

Planning Committee

1st November 2022

Update Sheet

Item 3A 11/22/0270 4 Richmond Crescent, Oswaldtwistle

During the Chairs Briefing Meeting the management of bins was queried. At the moment bins are stored at the front of the property and they are clearly seen from the road and footway, making the front of the house look untidy, as can be seen in the photographs in the presentation to members.

The front windows of the property are at a sufficient height to allow bins to be tidily stored in a purpose built bin store below the front window of the extension. To ensure this is the case, an additional condition is recommended as set out below:

Within three months of the commencement of development, the siting, details of the construction and design of external refuse recycling/bin stores shall be submitted to and approved in writing by the Local Planning Authority. The duly approved facilities shall be made available for use before the development hereby approved is first occupied and retained thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity to accord with Policy Env 7 of the Hyndburn Core Strategy and Policy DM26 of the Hyndburn Development Management DPD.

Item 3B 11/22/0262 7 Beech Crescent, Altham West, Accrington

No update.

Item 3C 11/22/0213 Former Bay Horse, 543 Manchester Road, Accrington

A consultation response has been received from Lancashire County Council Public Rights of Way team advising that public footpath ref 11-1-FP180 crosses the site and that this is currently obstructed by the proposed car-park. Details of the diversion of this public right of way have therefore been requested.

An additional condition is therefore recommended as set out below:

Notwithstanding the submitted plans, prior to the commencement of development details of the proposed route of public right of way ref 11-1-FP180 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the route of the footpath, signage, dimensions, surface treatment and programme of implementation. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the public right of way can continue to be safely used and in accordance with Policy DM33 of the Hyndburn Development Management DPD.

Item 3D 11/21/0237 land off Bolton Avenue to Land near Pewitt Hall farm, Back Lane, Accrington

Lancashire County Council Highways Department have submitted a schedule of 14 conditions that they consider to be necessary for the proposed development. Although the majority of the points raised have been adequately addressed by the conditions set out in the report before members, or can be addressed by making changes to the conditions in the report, there are a number of points arising from the draft conditions that members should be aware of:

- i. An additional condition seeking to prevent traffic on Bolton Avenue approaching Burnley Road junction queuing back beyond Brown Birks Road is recommended.
- ii. An additional condition requiring the details of vehicles arriving at the compound is recommended. This would apply to heavy goods vehicles but it is not considered that it is necessary to collect the personal details of the driver or the route the vehicle has taken since the route is controlled by another condition.
- iii. Additional text required in relation to damage to the highway and repair of the highway during development.
- iv. Some additional requirements for the Construction Management Plan.
- v. An additional condition requiring a Construction Method Statement.
- vi. LCC Highways has requested an additional Highways Officer post for the duration of the development. As set out in the report, it has been agreed with the applicant that funding of a Highways Officer to work for LCC for a period of two years during the initial design stage, commencement and during highway improvements will be supported, and thereafter on a part time basis that would be agreed between the parties. This is considered reasonable and would be managed through either the s.106 agreement or through a separate legal agreement with the Highway Authority (LCC).
- vii. LCC Public Rights of way has requested a financial contribution of £170,000 for the improvement of Huncoat Greenway. Although a small part of the Greenway will be diverted during the development it is proposed that this element of the works would be managed by condition. The proposed development will not result in additional use of Huncoat Greenway or prevent its use. The financial contribution towards the Greenway is not considered necessary or reasonable and officers do not therefore believe that it meets the tests required to justify it being sought as part of the s.106 agreement.

An additional condition has also been requested by Hyndburn Borough Councils Engineer to ensure that any damage arising to the bridge of Plantation Road (that is owned by the Council and which has recently been repaired) over the duration of the development is made good. This would be similar to the extra-ordinary damage to highway condition, and would require a photographic survey of the bridge to be carried out before development, periodic inspections and a final inspection on completion of development.

The report before members sets out a number of matters that would be included in the s.106 agreement (page 70). If, in consultation with the applicant, it is considered by officers that any of these matters could be better managed through either a condition or alternative legal agreement (such as a s.278 agreement) or a combination of both, delegated authority is also sought to make this change.

Members will note that the officers have requested delegated authority to complete the drafting of the conditions, taking into consideration the points raised by statutory consultees where they meet the tests for planning conditions and officers are satisfied that they are reasonably required.