



# Agenda

MUNICIPAL YEAR 2018-2019

## Planning Committee

**Wednesday, 12 September 2018 at 2.00 pm,**  
Scaitcliffe House, Ormerod Street, Accrington

### Membership

Chair: Councillor Eamonn Higgins

Vice-Chair: Councillor Loraine Cox

Councillors Judith Addison, Jean Battle, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Marlene Haworth, Abdul Khan, Dave Parkins, Kath Pratt and Paddy Short

### **AGENDA**

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

**2. Minutes of the Last Meeting (Pages 3 - 4)**

To submit the minutes of the Planning Committee meeting held on the 15<sup>th</sup> August 2018 for approval as a correct record.

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

**3. Town and Country Planning Act 1990- Planning Applications for Determination (Pages 5 - 32)**

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



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Published on Friday 7<sup>th</sup> September

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3A - 11/18/0244: Land to rear of Kirkham's Garage, West End, Oswaldtwistle  
Proposed storage and service yard for portable accommodation  
and plant

3B - 11/18/0225: Land at Rhoden Duckworth Hill Lane, Oswaldtwistle, BB5  
3QL  
Full: Erection of agricultural building

3C - 11/18/0294: Land off Sandy Lane, Accrington  
Change of use of agricultural building to 1 No dwelling (C3)  
including curtilage and parking

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

**4. Supplemental Agenda- Planning Application 11-17-0156 (Pages 33 - 56)**

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

4A - 11/18/0156:  
Land East of Thwaites Road, Oswaldtwistle, BB5 4QU  
Erection of 69no dwellings (including 20% affordable) with open space, infrastructure and associated works.

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

## Agenda Item 2.

## PLANNING COMMITTEE

**Wednesday, 15<sup>th</sup> August 2018**

**Present:** Councillor Eamonn Higgins (in the Chair); Councillors: Judith Addison, Jean Battle, Stephen Button, Loraine Cox, Stewart Eaves, June Harrison, Marlene Haworth, Abdul Khan, Dave Parkins, Kath Pratt and Paddy Short.

## **Apologies for Absence**

Apologies for absence were submitted from Councillor Melissa Fisher.

## Substitutions

There was no substitute representatives for Councillor Fisher.

## Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations.

## Minutes of the Last Meeting

The minutes of the last Planning Committee held on the 18<sup>th</sup> July 2018, were submitted for approval as a correct record.

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

## **Town and Country Planning Act 1990**

## Planning Applications for Determination

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning applications.

**Resolved** - (1) That the following planning application be deferred subject to confirmation of further details in relation to land ownership issues:-

11/18/0225 Full: Erection of agricultural building  
Land at Rhoden Duckworth Hill Lane, Oswaldtwistle

**Resolved** - (2) That the following planning application be approved subject to the conditions as per the report:-

11/18/0206 Full: Erection of no. 2 agricultural buildings (No. 1 livestock and no.1 food store) Re-Submission of planning application 11/18/0054  
Smithacres, Back Lane, Baxenden, Accrington

N.B. 1. Mr Mike Carr the agent for the applicant spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed.

# Agenda Item 3.

**REPORT TO: PLANNING COMMITTEE, 12<sup>th</sup> SEPTEMBER 2018, 2.00PM**

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

**APPLICATIONS SUBMITTED UNDER THE TOWN AND**

**COUNTRY PLANNING ACT 1990 FOR DETERMINATION**

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

3A	11/18/0244	Land to rear of Kirkham's Garage, West End, Oswaldtwistle Proposed storage and service yard for portable accommodation and plant
3B	11/18/0225	Land at Rhoden Duckworth Hill Lane, Oswaldtwistle, BB5 3QL Full: Erection of agricultural building
3C	11/18/0294	Land off Sandy Lane, Accrington Change of use of agricultural building to 1 No dwelling (C3) including curtilage and parking

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

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

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

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## Hyndburn Borough Council – Planning Committee

**Application Ref:** 11/18/0244

**Application Address:** Land to the rear of Kirkham Garage, Blackburn Road Westend Oswaldtwistle, BB5 4NZ

**Date Registered:** 28<sup>th</sup> June 2018

**Date for Decision:** 22<sup>nd</sup> August 2018

**Date Report Written:** 3<sup>rd</sup> August / 4<sup>th</sup> September 2018

**Description of Development:** Full: Proposed storage and service yard for portable accommodation and plant.

### **HUMAN RIGHTS**

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

#### **Article 8**

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

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

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

### **Site and Proposal**

The application site consists of a rectangular area of unused land located to the rear of Kirkham Garage, off Blackburn road in Oswaldtwistle. The site is vacant of buildings. White Ash Brook runs adjacent to the site to the east with semi-detached properties on Buttermere Drive positioned on a higher ground level to the west. Industrial units abut the northern boundary of the site whilst mature trees and a palisade fence bound eastern and southern boundaries. Access into the site is already established off Blackburn Road which is also being used by existing commercial neighbouring businesses.

Planning permission is sought for the land to be used for a storage and service yard for portable accommodation and plant. The majority of the site will be used for storage containers, some of which would be double stacked to a height of around 5.5m which would require the use of a 12-tonne forklift to position and manoeuvre the containers. The self-storage area directly behind Kirkham Garage and the main site access would contain up to 23 6m x 2.4m storage containers and 2 3m x 2.4m containers available to the public to lease. The site would also contain a permanent

cabin for welfare/office facilities, a permanent container for storage and a temporary Zapp Shelter spanning between 2 of the containers.

An area for staff/visitor parking and parking of 2no 60ft wagons as well as more containers but this number would vary from day to day and could be up to 80 containers on the site. The site would have a concrete base and containers that have been returned can be unloaded from the wagons and cleaned before being stored elsewhere on the site. Hours of operation are proposed to be from 7am to 6pm Monday to Friday. No hours of operation have been proposed for Saturdays, Sundays and Bank Holidays. A total of 5 permanent staff would be employed. The land has been empty for a number of years with the last use being in connection with the lease of commercial vehicles.

### **Consultations**

Site notice: 2 affixed 9 letters of objection received. The objection comments cover a variety of concerns which include:

- The potential increase of noise from the operations
- The potential of damage to ecology and wildlife from operations
- The potential of an increase in pollution levels
- The proposed hours of operation
- Proximity to dwellings and Foxhill nature reserve

LCC Highways: No objections subject to conditions

Env Health: No objections subject to conditions surrounding hours of operation, light pollution, noise pollution.

HBC Ecology: No objections but recommends conditions be attached for pollution prevention methods be submitted to and approved in writing by the Local Planning Authority to safeguard the woodland and watercourse.

LCC Fire Officer: No objections

United Utilities: No objections but recommend conditions in relation to drainage

### **Relevant Planning History**

08/ 0169. CHANGE OF USE FROM BUS DEPOT TO VEHICLE MOT CENTRE.  
A/C 02.05.2008

06/0261 ERECTION OF FENCING RETROSPECTIVE. A/C 29.06.2006

99/0527. CREATION OF HARDSTANDING TO PROVIDE PARKING AREA  
FOR VEHICLES, CONTAINERS AND CAR PARK AND ERECTION  
OF 2.9m HIGH FENCING. A/C 16.02.2000.

80/0204. WORKSHOP EXTENSION. REFUSED 19.06.80

79/0193. ERECTION OF MOTOR VEHICLE REPAIR GARAGE WITH STORAGE OF COACHES. REFUSED 04.10.79

77/0286. CONTINUED USE OF COACH GARAGE FOR AUTO-ELECTRICAL REPAIRS. A/C 29.09.77

75/0286. CHANGE OF USE TO CARAVAN STORAGE AREA. A/C 02.10.75

## Relevant Policies

### Hyndburn Core Strategy Policies

BD1	Balanced Development Strategy
Env3	Landscape character
Policy Env6	High Quality Design
Policy Env7	Environmental Amenity

### Development Management DPD

Policy DM1	Employment Development
Policy DM17	Trees, Woodland and Hedgerows
Policy DM18	Protection and Enhancement of the Natural Environment
Policy DM21	Protection of Open Spaces
Policy DM26	Design Quality and Material
Policy DM29	Residential Amenity

### National Planning Policy Framework

Section 8	Promoting healthy and safe communities
Section 12	Achieving Well Designed Places

### Observations

Planning applications should be determined in accordance with the policies of the development plan, unless material considerations indicate otherwise. In Hyndburn the development plan comprises the Core Strategy, Development Management DPD and the saved policies of the Local Plan. The National Planning Policy Framework represents an important material consideration. The main issues for consideration in determining this application are the principle of the development, its impact upon residential amenity and ecology.

### Principle

The site is within the urban boundary of Accrington and although the site is shown as “Open Space” on the Local Plan Proposals Map, this policy has not been saved. Although the policy has not been saved, it is still necessary to consider whether the site should be treated as open space under the extant policy framework.

The definition of open space set out in the NPPF reads: “*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes*

*and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity".* The issue is whether the land is deemed to have public value and offer an important opportunity for sport and recreation (including acting as a visual amenity).

Although the site is visible from adjacent properties, it is not available for use by the public (by virtue of it being securely fenced) and it has no sports or recreational value. The site has also been cleared with the intention of future development. As such, officers consider that the proposal would be in line with policy DM 21 of the Development Management DPD which provides that land designated as open space can be developed where (d) it relates to a cleared site, that has been landscaped but where there is a clear intention for future redevelopment.

Given the condition and physical nature of the site it is not considered that there are sufficient grounds to resist the proposed development on the basis that it would give rise to a loss of open space.

The site is also identified as an 'existing employment site' (site ref OSW08) on the DM DPD Policy Maps and the proposal would employ 5 permanent staff, therefore Policy DM1 of the Development Management DPD applies. The policy states that:

- employment development will be supported provided that it is within the defined urban area;
- 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 (an issue that will be covered later in the report);
- it is well connected to strategic or local transport networks
- The site is located off Blackburn Road, a main arterial route through Accrington, Oswaldtwistle and into Blackburn and is therefore easily accessible by motor car. The road is also a main bus route and Oswaldtwistle train station is within walking distance.
- the traffic generated by new employment development does not have an unacceptable impact adverse impact on local amenity and does not compromise the safety of other highway users;
- A transport assessment has been carried out which concludes that traffic generated by the development would have a negatable effect upon traffic levels and local amenity. It is also the case that LCC Highways raise no objections or concerns.
- that biodiversity and geodiversity are protected and enhanced in line with other policies (this point shall be discussed later in the report)

Policy BD1 of the Hyndburn Core Strategy states that priority will be given to developing brownfield land within the urban areas.

The site has previous industrial use history and is located within a mainly industrial area; the ground is hardstanding and is now overgrown and fallen into disrepair.

Furthermore, this is a brownfield site and it is considered that it is sustainably located and the principle of development therefore would be acceptable and in line with Policy BD1 of the Hyndburn Core Strategy.

### **Impact upon residential amenity**

The proposed site lies immediately to the east of the rear gardens of residential properties on Buttermere Drive. In relation to the Site plan submitted BS981/01, in principle the layout of the site looks acceptable, however the amenity of neighbouring residential dwellings on Buttermere Drive needs to be considered.

Policy Env7 of the Hyndburn Core Strategy states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity. Policy DM 29 of the Development Management DPD has similar aims.

Objection comments received cite the potential of increased noise, dust, pollution and odour levels during hours of operation. A noise impact assessment has been carried out by the applicant to assess the potential increase in noise levels from the development on surrounding noise sensitive receptors. Although the Noise Impact Assessment undertaken indicates that the noise assessment shows that the development could give rise to "Significant Adverse Impact", this can be reduced to an acceptable level by mitigation. The Council's Environmental Health Officer has been consulted and considers that the conditions that are recommended are satisfactory in this respect.

Additionally, it is considered that the loudest operation on site would be that of the forklift truck, however, the use of this is not likely to be continuous through the day but it is recommended that the forklift truck be electric as opposed to diesel powered. The report concludes that some 'significant adverse impact' is expected, however, when considering the surrounding area of industrial and commercial use, the impact would not be as severe. The increase in ambient noise level assessment shows that the level of impact is expected to be 'substantial' and conditions should be attached to any permission to mitigate the noise emissions from the site and would reduce the noise level to 'minor adverse impact'. Subject to conditions being attached to mitigate potential noise level increases, the proposal is in line with Policy Env 7 of the Hyndburn Core Strategy and Policy DM 29 of the Development Management DPD.

### **Impact upon Ecology**

An ecological impact assessment has been undertaken by Bowland Ecology Ltd. The purpose of the survey was to identify and map all habitats occurring within the survey area, identify the presence of (or potential for) wildlife interests with particular

reference to legal requirements and provide an ecological impact assessment, identify potential impacts and provide recommendations pertaining the proposal.

An assessment of the effects on ecological features has been made using the available design and survey information and the professional judgement of an ecologist. It concludes that no sites with a statutory or non-statutory designation would be impacted by the proposed development due to their distance from the site and the low impact of the works. The site is also not listed as an area which requires further consultation with Natural England. Additionally, the proposed development is considered to not have an impact upon any habitats that hold significant ecological value and any loss is not considered to constitute a significant impact.

The site is not part of the Foxhill Bank Local Nature Reserve, however it is clearly a part of the Lancashire Woodland Ecological Network as set out on the Development Management DPD Policy Maps, hence DM18 applies. Policy DM18 requires that new developments should not fragment or prejudice the ecological network unless the development clearly outweighs the harm to the network and an alternative connection can be provided. Comments have been sought from the Council's Ecology Officer and other relevant parties to ensure that the requirements of DM18 are satisfied.

Paragraph 5 requires that '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 complementary landscaping, habitat enhancement, and appropriate long-term site management'

Hyndburn Borough Council's Ecological Officer has been consulted on this proposal and states that conditions should be in place to for 'pollution prevention methods' to safeguard the woodland and water course from pollution causing contamination during construction and post construction as the woodland adjacent is a Habitat of Principle Importance (NERC Act 2006).

A key element of the NPPF is to minimise impacts to biodiversity and provide enhancements. Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains to biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

Policy DM 17 of the Development Management DPD states that to ensure that the benefits of the proposed development outweigh the harm resulting from the loss of trees, compensatory planting must take place at a ratio of at least 3:1.

It has been noted that trees from around the site have been removed. As such, a condition should be attached to any permission which requires the trees be replaced at the 3:1 ratio. Additionally, in order to lessen the impact of noise pollution, trees should also be planted along the boundary with Buttermere Drive in a soft landscaping scheme to the satisfaction of the Local Planning Authority. Furthermore,

in order to achieve a gain in biodiversity, bat and bird boxes should be placed. In conclusion, the proposal complies with Policies DM 17 and DM 18 of the Development Management DPD subject to conditions.

### **LCC Highways**

LCC Highways have been consulted on the application and offer no objection but recommend conditions be attached in relation to the parking area and turning circle being left freely available for the parking of vehicles and the parking bays be marked out as indicated on the approved plans.

### **United Utilities**

United Utilities have been consulted on the application and offer recommended conditions in relation to drainage. They also highlight that

*A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.*

### **Conclusion**

The principle of the development has been established and is acceptable as it falls in line with Policy DM 1 and 21 of the Development Management DPD and Policy BD1 of the Hyndburn Core Strategy.

Although the noise impact assessment carried out deemed that the potential noise generated from the development could have a 'significant adverse impact' on residential amenity, particularly the residents of Buttermere Drive, it is considered that with careful implementation of noise limitation conditions and landscaping, the development would mould into the surrounding industrial noise climate and would not have a significant adverse impact upon residential amenity.

In terms of ecological impact, an independent ecological impact assessment was carried out which deemed the development would not have a significant impact upon the ecology of the area. Likewise, Hyndburn Borough Council's Ecology officer deemed the site as not having ecological value but caution should be taken with the potential contamination of the woodland and water course, of which a condition can be attached to prevent this from occurring. LCC Highways and United Utilities are equally satisfied that the development would not have a significant impact in their respective areas subject to the careful implementation of conditions.

### **Recommendation**

That planning permission be granted subject to the conditions recommended below.

### **Conditions**

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

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

2. The development shall be carried out in accordance with the following documents unless otherwise required or amended by the conditions below:

- (a) The planning application forms, location plan and additional information received by Hyndburn Borough Council on 28<sup>th</sup> June 2018
- (b) Submitted drawings no BS 981/02, BS 981/03, BS 981/04, BS 981/05, BS 981/06, BS 981/07, CBO-0517-003\_TS FINAL 220518, TOPOGRAPHICAL SURVEY received on 28<sup>th</sup> June 2018

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

- 3) Construction works & associated deliveries (during construction) shall be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300 on Saturdays. Works shall not take place on Sundays and bank holidays. All works shall be undertaken in accordance with BS5228:2009.

Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise in order to accord with Core Strategy Policy Env7 and the NPPF.

- 4) Prior to the commencement of the development a scheme and programme for the landscaping of the western boundary of the site shall be submitted to and approved by the Local Planning Authority. The scheme and programme shall include the following:
  - I. Details of tree planting including species, size, location and spacing, and;
  - II. The maintenance and management of the landscaping for the duration of the development including the replacement of dead or dying plants.The scheme and programme shall be implemented in accordance with the approved details for the duration of the development.

Reason: In the interests of visual amenity and biodiversity and in accordance with Policy Env 7 of the Hyndburn Core Strategy and Policies DM 17, 18 and 29 of the Development Management DPD and the National Planning Policy Framework.

- 5) The site shall not open outside the following hours:  
08:00 to 18:00 hours Monday to Friday

The forklift truck shall not operate except between 10:00 and 16:00 hours Monday to Friday.

Reason: In order to limit noise levels to protect residential amenity and for the proposal to fall in line with Policy Env 7 of the Hyndburn Core Strategy and Policy DM 29 of the Development Management DPD.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no structure shall be erected, or storage or waste disposal shall occur, in the turning circle shown on the proposed site plan, such areas being kept free at all times for the parking, manoeuvring and loading of large vehicles.

Reason: To ensure adequate provision of such facilities in the interests of the safety and free flow of vehicles on the surrounding highways and to comply with Policy Env 7 of the Hyndburn Core Strategy.

- 7) Prior to the occupation of the development, a Method Statement for 'pollution prevention methods' to safeguard the woodland and water course from pollution causing contamination during construction and post construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the proposal to fall in line with Policies DM 17 and DM 18 of the Development Management DPD.

- 8) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy Env 7 of the Hyndburn Core Strategy.

- 9) Prior to the occupation of the development hereby approved, a scheme and programme for management of noise (Noise Management Plan) and fumes at

the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall include the following:

Noise

- i. The layout / positioning of containers at the site to maximise their value as an acoustic screen;
- ii. Details of the forklift truck and its use on the site;
- iii. The management of heavy goods vehicle movements to and from the site and at the site;
- iv. Reversing alarms that will be fitted to vehicles used at the site;
- v. The measures to be taken to minimise noise arising from the opening and closing of container doors;
- vi. Details of the construction of the hard surface across the site
- vii. The maximum noise level arising from operations at the site when measured at the site boundary. The rated level shall not exceed 5dB when measured 1m from the fascia of the nearest noise sensitive receptor (property).

Fumes

- viii. Measures to be taken to minimise exhaust emissions from vehicles operating at the site.

The scheme and programme shall be implemented in accordance with the approved details for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with Policy Env 7 of the Hyndburn Core Strategy Policy DM 29 of the Development Management DPD and the National Planning Policy Framework.

10) Prior to the occupation of the development the details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy Env7 of the Hyndburn Core Strategy.

**Informatics**

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**Hyndburn Borough Council      Planning Committee**

**Application Ref:** 11/18/0225

**Application Address:** Land at Rhoden Duckworth Hill Lane,  
Oswaldtwistle, BB5 3QL

**Date Registered:** 29<sup>th</sup> May 2018

**Date for Decision:** 15<sup>th</sup> August 2018

**Date Report Written:** 18<sup>th</sup> July, updated on 4<sup>th</sup> September 2018

**Description of Development:** Full: Erection of Agricultural Building

**Note on land ownership**

This planning application was originally intended to be determined by Planning Committee at its meeting on 15<sup>th</sup> August 2018. However, the application was withdrawn from the agenda (prior to any discussion of the proposed development) following claims made immediately before the meeting that the applicant had not served notice on the correct land owners.

At the time of writing this update, the applicant's agent has submitted no further information in relation to land ownership and no information has been submitted by any other third parties demonstrating ownership. The Council has undertaken a Land Registry search of the land in question and it is not registered.

In the absence of further information that clarifies this matter it is considered that the application should continue to be determined and if any further ownership information comes to light prior to the meeting, officers will report this to Planning Committee.

**HUMAN RIGHTS**

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

**Article 8**

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

**Article 1 of Protocol 1**

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

## **Site and Proposal**

The application site consists of a 2.36 acre rectangular parcel of land located on Duckworth Hill Lane near Rhoden Farm within the defined Green Belt outside of Oswaldtwistle. The site is surrounded by Rhoden Farm, Rhoden cattery, open countryside, dwellings and a small road. The application site is empty and over grown apart from a small chicken coup. An access onto the site exists at the north west corner.

Planning permission is sought for the erection of an agricultural building to shelter 120 sheep plus 40 hens. The building would measure 25.37m x 18.2m x 6.55m (L x W x H) and would be constructed of fair face block 2m high, Yorkshire Boarding above on the North and East elevations and plastic coated corrugated sheeting above and for the roof in olive green RAL 7002.

The original application located the proposal to be built on the North East elevation of the parcel of land closest to the main access road, Wham Brooke and the enclave of residential dwellings, Rhoden Farm and Rhoden Cattery. The applicant has subsequently agreed to relocate the proposal to the South West of the site. Additionally, the original application looked to clad the entire upper section of the walls in plastic corrugated sheeting, however, the applicant has agreed to alter this so that the North and East elevations use Yorkshire Boarding.

## **Consultations**

Site notice: 2 affixed 5 letters of objection received. The objection comments cover a variety of concerns which include:

- The design of the building being more industrial than agricultural
- Noise from the machinery and livestock
- The siting of the proposal being in close proximity to Whams Brooke
- The height and overall scale of the proposal
- Proximity to dwellings and main access road

LCC Highways:

*Land at Rhoden (X6502) is privately maintained.*

*Duckworth Hill Lane (b6231) is a secondary distributor, rural, single 2 way road, with a 30 mph speed limit.*

*The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway safety grounds, subject to the following condition and note being applied to any formal planning approval.*

Env Health: No objections subject to conditions surrounding hours of operation

## **Relevant Planning History**

No relevant Planning History

## **Relevant Policies**

### **Hyndburn Core Strategy Policies**

BD1	Balanced Development Strategy
Env3	Landscape character
Policy Env6	High Quality Design
Policy Env7	Environmental Amenity

### **Development Management DPD**

Policy DM26	Design Quality and Material
Policy DM29	Residential Amenity
Policy DM34	Development in Green Belt and Countryside Area

### **National Planning Policy Framework**

Section 6	Supporting a prosperous rural economy
Section 12	Achieving Well Designed Places
Section 13	Protecting Green Belt land

## **Observations**

The key issues to be considered in this application are the design of the agricultural building, its impact on the green belt and amenity and issues regarding highways.

## **Policy context**

The site is in the Green Belt and the Core Strategy (Policy BD1) states that development within the rural area will be limited to that supporting farm diversification and promoting leisure and recreational facilities and that the overall character of the Green Belt will be maintained.

Para 28 of the National Planning Policy Framework advises that Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This should include promoting the development and diversification of agricultural and other land-based rural businesses. However, NPPF maintains that local authorities should the construction of new buildings in the Green Belt as inappropriate unless they meet one of the exceptions listed. Buildings for agriculture or forestry are one of the listed exceptions and are therefore considered to be appropriate development in the Green Belt.

The proposed use to shelter 120 sheep and 40 hens would constitute an agricultural use and as such, the principle of the development is acceptable.

## **Design**

Policy Env 6 of the Hyndburn Core Strategy states that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design. Policy DM 26 of the Development Management DPD has similar aims.

The original application looked to clad the entire upper section of the walls in plastic corrugated sheeting, however, it was considered that the use of this material would give the building a more industrial look instead of agricultural and would damage the character and quality of the rural area and was also highlighted in an objection comment. The Council considers a more appropriate construction would include blockwork to a height of some 2m and Yorkshire boarding on the upper portion in order to provide adequate ventilation and light for keeping of animals and the storage of feed, as well as giving the building a more sympathetic design to the rural setting.

The applicant has agreed to alter this so that the North and East elevations use Yorkshire Boarding. Although 2 elevations would still have elements of the corrugated steel sheeting, it is considered that on balance the building would not have a detrimental impact as the 2 most viewable elevations would incorporate the Yorkshire Boarding and as such, the proposal is in line with Policy Env 6 of the Hyndburn Core Strategy and Policy DM 26 of the Development Management DPD.

## **Visual Impact and amenity**

It is considered that Policies Env3 and Env6 of the Hyndburn Core Strategy are relevant in this case. Policy Env3 of the Hyndburn Core Strategy seek to ensure that the development is appropriate to the landscape character within which it is situated and Env6 seeks to protect and enhance the character and quality of Hyndburn's urban and rural environments through high quality design.

The original application proposed a building that would in effect be positioned in the north east corner of the parcel of land closest to the main access road, Wham Brook and the enclave of residential dwellings, Rhoden Farm and Rhoden Cattery and would relate poorly to the existing features or boundaries of the site. It was considered that siting the building towards the south west of the site would alleviate problems associated.

Policy Env 7 of the Hyndburn Core Strategy states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity.

An objection comment received cites that the presence of sheep and farming machinery on the site would increase the levels of noise to an unacceptable level. It is considered that this type of noise in a countryside location is not unacceptable. Other objection comments received cite the proximity to dwellings resulting in the agricultural building blocking light; and the waste from the animals causing contamination to the Brook. In regards to proximity to dwellings, the amended siting of the building at the south west of the parcel of land would result in most of the building being hidden from view of the dwellings by trees and the topography of the field and as such would lessen the impact to more acceptable levels. In regards to the waste contaminating the Brook, a condition should be attached to any permission which requires the waste to be properly controlled. As such, subject to conditions, the proposal is in line with Policy Env 7 of the Hyndburn Core Strategy.

### **LCC Highways**

LCC Highways have been consulted and offer the following comments:

*Land at Rhoden (X6502) is privately maintained.*

*Duckworth Hill Lane (b6231) is a secondary distributor, rural, single 2 way road, with a 30 mph speed limit.*

*The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway safety grounds, subject to the following condition and note being applied to any formal planning approval.*

*Condition:*

*Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the vehicles may be cleaned before leaving the site to avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.*

### **Agricultural Justification**

A recent appeal decision<sup>1</sup> in the Borough has brought into question the extent to which the Council can require the applicant to justify or demonstrate a need for the development proposed, the Inspector stating:

*“The Council state that there is insufficient evidence to demonstrate that the proposed building is reasonably necessary for agricultural purposes. However, neither the Framework nor any development plan policy requires evidence of the*

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<sup>1</sup> Appeal Ref:APP/R2330/W/18/3198749 Sough Lane, Oswaldtwistle, BB1 2LR

*necessity for such a building. There is also no evidence before me that the building is intended to be used for a non-agricultural purpose.”*

National Planning Policy Framework does not contain a requirement for the applicant to justify the proposal and the local plan policies are also silent on this. Notwithstanding this, the applicant has submitted a supporting statement that sets out how the proposed building will be used. Although there is no reason to believe that the building will not be used for the purpose intended, a condition is recommended that seeks to ensure that it is only used for agricultural purposes.

## **Conclusion**

The re-siting of the building and the change of materials of the development is considered to have alleviated many of the potential issues that may have arisen from the original proposal. It is therefore concluded that the proposal is acceptable in terms of its impact of the green belt, design and its impact upon amenity. There have also been no objections raised from LCC Highways or Environmental Health subject to conditions.

## **Recommendation**

Approve with conditions

## **Conditions**

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

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

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

- (a) The planning application forms and additional information received by Hyndburn Borough Council on 29<sup>th</sup> May 2018 and 3<sup>rd</sup> August 2018.
  - (b) Submitted drawings received on 26<sup>th</sup> July 2018.

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

3) All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning authority.

Reason: To ensure that the development will be of a satisfactory appearance and to accord with Policies Env 6 and Env 7 of the Hyndburn Core Strategy.

4) Before the use of the site hereby permitted is brought into operation, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway (Duckworth Hill Lane) being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

5) During construction, deliveries to and from the site and works should be restricted to between 0900 and 1700hrs Monday to Friday and 0800 to 1300 hours on Saturdays. Deliveries and works should not take place on Sundays and Bank Holidays. All works should be undertaken in accordance with BS5228:2009

Reason: to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise and in order to comply with Policy Env 7 of the Hyndburn Core Strategy.

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

Reason: To protect the amenities of existing occupiers at nearby premises nuisance sources associated with the building site and to comply with Policy Env 7 of the Hyndburn Core Strategy.

7) Within three months of the date of this permission hereby granted, the development shall not be brought into use until a scheme for the containment and storage of manure has been submitted to and approved in writing by the Local Planning Authority and the approved scheme implemented on site and retained thereafter. Applicants should refer to the Environment Agency Local Planning Guidance for Lancashire, and they must not be sited where they will cause a nuisance to houses and public rights of way.

Reason: To ensure that the proposed development will not cause pollution of ground and surface waters both on and off the site and to accord with Policy Env 7 of the Hyndburn Core Strategy.

8) The agricultural building hereby approved shall only be used for the housing of animals and storage of agricultural plant, agricultural machinery and other items associated with undertaking agriculture at this site.

Reason: The proposed building is in the Green Belt and should be used for agriculture in accordance with the National Planning Policy Framework.

**Informative notes:**

- 1) 13b
- 2) 14
- 3) 15
- 4) 16
- 5) 17
- 6) 18

7) It should be noted that the grant of planning permission does not entitle a developer to obstruct a right of way. Should a stopping-up or diversion of the right of way be required, for example to allow construction, it must be the subject of an Order under the appropriate Act. In such a case the applicant must contact the County Council's public rights of way team prior to the commencement of works.

## **Hyndburn Borough Council – Committee Report**

**Application Ref:** 11/18/0294

**Application Address:** Land off Sandy Lane, Accrington

**Prior Approval Application:** Change of use of agricultural building to 1 No dwelling (C3) including curtilage and parking.

**Date Registered:** 27<sup>th</sup> July 2018

**Date for Decision:** 21<sup>st</sup> September 2018

**Date Report Written:** 30<sup>th</sup> August 2018

### **Procedural Requirement**

This is an application to determine whether the prior approval of the local planning authority is required for the conversion of this agricultural building to form a dwellinghouse, along with associated operational development, as described in Part 3 (Class Q) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

In determining this application it is necessary for Planning Committee to consider whether the proposed development satisfies the requirements of the General Permitted Development Order (GPDO). This is not a planning application and the application should not therefore be considered against the policies of the development plan and other material considerations.

### **Site and Proposal**

The application site comprises an agricultural building situated within the defined Green Belt close to the A65. This is in an area which is rural and open in character, with access off Sandy Lane and Brox Heights Lane.

The building which measures 18m by 22.86m with an overall height of 6.7m is in good condition. It is constructed of green box profile cladding from the floor to the eaves, and a roof constructed of dark green box profile roof sheets. The part of the building that would be converted into the dwelling would be the North-West elevation and would measure 6m x 13.7m. 2 car parking spaces would be made available.

### **Consultations**

Public consultation: Site notice affixed, no comments received.

LCC Highways: No objection

Environmental Health: No objection subject to condition

HBC Ecology Officer:

### **Relevant Planning History**

11/06/0698 ERECTION OF AN AGRICULTURAL STORAGE BUILDING  
(RESUBMISSION 11/06/0506) A/C 26/01/2007

PR/06/0506. ERECTION OF AGRICULTURAL BUILDING FOR THE STORAGE OF HAY AND FARM MACHINERY. REFUSED 18.09.2006

### **Relevant Policies**

Hyndburn Core Strategy Env6 and Env7

Development Management DPD GC1 DM26 DM29 and GN8

National Planning Policy

### **Observations**

This is an application to determine whether the prior approval of the local planning authority is required for the conversion of an agricultural building to a dwellinghouse, along with associated operational development, as described in Part 3 (Class Q) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

As set out in the above order, providing the proposal complies with Paragraph Q.1 (which it does), the local planning authority must determine whether their prior approval is required (and if so whether it is given) in relation to the following matters:

#### **Transport and highways impacts**

Lancashire County Council Highways has been consulted and no objections to the proposal have been raised.

#### **Noise impacts**

The proposal is not considered to raise any concerns regarding impact from noise and as such, prior approval is not required in this respect.

#### **Contamination risks**

Environmental Health has been consulted and no issues have been raised regarding contamination risks of the site. As such, prior approval is not required in this respect.

### **Flooding risks**

The site does not fall within Flood Zones 2 or 3 and is not in an area with critical drainage problems. As such, prior approval is not required in this respect.

### **Whether location/siting makes it impractical/undesirable for a change of use**

Whilst the application site is considered to be in an unsustainable location, it is accepted that sustainability is not a matter for consideration in an application for this type, as set out in Reference ID 13-108-20150305 of the National Planning Practice Guidance website.

Reference ID 13-109-20150305 provides additional guidance regarding what would constitute an 'impractical' or 'undesirable' change of use. There is an access to the application property and a number of other dwellings are situated in the surrounding area, indicating that it is not impractical or undesirable for a further dwellinghouse to be created here.

Overall, the proposed change of use is not considered to be impractical or undesirable due to the location and siting of the building and as such, prior approval is not required in this respect.

### **Design and external appearance of building**

This application retains much of the existing building. The proposal merely involves punching holes in the existing walls for the doors and windows which under the regulations he is allowed to do.

As for the proposed impact of the development on the amenity of nearby properties, the property is not within close proximity to any other dwellings and on this basis, the proposed development is considered to be acceptable in terms of its design and external appearance.

### *Other matters*

The Council's Ecology Officer has been consulted and offers no objections but does state:

*Whilst not expressly referred to as one of the prior approval issues for the Local Planning Authority to consider, ecology remains a key factor in the conversion of rural buildings. The Department for Communities and Local Government report (March 2014) on responses to the consultation on changes to Permitted Development rights in Paragraph 25 indicates that "All changes under permitted*

*development are required to meet necessary habitats and environmental legislation and regulations.” Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) requires all public bodies to have regard to biodiversity conservation when carrying out their functions. In the exercise of its functions the Council is also required to have regard to the requirements of The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations).*

*The Local Planning Authority believes that presence and implications for protected species should form part of the consideration of whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural to residential use. It is noted that prior approval applications are required to be determined with regard to the requirements of the NPPF which also requires decisions to be taken with regard to protected species.*

*Consequently, where protected species are at risk of harm from the development, Local Planning Authorities should require an application for prior approval that is accompanied by an assessment of the potential impact upon protected species and where necessary, supported with proposals for appropriate mitigation. This means that ecological surveys may reasonably be requested and that pre-commencement conditions to secure necessary protection measures may be attached to a notice of prior approval under Class Q.*

Whilst the conversion of a barn into a dwelling may potentially lead to an adverse impact upon ecology and protected species, it cannot be considered in the scope of this application as it is not a test as part of Class Q of the GPDO.

## **Conclusion**

The local planning authority's prior approval is required in relation to amongst other things the design and external appearance of the building, potential flooding and highways. The application complies with the requirements of Part 3 (Class Q) of the GDPO and as such, it is recommended that prior approval is granted.

## **Recommendation**

That prior approval is required and is granted in relation to the design and external appearance of the building, subject to conditions.

## **Conditions**

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Part 3 (Class Q) of the

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

- 2) The development shall be carried out in accordance with the following documents:
  - (a) The prior approval application form and additional information dated 27<sup>th</sup> July 2018.
  - (b) Submitted Drawing Nos. Bor/161/2545/01 received by Hyndburn Borough Council on 27<sup>th</sup> July 2018

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

### **Informatics**

- 1) 13a
- 2) 14
- 3) 15
- 4) 16
- 5) 17

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# Agenda

MUNICIPAL YEAR 2018-2019

## Planning Committee

Wednesday 12<sup>th</sup> September at 2.00 p.m  
QE Room, Scaitcliffe House,



**HYNDBURN**

The place to be  
an excellent council

### Membership

Chair: Councillor Eamonn Higgins  
Vice-Chair: Councillor Loraine Cox

Councillors: Judith Addison, Jean Battle, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Marlene Haworth, Abdul Khan, Dave Parkins, Kath Pratt and Paddy Short.

## **SUPPLEMENTAL AGENDA**

### Urgent Business

The following items were submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972.

Due to information via LCC Highways Department related to the application being submitted after publication of the agenda.

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

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

**4A - 11/18/0156:**

**Land East of Thwaites Road, Oswaldtwistle, BB5 4QU**

Erection of 69no dwellings (including 20% affordable) with open space, infrastructure and associated works.

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



For all enquiries contact: Democratic Services (01254) 380109

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Published on Friday 7<sup>th</sup> September 2018

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<b>Report For:</b>	<b>Planning Committee</b>
<b>Application Number:</b>	<b>11/18/0156</b>
<b>Full Application</b>	
<b>Address:</b>	<b>Land East of Thwaites Road, Oswaldtwistle, BB5 4QU</b>
<b>Determination by:</b>	<b>15<sup>th</sup> September 2018 (extension agreed)</b>
<b>Applicant:</b>	<b>Persimmon Homes</b>
<b>Agent:</b>	<b>None</b>
<b>Description:</b>	<b>Erection of 69no dwellings (including 20% affordable) with open space, infrastructure and associated works.</b>

### **Application Site**

The site comprises 2.22ha of land and is located to the north west of Oswaldtwistle in a predominantly residential area. It is a greenfield (previously undeveloped) site and approximately rectangular in shape, the land sloping down towards White Ash Brook and fronting Thwaites Road. White Ash Primary School is located to the north of the site, on the opposite side of Thwaites Road, and a residential home to the west. White Ash Brook and woodland is located to the east. The existing residential properties surrounding the site are predominantly terraces (on Stanhill Lane), semi-detached houses and bungalows (further down Thwaites Road).

### **Proposal**

Full planning permission is sought for the erection of 69no dwellings, including 20% affordable provision, open space, landscaping and access. The access to the site would be onto Thwaites Road and a cycle link would be provided along the eastern boundary of the site close to White Ash Brook.

The dwellings would comprise of a mix of housing types, including detached and semi-detached housing, affordable homes, open space and associated gardens and parking. The dwellings would be constructed of brick with grey roof tiles and artstone sills and lintels on the primary elevations.

### **Consultations**

***Public consultation:*** Public consultation as undertaken and 8no letters of objection were received, the following comments were made:

- Land at the rear of Stanhill Lane belongs to the neighbour and shouldn't be within the red edge/location plan.

- Issues relating to the flooding of the brook
- Impact on nesting birds and bats
- Vibrations from development works could detrimentally affect old properties in the area.
- Parking along Thwaites Road and the rear of Stanhill lane
- Will the new houses backing onto Stanhill Lane have access for refuse collection or will the gardens be fenced off
- Will the footpath and cycle path be open to everyone and create a rat run, this could encourage criminal activities.
- Will the building company use back lane for access?
- The development will have a major impact on traffic along Thwaites Road in relation to the staff at the primary school and their dropping off/collecting of school pupils.
- Ecological report is inadequate.
- Subsidence flooding and damp are all concerns due to the wet site
- Common law rights of way have been established across the site over decade; the Council should formally recognise these and install signs.
- Persimmon homes have an appalling reputation and as such it is grossly irresponsible for the Council to approve any planning application from them.
- The land is natural Green Belt

Comments have also been received from Local Councillor Judith Addison which requested that White Ash School be notified, this has been done and they have objected to the scheme, their comments have been included in the Public Consultation section above, and are provided in detail in the report.

**LCC Highways:** Initial comments were received and are summarised below:

- The site connects with Harvey Street bridleway
- When on site many staff of the school opposite were parked on the road and mini bus access is provided at the rear of the school building. The school has 30 car park spaces.
- The parking layout will remove on street parking provision for approximately 30 vehicles which is a concern for the HA as the displacement of these vehicles may result in a detrimental impact on highway safety and residential amenity
- Thwaites Road has a 30mph speed limit and is 9m wide, the current traffic volume and bus service means it operates like a classified secondary distributor road.
- No concerns in relation to the junctions of Stanhill Lane and Blackburn Road.
- The individual driveways accessing the plots fronting Thwaites Road are a concern as they do not provide turning provision to exit in forward gear. This is required on a classified road and although Thwaites Road is officially unclassified it is arguable to providing secondary distribution to the surrounding network.
- The individual driveways on Thwaites Road mean long sections of lowered footway which is not conducive to good design for pedestrians. The redesign of parking should be reconsidered.
- Provision of parking restrictions required to protect visibility splay at the site access. This will displace on street parking generated by the school- this needs addressing

- The new site access to be constructed under an agreement with LCC to adoptable standards, including the provision of tactile paving, street lighting review and surface water drainage.
- The provision of a new footway on the eastern side of Thwaites Road is necessary
- Traffic calming measures in form of flat road humps are required on Thwaites road between Cardigan Avenue and Stanhill Lane and a pedestrian refuge on Thwaites Road to assist pedestrians across the road for both the development and the school users travelling to the school.
- The offsite highway works shall be constructed under an agreement with LCC to adoptable standards, including the provision of tactile paving, street lighting review, surface water drainage and road safety audit
- Internal road layout to be built to adoptable standards and layout is agreed
- HA seek to formally adopt under a S38 agreement, if not adopted a suitable management and maintenance agreement must be submitted and agreed under a planning condition
- The parking to the rear of Stanhill Lane is within the red edge- this area of parking needs to be clarified in order to understand the displacement on Thwaites Road
- The footpath should be widened to 3m and where does the link terminate?
- The bridleway network from the site to Accrington Town Centre should be promoted- Signposting would be beneficial
- Some parking is not to standard; this should be addressed.
- Secure cycle store and electric pointing charge to be provided at each dwelling.
- At this stage it is not possible to make final comments and issues are outstanding.
- Conditions were suggested in relation to the following:

Construction Method Statement  
 Construction traffic restricted in term time  
 Site access details  
 Offsite highway works  
 Management of estate roads  
 Estate roads to adoptable standards  
 Internal road construction  
 Parking areas  
 Cycle stores  
 Electric charging vehicles.

Following the submission of amended plans the following final comments have been received which are summarised below:

- The amended layout Persimmon Homes TRO.PL01 Rev E dated Feb 2018 provides parking for plots 59 – 66 to the rear via a shared driveway, rather than with direct individual driveways from Thwaites Road. This improves the street design by breaking up the long section of dropped kerb at the adjacent driveways, which was a concern for pedestrian safety particularly opposite the school.
- The amended layout includes a scheme of off-site highway works on Thwaites to mitigate the impact of the development. This scheme includes the provision of traffic calming features, kerbed build-outs for pedestrian crossing points and the

formalisation of on-street parking which is generated by the staff of White Ash School. The scheme submitted requires a detailed design which is likely to result in some alteration, however a planning condition to secure the detailed design of the scheme at a later date, to be implemented prior to the first occupation of any dwelling, will ensure that the works are suitable to address all the concerns.

- Parking restrictions will be introduced to protect the visibility splays at the new and existing adjacent road junctions for highway safety reasons as part of the off-site highway works.
- The on-street parking provision will be reduced to a certain extent and staff which currently park on-street may need to park further along Thwaites Road, along the frontage of the school, rather than on the east side of Thwaites Road close to the school entrance.
- During my site observations there were 11 staff vehicles parked on the east side of Thwaites Road and these vehicles will be displaced onto the west side. There was spare capacity along the school frontage to accommodate the displaced staff vehicles. The staff vehicles parking all day on-street have been considered first and foremost because of the long duration of stay. The limited dropping off and collection by parents at the school and the minibuses has been given limited weight because of the shorter duration of the parking and opportunities within the school grounds to accommodate this.
- Notwithstanding this the short term parking can be given consideration during the detailed design stage.
- The new dwellings fronting Thwaites Road will have off-street parking provided to the maximum standard which will ensure that a limited amount of additional on-street parking will occur.
- Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Subject to a scheme of off-site highway mitigation measures and other highway related conditions (detailed below), the development will not result in a severe impact on highway safety, capacity or congestion on the surrounding road network.
- Recommended conditions are in relation to the following
  - i. Construction Method Statement
  - ii. Construction traffic movements not permitted before 9.30 or between 2.30 and 3.30 on Monday – Fridays.
  - iii. Scheme for site access
  - iv. Scheme for offsite highway works
  - v. Management and maintenance scheme for the internal road layout including engineering details to be provided to show the development will be built to adoptable standards
  - vi. Parking areas to be bound and made available prior to first occupation
  - vii. Cycle store to be provides at 2 spaces per dwelling
  - viii. Electric charging points to be provided at each dwelling.

**Lead Local Flood Authority:** No objection subject to conditions relating to surface water flooding.

**Environment Agency:** Whiteash Brook is a designated Main River, and as such under the terms of the Environmental Permitting Regulation's and the Land Drainage Byelaws, the prior written permission of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of the main river Whiteash Brook. No trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8m of the top of the bank of the watercourse. In particular the 8m wide easement strip is preserved for access purposes. The applicant is directed towards these comments within an informative.

**HBC Environmental Health:** No objection subject to conditions relating to the construction and development phase, mechanical ventilation and noise

**HBC Parks:** No objections, a request for £116583 towards off site open space provision has been made for off-site contribution to open space in Knuzden or the Rhyddings project.

**HBC Ecologist:** Initial comments were received to the proposal which stated that the submitted Ecological Appraisal was well thought out and considered with the aim being to create a net gain in biodiversity. However it was highlighted that recommendations in the Ecological report had not been followed and as a result the submitted landscape plan was fundamentally flawed and failed to take into account a significant number of the ecology recommendations. A list of matters to be considered further was given and the request for a subsequent fit and proper landscape plan/biodiversity plan showing ecological/biodiversity features be submitted. It was concluded at this stage that in its present form the proposed landscape plan and therein the proposed biodiversity features were considerably less than that provided within the ecology appraisal, resulting in a development with a net loss in biodiversity which ought therefore to be refused.

Following the submission of amended details, the Council's Ecologist is satisfied with the submitted amendments and recommends conditions in relation to:

- Bats boxes
- Tree details
- Avoidance for harm to amphibians and small mammals during construction scheme to be submitted
- Permeable boundary treatment for hedgehogs
- Lighting scheme
- Repeat Ecological survey if development commences after Oct 2020
- Certain works to be carried out by qualified ecologist:
- No removal of hedgerows, trees, shrubs or undergrowth shall take place between 1 March and 31 August inclusive, unless a competent ecologist report submitted
- Himalayan Balsam

**HBC Regeneration:** No objections.

**Lancashire Police:** It is recommended that the development is built to 'Secured by Design Homes 2016'. The applicant is directed to the Police comments through an informative.

**Lancashire Fire and Rescue:** Advice is given to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The applicant is directed to the Police comments through an informative.

**LCC Education:** No requirement for a contribution necessary.

**United Utilities:** No objection subject to the development being built in accordance with the principles set out in the submitted Flood Risk Assessment Ref No w10386 180222 Issue 2. The applicant is also directed to the comments received through an informative.

**Electricity Northwest:** No objections

### **Relevant Planning History**

None

### **Relevant Policies**

Development Plan

#### *Hyndburn Core Strategy*

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

#### *Hyndburn Local Plan (saved policies)*

• Policy H2	Housing Development within the Urban Boundary
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#### *Development Management Development Plan Document (DMDPD)*

• Policy GC1	Presumption in favour of sustainable development
• Policy GC2	Infrastructure
• Policy DM10	New Residential Development
• Policy DM11	Open Space provision in New Residential Development
• Policy DM12	Affordable Housing
• Policy DM16	Housing Standards
• Policy DM17	Trees Woodlands and Hedgerows

- Policy DM18 Protection and Enhancement of the Natural Environment
- Policy DM19 Protected Species
- Policy DM20 Flood Risk Management and Water Resources
- Policy DM24 Contaminated or Unstable Land and Storage of Hazardous Substances
- Policy EM26 Design Quality and Materials
- Policy DM29 Environmental Amenity
- Policy DM30 Waste Management in all New Development
- Policy DM31 Sustainable Transport, Traffic and Highway Safety

### Material considerations

National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)

### Observations

Key issues for consideration in relation to this application are 1) Principle of the development, 2) Traffic and Highway Safety, 3) Design, Scale and Layout 4) Affordable housing 5) Housing mix 6) Housing standards, 7) Residential amenity, 8) Open Space 9) Trees, landscaping and Ecology 10) Drainage 11) Neighbours objections.

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

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

Saved Policy H2 of the Hyndburn Local Plan states that within the urban boundary the development or redevelopment for housing of land not allocated for other purposes, and housing infill and conversion, will be permitted where the character, appearance and amenity of the surrounding area would not be adversely affected and there are no insurmountable access or parking difficulties. Similarly, Policy BD1 of the Hyndburn Core Strategy seeks to direct new development to existing urban areas and the Core Strategy also recognises the importance of new development respecting the character and appearance of the surrounding area (Policies Env3 and Env6) and local amenity (Policy Env7).

The development of housing on this site can therefore be considered acceptable in principle provided the character, appearance and amenity of the surrounding area are not adversely affected and where the parking and access issues are satisfactorily addressed.

It is therefore necessary to consider these issues, and other matters raised, before concluding.

### ***Highway matters – Parking, access, traffic and highway safety***

In addition to saved Policy H2 of the Local Plan, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic. Policy T2 deals with the provision of cycle and footpath networks and Policy HC3 deals with the design of residential roads. DMDPD DM 32 and DM33 also provide further detail in relation to traffic and highway considerations. The revised NPPF states in paragraph 109 that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'

The application was originally submitted with a different layout to what is being considered by Planning Committee today. The houses along Thwaites Road originally all had access at the front and as such the entire length of the development along Thwaites Road included driveways, with some small areas of lawn interspersed (although not in front of the affordable units), and as a result there would have been approximately 30 cars displaced from parking along this stretch of Thwaites Road. On considering this, Lancashire County Council (LCC) as Highways Authority (HA) objected to the scheme. They believed that the reversing of cars onto Thwaites Road, amongst other issues, would have an unacceptable impact on highway safety.

Objections have been received in relation to the loss of parking along Thwaites Road, including one from the school opposite. It has been highlighted that school staff park on the road in the vicinity of the school and also that there is some dropping off of school students on the highway. It has also been noted that the retirement home adjacent to the site has some parking on the roadside as well.

On visiting the site during school hours, Monday to Friday, Officers have noted that on-street parking is heavy in the vicinity of the school, but not all the way along down Thwaites Road where there is less use of on-street parking. The parking issues around the site do not occur in the evenings, weekends and during school holidays. A letter from the school received objecting to the proposal highlights that staff park in the immediate vicinity as there is not enough room for them on the car park.

The Highways Authority also highlighted that the reversing onto Thwaites Road was a matter of concern in relation to highway safety, as was the constant interruption of the footpath by the driveways caused by the houses which faced onto Thwaites Road not having provision within their curtilage for cars to enter and leave Thwaites Road in forward gear.

In order to address this matter it was initially suggested by local members that the developer provide the school with an additional car park for teachers, to accommodate the vehicles

that would no longer be able to park on the public highway due to the proposed development.

Whilst this option is favoured by the school, the proposed car park was considerably larger than that required to address the parking problem identified on Thwaites Road and there were a number of issues concerning implementation. The development of a car-park would have required a separate planning permission and was on open land that appeared to be used by the school as a playing field or outdoor recreation area for the children. The Education Authority (Lancashire County Council) had also not confirmed that this was a viable option to be considered.

Paragraph 55 of the NPPF requires that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. It also states that 'Planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to development; and
- c) Fairly and reasonably related in scale and kind to the development'.

Whilst the suggestion of the car-park was a very positive proposal, it is not considered that a car park of the scale proposed was necessary to make the development acceptable and there are also concerns about whether it could be implemented within a reasonable timescale, or at all.

In the light of these concerns officers have worked with the applicant to consider how the design of the proposed development could be amended to reduce levels of car parking on Thwaites Road. The applicant has now submitted amended plans that have changed the lay-out of the development to reduce the amount of potential on-street car parking on Thwaites Road and the Highway Authority is now satisfied that, subject to appropriate conditions, the proposed development will not result in a severe impact on highway safety, capacity or congestion on the surrounding road network. The proposed development should not therefore give rise to any insurmountable parking or access issues as required by saved Policy H2 of the Hyndburn Local Plan.

#### Onsite parking

The development accords with the provisions of the Development Management Development Plan Document in terms of the parking provision, providing this to the maximum parking standards of Hyndburn Borough Council and a condition is included to ensure that cycle provision is made along with electric vehicles points in line with the relevant planning policy.

#### ***Design, Scale and Layout***

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape. High quality

design must take into account urban form, urban grain, landscape, density, mix, scale and appearance. This is also reflected in the requirements of DMDPD DM26 and at a national level in the NPPF.

The applicant has undertaken pre-application advice with Officers prior to submitting this application, at which time discussions were held in relation to the design and layout of the scheme. Open Space has been provided at the back of the development, close to the river and this has been made accessible by a pathway across it which linked the development to wider walking networks. There are areas close to White Ash Brook that are potentially at risk of flooding, it therefore makes sense to include these areas as open space and not propose housing in areas at risk of flooding.

During the application process it was also considered necessary to make some changes to the design which included moving a long section of parking in front of the affordable units along Thwaites Road and placing this within a parking court for those occupants. This allowed the long stretch of parking to be removed and resulted in an improvement to the visual amenity of the development on this part of Thwaites Road. Larger detached houses have also been incorporated along this road edge, removing some of the small semi-detached houses which gives a more spaced feel, and a stronger edge to the development in terms of visual amenity, and also allows less parking at the front of the houses, and some increased landscaping in the gardens.

The developer proposes to construct the dwellings from red brick, grey concrete tile roof and cills and lintels, this is agreed in principle by Officers, and a suitable condition is recommended to ensure these types of materials are used in the development. Officers consider that these materials would be acceptable and in keeping with the area and as such comply with the relevant planning policy in this regard.

As such, with the inclusion of the recommended conditions relating to the materials, and with the changes that have been made to the site layout, Officers are satisfied that the development complies with the relevant planning policies in this regard.

### ***Affordable Housing***

Policy H2 of the Core strategy requires developments of 15 houses or more to make provision of 20% of the houses to be affordable. It goes onto say that in meeting this target consideration will be given to the availability of financial grants and evidence on the economic viability of individual developments. DMDPD DM11 and DM11 and DM16 provide further policy on this matter.

The proposal includes the provision of 20% affordable housing, this would be provided as a mix of affordable rent and housing which would be sold at 33% below market housing cost. This meets with the relevant planning policy with regards to numbers of affordable units to be provided for this development. A s106 agreement is proposed to ensure that these affordable units are provided.

Policy DM16 of the DMDPD also requires that 30% of affordable housing on development such as this should be specifically tailored to meet the needs of elderly or disabled, or be easily adaptable and in line with Building Regulations Requirement MS(2) Category 2. The agent has confirmed that this can be achieved and a suitable condition is recommended to ensure this is the case.

With the recommended conditions and the s106 ensuring the provision of affordable housing the development is considered to be in accordance with the relevant planning policy in this regard.

### ***Housing Mix***

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

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

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

The scheme would provide a mix of housing which Officers accept is in line with the requirements of Policy H1 of the Core Strategy and as such the proposal is acceptable in this regard.

### ***Housing Standards***

DMDPD DM16 gives a requirement that all new housing must meet with the National Space Standards. Following the submission of amended plans, it is evident that all but one of the proposed house types are National Space Standard compliant. The only house type which is not compliant is the 'Mosely'.

However the National Space Standards do not give a requirement for this type of house (- the 2 bed, 3 person, 3 storey unit), and the agent has confirmed that there is not a compliant house type which can be substituted for the 'Mosely' in the development and the configurations would not work.

As such, due to this type of house not being specifically detailed within the National Space Standards, Officers accept that this house cannot meet a standard that is not prescribed.

Therefore it is considered that overall, the development is acceptable and in line with the relevant, specified National Space Standards and in turn the relevant planning policy in this regard.

### ***Residential Amenity***

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. The requirements of DM29 reflect this.

The amended plans show that the development can be accommodated on the site ensuring that the separation distances required by the DMDPD are adhered to; as such the proposal is acceptable in this regard.

An objection has been received on the basis that vibrations form the building works. The agent has confirmed that there would not be any piling involved during the construction works and that any noise would be only in line with standard building practices for developments such as this. As this impact would be short lived, Officers do not consider this is a suitable reason to refuse the planning application.

The applicant has submitted a noise report with the application which considers the surrounding noise on the future occupiers of the site and also any noise impacts on existing occupiers. The study concludes that the site has been shown to be exposed to moderately low levels of noise, and therefore considered to provide an acceptable level of residential amenity to all future residents. This report has been considered in full by the Council's Environmental Health Officer and he has raised no objection to it.

The Council's Environmental Health Officer's has also considered the scheme and has no objection to the proposal subject to conditions being attached related to the construction and development phase, mechanical ventilation and noise. These will help to ensure that any noise and disturbance would be kept to a minimum during the construction phase and are included in the recommended conditions section at the end of the report.

As such with the inclusion of the recommended conditions, Officers are satisfied that the development is acceptable in this regard and in line with the relevant planning policies.

In terms of any overlooking or loss of light to dwellings, Officers have considered the plans in detail and are satisfied that the dwellings are suitably distanced apart and would therefore be acceptable in this regard and in line with the relevant planning policy.

In conclusion, with the inclusion of the recommended planning conditions, Officers are satisfied that the development would be acceptable in terms of residential amenity and would be in accordance with the relevant planning policy in this regard.

## ***Open Space***

Policy HC1 of the Core Strategy requires that developments of over 10 houses or more will contribute towards the provision and maintenance of good quality, accessible, multi-functional green space. It goes onto say that if it is demonstrated that it is not possible to make provision on the site, then a financial contribution in lieu of actual provision will be provided by the developer that will be used to improve or maintain nearby areas of greenspace and improve pedestrian or cycleway facilities. More detail is provided within DM11 of the DMDPD.

The scheme does provide for an area of open space to the north of the development, surrounding White Ash Brook. This is an area which will be able to be used by residents of the development and surrounding areas and will also provide a new pedestrian link to the wider pedestrian network. The area will be maintained for the duration of the development by a maintenance company. A suitable condition is recommended to ensure this is the case.

Although this provision has been made, the type of open space which has been created does not meet with the requirements of DM11 of the DMDPD and as such a request has been made to the developer for an off site contribution to open space in the proximity of the development. A sum £116,583 has been agreed with the developer and this is to be spent on open space in Knuzden or on the Rhyddings project as requested by the Council's Parks department. This provision is contained within the S106 agreement which accompanies this report.

An objection has been received in relation to whether the new footpath link will create a rat run and be an opportunity for criminals. Officers are satisfied that this will not be the case as there has not been an objection received to the application form the Policy Liaison Officer. Also the landscape plans have been considered in full and this area will be open and overlooked by residential properties which provides surveillance and reduces the risk of crime.

A further objection has been received in relation to Common law rights of way having been established across the site over decade and as such this should be recognised by signage. However Officers do not consider this is a planning matter, although it is highlighted that there will still be access through the site for those who wish to use it.

As such with the inclusion of the open space contribution within the S106 agreement and the condition relating to on site management of open space, Officers are satisfied that this development is in line with the relevant planning policy and is acceptable in this regard.

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

Policy Env2 of the Core strategy requires opportunities for environmental enhancement to be secured, further information is provided within DMDPD Policies DM 17, 18 and 19.

A detailed Landscape Plan and Ecology Report has been provided with the application which has been considered in full by the Council's Ecologist. The report and plan are considered to be acceptable and it is noted that they will ensure a good quality development as a result of the landscape detail. Some conditions have been recommended in relation to the exact location of the bat boxes and some further small details on the tree plan have also been included.

An objection has been received in relation to the impact of the development on wildlife and the quality of the report submitted. However as the Council's Ecologist is satisfied with the detail provided and with the inclusion of the conditions he has requested, Officers are satisfied that the development is acceptable in this regard and in line with the relevant planning policies. Although the Council's Ecological advisor has recommended a condition regarding the design of external lighting, this matter is normally addressed by the Highway Authority in the detailed design of the roads, footpaths and lighting and it is not therefore considered necessary to include a condition relating to this.

### ***Drainage***

DMDPD DM20 requires flood risk and surface water drainage to be considered as part of the planning process, this is supported by the provisions of the NPPF.

Surface Water:

The applicant has provided a Flood Risk Assessment with the planning application which considers the removal of surface water from the development in which it is stated that the development is at low risk of surface water flooding as all surface water would be directed into White Ash Brook due to the topography of the site. Attenuation storage will be provided and water will discharge into the river at a controlled rate.

The Lead Local Flood Authority have considered the detail provided in relation to surface water within the Flood Risk Assessment and have no objection to the scheme provided their conditions are included (detail provided in the consultation section of the report).

As such, Officers are satisfied that the proposed development complies with the relevant planning policy in relation to surface water flooding.

Flood Risk:

The planning policy requires that the Sequential Test (and if necessary, the Exception Test) be applied to development proposals in Flood Zones 2 and 3 to determine if there are any 'reasonably available' and suitable alternative sites at lower flood risk. Policy Env4 (i) of the Hyndburn Core Strategy and DMDPD DM 20 also provide direction on this.

The applicant has considered this within their Flood Risk Assessment submitted with the planning application, and within it it is confirmed that the EA 'Flood Map for Planning – Rivers and Sea' shows that the developable area of the site is located within an area outside

of the extreme flood extent (Flood Zone 1), meaning it has a less than 0.1% annual probability of flooding.

The eastern extent of the site is located within Flood Zone 2 – an area considered to be at flood risk with between a 1% (1 in 100) and 0.1% annual probability of flooding and Flood Zone 3 – an area considered to be at flood risk with a 1% or greater annual probability of fluvial flooding.

In accordance with Table 2 of the NPPG: Flood Risk and Coastal Change, residential developments are considered to be ‘more vulnerable’. Table 3 of the NPPG: Flood Risk and Coastal Change, states that ‘more vulnerable’ development is considered appropriate within Flood Zones 1 and 2. However the Exception Test must be satisfied for development within Flood Zone 3.

The site will be developed taking a sequential approach whereby all development will be located within Flood Zone 1, outside of the Flood Zone 2 and 3 extents. It is therefore considered that the development passes the flood risk Sequential Test and the Exception Test does not need to be applied.

There have been no objection to the proposal by the Environment Agency, their comments are detailed within the consultation section of this report.

As such Officers are satisfied that with the attached conditions relation to flooding and drainage the scheme complies with the relevant planning policy.

Main river culvert and easement:

There is a culverted main river to the south of the site which the Environment Agency has highlighted cannot be built on (houses or gardens) at a distance of 8m either side of the culvert. If this area is built within then the developer would be unlikely to be given a licence to build by the Environment Agency.

#### **Other Matters raised during application process:**

1. The land at the back of Stanhill shouldn't be included within the site – this has been removed and is shown not to be in the red edge on the location plan.
2. Potential flooding of the Brook- this matter is covered in the Flooding section of the report and is not considered a reason to refuse the application
3. Impact on nesting birds and bats- this is covered by the conditions in relation to birds nesting and bats
4. Will refuse collection from the houses on the Stanhill side of the development be from the alleyway? The bin wagon will access these houses from within the site not from the rear via the alleyway.
5. Persimmon has a bad reputation- this is not a planning matter.

**Improvements made to the proposal:**

1. The improvements made in relation to traffic and highway safety
2. Improvements made to the visual impact on the development along Thwaites Road by including larger detached dwellings and larger gardens, with the use of shared driveways
3. Agreement in relation to the materials to be used for the houses and boundary treatment

**Benefits of the proposal:**

1. Open Space contribution of £116583 for Knuzden area or Rhyddings Project
2. Footpath link to wider network
3. Affordable housing at 20% to be shared between rent and discount purchase
4. Bin provision

**Conclusion**

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account. The proposed development complies with the policies of the development plan and the applicant has worked with the Council to address the issues that have been raised by statutory consultees, in particular to change the design of the development to reduce pressure on Thwaites Road.

Officers recommend that the permission is GRANTED, subject to a S106 agreement under the Town and Country Planning Act requiring the provision of £116583 towards off site open space contributions, the management of open space, and 20% affordable housing provision, and the following planning conditions listed below:

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

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

2. The development shall be carried out in accordance with the following plans and Documents, unless agreed in writing by the Local Planning Authority:

To be provided in the update sheet

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

3. Prior to their use in the development hereby approved, details of the following materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The materials shall then be utilised in strict accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
  - a) Exterior walls, (to be agreed in red brick)
  - b) Cills and lintels
  - c) Water goods
  - d) Windows and doors
  - e) Roofing materials (to be agreed in grey concrete tile)
  - f) Boundary treatments (to be agreed close boarded fencing)

Reason: In the interest of securing a high quality development in accordance with Development Management Development Plan document Policy DM 26 Design Quality and Materials.

4. Prior to the commencement of development hereby approved, details of the existing and proposed levels across the site including finished slab levels of all buildings shall be submitted to and approved in writing by the local planning authority. Finished floor levels shall be set to 150mm above surrounding ground levels in accordance with a recommendation made in the submitted Flood Risk Assessment and Drainage Strategy.

Reason: The proposed development is not on level ground and no details of these matters have been submitted with the application. To accord with Policies Env6 and Env7 of the Hyndburn Core Strategy.

#### Highways

5. Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for the following matters:
  - i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The storage of plant and materials used in constructing the development
  - iv) The erection and maintenance of security hoarding
  - v) Wheel washing facilities
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii) Details of working hours ensuring that there will be no construction traffic movements to or from the site before 9.30am or between 2.30 and 3.30pm Monday to Fridays during school term dates

ix) Routing of delivery vehicles to/from site

The approved scheme shall be adhered to throughout the period of construction.

Reason: In the interest of local amenity and traffic and highway safety in accordance with the provisions of Development Management Development Plan Document Policy DM32 Sustainable transport, Traffic and Highway Safety, and Policy Env7 of the Hyndburn Core Strategy.

6. Prior to commencement of development a scheme and programme for the construction of the site access on Thwaites Road shall be submitted to and approved by the Local Planning Authority and implemented in full prior to the first occupation of the development hereby approved. The works shall be completed under an agreement with the Highway Authority in accordance with the approved details.

Reason: In the interest of traffic and highway safety in accordance with the provisions of Development Management Development Plan Document Policy DM32 Sustainable transport, Traffic and Highway Safety.

7. Prior to the commencement of the development hereby approved, a scheme and programme for the development of the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented in accordance with the approved details prior to the first occupation of the development hereby approved.

- a. Thwaites Road new footway on the east side for the frontage of the development site, including any tie in detail with the exiting footways to the north and south.
- b. Vehicular driveway crossings on Thwaites Road
- c. A scheme of traffic calming measures (road humps) on Thwaites Road between Cardigan Avenue and Stanhill Lane, uncontrolled kerbed build-outs with pedestrian crossing points, formalisation of on-street parking and parking restrictions at the new and existing adjoining road junctions.
- d. A scheme of signing pedestrians and cyclists between the site and Foxhill Bank Brow/Market Street junction via the bridleway network.

Reason: In the interest of traffic and highway safety in accordance with the provisions of Development Management Development Plan Document Policy DM32 Sustainable transport, Traffic and Highway Safety.

8. Within 3 months of commencement of the development hereby approved, details of the proposed arrangements for future management and maintenance of the estate road, footways and pedestrian/cycle paths within the development shall be submitted to and approved by the local planning authority. The highways shall thereafter be maintained in accordance with the approved management and maintenance details

until such time as an agreement has been entered into with the Highway Authority or a private management and Maintenance Company has been established.

Reason: In the interest of traffic and highway safety in accordance with the provisions of Development Management Development Plan Document Policy DM32 Sustainable transport, Traffic and Highway Safety.

9. No development shall be commenced until full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of traffic and highway safety in accordance with the provisions of Development Management Development Plan Document Policy DM32 Sustainable transport, Traffic and Highway Safety.

10. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of traffic and highway safety in accordance with the provisions of Development Management Development Plan Document Policy DM32 Sustainable transport, Traffic and Highway Safety.

11. Prior to the occupation of each dwelling the driveways parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

Reason: In the interest of traffic and highway safety in accordance with the provisions of Development Management Development Plan Document Policy DM32 Sustainable transport, Traffic and Highway Safety.

12. Prior to first occupation each dwelling shall have a secure cycle store for at least 2 cycles and an electric vehicle charging point made available for use which shall be retained for the duration of the development. This condition does not apply to the residential units where parking would be provided outside of the curtilage of the dwelling (i.e parking courts).

Reason: In the interest of traffic and highway safety in accordance with the provisions of Development Management Development Plan Document Policy DM32 Sustainable transport, Traffic and Highway Safety.

Drainage

13. Prior to the commencement of development a sustainable drainage scheme for the site in accordance with the Flood Risk Assessment submitted with the application, shall be submitted to and approved in writing by the LPA.

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

Reason: In the interest of Flood Risk Management in accordance with the provisions of Development Management Development Plan Document Policy DM20.

14. Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to the local planning authority for approval in writing. As a minimum this shall include:

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

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

Reason: In the interest of Flood Risk Management in accordance with the provisions of Development Management Development Plan Document Policy DM20.

15. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment Ref No. w10386-180222- FRA & Drainage Strategy Issue 2, Dated 22/02/18 prepared by Waterco. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details and maintained thereafter.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Development Management Development Plan Document Policy DM20 'Flood Risk Management and Water Resources' and the provisions of the National Planning Policy Framework.

#### Environmental Health

16. Prior to the first occupation of the units hereby approved which are shown on Fig 1 of the noise assessment submitted with the planning application, sound attenuation measures shall be provided to the outdoor living spaces where the sound pressure contour exceeds 55dB in accordance with a scheme and programme first submitted to and approved in writing by the local planning authority.

Reason: In the interest of the amenity of the residents of the dwellings hereby permitted in accordance with Development Management Development Plan Document Policy DM29: Environmental Amenity.

#### Bins

17. Prior to the occupation of each dwelling house hereby approved, bin and recycling receptacles shall be provided and be available for use at each unit, in accordance with the current standards adhered to by Hyndburn Borough Council. Bins shall be stored within the boundary of each dwelling house except on bin collection days.

Reason: In the interests of visual amenity and to accord with Policies Env6 and Env 7 of the Hyndburn Core Strategy and DMDPD DM31.

#### Ecology

18. Prior to the commencement of development hereby approved, a scheme and programme for the management of ecology and wildlife at the site shall be submitted to and approved in writing by the local planning authority. The scheme and programme shall provide the following details:
  - a) Location and orientation of bat boxes,
  - b) The avoidance of harm to amphibians and small mammals during construction
  - c) Details of permeable fencing for hedgehogs to enable movement across the site
  - d) Updated tree protection plan
  - e) Invasive non native species protocol detailing the containment, control and removal of Himalayan Balsam on site
  - f) Translocation of marshy grassland in accordance with the Ecological Appraisal.
  - g) Soft felling of trees whereby Potential Bat Roost Features have been identified by the qualified ecologist – ref Ecology Appraisal Section 5.8.

The scheme and programme shall be carried out in accordance with the approved details.

Reason: In the interest of enhancing biodiversity in the natural and built environment in accordance with Development Management Development Plan Document Policy DM19 Protected Species.

19. No development shall commence, including groundworks, site clearance, tree felling or otherwise similar following October 2020 unless a repeat ecological survey of the site by a qualified ecologist working to CIEEM standards is completed and submitted for approval by the Local Planning Authority, and where required by the Local Planning Authority a revised Biodiversity Method Statement and Mitigation Plan to be submitted and approved in writing by the Local Planning Authority. The longstop date is set at October every year during the period of the approved planning permission. The requirement to re-survey the site is set sequentially every year from the longstop date whereby the development has not commenced.

Reason: In the interest of enhancing biodiversity in the natural and built environment in accordance with development Management Development Plan document Policy DM19 Protected Species.

20. No removal of hedgerows, trees, shrubs or undergrowth shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active bird nests immediately before the vegetation is cleared, and provided written confirmation that no birds will be harmed and/or appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Local Planning Authority.

Reason: In the interest of enhancing biodiversity in the natural and built environment in accordance with development Management Development Plan document Policy DM19 Protected Species.

#### Informatics

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Lancashire Police and Fire Service. EA, LCC HA 278 BATS