of any requirements likely to be applied to development including affordable housing, should when taking into account the normal cost of development and mitigation provide competitive returns to a

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105 Core Strategy Policy H2: Affordable Housing
willing land owner developer to enable the development to be deliverable (NPPF par 173).

- The cumulative impact of all local and nationally required standards and policies, including affordable housing should not put implementation of plans at serious risk and should facilitate development throughout the economic cycle (NPPF para 174).

- Affordable housing requirements should be assessed at the plan-making stage, where possible, and kept under review (NPPF para 177).

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

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

3. Definitions and Affordable Housing Requirements in Hyndburn

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

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

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

3.3 Affordable rented - the concept of Affordable Rents was introduced in 2011 and is rented housing let by local authority or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable). Registered providers will be required to offer Affordable Rented homes where developments are funded by Homes and Communities Agency. New flexibilities will allow a proportion of Social Rent properties to be made available at re-let at Affordable Rent. Registered Providers have the flexibility on the length of tenancy to be offered for Affordable Rent, and they retain the option to offer lifetime tenancies. Tenancies for Affordable Rent properties must be generally for a minimum of five years. However, providers will have the flexibility to offer longer tenancies, including lifetime tenancies.

3.4 Intermediate housing - intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared
ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

3.5 **Discounted market housing** - discounted units are offered to local people or people with local connections normally in rural areas who would otherwise be unable to buy a home in the locality at an open market price. The amount of discount will be negotiated on the basis of the Council's latest housing needs survey and up to date house price and income information for the locality. Discounted market homes will be available to purchase according to eligibility criteria agreed between the Council and the developer as part of the planning process. Specific eligibility criteria will be set out in a S106 agreement for the scheme but, for example, a purchaser's income should not enable them to buy a home that matches their needs on the open market, and their household might include:

- at least one member who lives or has previously lived in Hyndburn; or
- a member who has recently started, or is about to start work in the Borough; or
- a member who needs to live in the Borough to act as a carer to an ill or elderly person.

3.6 Evidence clearly points to a significant proportion of people wishing to purchase a house in the Borough having insufficient income to do so. The Hyndburn Strategic Housing Market Assessment (SHMA) 2014 estimates that there is a net annual requirement for around 225 affordable dwellings in the Borough, although this does not account for the role that the private rented sector plays in meeting affordable housing need which has increased significantly in recent years.

3.7 The existing affordable housing policy contained in the Core Strategy seeks to provide 20% affordable housing on sites of 15 units or more. In general, the recommendation (in the SHMA 2014) is that Hyndburn seeks 60% of affordable housing provision to be social/affordable rented, with 40% intermediate. The Council will negotiate the tenure split site by site based on site specifics and location.

3.8 The Council will seek to impose occupancy controls to ensure the shared ownership or discounted units remain available to people in housing need in perpetuity. To achieve this objective a section 106 agreement will incorporate a right for the council to nominate and approve purchasers of the shared ownership or discounted units.

3.9 In exceptional circumstances a commuted sum payment in lieu of a site provision maybe acceptable. For example where there is a significant amount of affordable housing in a particular locality. In these cases the Council may use funds to assist Registered Providers on sites elsewhere or to assist in bringing back empty houses back into use for affordable housing purposes. The amount of off-site contribution will be determined on a site by site basis and following receipt of a satisfactory viability report.

4. **Negotiating affordable housing on prospective developments**

4.1 On potential developments of 15 or more units the developer will be asked to provide 20% affordable housing in descending order of priority: the strong presumption will be onsite provision in the first instance.

a. On-site provision of agreed house types.

b. Off-site provision of agreed house types and location on a site by site basis.

E.g. where monitoring indicates that a particular area has an over-concentration of affordable housing.
c. Commuted sum payments equating to the 20% provision required on a site by site basis.

4.2 The Council is keen to enter into negotiations on affordable housing at the earliest possible stage of the planning process. Pre-planning application discussions are very important. They benefit both developers and the Council by ensuring a better mutual understanding of the needs and constraints relating to the overall development of the site and the expectations for affordable housing. Pre application guidance is available on the Council’s website.106

4.3 The Council will require draft section 106 agreements including affordable housing matters to accompany planning applications to enable validation of such applications in accordance with the Hyndburn Borough Council validation checklist.

4.4 Landowners and developers are expected to fully consider the overall costs of development, including the required planning obligations prior to negotiating the sale or purchase of land. Consequently, the overall cost of the development should include the provision of affordable housing, whether provided on-site, off-site, or via a commuted sum.

4.5 Time expired planning applications which have not been built and are seeking extensions of time limits will be required to complete a new development appraisal test for affordable housing.

5. Off-site provision and assessment of commuted sums

5.1 As mentioned above the Council may (in exceptional circumstances) be willing to accept the affordable housing to be provided either partly or wholly off-site. The onus is on the developer to demonstrate the case to the Council’s satisfaction that this can be delivered in an acceptable way and time period. In such circumstances the Council will seek to secure alternative provision in the same vicinity of the development site, or elsewhere in the Borough in an area of housing need.

5.2 On schemes of 15 units or more, if the developer considers that the affordable housing requirement makes the development unviable, it will be necessary for the developer to complete a scheme viability assessment which includes affordable housing provision. In assessing individual scheme viability the Council will use the Development Appraisal Model produced by the Homes and Community Agency (HCA) and will require the developer to provide the Council with all relevant information relating to land purchase, site remediation costs, full open market prices and build costs. The HCA Development Appraisal Model is available from the HCA web site.107

5.3 The Council will require applicants to pay for viability assessment to be independently assessed by a qualified professional. The Council may choose to use independent consultants to verify and appraise the content of viability assessments.

5.4 The calculation of the commuted sum payment will be made at the time of the planning application and will be included in the section 106 agreement. The expectation is that the commuted sum will normally be payable at the commencement of the development, although for significant major schemes, this can be piecemeal in line with phasing and will be considered on a site by site basis.

107 https://cfg.homesandcommunities.co.uk/ourwork/development-appraisal-tool
5.5 Commuted sums including those attracted from small developments will specifically contribute towards funding additional affordable housing solutions. These may include new provision, gap funding towards helping scheme viability, bringing new sites forward or refurbishment of long term empty private houses to be managed by a Registered Provider.

6.0 Management of Affordable Housing

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

- Symphony Housing Group (Liverpool)
- Twin Valley Homes
- Great Places Housing Group

7. Design and Quality Considerations

7.1 To ensure a high standard of housing design and help create socially inclusive communities the council expects there should be no discernible design difference between the affordable housing and adjacent market housing. Homes should be built to the latest Homes and Communities Design and Quality standards and meet the design briefs of Registered Providers and Council planning policies. The affordable housing should not be distinguishable from the market housing in terms of external appearance and quality, and therefore, the design and materials employed are to be consistent regardless of tenure (tenure blind).

7.2 Pepper-potting is commonly defined as the dispersal of affordable housing units within residential developments to promote mixed communities and minimise social exclusion. The overriding purpose of pepper-potting is to ensure affordable housing is fully integrated within market housing.

7.3 Generally, the higher the percentage of affordable housing required, the greater the need to ensure that it is integrated within the overall housing stock so that sustainable mixed community and social inclusion objectives are met. Developers are required to discuss at an early stage appropriate layout and phasing of development with the Local Planning Authority to ensure that affordable housing is dispersed throughout developments.

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

8. Procedure for Working with Developers

8.1 Hyndburn Borough Council Development Management Planning Services have clear guidance procedures for dealing with planning applications at pre planning application stage. These are explained in full in pre-planning application advice on householder, minor and major development schemes available from the Council’s website.
8.2 Development Management Services operate a team approach involving key services across the Council and statutory partner agencies who will contribute to the processing of the planning application. The team approach does not include Registered Providers – we leave it up to the developer to include them or bring them along to the pre-application meetings.

8.3 Applicants are advised to submit a pre-application enquiry for consideration by Development Management. A view about the affordable housing provision will be included in the Council’s overall response to the applicant. For the Council to give as detailed a response as possible the proposals should explain how the applicant is intending to satisfy the affordable housing requirement.

8.4 As explained earlier the Council encourages applicants to meet affordable housing requirements through partnerships with Registered Providers. See sections 6 and 9 of this Guidance Note for information on preferred partner RPs. Meetings to discuss types, tenures, etc. with RPs should therefore take place at the earliest possible opportunity.

8.5 The detailed planning application will need to show how the affordable housing requirements are intended to be met. In approving the planning application the affordable housing requirements will need to be met through a section 106 agreement.

9. Contacts

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

<table>
<thead>
<tr>
<th>Twin Valley Homes</th>
<th>Great Places Housing Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prospect House</td>
<td>Southern Gate</td>
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GN3: Materials and colour (policy link DM26)

This Guidance Note provides general guidance on materials and colour relating to new developments across Hyndburn. Where guidance relates to Conservation Areas only, this is stated. Where Conservation Area Appraisals exist for specific Conservation Areas, they will provide further detailed guidance for specific proposals.

1. Colours

1.1 Colour is an important part of our environment. Colours, their shade and intensity and where and how they are used can affect the way we feel and the way in which we perceive our environment and even individual groups or individual buildings. Traditional buildings use a specific range of colours that reflect the era in which they were built. These colours are likely to remain the most suitable for such buildings.

1.2 Modern paint colours can be inappropriate as they tend to be more harsh and vivid in comparison. They can often serve to hide the detail of castings or mouldings as the colour is more prominent.

1.3 The architectural unity of a conservation area, in whole or part, may depend on the use of specific colours for the decoration of many components including walls, joinery, railings and the public realm.

1.4 It is for this reason therefore that where original colour schemes exist they are retained and where traditional colour schemes are known their reinstatement will be supported. Walls and stone detailing which have traditionally not been painted should remain undecorated.

2. Residential

2.1 Georgian and earlier Victorian windows were often painted a variety of colours, including dark greens, reds, blues, or warmer, more complimentary colours such as off-white, stone or cream. Such colours blend very well with the natural stone in Hyndburn. Some of the later Victorian windows from the 1880’s onwards were often painted white, probably to minimise the light loss caused by glazing bars and to reflect the popular Queen Anne Style. However the white commonly used was not as brilliant as today’s white paints can be and the appropriate colour today is an off white or similar shades.

2.2 Traditional window frames were almost always painted rather than stained. Woodstain is a modern finish now widely used as it is considered to be more durable than paint; however it is not usually an appropriate finish for a historic building. Modern gloss paint systems in heritage colour ranges perform well in terms of durability, and will have a much more satisfactory appearance.

2.3 Renders can often be quite harmful where modern colour finishes are used. There are natural and manufactured pigments that reflect traditional limewash colours.

3. Commercial

3.1 The most prevalent finish to traditional timber shopfronts was paint, therefore this will be the most suitable medium in shop front redecoration, replacement and reinstatements.
3.2 Where shopfronts form part of one block but are of unrelated design, the paint scheme should be simple to avoid creating visual confusion in the street. Shopfronts in a row which were designed to form part of a wider scheme should incorporate a complimentary paint scheme.

3.3 Any shopfront can be completely ruined by ill-considered colour schemes and badly and un-inspired lettering and illumination. It is recognised that in advertising a shop this will be done using colour, lettering/signage and illumination, however, there is a modern tendency to make a shopfront stand out by using bright colours, large signage and lettering and over-illumination.

3.4 Limiting the range of colours within a block and avoiding multiple strong contrasts between units helps to unify the group.

3.6 It is impossible to dictate upfront appropriate paint colours for each circumstance, however there are many ‘heritage’ paint colours that are suitable for traditional shopfronts. These heritage colours can emphasise detail such as timber mouldings and really contribute to creating a vibrant street scene. The choice of colour should relate to the shop’s location and context but very often rich dark colours or lighter muted tones are suitable as they do not detract from the window display, and enhance the colour of the stonework.

3.7 Further detailed guidance on all aspects of shop fronts can be found in Development Management Guidance Note 5: Shop Front Design.

4. Industrial Buildings

4.1 The colour of industrial buildings in rural areas or on the edge of rural areas can impact on the way buildings are seen in the context of their surroundings. Natural materials that were traditionally used in the area will always be the preferable choice for buildings due to their minimal visual impact. However, cost and functionality will usually be a consideration for commercial ventures. Typically for walls, pre-cast concrete blockwork may be suitable where it is treated to reflect the local colour of stone usually a buff colour. In wider views dark and non-reflective materials will be preferable to lighter colours as they are less intrusive in the landscape.

4.2 The roofing materials for commercial buildings are likely to be profiled sheet in fibrecement or colour coated steel. The use of suitably coloured materials is important where a building will be visible in the landscape or is sited adjacent to an attractive building group. Dark tones with a low reflectivity are preferable and as a general rule the roof should be darker than the walls since the angle of the roof makes it reflect more light. A number of basic colours and colour combinations are recommended for farm buildings. The most suitable colours will depend on particular location (and there may be an established local tradition to follow).

4.3 Most manufacturers can supply fibre cement sheeting with a factory applied colour finish or where the colour is integrated during the process of manufacture. Painting on site is not recommended.

5. Agricultural Buildings

5.1 Although the local building materials with which traditional farm buildings of the area were mainly constructed might be preferred on visual grounds, cost and functional
considerations will generally dictate a choice from the wide range of factory made products now available.

5.2 Typically for walls, pre-cast concrete blockwork at low level as a robust and hygienic surface for livestock management and health. This might be chosen to reflect local colour of stone.

5.3 The Council may wish to see the use of suitable salvaged stone cladding for walls of buildings in prominent or sensitive sites. In some buildings the lower part of walls may in fact be made up in sheet steel panels or gates or in strong horizontal timber boarding. Generally the lower wall will be substantial to resist heavy cattle movement. At higher level the material would be selected to allow ventilation while screening the interior from rain or snow. Vertical slatted ‘Yorkshire Boarding’ is an attractive durable material, easily fixed, and replaced which weathers well. Metal cladding will be resisted in rural areas as this has an industrial appearance.

5.4 The use of contrasting materials in broad horizontal bands and the creation of a firm shadow line by extending the roof as an overhanging eaves, all help to reduce the apparent height of a large farm building and to bed it more firmly into the land.

5.5 In this connection also the extension of the solid lower wall out to the adjacent yard or field walls helps to integrate the new building with its setting.

6. Materials

6.1 In conservation areas and other areas considered prominent such as main routes and gateways good quality natural materials will be required which are well detailed, and respect local architectural detailing and styles.

6.2 There may be several styles of building that could be appropriate for a particular site in a conservation area. However, whatever the style, whether traditional or contemporary, a key issue will be the ability of the new development to respect the materials and architectural detailing of surrounding buildings. Choice of building materials and details should reflect and reinforce the character of each conservation area. Their use and application should respect local techniques and traditions.

6.3 New development should use materials appropriate to the context of the surrounding area. In most cases this means that matching natural stone and slates should be used; however there may be a place for other materials, such as timber, metals, render or glass, in more contemporary designs. Whatever the materials it is vital that they should be of good quality. Artificial stone and slates, or plastics such as uPVC, will not normally be acceptable in conservation areas.

6.4 In addition to good quality materials, the appropriate use of architectural detailing can ensure that a development blends well and contributes positively to a conservation area. Good use of detailing can often mean the difference between a bland development and one that enhances its surroundings. The use of local materials and details will help the building respect its context, and designers should be aware of the architectural language of the local vernacular, which adds to the richness of Hyndburn’s conservation areas.
GN4: Advertisements (policy link DM27)

The Council will apply the following Guidance Note in conjunction with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Policy DM27 and GN4 will be used as the Policy framework for those applications not covered by Schedule 3 of the Regulations – Classes of advertisement for which deemed consent is granted.

A  Advertisements on Buildings

A1 Advertisements on buildings will not be approved where they cut across or hide significant architectural features of a building e.g. windows, quoins, string courses, cills, lintels, pilasters.

A2 Advertisements, including canopies, will not normally be approved where they will be displayed above the lowest part of any first floor windows. Signs should be displayed at the normal fascia height of the building. Where there are no first floor windows on an elevation, signs will not normally be approved above the general ground floor fascia height unless an applicant can demonstrate and justify that the proposal complies with criteria a-c of Policy DM27.

A3 Not more than one projecting sign and one fascia sign per road frontage will normally be permitted on buildings.

A4 Fascia signs of excessive depth or length, or long, continuous fascia signs spanning a group of former shop units will not normally receive approval.

A5 Traditional hanging public house signs may be acceptable above the normal ground floor fascia height of a building as a traditional feature in the street scene. Other hanging signs may be permitted in Conservation Areas (set out in Section F below).

B  Poster Sites

B1 Free-standing poster sites (hoardings) will not normally be permitted in rural areas, or in predominantly residential areas.

B2 Poster sites will not be acceptable unless they are in scale with their surroundings or it can clearly be demonstrated that they would provide effective screening of derelict or unsightly sites or uses.

B3 Poster displays incorporated into the design of bus shelters and in scale with their surroundings are usually acceptable.

C  Advance Directional Signs

C1 Approval of signs displayed on main roads directing customers to businesses, or other uses may result in the proliferation of signs on main traffic routes to the detriment of highway users. Owners of such premises should investigate the possible use of road traffic direction signs, tourist information signs, church signs etc. with the Highway Authority.
C2 In certain instances a composite sign showing, for instance, the various businesses on an industrial estate may be acceptable. An individual advance direction sign not sited within the curtilage of the business to which it relates will not normally be approved.

D Signs on Forecourts

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

E Design, Materials and the Illumination of Signs

E1 The Local Planning Authority seeks to encourage the use of hand painted, individually designed advertisement displays. Standard plastic box signs with metal frames are not considered suitable in Conservation Areas or on most Listed Buildings - timber hanging signs or hand painted timber fascia signs are more appropriate in such circumstances. The colours to be used on plastic signs are important especially if they are used in commercial parts of Conservation Areas.

E2 The intensity of illumination of advertisements is an important consideration both in amenity and public safety terms. Individually illuminated lettering or “halo” lighting is preferable on amenity grounds to the full internal illumination of box or fascia signs especially where white or light coloured signs are proposed. External cowled lighting or trough lighting is usually more acceptable than internally illuminated signs although unshielded or badly located lighting may cause safety problems by dazzling motorists.

E3 Advertisements proposing excessive illumination or likely to result in dazzle to motorists will not receive approval.

E4 Intermittently illuminated signs are generally not considered acceptable even in commercial areas of the Borough.

F Advertisements in Conservation Areas

F1 Advertisements are usually most successful in a conservation area where they are simple and restrained. Colour can play an important part in advertising schemes. Garish colours or colours unrelated to the overall local colour scheme are not usually acceptable. Corporate colours may have to be adapted for conservation areas to achieve this.

F2 Within Conservation Areas, advertisements must be designed and located so as to respect the unique character of individual areas and buildings. The number, size, shape, location, colour and detailed design will all have a bearing on this. Consequently, proposals must exhibit a high standard of design and good quality materials. A proliferation of signs will be resisted. Box signs and signs with a shiny or reflective finish will not be encouraged and it may be necessary for applicants, including national organisations with a corporate identity signage system, to tone down colour schemes and produce signs in traditional form and materials. The use of natural materials will be most appropriate for advertisements displayed within Conservation Areas.
Within Conservation Areas, signs painted onto a fascia will be most suitable for traditional shopfronts. It may also be acceptable to provide a hanging painted timber sign, or to apply lettering or a logo to the glass of the shop window itself. Where there is no existing fascia on the building any sign should relate to the shopfront, being on it, in it or directly above it. In some instances, painted signs or individual letters fixed directly to the building will be acceptable. In all cases the size, type and colour of lettering must suit the architectural character of the shop front and the building as a whole. Further details on Shop Front Design are set out in Guidance Note 5.
GN5: Shop front design (policy link DM28)

Introduction

1. Hyndburn has many important shopping areas and groups of shops that are often busy and well-known public places with their own distinctive character and history. Unfortunately, the character and quality of the traditional shopping street has gradually been eroded by poor, careless and unsympathetic alterations to shop fronts.

2. Widespread use of relatively cheap materials and standardised shop front designs has led to a loss of local distinctiveness. In places inappropriate shop fronts and large attention grabbing signs dominate the street scene, and have a negative impact on historically important buildings, as well as the whole shopping area.

3. The council is committed to reversing this trend and ensuring that alterations to shop fronts in Hyndburn are well designed, and contribute positively to the surrounding area. This will not only help businesses, but will also improve the streetscape for all the people that use it. The council’s Shopfront Design Guide is intended to give advice on the design of shop fronts, and to provide guidance on the replacement or alterations of shop fronts in all areas of Hyndburn, including conservation areas. It includes information on:
   - what planning permissions and consents are needed for alterations to shop fronts and shop signage
   - basic principles of good shop front design
   - guidance on signage design
   - appropriate security measures for shop fronts
   - disabled access issues

4. In the last 30 - 40 years the character and quality of the traditional shopping street has often been eroded by poor, careless and unsympathetic alterations. Inappropriate shopfronts and attention-seeking, large signs downgrade historically or architecturally important buildings as well as the whole shopping area.

5. These guidelines have been prepared by Hyndburn Borough Council to give advice on the design of shopfronts. They are intended to provide guidance on the replacement of, or alteration to, shopfronts, signs, fascias, etc. within all areas of Hyndburn, including Conservation Areas and for shops which occupy the ground floor of listed buildings.

6. The advice applies to street level premises that have a display window and/or a fascia sign. It includes non-retail uses found in shopping areas or elsewhere such as estate agents, banks, building societies, restaurants and pubs. It will also apply to historic shopfronts that have been converted for other uses such as residential.
7. The guidelines given are not intended to promote any particular style or to be a blue print from which specific designs may be taken, or to remove the need for skilled professional architectural advice. The guidelines aim to set out basic principles of good shopfront design and to:

- provide the necessary information to shopkeepers, shopfitters, builders etc., when applying for planning permission;
- familiarise applicants both with the problems in shopfront design and with the Council’s Development Plan policies; and
- to supplement the services of the professional and to encourage applicants to produce attractive and good designs in shopping areas.

### Planning Permissions and Consents that may apply to Shopfronts

8. You need planning permission for any alterations or changes that materially affect the appearance of your shopfront. Most alterations to a shopfront require planning permission, for example you will need consent for:

- replacing the whole shopfront or frame
- new fascia
- illuminated sign
- external security shutter and grilles
- removing the stallriser
- new door
- awnings and Canopies

*Note: This is not an exhaustive list.*

9. When proposing alterations to the fabric or the use of a shop you should contact the Planning Department for advice on whether consent is required using the Council’s informal advice procedure, details of which can be found on the Council’s internet site.

10. You may need planning permission to change the type of business carried out in your shop or premises (this is called a change of use). For example, you need planning permission to change the use into another non-retail use such as an estate agent, office, take-away, restaurant or residential. You do not need planning permission for repainting, reglazing or repairing a shopfront. When in doubt please always consult the Planning Department.

### Conservation Area Consent

11. You will need Conservation Area Consent to remove or demolish a shopfront in a Conservation Area.

### Listed Building Consent

12. You need Listed Building Consent for any alteration to a shopfront which forms part of a Statutorily listed building.

### Advertisement Consent

13. You need Advertisement Consent for most illuminated signs, signs above ground floor level, or signs on a different wall from the shopfront, as well as flags, banners and pole signs.
Basic Design Considerations

14. In the design of all shopfronts, whether traditional or modern, the following general considerations should be taken into account:-

   a) the streetscene: it is important to consider the effect of the design on the rest of the street and the immediate area. Proportions, materials and details should maintain the variation and hierarchy of the buildings and should not seek attention or dominate them unnecessarily;

   b) the building as a whole: it is important to consider the effect of the design on the whole building, and on the adjoining shopfronts. Sensitive design should enhance the individuality and character of the building. The structural integrity of the traditional frontage should be maintained;

   c) the details: details in the design are equally important. Original ornaments and other details provide visual interest. Carefully selected colours may enhance the building as well as the whole street. Special care in the design of the entrance, windows and signs will help shoppers and will make shopping an easier task, especially for people with a particular disability or mobility problem.

Design Implications

15. A shopfront with a bad design can be the consequence of cheap materials, bad workmanship and lack of thought but, more often, bad design is due to a lack of understanding of the value and importance of the elements that form original shopfronts to make them a visually cohesive part of the building. Good design, whether modern or traditional, recognises the importance of various elements of the shopfront, and integrates the aspirations of the shop owner without detrimentally affecting the building or its context. Good design can enhance and make positive contributions to the building, street scene and retail operation.

16. Before deciding to replace an existing shopfront it is worth considering carefully why a new shopfront is wanted. The most likely reasons are probably:

   - The present shopfront is in a poor state of repair.
   - A higher quality shopfront is required to improve the look of your business.
   - A change of retail use that requires a different frontage: for example change from a betting shop to a flower shop where more display is needed, or from a green grocers to a jewellers where more security is needed.

17. If the existing shopfront is a distinctive and well-designed one that has fallen into disrepair, then repair work should be all that is required. This is almost always the case with timber shopfronts and repair work may well be less expensive than replacement. Modern materials such as aluminium and UPVC may not be as long lasting as timber - beware of materials that are described as maintenance free. This may mean that when they wear out they cannot be repaired and have to be replaced.

The Principles of the Design Approach

18. In all cases, where a traditional or historic shopfront exists, the council will encourage its retention. Many traditional shopfronts only need repair to give many future years of use. Even where the original shopfront has been removed, much of the architectural
framework often survives, sometimes covered up by modern fascia and signs. There are a variety of approaches which can be adopted to shopfront design. The Council will generally encourage shop owners first to repair original shopfronts, second to repair or re-establish the traditional architectural frame of the shopfront, and third to propose carefully proportioned, well resolved high quality modern design. Two common approaches to shopfront design are:

**Traditional Design**

19. A traditional designed shopfront often has the entrance door set back from the back edge of the pavement. It will normally consist of pilasters, with architectural details such as capital and plinth, a corbel or console bracket, and an entablature with cornice and frieze or fascia, which generally has a hand painted sign. The shop window will typically include two vertical mullions and a transom rail at door head level with clerestory or transom lights above. It will be made of timber and sit within the traditional architectural framework around the opening.

20. Where shop fronts have survived special care is needed to ensure that they are preserved and restored in a sensitive manner with careful attention to detail. Even where only fragments of historic shop fronts remain, it makes sense to base this new shop front around them and to reproduce as closely as possible the original design.

21. Traditionally designed shopfront made from traditional materials will be acceptable in Conservation Areas. The use of modern materials or design which is unsympathetic to the host building or street scene will not be acceptable in Conservation Areas.

**Modern Shopfront**

22. In certain circumstances, it might be appropriate to make a modern shopfront either within the traditional surround or within a carefully articulated new shopframe that reinterprets the proportions and form of the adjacent shopfronts in a contemporary manner. The design of modern replacement shopfronts should be of a high standard design in order to bring diversity and vitality to the street.

**The Shopfront Surround or Frame**

23. Most shopfronts have an existing frame or surround which consists of pilasters, (vertical columns) either side, crowned by a moulding (corbel) with a fascia and cornice connecting the two corbels.
24. Where the traditional framework of the shop remains, e.g. pilasters, columns and frieze incorporating a fascia, these features should be retained (restored if necessary) and a new shopfront incorporated within it. Even where only fragments of historic shop fronts remain, it makes sense to base this new shop front around them and to reproduce as closely as possible the original design, using photographic evidence for accuracy where it is available. Proposals should take account of adjacent shopfronts and should relate in terms of fascia lines, stallriser heights, bay widths and materials.

25. Corner shopfronts have an important visual and practical roles to play in shopping areas. Special care will be required for shops of 'double' aspect and window displays.

**Key Elements of Good Shop Front Design**

**Stallrisers**

26. The stallriser is the solid panel below the shop window which reduces the predominance of glazing and provides some protection against accidental knocks. Traditionally the stallriser was part of the display table when shopfronts were completely open. This layout still exists in some shops (e.g. greengrocers, fishmongers). Most traditional shopfronts had stallrisers made of render or wooden panelling on a rendered or stone plinth. Some pubs and banks have granite or marble stallrisers and some pubs and butchers have decorative tiles. Laminates, mosaics and reflective tiles are not suitable materials and should be avoided.

27. In general stallrisers should not exceed the base of the pilasters or approximately 450mm in height. However, there may be cases where the stallriser could be higher, so seek advice first. Stallrisers should be made of substantial materials and be compatible with the shopfront frame and upper building.

28. Some modern shopfronts have large expanses of plate glass, down to ground level. In some locations this can result in a dramatic and effective display area, but such minimalist design will not be suitable in parades of shops where the display areas are more conventionally framed. Whatever their use it is possible for modern designs to incorporate these traditional features.
29. When undertaking works to, or replacing stall risers it is important to retain any grills at this level which provide ventilation for basement storage rooms.

**Glazing bars**

30. Though large sheets of plate glass have been used in shopfronts since the mid Victorian period, smaller divisions of glazing have remained in use for most traditional shop designs. Glazing is divided by mullions and transoms in a pattern, which reflects the rest of the proportions of the shop and the rest of the building. Unless a large expanse of glass is a principal feature of the design, then this practice should be followed. A transom should divide the window at the same level as the line between the door and door light. Mullions should line up above and below the transom and may reflect vertical alignment of windows in the upper floors.

**Corbels/Consoles**

31. These are the brackets at each end of the fascia. The designs of these vary widely from neo-classical consoles formed like scrolls to art deco designs in the 20's and 30's.

**Pilasters**

32. The pilasters are half columns that project from the wall between each shop. They act as supports for the corbels and a division between each shop. They should at least give the impression of being structural and extend from the ground right up to the termination of the fascia. Timber, either painted or stained, is the most appropriate and versatile material for pilasters.

**Linking Shop Fronts**

33. Where a long shop frontage is proposed which will link two or more individual traditional shop premises, the design of the ground floor elevation and the fascia sign should be such as to retain the appearance of a series of individual units. Conformity and linkage can be satisfactorily obtained by continuity of letters style, design and colour.

**Fascias and Signs**

34. Fascias are perhaps the most dominant feature of the shopfront. They play a dual role in both communicating the name, trade and number of the shop and forming an important design element in the ‘framework’ of the shopfront. Shop signs are similarly important; depending on their position, design and numbers they can either ‘clutter’ or add a delightful richness and variety to the streetscene.

a. The scale of the fascia should be in harmony with the other elements of the building. Fascias should not be too deep as they tend to cut off the ground floor from the upper part of the building. Large panel fascias and box fascias are out of character and generally not acceptable.

b. The fascia should not extend below the head of the pilaster nor above the perceived floor level below the first floor windows. Corbels above the pilasters have traditionally contained the fascia and also determined its height. Where corbels no longer exist, they should be reinstated.

c. Existing windows and architectural details such as string courses, friezes, cornices and pilasters should not be obscured, boxed in, altered or defaced by fascias or
projecting signs or advertisements, as these features add interest to the overall design of the shop.

d. The use of large areas of acrylic or other shiny materials in fascias should be avoided. On a 19th Century building a painted timber fascia is the most appropriate with either painted lettering or individual letters of another materials.

e. Box Fascias, usually of plastic and/or metal, often project out of the existing fascia panel, and are too large and bulky and unsympathetic to the style of most buildings. They should generally be avoided.

f. Individually illuminated letters are preferred to box signs and in some cases may not need Advertisement Consent. Highly reflective materials should be avoided.

g. Good contrast and simple lettering will make signage more legible. Standard shopfront designs used by national retail chains may not be suitable.

**Corporate Styles**

35. Company logos, signs and standard shopfront designs may not be suitable either to individual buildings or in Conservation Areas. The overall appearance of the building and the area is more important than uniformity of design to promote a ‘corporate house style’ for different branches of the same company. Care should be taken to adapt the design and incorporate the company logo in the overall design. Multiple stores need to cooperate in modifying their standard ‘corporate’ lettering, especially in Conservation Areas and on listed buildings.

**Signage on Glazing**

36. Large areas of glazing can be a useful location for shop signs, which can be painted or etched onto the internal surface of the windows. This may be particularly suited to frontages that have an architectural form that do not lend themselves to the attachment of large external signs or fascias. However excessive signage can make windows look cluttered, especially when combined with additional advertisements and posters.

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

**Projecting or Hanging Signs**

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

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

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

• When separate businesses occupy upper floors, the display of advertisements should be limited to lettering applied to windows. A suitable size and style need not spoil the elevation.

**Canopies and Blinds**

40. Canopies and blinds give some protection to the shoppers and shop window against rain and sun and can be a lively addition to the streetscene, provided that they are designed as an integral part of the shopfront and are confined to it. Care should be taken to ensure that their size, shape, position are compatible with the character of the building. Architectural details should not be obscured when blinds are installed. The colour and materials should be in keeping with the materials of the shopfront and building.

41. Retracting blinds should always retract fully into the fascia, and should provide safe and adequate ground clearance (minimum 2.4m above ground level). Continental ‘Dutch’ canopies (non-retractable) often made from shiny plastic are considered inappropriate and will not be permitted. Straight canvas canopies may be appropriate in particular for Conservation Areas.

**Security Shutters and Grilles**

42. Many retail frontages have been blighted by long stretches of solid aluminium shutters. At night these shut off light from within the shops creating an intimidating atmosphere. They prevent observation of break-ins and attract graffiti. External shutters often retract into external boxes below the fascia and vertical runners attached to the pilasters. These both harm the appearance of a shopping streetscape. Whilst the Council recognise the need for security, it believes that security can be achieved without the installation of bland solid roller shutters and unsympathetic external shutter boxes. There are alternatives that avoid these problems:

**Security Glass**

43. This is an ideal solution with no detrimental effect on the appearance of the shop. Nowadays toughened and laminated glass can give very high levels of security and there is a wide range of products available from standard 7mm laminated glass to bullet proof glass.

**Internal Grilles**

44. Internal shutters, require no external additions to the shopfront, and when they are the open link grille (lattice type) or perforated roller shutters, sit behind the shop window and are coated in a colour powder or plastic are the preferred option. This type of shutter system provides a visible form of security measure that does not compromise the external appearance of the shop. Subject to the design, internal security shutters do not generally require planning permission.

**Removable External Shutters**

45. External shutters can be acceptable if they appropriate to the shop and designed to suit its character. Traditional timber shutters that can be removed completely are fitted over
each window or steel framed meshes with heavy gauge wire across fit over a larger area of glazing.

External Roller Shutters

46. In exceptional circumstances material considerations may dictate that external roller shutters are in keeping with the area. They should be chosen carefully and fitted sensitively, so that they:

- are of the open grille type allowing clear vision through
- the housing should be recessed into the wall (as opposed to projecting) and contained within the design of the shopfront, preferably behind the fascia
- the runners should be built into the frame of the shop and not be separate and external to it
- solid external shutters are not acceptable
- external roller shutters will not be permitted in conservation areas

Construction Material and Finish of Shopframes

47. Materials should be selected to harmonise with the character of the building concerned. As a general principle, the type and number of materials used should be kept to a minimum and should be durable and easy to maintain. Shiny, reflective materials, plain unfinished metal or lurid colouring should be avoided. Further guidance is provide in Development Management Guidance Note 3: Materials and Colour.

Traditional materials

48. Such as painted timber, glass, steel, render, stone, glazed tiles are still the most commonly used materials for good shopfronts and will appear in most better-quality designs. In well established shopping areas with historic interest, painted timber, combined with other traditional materials is the most appropriate material usually matching the features of the upper floors. Traditional shopfronts should not normally have a natural or varnished timber finish and exposed tropical hardwoods are especially unsuitable.

Access and Access for Wheelchair Users

49. Wherever it is practicable, alterations should ensure access for all through the main entrance by creating a clearly defined, well lit, unobstructed and level approach. Where this is not possible, a secondary accessible entrance should be considered. Only in exceptional circumstances should disabled people be obliged to ring a bell or wait to be escorted onto the premises.

50. New shop fronts or alterations to existing shops should be designed with the following points in mind;

a) The entrance to the shop should be level with the pavement. If this is not possible, a non-slip ramp (maximum gradient 1:12) should be provided, to allow access for people with limited mobility, including elderly people and shoppers with pushchairs.

b) Doors should have a clear opening width of 900mm, with a clear 300mm space adjacent to the opening side of the door. Where there are double doors, there should be a clear opening width of 800mm through at least one of the leaves. Where building constraints make these recommended widths impossible, the minimum clear opening width should be 750mm. Where space is limited automatic doors are helpful,
and there are a variety to suit most situations. Traditional shops may choose power-assisted doors, or automatic doors operated via a pushplate. If manual, doors should be light, well hung, and self-closing forces kept to the minimum necessary. Revolving doors are not recommended.

c) Where there are unavoidable steps, these should be easy going, have a handrail on both sides and should be easy to see by including contrasting step nosings.

d) On many traditional shopfronts the entrance is recessed. These recesses add variety to the shopping street. However, if open at night, they should be adequately lit for safety reason.

Living over the Shop

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

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

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

Shop Conversions

53. Some former shops and pubs in Hyndburn have been converted to other uses particularly residential. The appropriate approach to the shopfront will depend on the individual circumstances of the property and its immediate surrounds, as well as the needs of the occupiers.

54. If the shopfront is still in its original condition, it is often possible to retain the external features of the shop or pub front, without compromising the new use. Privacy can be achieved through use of frosted glass or internal blinds. Wherever possible, shopfronts (particularly those with historic features) should be retained.

Townscape Heritage Initiative

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

56. Whilst guidance contained within this Guidance Note applies to work on shop fronts across all areas of Hyndburn, further specific guidance may be provided in relation to any THI area and funded grant works. Applicants are advised to contact the Council for further details.
GN6: Wind turbine proposals (policy link DM30)

General Requirements

The Written Ministerial Statement (WMS) made by the Secretary of State for Communities and Local Government (Greg Clark) on 18th June 2015 altered the planning policy landscape with regards to planning for wind turbines.

The WMS stated that ‘when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant permission if:

- The development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing’.

The Council intends to identify ‘suitable areas for wind energy development’ in its Site Allocations DPD. This Guidance Note provides further guidance in relation to some of the planning considerations and impacts that will be assessed under the second part of the WMS, considering the affects of proposals on local communities.

Once the DM DPD is adopted, this Guidance Note will update and replace the previous ‘Pre-application Advice Note for Wind Turbine Proposals’ published by the Council in August 2012.

Application information

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

Ministry of Defence (MOD) Initial Checks

We strongly advise enquirers to check with the MOD whether proposed wind turbine(s) would be within flight paths and/or whether proposed wind turbine(s) would have an impact on radar (for example the Warton radar).

For further information please use the web link below:

http://www.mod.uk/DefenceInternet/MicroSite/DIO/WhatWeDo/Operations/ModSafe guarding.htm

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

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

Turbine(s) Height and Appearance

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

Photo-montage illustrations

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

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

NB: This will include sections taken through the landscape based on topographical information and will demonstrate whether the turbine(s) will be visible from specific road, paths and landmarks. It is possible to use Google earth to inform this process (subject to copyright). To view sections using Google earth:

1. Press icon that looks like earplugs
2. Name it
3. Do NOT press OK but move the sheet to one side
4. Click on the start of the cross section line, then click on the end. A line appears
5. Go back to sheet which was moved to one side and click OK
6. Go to edit
7. Click elevation profile and the cross section appears

Public rights of way and roads

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

Noise Survey

To include, if necessary, mitigation (NB: Advice should be sought from Hyndburn Environmental Health in terms of whether there is a need for background noise readings to accompany a noise survey or whether a desk top study would initially suffice).

The Planning Practice Guidance makes clear that ‘The Assessment and Rating of Noise from Wind Farms’ report (ETSU-R-97) should be used in assessing and rating noise from wind energy developments. This may be supplemented by good practice guidance from the Institute of Acoustics where appropriate.

Ornithological and Ecology Survey(s)

In the first instance the applicant should carry out a desk study/data search to identify the possible presence of potentially vulnerable species or habitats in the local area, and that the results of the desk study may indicate that surveys for particular species are required.

Relevant organisations to contact (as a minimum) would be the Lancashire Environment Records Network (LERN – the local records centre), and local ornithology and bat groups.
The applicant will need to address both construction and operational impacts, for example:

- **Construction** (turbine foundation, hardstanding areas, access route, cable route, etc) could have impacts on protected or priority species (for example, nesting birds, badgers, great crested newts/common toads, water voles (if water courses affected), etc) and habitats (if for example within a BHS or an area of priority habitat). The applicant will need to demonstrate that impacts on protected and priority species and habitats will be avoided, mitigated or compensated.

- **Operational impacts** tend to be limited to bats and birds, so

- If the turbine would be located within 50m of potential bat habitat (hedgerows, trees, tree lines, woodlands, watercourses, ponds, buildings, etc), then there should be an assessment of potential impacts on bats. Applicants should refer to guidance issued by the Bat Conservation Trust (Bat Surveys – Good Practice Guidelines) and Natural England (e.g. Technical Information Notes 51 and 59). If impacts on bats (killing or injuring, disturbance, impacts on roosts, etc) cannot be ruled out then options for mitigation should be explored.

- Turbines can result in collision and disturbance/displacement of sensitive bird species. Smaller turbines are less likely to result in significant collision risk or displacement, but even small turbines (perhaps 25m to blade tip) have the potential to disturb/displace sensitive birds (such as curlew) by several hundred metres. The presence of barn owl roosts/nests/foraging habitat should also be considered, as barn owls may be vulnerable to collision but are also affected by the noise of turbines (they have sensitive hearing) and inappropriately sited turbines could result in abandonment of nests/roosts/territories. The applicant will therefore need to demonstrate that the turbine will not result in impacts on priority bird species. The applicant might want also to refer to RSPB guidance (Wind turbines, Sensitive Bird Populations and Peat Soils: A Spatial Planning Guide for on-shore wind farm developments in Lancashire, Cheshire, Greater Manchester and Merseyside), as this will highlight whether or not the turbine is in a potentially sensitive area (and thus whether or not there is a need for some sort of assessment of potential impacts).

If the desk top study indicates a need to undertake specific surveys these must be completed and must accompany the planning application. In all cases the applicant should provide details in terms of how nature conservation will be both protected and enhanced.

**Hydrological and Soil Assessment report**

It will be important to establish whether for example the proposals would have an impact on peat or hydrology for the area.

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

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

**Highways**

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

**Visual Amenity Assessment**

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

**Need for Turbine(s)**

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

**Wind Speeds**

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

**Community Involvement**

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

**Shadow Flicker Report**

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

**Location of Turbines**

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

Requests for Screening Opinions

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

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

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

Planning Application Fees for Wind Turbines

Circular 04/2008 states:

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

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

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

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

Typical heights of Pennine landscape elements, for comparison with turbines of different heights
GN7: Waste management (policy link DM31)

1. Bin Stores and Storage Rooms

1.1 The siting of bin stores should have regard to the relationship with the residential development and existing buildings. Bin stores should be visually unobtrusive and may take the form of a suitable building, enclosure or screen. The external appearance of bin stores should have regard to the locality and the materials and colours used should match the residential development. Where possible bin stores should be screened with landscaping and integrated into other domestic features.

1.2 Bin storage rooms are acceptable within flatted properties providing that a separating wall or floor with short fire resistance duration is provided between the waste storage room and the rest of the building. The preference, however, is for bins to be accommodated outwith the building. For the development of flats, discussions need to be made with the Council’s Waste Department, in accordance with the requirements of this Guidance Note.

1.3 The compound must be secure and prevent the waste containers from escaping. The containers should be totally enclosed and ideally covered, together with adequate lighting for residents and collection crews. Bin stores and storage rooms should also have adequate lighting – natural or artificial and good ventilation if completely enclosed. Generally containers will be lined up down both sides of the compound with an access door/s at the end for collection crews, although other layouts may be considered.

1.4 Bin stores and storage rooms should allow sufficient space for filling and emptying bins. A 1500mm clear walkway must be provided in front of the waste containers to allow resident access and collection crews to remove individual containers without the need to remove others. The access doors must open outwards towards the collection vehicle and provide a minimum clearance of 1500mm to allow waste containers to be safely manoeuvred in and out by collection crews.

1.5 The floor must be hard, smooth and easily cleanable, and of sufficient construction to withstand the weight and movement of waste containers. Where there is a difference in floor levels between the compound floor and the access road, a ramped access at least 1500mm wide must be provided.

1.6 For further guidelines on the construction of waste compounds for multi-occupancy developments, see Section 6 below.

2. Distances and Collection Points

2.1 Distance from bin storage to collection point must be kept to a minimum. Collection points may either be the kerbside or on a dedicated area of hard-standing to be formed as appropriate.

2.2 Bin storage areas should be no more than 45 metres from the roadside collection point where 240 litre bins are used or no more than 15 metres from the collection point where communal bins of more than 1000 litres are used.

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

3. **Rural Properties**

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

4. **Extensions**

4.1 Where an existing property benefits from a means of access between front and rear gardens of sufficient width to accommodate wheeled bins, all new extensions should demonstrate that an adequate route for bins from the front to the back of the property is maintained by means of a gap of no less than 1.0m between the extension and curtilage boundary. Exceptions may be made in cases where a route would be maintained through the extension via a garage. A planning condition may be imposed in order to ensure that this provision is maintained and bins do not become stored at the front of the property.

4.2 It is acknowledged that minor extensions can be built using permitted development rights and that this could lead to inconsistencies in the application of good practice guidance. Notwithstanding, it is strongly recommended that developers and householders adhere to the terms of this guidance and are advised that planning permission is likely to be required for any new bin store provided at the front of the property as a consequence of any extension.

5. **Cost**

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

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108 Council vehicles specifications for swept path analysis are as follows Overall length – 10.3m, Overall width – 3.15m, Overall body height - 3.85, Min body clearance - 0.25m, Track width 2.75m, Lock to Lock time 5 Sec, Kerb to kerb turning radius – 22.5m
6. Construction of waste compounds for multi-occupancy developments

Container Dimensions:

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

Minimum number of waste containers split into individual waste streams

<table>
<thead>
<tr>
<th>No. of dwellings in development</th>
<th>Waste Stream</th>
<th>Type of Container</th>
<th>No. required</th>
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<tbody>
<tr>
<td>Up to 10</td>
<td>Paper</td>
<td>240 Litre wheeled bin</td>
<td>3</td>
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<tr>
<td></td>
<td>Plastic bottles and cans</td>
<td>240 Litre wheeled bin</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Glass</td>
<td>140 Litre wheeled bin</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Cardboard</td>
<td>Cage</td>
<td>1</td>
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<tr>
<td></td>
<td>Non recyclable waste</td>
<td>1100 Litre Eurobin</td>
<td>2</td>
</tr>
<tr>
<td>11 to 15</td>
<td>Paper</td>
<td>240 Litre wheeled bin</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Plastic bottles and cans</td>
<td>240 Litre wheeled bin</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Glass</td>
<td>140 Litre wheeled bin</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Cardboard</td>
<td>Cage</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Non recyclable waste</td>
<td>1100 Litre Eurobin</td>
<td>3</td>
</tr>
<tr>
<td>16 to 20</td>
<td>Paper</td>
<td>240 Litre wheeled bin</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Plastic bottles and cans</td>
<td>240 Litre wheeled bin</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Glass</td>
<td>140 Litre wheeled bin</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Cardboard</td>
<td>Cage</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Non recyclable waste</td>
<td>1100 Litre Eurobin</td>
<td>4</td>
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<td>21 to 25</td>
<td>Paper</td>
<td>240 Litre wheeled bin</td>
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<td>Plastic bottles and cans</td>
<td>240 Litre wheeled bin</td>
<td>8</td>
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<tr>
<td></td>
<td>Glass</td>
<td>140 Litre wheeled bin</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Cardboard</td>
<td>Cage</td>
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### Development Management DPD – Consultation Draft (Reg. 18) – January 2016

#### Table:

<table>
<thead>
<tr>
<th>Dwellings Range</th>
<th>Paper</th>
<th>Plastic bottles and cans</th>
<th>Glass</th>
<th>Cardboard</th>
<th>Non recyclable waste</th>
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</thead>
<tbody>
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<td>26 to 30</td>
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<td>140 Litre wheeled bin</td>
<td>Cage</td>
<td>1100 Litre Eurobin</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>9</td>
<td>7</td>
<td>3</td>
<td>6</td>
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<tr>
<td>31 to 40</td>
<td>Paper</td>
<td>240 Litre wheeled bin</td>
<td>140 Litre wheeled bin</td>
<td>Cage</td>
<td>1100 Litre Eurobin</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>11</td>
<td>9</td>
<td>4</td>
<td>8</td>
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<tr>
<td>41 to 50</td>
<td>Paper</td>
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<td>140 Litre wheeled bin</td>
<td>Cage</td>
<td>1100 Litre Eurobin</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>13</td>
<td>11</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>51 to 60</td>
<td>Paper</td>
<td>240 Litre wheeled bin</td>
<td>140 Litre wheeled bin</td>
<td>Cage</td>
<td>1100 Litre Eurobin</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>15</td>
<td>12</td>
<td>6</td>
<td>12</td>
</tr>
</tbody>
</table>

**PLEASE NOTE**

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

<table>
<thead>
<tr>
<th>Dwellings Range</th>
<th>Paper</th>
<th>Plastic bottles and cans</th>
<th>Glass</th>
<th>Cardboard</th>
<th>Non recyclable waste</th>
</tr>
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<tbody>
<tr>
<td>16 to 20</td>
<td>Paper</td>
<td>240 Litre wheeled bin</td>
<td>140 Litre wheeled bin</td>
<td>Cage</td>
<td>1100 Litre Eurobin</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>8</td>
<td>6</td>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>

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

Waste Services, Hyndburn Borough Council, Willows Lane, ACCRINGTON, Lancashire, BB5 0RT
GN8: Car parking, access standards and transport assessment/travel plan thresholds (policy link DM32 and DM33)

1. In 2011 the previous requirement to set ‘maximum’ parking standards for residential development by local authorities was removed. Subsequently, through paragraph 39 of the NPPF, the Government has made clear that local planning authorities should consider a range of factors when setting local parking standards. These include accessibility of developments, the type and mix of uses proposed, the availability of (and opportunities for using) public transport in the area, and information on local car ownership levels.

2. A Written Ministerial Statement of the 25th March 2015 further clarified the Government’s stance on parking matters stating that local planning authorities should only impose local parking standards where there is clear and compelling justification that it is necessary to manage their local road network. In Hyndburn, maximum car parking and access standards were introduced and adopted in 2010 and have since been used in planning decisions where relevant.

3. The nature of the Borough, in terms of its relatively high-density compact urban form, demographics and low car-use\textsuperscript{109}, has meant that the implementation of maximum parking standards over the previous 5 years has not lead to unacceptably blocked and congested streets or pavement parking, one of the main drivers for Government abolishing the national parking standards and the WMS of March 2015.

4. In the absence of any clear negative impacts on the implementation of maximum car parking standards in Hyndburn, and the clear sustainability arguments for restricting car parking provision (helping to encourage reduced car use, in so doing reducing congestion and pollution) the Council intend to retain the use of the adopted standards in the Development Management DPD.

5. As such, this Guidance Note sets out the Car Parking and Standards that the Council will expect to see in new developments (7A). It also sets out the accessibility questionnaire to be used in demonstrating how accessibility by walking, cycling or public transport may be improved as part of any new development (7B). The accessibility questionnaire requires an applicant, where applicable, to justify the reasons why lower parking provision than the maximums specified are being proposed. Finally it covers the local thresholds for new floorspace against which Transport Assessments and Transport Plans will be required to accompany applications.

\textsuperscript{109} the 2011 Census shows that across Hyndburn 28% of households have no access to a car or van, with some areas having in excess of 50% of households
## GN8A – Car parking and access standards

<table>
<thead>
<tr>
<th>Use</th>
<th>Broad Land Use</th>
<th>Specific Land Use</th>
<th>Baseline Maximum Car parking standard (gross floorspace where applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Shops</td>
<td>Food Retail</td>
<td>1 space per 14 sq. m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non Food Retail</td>
<td>1 space per 20 sq. m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Retail Warehouse</td>
<td>1 space per 40 sq. m</td>
</tr>
<tr>
<td>A2</td>
<td>Financial and Professional Services</td>
<td>Banks/building societies, estate and employment agencies, professional and financial services</td>
<td>1 space per 30 sq. m</td>
</tr>
<tr>
<td>A3</td>
<td>Restaurants and cafes</td>
<td>Restaurants and cafes</td>
<td>1 space per 5 sq. m of public floor area</td>
</tr>
<tr>
<td>A4</td>
<td>Drinking establishments</td>
<td>Public houses/wine bars/other drinking establishments</td>
<td>1 space per 5 sq. m of public floor area</td>
</tr>
<tr>
<td>A5</td>
<td>Hot Food Takeaways including drive-throughs</td>
<td>Use for the sale of hot food off the premises</td>
<td>1 space per 12 sq. m unless in a town/district centre location</td>
</tr>
<tr>
<td>B1</td>
<td>Business</td>
<td>Light industry, business parks, office, call centres, research and development</td>
<td>1 space per 30 sq. m</td>
</tr>
<tr>
<td>B2</td>
<td>General Industry</td>
<td>General Industry</td>
<td>1 space per 45 sq. m</td>
</tr>
<tr>
<td>B8</td>
<td>Storage and Distribution</td>
<td>Storage or distribution centres, wholesale warehouse, repositories</td>
<td>1 space per 100 sq. m</td>
</tr>
<tr>
<td>C1</td>
<td>Hotels</td>
<td>Hotels, boarding houses and guesthouses</td>
<td>1 space per bedroom inclusive of staff parking provision</td>
</tr>
<tr>
<td>C2</td>
<td>Residential Institutions</td>
<td>Residential care homes/nursing homes</td>
<td>1 space per 5 beds plus 1 space per 10 beds for visitors/staff(^{110})</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sheltered Accommodation</td>
<td>1 space per 3 beds plus 1 space per 10 beds for visitors/staff</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential Training Centres and halls of residence</td>
<td>1 space per bed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hospitals</td>
<td>1 space per bed</td>
</tr>
<tr>
<td>C3</td>
<td>Dwelling houses (standards also equally apply to flats). Town centre sites will be considered on individual merits</td>
<td>1 bedroom dwelling</td>
<td>1 space</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2-3 bedroom dwelling</td>
<td>2 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4+bedrooms</td>
<td>3 spaces</td>
</tr>
</tbody>
</table>

\(^{110}\) There may be a requirement for additional car parking where a proposal includes an element of low care or where there would be a number of more “mobile” residents, in which case the C3 dwelling house standard will be applied.
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Minimum Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>C4</td>
<td>Houses in multiple occupation</td>
<td>As per C3 standards</td>
</tr>
<tr>
<td></td>
<td>D1 Non residential institutions</td>
<td>Art galleries, museums, libraries: 1 space per 20 sq. m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Halls and places of worship: 1 space per 5 sq. m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Schools: 1 space per 2 staff plus 1 space per 10 students</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Crèche/day nurseries/day nurseries: 1.5 per 2 staff plus drop off zone (in or outside the curtilage) of 1 space per 10 children</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Medical/health facilities: 4 spaces per consulting room</td>
</tr>
<tr>
<td>D2</td>
<td>Assembly and Leisure</td>
<td>Cinemas, bingo and casinos, conference centres, music and concert halls: 1 per 5 seats</td>
</tr>
<tr>
<td></td>
<td></td>
<td>General leisure: dance halls (but not night clubs), swimming baths, skating rinks and gymnasiums: 1 space per 22 sq. m</td>
</tr>
<tr>
<td>Misc. / Sui-Generis</td>
<td>Theatres</td>
<td>1 space per 5 seats</td>
</tr>
<tr>
<td></td>
<td>Motor car showrooms</td>
<td>1 space per 50 sq. m internal showroom</td>
</tr>
<tr>
<td></td>
<td>Petrol filling stations</td>
<td>1 space per pump</td>
</tr>
<tr>
<td></td>
<td>Taxi Booking Offices</td>
<td>1 space per 1.5 cars operating from the business. Off street and dedicated car parking to be provided and within 100 metres of the office.</td>
</tr>
<tr>
<td></td>
<td>Vehicle repair and service stations</td>
<td>1 space per 50 sq. m</td>
</tr>
</tbody>
</table>

**Further Guidance**

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

**Car Parking Space**
2.4m x 5.0m
A minimum of 6 metres is required to enable cars to reverse out of a car parking space.

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

**Bicycle Parking**
Minimum level of 1 per 10 car parking spaces. Long stay covered areas shall be provided on all developments employing 30 or more full or part time staff. Space shall be provided for a minimum of two bicycles for 2-3 bedroom houses and four bicycles for 4+bedroom houses.
Motorcycle Parking
Minimum of 1 per 25 car spaces. Long stay covered areas shall be provided on all developments employing 30 or more full or part-time staff.

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

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

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

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

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

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

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

On-Street Car Parking Outside of Town Centres/Defined Shopping Areas
The starting point is to work to maximum car parking standards and these relate to off-street and private spaces. However, there may be instances where it would be acceptable to allow some on-street car parking in respect of the relevant standard. This would, however, be conditional upon no adverse impact on the safe movement of traffic/pedestrians or the amenities enjoyed by existing residents in the locality. Each application will be considered on its merits in respect of this matter.
Other Highway Design and Access Standards
In respect of highway design and access matters not addressed in these standards the Council will determine planning applications against Lancashire County Council’s adopted “Civilised Streets” guidance.
### GN8B: Accessibility Questionnaires

#### Site Description:

**Application Ref:**

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

Accessibility questionnaires should be completed for all developments over 500 sq m or for 10 or more residential units where there is a reduction proposed from the maximum standard. The Local Planning Authority may request financial contributions to improvement/enhance accessibility through a Section 106 agreement.
GN8C: Transport Assessment and Travel Plan Thresholds

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

<table>
<thead>
<tr>
<th>Use Class</th>
<th>TA Threshold (m² GFA)</th>
<th>TP Threshold (m² GFA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1 Retail</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>A1 Non food retail</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>A2 Financial &amp; Professional Services.</td>
<td>2,500</td>
<td>2,500</td>
</tr>
<tr>
<td>A3 Food and Drink</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>B1 (a) Offices</td>
<td>2,500</td>
<td>2,500</td>
</tr>
<tr>
<td>B1(b) and (c) Light ind., Research and Dev.</td>
<td>2,500</td>
<td>2,500</td>
</tr>
<tr>
<td>B8 Storage &amp; Distribution</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>C1 Hotels</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>C2 Hospital</td>
<td>2,500</td>
<td>1,000</td>
</tr>
<tr>
<td>C2 Residential College / School</td>
<td>250</td>
<td>500</td>
</tr>
<tr>
<td>C3 Dwelling Houses</td>
<td>100 dwellings</td>
<td></td>
</tr>
<tr>
<td>D1 Primary Schools</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>D1 Secondary Schools</td>
<td>2,500</td>
<td></td>
</tr>
<tr>
<td>D1 Further Education</td>
<td>2,500</td>
<td>500</td>
</tr>
<tr>
<td>D1 Medical</td>
<td>2,500</td>
<td></td>
</tr>
<tr>
<td>D1 Conf. facilities</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>D1 Other</td>
<td>2,500</td>
<td>2,500</td>
</tr>
<tr>
<td>D2 Cinema</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>D2 Stadia</td>
<td>1,500 Seats</td>
<td>1,500 Seats</td>
</tr>
<tr>
<td>D2 Other</td>
<td>1,000</td>
<td>1,000</td>
</tr>
</tbody>
</table>

◆ To be determined by the Highway Authority on a case-by-case basis.
GN9: Agricultural, forestry and other occupational dwellings (policy link DM35)

1. **Introduction**

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

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

6. **Permanent agricultural dwellings**

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

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

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

(i) in case animals or agricultural processes require essential care at short notice;
to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

2.3 In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.

2.4 The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.

2.5 If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

2.6 New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 2.1(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

2.7 Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

2.8 Local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).

2.9 Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.
Temporary agricultural dwellings

3.1 If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);

(ii) functional need (see paragraph 4 of this Annex);

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

(v) other normal planning requirements, e.g. on siting and access, are satisfied.

3.2 If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.

4. Forestry dwellings

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

5. Other occupational dwellings

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

6. Occupancy conditions

6.1 Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it
will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.

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

7. Information and appraisals

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

Please note - these maps should be considered indicative only, and are provided to help assist in the interpretation and application of the policies in the DPD.

For the definitive version, and most up-to-date map layers, applicants and/or developers are advised to consult the Council’s website[^1], or to contact the Planning department as many map layers are subject to change over time.

[^1]: http://online-mapping.hydndburnbc.gov.uk/eggpgui/
Policy Maps and Key showing DM policy related constraints / layers to follow ...
1. **Purpose of Report**

1.1 At the Cabinet Meeting held on the 14\textsuperscript{th} March 2012 it was resolved that the Executive Director (Legal and Democratic Services should present a report to the Cabinet each quarter summarising the use of the powers conferred on the Council by Part II of the Regulation of Investigatory Powers Act 2000 (RIPA). Due to the lack of use of these powers it was further resolved by Cabinet on the 4\textsuperscript{th} December 2013 that reports only need to be submitted every six months.

2. **Recommendations**

2.1 That the report be noted.

3. **Reasons for Recommendations and Background**

3.1 During the period under review, 1\textsuperscript{st} May 2015 – 30\textsuperscript{th} October 2015 there were no applications for authorisations under RIPA. Furthermore no applications are outstanding. The lack of applications is mainly the result of changes to the RIPA regime that came into effect in November 2012. These changes which were previously reported to Cabinet on the 19\textsuperscript{th} November 2012, limited the use that could be made of RIPA to the investigation of more serious offences that are punishable by a period of 6 months or more imprisonment.

4. **Alternative Options considered and Reasons for Rejection**

4.1 N/A
5. **Consultations**

5.1 N/A

6. **Implications**

| Financial implications (including any future financial commitments for the Council) | None |
| Legal and human rights implications | None |
| Assessment of risk | None |
| **Equality and diversity implications** | None |
| *A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.* | |

7. **Local Government (Access to Information) Act 1985:**

7.1 N/A

8. **Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.