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| <b>REPORT TO:</b>               | <b>Planning Committee</b>                                                                                                                  |
| <b>APPLICATION REF:</b>         | <b>11/25/0520</b>                                                                                                                          |
| <b>APPLICATION ADDRESS:</b>     | <b>Land West of Rhoden Road, Oswaldtwistle, BB5 3QQ</b>                                                                                    |
| <b>DEVELOPMENT DESCRIPTION:</b> | <b>Full Major: Demolition of buildings and structures, erection of 55 dwellings with associated access, drainage and landscaping works</b> |
| <b>DATE REPORT WRITTEN:</b>     | <b>13 July 2026</b>                                                                                                                        |

### **Description of the Site and the Proposed Development**

The application site comprises 1.73 hectares (ha) of grassland located to the west of Rhoden Road, Oswaldtwistle. It consists of several enclosed plots bounded and subdivided by post-and-wire fencing, which have most recently been used for horse and livestock grazing. A stable building is situated within the south-western corner of the site. The site falls northwards from around 173 metres (m) Above Ordnance Datum (AOD) to around 161m AOD.

The site is bounded by a public footpath (reference FP1105111) to the north, which connects with a further public footpath (reference FP1105112) linking Roe Greave Road and Trinity Street; Roe Greave Road (adopted and made) and Rhoden Road (unadopted and unmade) to the east; a bungalow known as Greenacres and a track to the south, the latter of which is also a public footpath (reference FP1105110); and a further public footpath to the west (reference FP1105113), which runs at the top of the valley of Whams Brook.

The surrounding area has a mixed character and appearance. To the north, beyond the public footpath, is an apparent scrap or storage yard; to the north-east is relatively modern residential development at Tinker Brook Close, whilst traditional terraced housing lies to the east on the opposite side of Rhoden Road; to the south is open countryside, including an unauthorised gypsy and traveller site on the opposite side of the track, which is the subject of a separate planning application currently under consideration<sup>1</sup>.

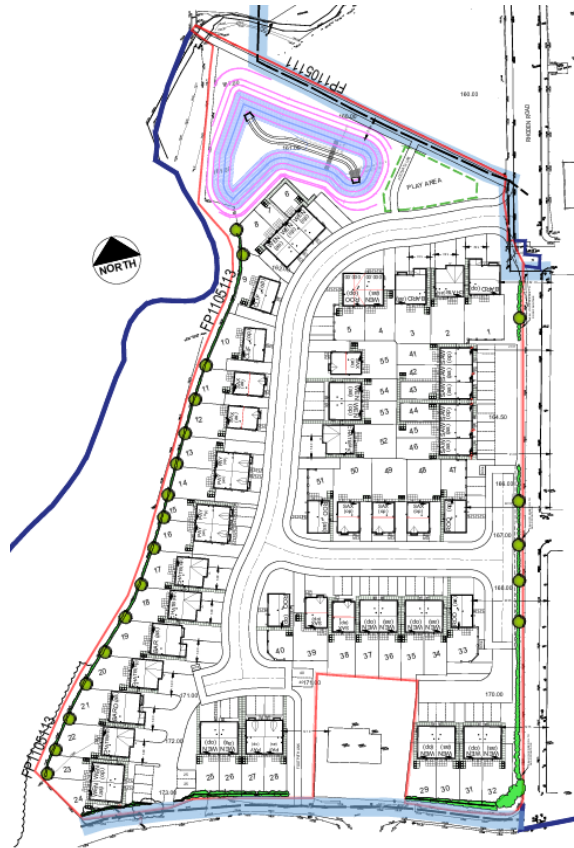
The application seeks full planning permission for the demolition of existing buildings and structures, including the stable, and the erection of 55 dwellings with associated access, drainage and landscaping works (see Figure 1 below). The sole vehicular access would be provided from Roe Greave Road with separate pedestrian links to the public footpaths to the north and south. The proposed drainage strategy includes an attenuation basin within the north-western corner. The landscaping proposals include a children's play area within the

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<sup>1</sup> Application number 11/26/0042.

north-eastern corner, alongside hedgerow with occasional tree planting along the eastern, southern and western boundaries.

**Figure 1.** The Proposed Site Layout (drawing number SL-01H, revision H).



### **Preliminary Matter**

The submitted Viability Assessment concludes that the proposed development cannot viably provide affordable housing or make any financial contributions. It has been reviewed by an independent viability consultant, who undertook their own appraisal incorporating several adjustments. The independent appraisal identifies a residual land value of £680,160 in a scenario with no affordable housing provision or financial contributions, which falls marginally below the benchmark land value of £683,200. Therefore, the independent viability consultant concludes that the proposed development is marginally viable and agrees with the applicant's position. It is accepted by planning officers and is an important material consideration.

### **Relevant Planning History**

The Local Planning Authority granted outline planning permission with all matters except access reserved for the erection of up to 34 dwellings on the bulk of the application site by

decision notice dated 14 September 2016<sup>2</sup>. The red line boundary in that case included part of Rhoden Road and the track to the south. The approved Illustrative Layout Plan indicated that the carriageway of Rhoden Road would be widened with a new footway and verge to the west side, and part of the southern track upgraded to a shared driveway (see Figure 2 below). However, no reserved matters application was ever submitted.

**Figure 2.** The previously approved Illustrative Layout Plan (drawing number 15/168-03).



## **Consultation**

Active Travel England: No response received.

Coal Authority: 14 January 2026: No objection subject to conditions requiring: a scheme of intrusive investigations and any remediation and/or mitigation measures necessary to address land instability be implemented prior to commencement; and a statement or declaration of safety and stability prior to occupation. They also recommend an informative note.

Environment Agency: No response received.

Hyndburn Borough Council (HBC) Ecology: 3 February 2026:

<sup>2</sup> Application number 11/16/0128.

- There are some relatively minor errors in the submitted information, but these do not impact the outcome of their response.
- There is no plan marking fencing of the habitat gain zone (sustainable drainage system), which must be gated and fenced to prevent habitat encroachment. They recommend a condition to this effect.
- The submitted Statutory Biodiversity Metric demonstrates a net loss of -4.91 habitat units and a net gain of 0.85ha hedgerow units.
- They recommend biodiversity net gain and other ecological conditions, including securing the significant on-site biodiversity net gain.

HBC Environmental Protection: 20 April 2025:

- Contamination – The submitted Preliminary Risk Assessment is robust and they agree with its findings. The outputs and recommendations are reasonable. The submitted Phase II Investigation is suitably robust. There were a few samples with elevated levels of some organics in the surface soils. While there were relatively few samples, they agree with the recommendation that site strip of made ground should take place in the proposed garden areas. The ground gas risk assessment is yet to be carried out and would be required to be submitted. There is a requirement for a remediation statement to cover the site strip and reassurance testing, and potentially gas preclusion.
- Air quality – The overall effect on the surrounding environment from the proposal is not significant and the application site is deemed suitable for the proposal with reference to air quality standards. There is an expected adverse effect on nearby residents during key phases of the development, but they are satisfied that dust management could be included within a construction environmental management plan (CEMP).
- Other impacts – There are other potential impacts regarding construction traffic, and noise and vibration, which could be covered by the CEMP.

HBC Parks: 29 January 2026: Request a contribution of £111,036.67 towards existing local provision to be used at the green space and play area of Rhoden Road or Rhyddings Park. They suggest the responsibility of future maintenance of any landscape elements such as the play area should fall on the developer.

HBC Policy: No response received.

HBC Regeneration and Housing: No response received.

HBC Trees and Woodlands: No response received.

HBC Waste Services: 20 January 2026: The waste bin storage facilities satisfy the requirement for secure storage and movement of containers. There are no concerns regarding refuse collection vehicles gaining access. They require a financial contribution of £13,750 towards waste and recycling containers.

Lancashire Constabulary: 16 January 2026: Confirm that a Crime Impact Statement without comments and observations has already been completed and is published on the Online Planning Register.

Lancashire County Council (LCC) Highways: 2 July 2026: Having reviewed the amended and further documents submitted, they do not raise an objection regarding the development and conclude that there are no highway grounds to object. This is subject to measures being taken to mitigate the impact of the development on the adjacent highway network. Therefore, they recommend conditions and informative notes.

LCC Historic Environment: 30 January 2026: There are no records of known heritage assets or important features within the application site. There is no indication that there may be any earlier archaeological remains on the site. No archaeological works would be necessary.

LCC Lead Local Flood Authority:

- 5 February 2026: No objection subject to conditions requiring a detailed and final surface water sustainable drainage strategy to be submitted; a construction surface water management plan; a sustainable drainage system operation and maintenance plan; and a verification report of the constructed sustainable drainage system. They also recommend informative notes relating to ordinary watercourse consent and permeable paving, and provide other site-specific advice.
- 26 February and 6 July 2026: No additional comments to make and refer to their response dated 5 February.

LCC Public Rights of Way: 9 February 2026: No objection but to mitigate against the intensification of use associated with the proposal the footpaths are to be retained at a minimum width of 2 metres and surfaced. Path reference FP1105113 is to be finished with a compacted stone finish retaining its character through public open space. Path references FP1105111 and /12 are to be surfaced with tarmac from Rhoden Road to Trinity Street. To protect public safety, there should be a minimum of 2 metres between the footpaths and the attenuation basin. The detailed specification of the paths is to be approved by them and included within an agreement under section 278 of the Highways Act 1980 (as amended). They recommend a condition to secure the protection and enhancement of the footpaths, and provide advice on drainage, landscaping, obstruction, publicity and temporary closure.

LCC School Planning: 26 January 2026: An education contribution is not required at this stage. This is based on the latest information available at the time of writing.

Lancashire Fire and Rescue Service: 15 January 2026: Provide advice in relation to access for fire appliances and water supplies for firefighting purposes.

United Utilities: 6 July 2026:

- Drainage – The strategy for the disposal of foul and surface water is acceptable in principle but there are elements that might not be acceptable to them and require resolution. For example, in relation to finished floor levels. They recommend that the strategy is not approved until their concerns are resolved to avoid unnecessary delays or costs but recommend a condition should permission be granted without resolution.
- Water mains – There are two water mains crossing the application site. The latest Proposed Site Layout now shows the standoff widths of both water mains, so they remove their previous objection subject to a condition regarding its protection.

### **Publicity**

There have been 178 representations received, all in objection, including from County and now also Borough Councillor Gaynor Hargreaves and Borough Councillor Steven Smithson. In summary, they raise the following issues and matters:

- Impact on highway safety and transport, including parking provision and public footpaths:
  - Roe Greave Road is already congested with on-street parking on both sides (including close to junctions) and few passing places, which results in vehicles reversing in the carriageway. There is already waiting at the junctions with Plant Street and Stanley Street. There have been incidents of children being hit by cars and there are also speed compliance issues. There are no clear markings at its junction with Rhoden Road.
  - Rhoden Road is a single-track, unadopted road already constrained by on-street parking. It should be upgraded to allow for an appropriate carriageway width and footways. There is poor visibility at its junctions. There are no clear markings at its junction with Roe Greave Road.
  - Trinity Street is used as a rat run and overspill parking for those who cannot park on Rhoden Road. There is poor visibility at its junctions.
  - The application site is not accessible by sustainable transport modes. The proposal would exacerbate congestion, highway safety and transport risks, including on vulnerable users such as children, the elderly and horse riders. The proposal would create safety risks, including restricting access for emergency service vehicles. It would have a single dangerous access. The location of the proposed children's play area near to the access, attenuation basin and public footpath raise safety concerns. There are general concerns about the impact on the public footpaths, including their

amenity, safety and usability. The impacts should be assessed at peak hours. There are concerns about construction traffic and the blocking of bus routes. The proposed garages may not be used for parking resulting in increased on-street demand. The submitted Transport Statement does not consider existing congestion, on-street parking and restricted passing places or the cumulative effects.

- Impact on flood risk, drainage and water infrastructure:
  - Whams Brook runs beneath Roe Greave Road and floods regularly, which has damaged the footpath bridge, which not maintained regularly. There are also other flooding issues in the surrounding such as at Tinker Brook and on Town Bent.
  - There are existing water pressure issues.
  - The proposal could exacerbate flood risk, drainage and water infrastructure issues. There are concerns about foul drainage capacity.
- Impact on the conditions of nearby users, including:
  - Construction dust, noise, traffic and vibration.
  - Operational light pollution (including from vehicle headlights), noise, odour, traffic and vermin (associated with bin storage).
  - Loss of light and privacy (including right to light infringements), and on-street parking pressure, overbearing and overshadowing impacts on nearby residents.
  - Loss of privacy, and noise overlooking impacts on nearby stables and horses.
  - The impacts would have adverse effects on mental and physical health, including on nearby disabled residents. These effects would be cumulative with other recent residential development nearby.
- Impact on the character and appearance of the area, including landscape character:
  - The application site is an important green space with openness and views across it.
  - The proposal would represent overdevelopment with a cramped, high-density layout that would be an eyesore and visually intrusive. The density, scale and massing are inappropriate and would overwhelm the existing built form and landscape.
  - The proposal would erode the green, open and rural edge character of this part of Oswaldtwistle leading to incremental urbanisation. There would be harm to the setting and experience of Rhoden Fold and the wider walking environment.

- There would be an unacceptably close relationship with the existing dwellings on the opposite side of Rhoden Road. The proposal would fail to respect the character, rhythm and scale of the adjacent terrace rows.
- Impact on biodiversity and ecology, including trees and water quality:
  - There would be a loss of habitats including trees, hedgerows, seed plants and wild meadow, including for birds, butterflies, deer, field mice rabbits, insects, newt's owls and other species.
  - The proposal risks polluting Tinker Brook and Whams Brook. There is no biodiversity assessment. There are concerns about proposed tree planting causing damage to nearby buildings and underground infrastructure.
- Whether the proposal would make appropriate provision of public open space:
  - The proposed children's play area appears to be an afterthought. It is inadequately designed and poorly integrated. There are concerns that it would attract anti-social behaviour, drug use and vandalism. There are also concerns about its proximity to the attenuation basin. There are questions regarding who would be responsible for the long-term maintenance of the basin and play area.
- Whether the proposal would be safe from legacy coal mining risks and contamination:
  - There is an untreated mine entry within the application site and it is contaminated.
  - The application does not include a gas risk assessment.
- Impact on infrastructure, including drainage, healthcare (dentists, general practices and hospitals), highways, policing, public transport and schools.
- Loss of Green Belt.
- Loss of agricultural land.
- The proposal is not necessary to meet housing needs.
- The proposal would lead to increased crime and disorder linked to additional housing and the proposed children's play area.
- The proposal would not make appropriate provision of affordable housing.
- The proposal would not provide an appropriate housing mix.
- The proposal would worsen air quality.



- Other matters:
  - The proposal would lead to loss of views and reduced house prices.
  - Questions regarding the future use of the adjacent scrap/storage yard.
  - Questions regarding why brownfield land is not being used instead.
  - Questions regarding the suitability of the site for gypsy and traveller pitches.

### **Relevant Planning Law and Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant documents and policies include:

Hyndburn Core Strategy (HCS):

- 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 ENV1 Green Infrastructure
- Policy ENV2 Natural Environment Enhancement
- Policy ENV3 Landscape Character
- Policy ENV4 Sustainable Development & Climate Change
- Policy ENV6 High Quality Design
- Policy ENV7 Environmental Amenity
- Policy T2 Cycle and Footpath Networks
- Policy A1 Amount and Distribution of Housing in Accrington

Hyndburn Development Management Development Plan Document (DMDPD):

- Policy GC1 Presumption in Favour of Sustainable Development
- Policy GC2 Infrastructure, Planning Obligations & CIL
- Policy DM6 Delivering Schools and Early Learning
- 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 DM21 Protection of Open Spaces
- Policy DM22 Heritage Assets
- Policy DM24 Contaminated or Unstable Land & Storage of Hazardous Substances
- Policy DM25 Pollution Control
- Policy DM26 Design Quality and Materials
- Policy DM29 Environmental Amenity
- Policy DM31 Waste Management in All New Development
- Policy DM32 Sustainable Transport, Traffic and Highway Safety
- Policy DM33 Sustainable Transport Infrastructure

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (Emerging LP) has been subject to public hearings and the Examining Inspector has their Final Report on the Examination, which has found the plan sound, subject to main modifications. It is at a very late stage and adoption expected on Thursday 16 July 2026. Therefore, in accordance with paragraph 49 of the Framework, the policies of the Emerging LP generally attract substantial weight. The relevant policies include:

- Policy SP1 The Spatial Development Strategy
- Policy SP3 Planning Obligations
- Policy SP8 Open Space Provision
- Policy SP10 Housing Provision (Including Affordable Housing)
- Policy SP11 Suitable Range of Housing
- Policy SP13 Climate Change and Sustainable Development
- Policy SP14 Green Infrastructure
- Policy SP15 Landscape Character
- Policy SP16 Natural Environment Enhancement
- Policy SP18 High Quality Design
- Policy SP19 Heritage
- Policy SP20 Environmental Amenity and Air Quality
- Policy SP23 Sustainable and Safe Transport
- Policy SP24 Cycle and Footpath Networks
- Policy SP30 Oswaldtwistle and Knuzden
- Policy HP9 Land at Rhoden Road (H19)

The National Planning Policy Framework (Framework) (amended 7 February 2025) sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration. While the government have begun a consultation on a significant rewrite of the Framework, it is not currently an expression of government policy and is subject to change. As such, the consultation draft version attracts very limited if any weight at all.

### **Observations**

1. Whether the location is suitable for the proposal with regard to the existing and emerging development strategies

Existing development strategy

- 1.1. Policy BD1 of the HCS, which sets out the balanced development strategy, seeks to concentrate development within urban areas and limit development within the rural area to that supporting farm diversification and promoting leisure and recreational facilities whilst retaining landscape character. The application site is adjacent to but outside of the urban boundary of Accrington and its townships of Oswaldtwistle. It is technically within the rural area. The proposal does not accord with any of the forms of development that are supported in this area. Therefore, it conflicts with Policy BD1.
- 1.2. The application site is also safeguarded land (formerly areas of special restraint), which paragraph 9.3 of the DMDPD states was land which is not allocated for development at that time (pre-2018) but that is necessary to meet longer-term development needs stretching well beyond the plan period. Paragraphs 4.28 and 5.79 of the HCS explains that the intention was for safeguarded land and the urban boundaries to be reviewed by a Site Allocations Development Plan Document. However, the document never came to fruition as anticipated by the HCS. The allocations are now emerging through the Emerging LP.

#### Emerging development strategy

- 1.3. Policy SP1 of the Emerging LP sets out the emerging spatial development strategy, which would not be significantly altered in relation to Oswaldtwistle. The application site would be within the new urban boundary of Accrington and its townships. It would also form a large part of the 'Land off Rhoden Road / Roe Greave Road' housing allocation referred to in Policy SP30 of the Emerging LP, which is anticipated to deliver around 51 dwellings. Policy HP9 of the final version of the Emerging LP supports the development of the allocated site for housing subject to the following requirements:
  - i. Design of any development should make provision for a transition to the Green Belt.
  - ii. Public rights of way, which run along the west of the site and along the southern boundary of the current builder's compound should be incorporated sensitively into the development as these provide recreational routes along Whams Brook and links to the open countryside.
  - iii. Development should respond to the existing terraces on Rhoden Road and avoid cul-de-sacs branching off from a spine road.
  - iv. Any new frontage to Rhoden Road should respect and reflect the existing properties and local vernacular.
  - v. New hedgerows with occasional trees should be established along the southern and western boundaries, adjacent to existing public footpaths.

- vi. Measures should be taken to deter fly tipping to edges of Whams Brook, by preventing vehicular access.
- vii. The site should integrate well with the green corridor along Whams Brook.
- viii. No vulnerable development to be situated on land with 0.1% or greater annual probability of flooding from any source (delineated in Appendix D).
- ix. Any planning application for the development of this site must be accompanied by an Archaeological Desk Based Assessment and/or the results of an archaeological field evaluation and details of any necessary archaeological mitigation.

## Conclusion

- 1.4. In conclusion, the proposal conflicts with the existing development strategy set out in Policy BD1 of the HCS. However, it accords with the emerging development strategy set out in Policy SP1 of the Emerging LP. It would also be supported by Policy HP9 of the Emerging LP, subject to the requirements in the policy, which shall be considered further below. Overall, having regard to the substantial weight to be attached to the policies of the Emerging LP, the location is suitable for the proposal.
- 2. Impact on highway safety and transport, including on parking provision and the adjacent public footpaths

## Context

- 2.1. The application site is accessed via Roe Greave Road, which is an adopted and made road subject to a 20 miles per hour posted speed limit. This highway predominantly runs through an area of terraced housing with on-street parking occurring on both sides, which restricts the usable carriageway width. There are also two bends, which restrict forward visibility, including near an area of public open space that contains a children's play area off Three Brooks Way.
- 2.2. The available data shows that there has been one recorded accident along Roe Greave Road in the past five years, which involved one slight injury and one vehicle at the bend near the public open space. LCC Highways advise that this involved a child. However, they state that it was likely due to poor visibility for pedestrians, which they seek to improve through this application with the provision of dropped kerbs and small sections of parking restrictions. There are other incidents recorded on Union Road near the junction of Roe Greave Road, but LCC Highways confirm that these related to a driver being careless and the time of day, rather than the physical characteristics of the highway. Therefore, they suggest the existing highway network leading to the application site is not inherently unsafe. This is supported by the Local Plan Transport

Study (November 2022) commissioned as part of the Emerging LP and the fact that the Examining Inspector has raised no concerns regarding the delivery of around 51 dwellings on the wider emerging allocated housing site.

- 2.3. On this basis, notwithstanding the representations of objection, the starting point for the assessment is that the existing highway network leading to the application site is not inherently unsafe and that the wider emerging allocated housing site is capable of accommodating around 51 dwellings in principle. This position is supported by LCC Highways and the evidence underpinning the Emerging LP, which has been accepted by the Examining Inspector.

#### Sustainable transport

- 2.4. The application site is a relatively accessible location by foot as it is within an around eight-minute walk of Oswaldtwistle Town Centre and 11-minutes of Oswaldtwistle Moor End Community Primary School. Although Rhyddings secondary school is an around 21-minute walk away, it is not unusual for secondary school pupils to travel further or take linked journeys (e.g., by bus). There is no major food store within a reasonable walking distance, but this is the same for large parts of Oswaldtwistle. The adjacent public footpaths form part of a well-connected walking network in the surrounding area.
- 2.5. There is no clear footway to the western side of Roe Greave Road between the application site and 166 Roe Greave Road, which is the main route to facilities and services. LCC Highways requested a footway, which the applicant has agreed to provide. It would be predominantly 1.8m wide with a slight pinch point of 1.6m due to landownership issues. This is acceptable and could be secured by condition.
- 2.6. The amended Proposed Site Layout shows pedestrian links between the proposal and the public footpaths to the north and south. Additionally, the applicant has agreed to improve all surrounding footpaths, including draining, lighting and tarmacking those to the north linking Roe Greave Road and Trinity Street (references FP1105111 and /12), as well as providing directional signs. The specific details could be dealt with by condition. These improvements would be of wider public benefit.
- 2.7. There have been several concerns raised regarding the safety of the proposed attenuation basin in proximity to the existing and proposed pedestrian routes. However, the minimum 2m separation distance sought by LCC PRow could be secured by condition and the applicant proposes a knee rail fence around the basin and the provision of a lifebuoy, which would ensure safety. Additionally, the co-location of footpaths and blue infrastructure is encouraged and often highly valued due to the amenity and recreation benefits arising (e.g., public footpaths along canals).

- 2.8. The proposed landscape plans show planting within proximity of the surrounding public footpaths. LCC PRoW advise on the minimum separation distance of soft landscaping from public footpaths, which could be secured by condition.
- 2.9. There have also been concerns raised regarding the maintenance of the footpath bridge over Whams Brook. However, the relevant consultees, including LCC PRoW raise no concerns and there would unlikely be such an intensification of use as a result of the proposal to lead to damage. Therefore, in the absence of any evidence to the contrary, the impact on the footpath bridge would be acceptable.
- 2.10. There are no dedicated cycleways nearby, but the distances to nearby facilities and services are reasonable. The submitted Transport Statement refers to the provision of cycle storage units, which could be secured by condition.
- 2.11. The nearest bus stop is on Rowan Avenue, which is an around three-minute walk and served by the A4 bus. This provides a subsidised service between Accrington Bus Station and Oswaldtwistle. LCC Highways seek a financial contribution towards the A4 bus service and upgrades to the bus stop. However, the proposal cannot viably make any financial contributions and there are bus stops on Union Road, which are around a 10-minute walk away and served by the 6, 6A, 7 and 7A buses. These provide regular services to Accrington and Blackburn bus stations. Therefore, the lack of a financial contribution to the A4 bus service and upgrading of the Rowan Avenue bus stop would not result in the proposal being inaccessible by public transport.

#### Design of streets

- 2.12. The proposal would include the formation of a new access with Roe Greave Road, which would be adjacent to its junction with the unadopted and unmade Rhoden Road and Town Bent. It would have visibility splays of 25m measured 2.4m back from the existing carriageway edge, which accords with Manual for Streets. LCC Highways raise no objection in relation to the proposed access, but state that the splays should be maintained clear of obstruction, which could be secured by condition.
- 2.13. The proposed estate road would be 5.5m wide with two 2m wide footways either side, which would accord with LCC's specifications according to LCC Highways. The applicant has submitted amended plans, which have addressed initial concerns, particularly in relation to bin storage. The submitted information demonstrates that a refuse vehicle could access and egress the cul-de-sacs in forward motion. LCC Highways confirm that they would consider adopting the estate roads and footways.

#### Parking areas

- 2.14. The proposal would comprise predominantly two- and three-bedroom dwellings, which the Car Parking Standards in Guidance Note 8 of the DMDPD indicates should have a

maximum of two spaces. There would also be four four-bedroom dwellings, which require three spaces. The maximum standard should be met in this case given the existing parking pressure on the surrounding highway network. The proposal satisfies this standard. LCC Highways previously raised concerns regarding the dimensions of the proposed parking spaces and manoeuvring space, but these have now been increased and LCC confirm they should allow vehicles to park off-road. Therefore, subject to condition, the proposal would have adequate parking provision.

#### Other impacts on the transport network and highway safety

- 2.15. LCC Highways concur with the submitted Transport Statement, including in relation to committed growth, junction capacity, and trip rates and distribution. There would not be any severe residual cumulative impacts on the road network.
- 2.16. There is a risk of harm to highway safety during construction given the context and scale of the proposal. Therefore, a robust construction method statement covering highway safety and transport would be of critical importance in mitigating the impact, which could be secured by pre-commencement condition.

#### Conclusion

- 2.17. In conclusion, subject to conditions, the proposal would have an acceptable impact on highway safety and transport. It would comply with policies DM32 and DM33 of the DMDPD and policies SP23 and SP24 of the Emerging LP insofar as they seek to promote sustainable transport by, amongst other things, safeguarding highway safety and ensuring adequate parking provision.

### 3. Impact on flood risk, drainage and water infrastructure

- 3.1. The majority of the application site is located within flood zone 1 on the Environment Agency Flood Map for Planning, which means that it is at a low risk of flooding from rivers. However, it is adjacent to Whams Brook, which is an ordinary watercourse with surrounding extents of high and medium river flood risk. Whams Brook enters a culvert north of the application site, which runs beneath Rhoden Road and Tinker Brook Close before discharging into Tinker Brook, which is a main river. The site is not subject to extents of surface water flood risk according to the Flood Map, but there are extents of surface water risk within the surrounding area.
- 3.2. The submitted FRA set out that surface water runoff from the application site would be restricted to the existing greenfield runoff rates and attenuation storage provided to accommodate the one in 100 years plus climate change event. LCC LLFA have no objections and neither, in principle, do United Utilities. Therefore, the proposal would incorporate a sustainable drainage system that would ensure that flood risk is not increased on site or elsewhere. There would be no vulnerable development situated on



land with a 0.1% or greater annual probability of flooding from any source delineated in Appendix D of the Emerging LP, which accords with the requirement of Policy HP9 of the Emerging LP. The public concerns regarding foul drainage capacity have not been raised by United Utilities who have a duty to provide a sewerage system under section 94 of the Water Industry Act 1991 (as amended) (WIA 1991) in their capacity as the sewerage undertaker. Therefore, subject to conditions, the proposal would have an acceptable impact on flood risk, and foul and surface water drainage.

- 3.3. There have been representations of objection raising concerns regarding the maintenance of the culvert of Whams Brook. However, responsibility for the culvert rests with the landowner. LCC Highways have previously confirmed that it passes beneath Roe Greave Road and Tinker Brook Close and is subject to a legal agreement with them under section 38 of the Highways Act 1980 (as amended). While they previously requested a survey of the culvert to identify any collapse or damage, they have since withdrawn the request as they have spoken to the LLFA and their conditions would cover any likely issues. In any event, the proposed discharge would be at greenfield runoff rate so there would unlikely be any significant impact. Therefore, subject to conditions, the proposal would have an acceptable impact on the culvert.
- 3.4. There have also been concerns that the proposal would exacerbate water pressure issues in the surrounding area. However, section 65 of the WIA 1991 requires water undertakers such as United Utilities to provide water at such a pressure to cause the water to reach the top of the top-most storey of every building in their area. Moreover, Ofwat as the Water Services Regulation Authority requires undertakers to maintain a minimum pressure in the communication pipe of seven metres static head (0.7 bar). United Utilities have not raised any concerns that they cannot meet these legal and regulatory requirements. Therefore, the issue of water pressure is a neutral matter.
- 3.5. In conclusion, subject to conditions, the proposal would have an acceptable impact on flood risk, foul and surface water drainage, and water infrastructure. It would comply with Policy ENV4 of the HCS, Policy DM20 of the DMDPD and policies SP13 and HP8 insofar as they seek to meet the challenge of flooding.

#### 4. Impact on the living conditions of nearby occupants

##### Greenacres

- 4.1. The proposal would involve the erection of dwellings surrounding the bungalow known as Greenacres from west to east. The existing plans submitted with a recent planning application show that it is a single-storey, two-bedroom dwelling with habitable room windows (as defined in the supporting text of Policy DM29 of the DMPD) in the north, south and west elevations. They have planning permission to erect a single storey side extension, which would introduce habitable room windows in the east elevation.

- 4.2. The nearest proposed dwelling would be to the east of Greenacres and would be around 9m from the habitable room windows in the approved extension. However, these windows would serve rooms with two other large openings in other elevations. Therefore, this shortfall against the minimum distance required by Policy DM29 of the DMDPD is acceptable in this case.
- 4.3. The Proposed Site Layout shows that the proposed dwellings would be set back sufficient distance from Greenacres in all other directions. Whilst the proposed footpath link to the south would run close to this neighbouring property, boundary treatment and or soft landscaping could be secured by condition to protect privacy.

#### Rhoden Road

- 4.4. The proposal would be located opposite the two terrace rows on the other side of Rhoden Road, which face the application site and currently have open views across it to the wooded bank of Whams Brook. There have been several representations of objection that demonstrate the personal value that these residents place on this view. However, while there is a threshold where the impact on residential visual amenity and views becomes a matter of the public interest, the planning system does not seek to protect purely private interests.
- 4.5. The Proposed Site Layout shows that the nearest proposed dwellings of plots 1 and 32 would be set back the minimum 12m distance sought by Policy DM29 of the DMDPD. Whilst it is acknowledged that the proposed boundary treatments and finished levels of these plots would need careful consideration, these details could be secured by condition. Furthermore, whilst the proposed dwelling of plot 33 would be 1m closer than permitted by the policy, the final siting of the plots could be dealt with by condition. Moreover, whilst the representations of objection raise concerns about the proximity of proposed soft landscaping, this would likely provide a pleasant buffer in time and would unlikely result in significant obstruction or overshadowing, subject to the final landscaping scheme being agreed by condition. The view from these properties would be changed significantly, but the resultant view would not be so unattractive as to be harmful to residential amenity. Therefore, subject to conditions, the proposal would not have any unacceptable daylight, sunlight, overbearing, overlooking or visual impacts on these nearby occupants.
- 4.6. The representations of objection raise concerns regarding the cumulative impact of the proposal and the relatively recent residential development on Brear Vale to the rear of Rhoden Road. However, this other development was found acceptable on its merits. As above, whilst some of these the properties would lose their open views, this view was not a right and the resultant view would not be unacceptably harmful.
- 4.7. The representations of objection raise concerns about the proximity of bin storage areas to the existing properties on Rhoden Road with reference to odour and vermin. However,

the areas marked 'bins' on some of the proposed plans appear to be collection points rather than permanent storage points. It is unlikely that household waste and recycling would have a significant odour or vermin impact.

#### Construction impacts

- 4.8. There is a risk of harm to living conditions during construction given the context and scale of the proposal, including in relation to dust, noise, traffic and vibration as raised by the objectors. Therefore, a robust construction method statement covering living conditions impacts would be of critical importance to mitigate in mitigating the impact, which could be secured by pre-commencement condition.

#### Other impacts

- 4.9. The representations of objection raise a range of other concerns, including in relation air quality, light pollution, noise and disturbance, and parking pressure. However, as set out below, the proposal would have an acceptable impact on air quality. The installation of fixed external lighting could be dealt with by condition and the impact of headlights would be characteristic of residential areas. Similarly, any increase in noise and disturbance from future occupants and associated vehicle movement would be limited and typical of residential areas. As set out above, the proposal would have adequate parking provision, which would ensure that parking pressure is not increased.
- 4.10. There have also been other concerns raised about overlooking of the equestrian uses to the south-east of the application site. However, the planning system does not generally seek to protect privacy associated with equestrian uses in the same way as residential occupiers. For completeness, no other nearby occupants or users not already considered would experience any significant unacceptable impacts on their conditions.

#### Conclusion

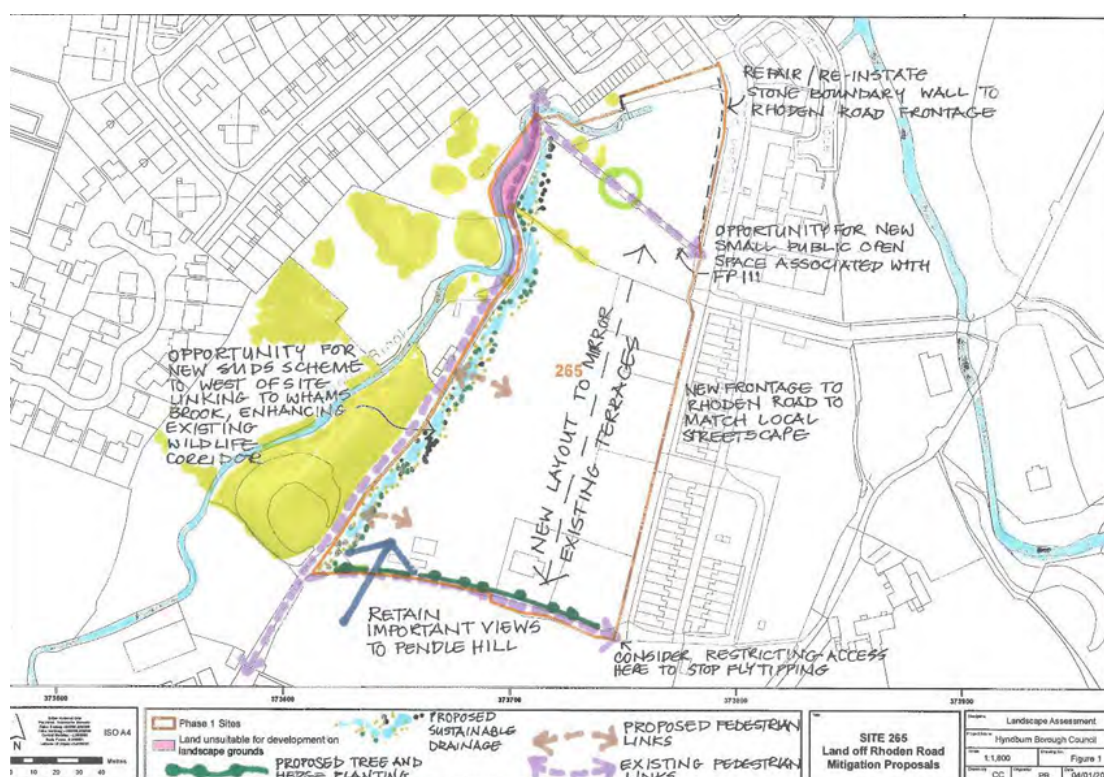
- 4.11. In conclusion, subject to conditions, the proposal would have an acceptable impact on the living conditions of nearby occupants. It would comply with policies BD1 and ENV7 of the HCS, policies DM10 and DM29 of the DMDPD and Policy SP20 of the Emerging LP insofar as they seek to achieve acceptable levels of amenity for nearby users.

#### 5. Impact on the character and appearance of the area, including landscape character

- 5.1. The Landscape Assessment (2021) commissioned as part of the Emerging LP states that the landscape effects of developing the wider housing allocation would be no more than slight moderate adverse. In terms of visual effects, it states that the site is very visible from the adjacent footpaths and road, and locally there would be some loss of visual amenity and sense of openness. It is less visible from a distance, except from the south where any development would be seen in the context of other housing and

would not extend beyond the perceived by the urban boundary. It states that most of the site is suitable for development on landscape grounds, with the exception of a small section alongside Whams Brook to the northwest corner, which should be retained as part of the wildlife corridor. It proposed mitigation measures to achieve a sensitive and successful development, which have largely been incorporated as requirements in Policy HP9 of the Emerging LP (see Figure 3 below).

**Figure 3.** The Mitigation Proposals map from the Landscape Assessment.



- 5.2. Policy HP9 of the Emerging LP requires that the design of any development should make provision for a transition to the Green Belt. The requirement necessarily implies that the development should provide an appropriate transition to the Green Belt; otherwise, the policy wording would serve little purpose. The policy does not specify how this should be achieved and it does not appear to have arisen from the Landscape Assessment, which only refers to tree and hedge planting along the southern boundary. However, the requirement for planting along this boundary is set out under another requirement such that the policy requires something more.
- 5.3. The submitted information does not specify how the transition requirement should be achieved. Whilst the Proposed Site Layout shows some planting along the southern boundary, for the reason already given, this is not considered to meet the policy requirement alone. The proposal does not appear to include any other transition measures, for example, through a change in building heights, density and or layout. To

the contrary, there would be dwellings adjacent to the southern boundary, which would face away from the Green Belt with associated fences. Therefore, the proposal would not make provision for an appropriate transition to the Green Belt.

- 5.4. Policy HP9 of the Emerging LP also requires the public footpaths along the north and western boundaries to be incorporated sensitively into the development as they provide recreational routes along Whams Brook and links to the countryside. Linked to this, the policy also requires that the site should integrate well with the green corridor along Whams Brook through which the western footpath runs. The mitigation proposals map in the Landscape Assessment envisaged a sustainable drainage buffer along the western boundary with pedestrian links provided to the western footpath.
- 5.5. The northern footpath has been sensitively incorporated given its location adjacent to the proposed open space. However, the proposal would turn its back on the western footpath and Whams Brook with rear boundary fences in proximity. The applicant has agreed to also provide a hedgerow with occasional trees, which would provide some ecological value and limited visual mitigation but would not overcome the principal concern of layout and the proximity of fencing. Therefore, the proposal fails to sensitively incorporate the western footpath and the green corridor of Whams Brook.
- 5.6. Policy HP9 of the Emerging LP also states that development should respond to the existing terraces on Rhoden Road and avoid cul-de-sacs branching off from a spine road. This emanates from the Landscape Assessment, which describes cul-de-sacs as inappropriate on this site and that responding to the terrace would allow long views to be retained and channelled through the site. The proposal would essentially comprise cul-de-sacs off a spine road, which is a form of layout that the policy seeks to avoid. There would be limited long views available through the site. Therefore, the proposal conflicts with this requirement.
- 5.7. Policy HP9 of the Emerging LP also requires any new frontage to Rhoden Road to respect and reflect the existing properties and local vernacular. The existing dwellings on the opposite side of Rhoden Road comprise two traditional terrace rows, which abut the footways, have a consistent rhythm and slope northwards. They have stone walls with slate roofs, stone chimneys and surrounds, and windows with a vertical emphasis.
- 5.8. The proposed dwellings along Rhoden Road would primarily face the highway and have a generally consistent building line (plots 33 and 41 to 47). However, those of plots 1 and 32 would be stepped forward of this building line and side on to Rhoden Road. This would fail to reflect the layout of the terraces opposite. Furthermore, whilst they would be constructed of appropriate materials, the proposed dwellings fronting Rhoden Road would not reflect the detailing and proportions of the dwellings opposite nor would the short terrace reflect their rhythm.

- 5.9. Policy HP9 of the Emerging LP requires new hedgerows with occasional trees to be established along the southern and western boundaries, adjacent to the public footpaths. The Proposed Site Layout shows such planting.
- 5.10. In conclusion, the proposal would incorporate hedgerows and occasional trees along the southern and western boundaries and would satisfactorily integrate the northern footpath. However, it fails to comply with several other site-specific requirements of Policy HP9. The submitted Design and Access Statement does not demonstrate how the requirements of Policy HP9 have influenced the evolution of the scheme or informed its final design. The result would be a standard suburban development that would fail to deliver the distinctive landscape-led form of development envisaged by the emerging allocation policy. The proposal conflicts with policies ENV1, ENV3 and ENV6 of the HCS, policies DM10 and DM17 of the DMDPD, and policies SP15, SP18 and HP9 of the Emerging LP insofar as they seek to secure to achieve well-designed places that recognise the intrinsic character and beauty of the countryside. It follows that there would be conflict with the key policies at paragraph 135 and 139 of the Framework, which have similar aims. The weight to be attached to this issue shall be considered further below.

6. Impact on open space

- 6.1. The application site is predominantly adjacent to Whams Brook, which is an area of open space. Whilst there appears to be some slight overlap between the site and plotted extent of the space on the Council's mapping system, this does not appear to reflect the reality on the ground. The corridor clearly stops to the east of the western footpath. Therefore, the proposal would not involve any building on open space and there would not be any material conflict with Policy SP8 of the Emerging LP and paragraph 104 of the Framework, which seek to protect open space.

7. Whether the proposal would provide appropriate provision of open space

- 7.1. The policies of the existing and emerging development plan seek that major housing developments provide or contribute towards open space. However, DM11 of the DMDPD states that where viability evidence indicates a lack of competitive return for landowners and developers, the Council will consider reducing standards of provision, or any planning obligation, to help ensure deliverability, which applies in this case.
- 7.2. The HBC Open Space Report (2022) identifies a shortfall of 0.52ha of parks and gardens in the Oswaldtwistle and Knuzden analysis area, and the application site appears to be an area with poor accessibility to such space. However, the Report identifies that other open spaces typologies can serve gaps in this provision such as amenity greenspace and green corridors. The analysis area has a surplus of amenity greenspace and the site has good accessibility to the adjacent Whams Brook corridor.

- 7.3. The HBC Playing Pitch and Outdoor Sports Strategy (2021) identifies a need for new rugby league pitches and increased need for half a match equivalent session for 5 versus (v) 5, 7 v 7 and 9 v 9 football matches. It also highlights concerns about the quality of bowls, cricket, football and rugby league facilities.
- 7.4. The submitted Planning Statement refers to the on-site provision of 1,450 square metres of amenity greenspace and a 400 square metres children's play area. The greenspace presumably comprises all the area to the north of the application site, which would primarily be taken up by the attenuation basin. Nonetheless, this area would provide recreational and visual value. The play area is proportionate to the scale of the scheme and would be of benefit to children in the surrounding streets. Whilst HBC Parks make a request for a financial contribution as well, this would not be viable.
- 7.5. On balance, the proposal would make appropriate provision of open space having regard to the viability evidence. The requested financial contribution would not be viable. Therefore, the proposal does not conflict with Policy ENV4 of the HCS, policies DM10 and DM11 of the DMDPD, and Policy SP8 of the Emerging LP insofar as they seek the provision of open space.
8. Whether the proposal would provide an appropriate housing density and mix
- 8.1. The adopted development plan does not set density targets. However, Policy SP10 of the Emerging LP seeks a minimum density of 30 dwellings per hectare (dph), and the wider emerging housing allocation has an indicative yield of 51 dwellings. The proposal would achieve a density of 32dph and therefore accords with Policy SP10. Whilst it would exceed the indicative yield on a smaller site area, indicative yields are not maximum development capacities. The submitted plans indicate that the scrap and storage yard element of the wider allocation is outside the applicant's control, and the submitted viability evidence suggests that a smaller scheme within the applicant's part of the site may be unviable. Therefore, the proposal broadly accords with Policies SP10 and HP9 of the Emerging Local Plan insofar as they relate to density.
- 8.2. The proposal would comprise approximately 44% detached, 40% semi-detached and 16% terraced dwellings. This would not accord with the strategic proportions sought by Policy H1 of the HCS, which identifies targets of 26% detached, 49% semi-detached and 5% terraced dwellings. However, individual schemes are not expected to replicate those strategic proportions precisely, and the Housing Needs Assessment (2008) that underpins the policy is now significantly dated. As such, any conflict with this policy only attracts limited weight against the proposal.
- 8.3. Additionally, Policy SP11 of the Emerging LP adopts an approach based upon dwelling size. The proposal would comprise around 49% three-bedroom, 44% two-bedroom and 7% four-bedroom dwellings. Policy SP11 seeks 35-40% three-bedroom, 40-45% two-bedroom, 15-20% four-bedroom or larger dwellings, and 0-5% one-bedroom dwellings.

The proposal would therefore provide an around 9% overprovision of three-bedroom dwellings and an 8% under-provision of four-bedroom or larger dwellings, with no one-bedroom units. However, the proportions achieved are all within 10 percentage points of those sought by the policy and therefore broadly accord with its requirements. On this basis, the proposal accords with Policy SP11 of the Emerging Local Plan and the proposed housing mix is acceptable.

9. Whether the proposal would provide appropriate provision of affordable housing

- 9.1. The proposal would not include any affordable housing. However, the independent viability consultant has confirmed that the provision of such housing and financial contributions would be unviable in this case. Therefore, there is no conflict with Policy H2 of the HCS, Policy DM12 of the DMDPD and Policy SP10 insofar as they seek affordable housing provision or contributions where viable.

10. Impact on biodiversity and ecology

- 10.1. The submitted Ecological Survey and Assessment (ESA) sets out that the grassland, hedgerow and scrub habitats within the application site are of limited value but does note the adjacent woodland and Whams Brook are of local importance. It notes that the habitat is suitable for commuting and foraging bats, foraging and nesting birds, and foraging and sheltering hedgehogs. It recommends measures to protect the adjacent locally important habitats and specific species during construction, including requiring a precautionary badger survey pre-commencement, and prevention of inappropriate artificial lighting, including during operation. HBC Ecology raise no concerns regarding these findings and recommendations. Therefore, subject to conditions, the proposal would have an acceptable impact on habitats and species.
- 10.2. The submitted Preliminary Assessment of Biodiversity Net Gain sets out that the proposal would result in a -71.56% net loss in area habitat units and a net gain of +1765.93% hedgerow units. HBC Ecology note a few minor errors in the identification of some habitats, but raise no objections, including regarding the discharge of the statutory biodiversity gain condition. They note that the increase in the biodiversity value of the onsite habitat would be significant so that its maintenance is required to be secured for 30 years post-completion. Therefore, subject to conditions, including in relation to maintenance, the statutory biodiversity gain condition could be discharged.
- 10.3. The submitted ESA recommends various ecological compensation and enhancements, including the use of bat and bird boxes, maintenance of hedgehog connectivity, and native species for shrub and tree planting. These could be secured by condition.
- 10.4. In conclusion, subject to conditions, the proposal would have an acceptable impact on biodiversity and ecology. It would comply with policies ENV2 and ENV4 of the HCS, policies DM18 and DM19 of the DMDPD and policies SP13 and SP16 of the Emerging



LP insofar as they seek to conserve and enhance the natural environment. It could also satisfy the statutory biodiversity gain condition framework set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

11. Impact on potential archaeological assets

- 11.1. The site-specific requirements of Policy HP9 of the Emerging include that any planning application for the development of the allocated housing site must be accompanied by an archaeological desk-based assessment and or the results of an archaeological field evaluation and details or any necessary mitigation. The submitted application does not include these details so there is technical conflict with this policy. However, this requirement appears to have arisen due to the location of the former Lower Rhoden Works on the scrap/storage yard immediately north of the application site. LCC Historic Environment Team have examined the Lancashire Historic Environment Record and do not note any potential for important heritage features within the application site that would merit formal investigation. They also state that there is no indication that there may be any earlier unidentified archaeological remains. As such, they do not consider that any archaeological works are necessary on the application site. Therefore, the technical conflict with Policy HP9 of the Emerging LP would unlikely result in real world harm and attracts limited weight against the proposal, which complies with Policy DM22 of the DMDPD insofar as it seeks to protect potential archaeological assets.

12. Impact on hedgerows, trees and woodland

- 12.1. The submitted Arboricultural Impact Assessment (AIA) identifies 14 individual trees, three groups of trees and two hedgerows within or near the application site. It did not categorise any of these trees as high quality but did identify four individual trees as medium quality. The proposal would involve the retention of the medium quality trees. While it would involve the loss of three individual trees, two groups and the two hedgerows, these were categorised as low quality or unsuitable for retention. HBC Ecology note an inconsistency between the submitted AIA and ESA in relation to the species identification of T2. Nevertheless, it is of low quality in any event. The submitted soft landscaping demonstrates that adequate compensatory planting could be achieved and the submitted AIA contains recommendations to protect retained trees, which could both be secured by condition. HBC Ecology raise no concerns regarding the impact on hedgerows, trees and woodland. Therefore, the proposal accords with Policy DM17 of the DMDPD insofar as it seeks to protect these assets.

13. Whether the proposal would provide acceptable living conditions for future occupants

- 13.1. The submitted drawings do not annotate the separation distances between the proposed dwellings. However, the relationships shown appear to be generally in accordance with the separation distances of Policy DM29 of the DMDPD. Whilst there would be variations in levels across the site, the relationships between dwellings

appear generally acceptable, and details of the final levels, precise siting of the dwellings and any retaining structures, could be secured by condition. The relationship between the proposed dwellings and surrounding buildings would also be acceptable. Therefore, subject to condition, the proposal would provide acceptable living conditions for future occupants with regard to privacy and outlook.

- 13.2. The alignment and ground levels of the proposed dwellings to the west of the application site would result in a degree of overshadowing of the private outdoor amenity spaces serving those properties. However, the extent of overshadowing would lessen from mid- to late afternoon, thereby limiting the overall impact. There would also be level changes between outdoor amenity spaces within the site, which would require careful consideration as part of the approval of final site levels and retaining structures. Nevertheless, subject to condition, the proposal would provide acceptable living conditions for future occupants with regard to daylight, sunlight and outdoor space.
- 13.3. In conclusion, subject to conditions, the proposal would provide living conditions for future occupants. It would comply with policies BD1 and ENV7 of the HCS, policies DM10 and DM29 of the DMDPD and Policy SP20 of the Emerging LP insofar as they seek to achieve acceptable levels of amenity for future users.

14. Whether the proposal would accord with the housing standards

- 14.1. The majority of the proposed dwelling type plans state that they would comply with the 'Technical housing standards – nationally described space standard' (March 2015), except for the Bardsley house type. However, this type appears to be compliant or could be made compliant with minor amendments, which could be achieved by condition. The Chatburn, Paythorne and Sawley house type plans indicate that they would comply with Part M4(2) of the Building Regulations 2010 (as amended), which would equate to around 33% of all dwellings. This is not required by the development plan, which only seeks M4(2) compliance in relation to new affordable housing. However, it is accepted that there is a general need for elderly and adaptable housing such that this would be a benefit of the scheme, if secured. Therefore, subject to conditions, the proposal would generally accord with Policy DM16 of the DMDPD insofar as it sets out the housing standards. It may exceed the standards if the M4(2) compliant dwellings were secured as such, which shall be considered further below.

15. Impact on air quality

- 15.1. The application is accompanied by an Air Quality Assessment. In terms of construction impact, it identifies a medium risk of dust impacts from demolition, and low in relation to construction, earthworks and trackout. However, it recommends various mitigation measures, which would mitigate the impact as far as possible. It states that the potential emissions from construction road vehicles and non-road mobile machinery would not be significant, and that the onsite equipment and vehicles would be limited.

In terms of operational impact, it states that future occupants would not be exposed to unacceptable air quality and the impact on the surrounding area would not be significant. HBC Environmental Protection have no objections, subject to a condition securing a construction environmental management plan. Therefore, subject to condition, the proposal would comply with Policy ENV7 of the HCS, policies DM25 and DM29 of the DMDPD, and Policy SP20 of the Emerging LP, which relate to air quality.

16. Whether the proposal would meet the challenge of climate change

- 16.1. The submitted Energy Statement sets out that the proposed dwellings would incorporate electric vehicle charging points, fabric efficiencies and solar panels. It suggests that these would achieve 1.68% reduction in energy emissions below the baseline of the dwellings without these features. Therefore, subject to condition securing the measures, the proposal would broadly accord with Policy ENV4 of the HCS and Policy SP13 of the Emerging LP, which seek to meet the challenge of climate change by achieving energy efficient and high standards of design.

17. Whether the proposal would be safe from land contamination and instability

- 17.1. The application site is located partly within the coal mining development high risk area with mining understood to have occurred 74m beneath the site. There is a record of a mine entry within or near the northeast corner of the site. It is also considered likely that the site has been subject to historic unrecorded coal mining at shall depth.
- 17.2. The submitted Intrusive Coal Mining Risk Assessment (ICMRA) discounts subsidence risks associated with the recorded mining as it is not within the 30m zone of influence of the proposal. The investigations involved the drilling of nine rotary boreholes to establish the presence and potential location of the mine entry and shallow coal mining. The location of the holes was based on an initial indicative mine entry location given by the Coal Authority. The boreholes encountered no voids and all coal seams encountered were unworked and of relatively insignificant thickness. The submitted ICMRA states that shallow coal mining does not represent a risk to the proposal. The boreholes did not encounter the mine entry so the authors approached the Coal Authority who found another document that suggested that it may be further north than they had initially indicated. Therefore, the submitted ICMRA sets out the need for further work to determine the presence, location, depth and status of the mine entry.
- 17.3. The Coal Authority have reviewed the submitted information. They have no objection subject to a pre-commencement condition requiring further intrusive investigation to establish its presence, and a prior to occupation condition requiring a statement or declaration of safety and stability. Therefore, subject to condition, the proposal would be or could be made safe from land instability associated with legacy coal mining.

- 17.4. The submitted Phase 2 – Site Investigation & Ground Investigation found the underlying soils to be generally medium dense sands where it suggests simple strip footings would be suitable for foundations. In areas of thin made ground, removal of the made ground would be required. However, in areas of thick made ground then it states suspended concrete floors would be required, which carry back to foundation lines. It does not suggest that land stability would be an insurmountable problem. Therefore, in the absence of any evidence to the contrary, the proposal would be or could be made safe from other non-legacy coal mining land stability issues.
- 17.5. The submitted Phase 2 – Site Investigation & Ground Investigation involved drilling six boreholes to a maximum depth of 4.45m. There was trace levels of asbestos, lead and polycyclic aromatic hydrocarbons found in one location, which could be required to be remediated by condition. While the gas monitoring programme had not been completed, a ground gas risk assessment and any further work flowing from that could also be secured by condition as recommended by HBC Environmental Protection who have no objection, subject to conditions. Therefore, subject to conditions, the proposal could be made safe from contaminated land.
18. In conclusion, subject to conditions, the proposal would be or could be made safe from land contamination and instability. Therefore, subject to conditions, the proposal would comply with Policy ENV4 of the HCS, Policy DM24 of the DMDPD and Policy SP13 of the Emerging LP insofar as they relate to land contamination and instability.
19. Whether the proposal would be safe from crime and disorder
- 19.1. The submitted Crime Impact Statement (CIS), prepared by Lancashire Constabulary, sets out various crime prevention measures. Whilst the representations of objection raise concerns regarding increased crime and disorder associated with additional housing, it appears that many of the measures contained in the CIS have been incorporated and Lancashire Constabulary have not objected. The children's play area would be overlooked by the dwellings on the opposite side of the estate road, and it would occupy a prominent position on the sole vehicular access to the site. Therefore, the proposal complies with paragraph 135f) of the Framework, which seeks to create places that are safe and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
20. Whether the proposal would make appropriate provision for education
- 20.1. LCC Schools Planning confirmed in their response dated 26 January 2026 that an education contribution was not required at that stage. They have not commented since. Therefore, a contribution towards education has not been sought and the proposal does not conflict with Policy DM6 of the DMDPD.
21. Other matter – Outstanding points of objection

- 21.1. Beyond the matters covered elsewhere in this report, the representations of objection have raised concerns regarding the impact on infrastructure, including healthcare, policing and public transport. There has been no request for financial contributions for healthcare or policing, which are largely dealt with by national insurance contributions and council tax, nor objections from the relevant bodies. The proposal could improve the viability of public transport. The impact on drainage has been deemed acceptable and LCC Schools Planning have not requested any financial contribution to education.
- 21.2. There is reference to the loss of Green Belt. However, the application site is not within the existing or emerging Green Belt. Whilst there are also concerns about the loss of agricultural land, the site does not appear to be best and most versatile agricultural land, which is the primary concern of planning policy, and any loss would be outweighed by the benefits of delivering an emerging housing allocation.
- 21.3. There are concerns regarding reduced house prices. However, this is a private matter so not a material planning consideration. There are questions regarding the future use of the adjacent scrap/storage yard, but this falls outside of the scope of this application. There are also questions regarding the suitability of the application site for gypsy's and traveller pitches, but this is not the development applied for.
22. Whether the proposal would make appropriate provision for waste and recycling
- 22.1. The proposed dwellings would have dedicated bin stores to the rear. HBC Waste Services state that they would satisfy the requirements for secure storage and movement of waste containers. The submitted information demonstrate that a waste vehicle could use and turn on the proposed estate road and LCC Highways have no objection. Whilst HBC Waste Services request a financial contribution towards recycling and waste containers, this would not be viable. The site-specific requirements include that measures should be taken to deter fly tipping to the edges of Whams Brook by preventing vehicular access. The scheme would not allow vehicular access to the edge of Whams Brook. Whilst it would not stop vehicles using the track to the south, this does not appear to be in the applicant's control. On this basis, the proposal broadly complies with Policy ENV4 of the CS, Policies DM10 and DM31 of the DMDPD, Policy CS7 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document and Policy SP13 of the Emerging LP, which seek appropriate management of waste.
23. Other consideration – Presumption in favour of sustainable development
- 23.1. The Local Planning Authority cannot demonstrate a five-year housing land supply. In such circumstances, paragraph 11 of the Framework states that permission should be granted unless:

- i. the application of the policies in the Framework that protect areas or assets of particular importance (set out in footnote 7) provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies (set out in footnote 9) for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 23.2. There are no designated areas or assets of particular importance identified in footnote 7 of the Framework that would provide a strong reason for refusing the application. The proposal therefore falls to be assessed under the second limb of paragraph 11d).
- 23.3. The proposal would conflict with the existing development strategy by virtue of its location outside the urban boundary defined by the adopted development plan. However, this conflict attracts limited weight as the application site forms part of a housing allocation within the Emerging LP, which has been found sound and now attracts substantial weight. The principle of residential development on the site is therefore supported by the emerging development plan.
- 23.4. Nevertheless, the proposal does not fully accord with the site-specific requirements of Policy HP9 of the Emerging LP. In particular, it would fail to satisfactorily provide a transition to the Green Belt, would not sensitively incorporate the western public footpath and Whams Brook green corridor, would adopt a development form based upon cul-de-sacs branching from a spine road contrary to the policy expectation, and would not adequately respond to the established terraced pattern and character of Rhoden Road. The development would therefore fail to deliver the distinctive, landscape-led form of development envisaged by the allocation policy and would result in localised landscape and visual harm.
- 23.5. Balanced against this harm, the proposal would deliver 55 dwellings on a site identified for housing in the Emerging LP at a time when the Local Planning Authority is unable to demonstrate a five-year housing land supply. The development would make an effective use of land in a sustainable location and would contribute towards addressing identified housing needs, which attracts considerable weight. The proposal would also generate economic benefits through construction activity and future household expenditure, provide biodiversity net gain, improve parts of the public rights of way network, secure on-site open space and children's play provision, and deliver a proportion of adaptable M4(2) compliant dwellings. These all individually attract limited positive weight in favour of the development.

23.6. On this basis, having regard to the policies of the Framework taken as a whole, including those identified as key policies at footnote 9, the adverse impacts arising from the proposal would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development is therefore engaged and weighs in favour of granting planning permission.

#### 24. Planning Balance and Conclusion

24.1. In conclusion, proposal conflicts with the adopted development plan when read as a whole, principally because it would not accord with the existing spatial development strategy. It also fails to satisfy several of the site-specific design requirements of Policy HP9 of the Emerging LP, and design and landscape policies.

24.2. However, the application site forms part of an emerging housing allocation and the Local Planning Authority is unable to demonstrate a five-year housing land supply. As such, considerable weight is attached to the delivery of 55 dwellings in a sustainable location as well as limited positive weight to the benefits set out above. The tilted balance is engaged. Therefore, the Framework, as an important material consideration indicates a decision otherwise than in accordance with the development plan.

24.3. Accordingly, it is recommended that planning permission be granted subject to the conditions below or conditions to the satisfaction of the Head of Planning and Transportation

#### **Recommendation:**

That planning permission be granted subject to the following conditions or conditions to the satisfaction of the Head of Planning and Transportation:

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

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in accordance with the following approved plans unless other conditions indicate otherwise:

- Drawing reference BAR 2.3, titled 'The Bardsley – Stone' received 22 June 2026;
- Drawing reference CHA 1.7, titled 'The Chatburn – Stone' received 22 June 2026;
- Drawing reference CLI 1.7, titled 'The Clifton (Stone)' received 22 June 2026;

- Drawing reference LP-01, titled 'LOCATION PLAN' received 22 June 2026;
- Drawing reference MAT-01B, titled 'MATERIAL LAYOUT' received 22 June 2026;
- Drawing reference PAY 1.7, titled 'Paythorne (Stone)' received 22 June 2026;
- Drawing reference ROO 1.7, titled 'The Rooley (Stone)' received 22 June 2026;
- Drawing reference SAW 1.7, titled 'The Sawley (Stone)' received 22 June 2026;
- Drawing reference SAX 1.7, titled 'The Saxton (stone)' received 22 June 2026;
- Drawing reference SC-01B, titled 'STREETSCENE ELEVATIONS' received 22 June 2026;
- Drawing reference SL-01H, titled 'SITE LAYOUT' received 7 July 2026; and
- Drawing reference WEN 1.7, titled 'The Wensley (stone)' received 22 June 2026.

Reason: To specify the terms of the permission and in the interests of proper planning.

3. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.

Reason: To safeguard retained trees in accordance with Policy DM17 of the Hyndburn Development Management Development Plan Document. This is required to be pre-commencement to ensure measures are in place prior to potentially harmful construction works.

4. No site clearance, preparatory work or development shall commence until a full gas monitoring programme and risk assessment, and full and detailed remediation scheme (covering all sources of contamination) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as



contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure that the development is or is made safe from land contamination in accordance with Policy ENV4 of the Hyndburn Core Strategy and Policy DM24 of the Hyndburn Development Plan Document. This is required to be pre-commencement to prevent harm to humans and the environment from construction works.

5. No development shall commence until the biodiversity gain plan has been prepared in general accordance with document reference 2025-069, titled 'PRELIMINARY ASSESSMENT OF BIODIVERSITY NET GAIN' and received 14 January 2026.

Reason: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (as amended). This is required to be pre-commencement as the approval of the biodiversity gain plan must be pre-commencement.

6. No development shall commence until a habitat management and monitoring plan (HMMP), prepared in accordance with the approved biodiversity gain plan, has been submitted and approved in writing by the Local Planning Authority. The HMMP shall include:
  - i. A non-technical summary;
  - ii. The roles and responsibilities of the people or organisations delivering the HMMP;
  - iii. The planned habitat creation and habitat enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  - iv. The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
  - v. The monitoring methodology and frequency in respect of the created habitat and enhanced habitat to be submitted to the local planning authority. The frequency of monitoring shall be no less than 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years following completion of development.

The habitats shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (as amended). This is required to be pre-commencement so that the habitat can be managed and monitored immediately.

7. No development shall commence until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail how surface water and stormwater will be managed on site during all construction activities, including demolition, site clearance, earthworks, and temporary drainage installation, to prevent uncontrolled runoff and pollution. The submitted details shall include, as a minimum:
- a) A timetable for implementation of any surface water management proposals;
  - b) A method statement of the surface water management proposals for each construction phase, including temporary drainage arrangements and contingency measures for extreme weather events;
  - c) Evidence of how surface water flows will be discharged, demonstrating that discharge rates will be restricted to no greater than the equivalent greenfield runoff rate;
  - d) Measures to prevent siltation and pollutants from entering any receiving groundwater and/or surface water bodies, including watercourses, with reference to published guidance; and
  - e) A site plan of the proposed surface water management proposals and pollution prevention measures, including locations of temporary drainage features, bunds, silt fences, settlement tanks, and spill response equipment.

The plan shall be implemented in full and thereafter managed and maintained in accordance with the approved plan for the duration of the construction works.

Reason: To ensure adequate surface water drainage in accordance with Policy ENV4 of the Hyndburn Core Strategy and Policy DM20 of the Hyndburn Development Management Development Plan Document. This is required to be pre-commencement as construction works could increase flood risk or lead to pollution on site or elsewhere.

8. No development shall commence until a detailed and final surface water sustainable drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall be based on the indicative surface water sustainable drainage strategy and shall demonstrate compliance with the principles and requirements of the National Planning Policy Framework, Planning Practice Guidance, and the latest published version of the National Standards for Sustainable Drainage Systems (or any successor Standards in force at the time of submission). It shall also demonstrate how sustainable drainage system features have been designed to deliver multifunctional benefits in relation to water quality, amenity, and biodiversity.

Surface water and foul water drainage shall be drained on separate systems. No surface water runoff from the development shall be discharged to a foul sewer(s), either directly or indirectly.

The submitted strategy shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control for the following events:

- i. The 100% (1 in 1-year) annual exceedance probability event, including a 10% urban creep uplift factor.
- ii. The 3.3% (1 in 30-year) annual exceedance probability event, including a 40% climate change allowance and a 10% urban creep uplift factor.
- iii. The 1% (1 in 100-year) annual exceedance probability event, including a 50% climate change allowance and a 10% urban creep uplift factor

Calculations must cover the entire development area, including all existing and proposed surface water drainage systems up to and including the final discharge location(s).

b) Final sustainable drainage plans, appropriately labelled to include:

- i. Site plans showing all permeable and impermeable areas contributing to the surface water drainage network, either directly or indirectly, including the entire development area and any off-site flows where relevant.
- ii. Drainage layout plans showing all pipe and structure references, dimensions, and design levels, including all existing and proposed surface water drainage systems up to and including the final discharge location.

iii. Details of all sustainable drainage features, including landscape drawings showing topography and slope gradients. Site plans showing modelled flood water depths, volumes and exceedance flow routes and flow velocities for rainfall events exceeding the 1% (1 in 100-year) annual exceedance probability event, or due to a blockage. The strategy shall demonstrate that flood risk is not increased on-site or elsewhere, informed by a blockage assessment for all flow controls.

iv. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels. The strategy shall confirm that FFLs have been set to provide a minimum 150mm freeboard above adjacent ground levels.

v. Final details of proposals to manage surface water runoff to and from the development boundary, including measures to manage surface water runoff from adjacent land that could flow onto the site during storm events, and to ensure runoff leaving the site does not occur in an uncontrolled manner.

vi. Measures to manage the quality of the surface water runoff to prevent pollution and, protect groundwater and surface water bodies. The strategy shall include a robust water quality risk assessment, proportionate to the pollution hazard and sensitivity of receiving waters, and shall inform the design of an appropriate SuDS management train.

vii. Measures to manage the first 5mm of rainfall to prevent runoff from the site for the majority of small (frequent) rainfall events and for the initial depth of rainfall for larger events.

c) Evidence of an assessment of the site conditions. This should include geotechnical investigations and seasonal monitoring, to confirm test locations, infiltration rates and groundwater levels, carried out in accordance with Digest 365 Soakaway Design (Building Research Establishment).

d) Evidence of an assessment of the receiving watercourse to confirm its condition and capacity to accept surface water runoff from the development at the proposed discharge rate and runoff volume.

e) Evidence that a free-flowing outfall can be achieved. Where this is not possible, the strategy shall demonstrate that the drainage system has been assessed for performance under surcharged outfall conditions and will continue to function without increasing flood risk.

The sustainable drainage strategy shall be fully implemented in accordance with the approved details.

Reason: To ensure adequate surface water drainage in accordance with Policy ENV4 of the Hyndburn Core Strategy and Policy DM20 of the Hyndburn Development Management Development Plan Document. This condition is required to be pre-commencement as drainage is usually one of the first acts of development and to allow verification.

9. No development shall commence until details of the means of ensuring the water mains that are laid within the site are protected from damage have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on them and identify mitigation measures to protect and prevent any damage to them during construction and post-completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health, to ensure protection of the public water supply and avoid flooding in accordance with Policy ENV4 of the Hyndburn Core Strategy and Policy DM20 of the Hyndburn Development Management Development Plan Document. This condition is required to be pre-commencement to avoid damage.

10. No development shall commence until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. It shall include:
  - i. Biodiversity and ecology:
    - a. pollution prevent measures; and
    - b. reasonable avoidance and mitigation measures for species, including amphibians, nesting birds and small mammals.
  - ii. Environmental health:
    - a. measures to reduce the effects of dirt, dust, lighting, noise and vibration during construction;
    - b. procedures for maintaining good public relations, including complaint management and public liaison and consultation;
    - c. arrangements for liaison with the Council's Environmental Protection team;
    - d. details of delivery and working hours; and

- e. procedures for emergency deviation of the agreed working hours.
- iii. Highways and transport:
  - a. parking of vehicles of site operatives and visitors;
  - b. loading and unloading of plant and materials;
  - c. storage of plant and materials;
  - d. erection and maintenance of security hoarding;
  - e. wheel washing facilities and mechanical road sweeping; and
  - f. measures to ensure that construction and delivery vehicles do not impede access to nearby properties.

The approved CEMP shall be adhered to throughout the construction period.

Reason: To protect biodiversity and ecology, the public, and highway safety in accordance with policies ENV1, ENV2 and ENV7 of the Hyndburn Core Strategy and policies DM10, DM18, DM19, DM29, DM32 and DM33 of the Hyndburn Development Management Development Plan Document. This condition is required to be pre-commencement to avoid immediate harm.

- 11. No development shall commence until details of the final levels and siting of the dwellings, and hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - i. full details of the finished floor levels, above ordnance datum, of all buildings and hard landscaped surfaces, in relation to existing ground levels;
  - ii. full details of the siting of the dwellings with annotated distances between dwellings and surrounding buildings;
  - iii. earthworks showing existing and proposed finished levels or contours;
  - iv. means of enclosure and retaining structures;
  - v. boundary treatments;
  - vi. hard surfacing materials;
  - vii. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc);

- viii. retained historic or other landscape features and proposals for restoration, where relevant;
- ix. water features; and
- x. an implementation programme, including phasing of work where relevant.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the approved implementation programme.

The completed scheme shall be managed and/or maintained in accordance with the approved Biodiversity Gain Plan and HMMP.

Reason: To ensure a satisfactory standard of landscaping in accordance with policies ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM10 and DM17 of the Hyndburn Development Management Development Plan Document. This condition is required to be pre-commencement to avoid any unacceptable earthworks.

12. No development shall commence until:

- a) a further scheme of intrusive investigations has been carried out on site to establish risks posed to the development by a recorded mine entry (adit); and
- b) any remediation works and/or mitigation measures to address land instability arising from the mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the development is made safe and stable for the development in accordance with Policy ENV4 of the Hyndburn Core Strategy and Policy DM24 of the Hyndburn Development Management Development Plan Document. This is required to be pre-commencement as any remediation measures will likely need to be undertaken before construction.

13. No development shall commence until details of the construction site access have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details and retained as such for the construction period.

Reason: In the interests of highway safety in accordance with policies DM10, DM32 and DM33 of the Hyndburn Development Management Development Plan Document. This is required to be pre-commencement to avoid immediate harm to highway safety.

14. No development above ground level shall take place until a scheme of ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Details of bat and bird boxes, and bee bricks; and
- ii. Details of measures to allow the movement of hedgehogs.

The enhancements shall be implemented prior to first occupation of the development.

Reason: To provide ecological enhancements in accordance with policies ENV1 and ENV2 of the Hyndburn Core Strategy and policies DM17 and DM19 of the Hyndburn Development Management Development Plan Document.

15. No development above ground level shall take place until details of the standards to which the estate roads are to be constructed have been submitted to and approved in writing by the Local Planning Authority. No house shall be occupied until the roads have been constructed to at least base course level in accordance with the approved details.

Reason: In the interests of highway safety in accordance with policies DM10, DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

16. No development above ground level shall take place until the arrangements for future management and maintenance of the estate roads have been submitted to and approved in writing by the Local Planning Authority. The roads shall thereafter be managed and maintained in accordance with the approved details.

Reason: In the interests of highway safety in accordance with policies DM10, DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

17. No development above ground level shall take place until details showing that the Bardsley house type would accord with the Nationally Described Space Standard have



been submitted to and approved in writing by the Local Planning Authority. All house types shall comply with the Standard.

Reason: To ensure adequate internal space in accordance with Policy DM16 of the Hyndburn Development Management Development Plan Document.

18. No development above ground level shall take place until full details of the solar panels to be installed have been submitted to and approved in writing by the Local Planning Authority. The panels shall be installed in accordance with the approved details prior to first occupation of each respective dwelling and maintained for their operational life.

Reason: In the interests of the character and appearance of the area, and sustainable construction in accordance with policies BD1, ENV4 and ENV7 of the Hyndburn Core Strategy and policies DM10 and DM26 of the Hyndburn Development Management Development Plan Document.

19. No development above ground level shall take place until full details of the on-site open space, including children's play area, have been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for its laying out and opening. The open space shall thereafter be provided in accordance with the approved details and timetable, and retained as such thereafter.

Reason: To ensure appropriate provision of open space in accordance with Policy ENV4 of the Hyndburn Core Strategy and policies DM10 and DM11 of the Hyndburn Development Management Development Plan Document.

20. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, the development or relevant phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is or is made safe from land contamination in accordance with Policy ENV4 of the Hyndburn Core Strategy and Policy DM24 of the Hyndburn Development Plan Document.

21. The external materials of the dwellings hereby permitted shall be those shown on drawing reference MAT-01B, titled 'MATERIAL LAYOUT'.

Reason: To safeguard the character and appearance of the area, including landscape character, in accordance with policies ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM10 and DM17 of the Hyndburn Development Management Development Plan Document.

22. The Chatburn, Paythorne and Sawley house types shall be constructed as accessible and adaptable homes in accordance with Part M4(2) of the Building Regulations 2010 (as amended).

Reason: This is a benefit of the scheme that justified a departure from the development plan.

23. Prior to the first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the development shall be submitted to and be approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the development is made safe and stable for the development in accordance with Policy ENV4 of the Hyndburn Core Strategy and Policy DM24 of the Hyndburn Development Management Development Plan Document.

24. Prior to the first occupation of the development, a site-specific operation and maintenance plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, as a minimum:

a) A timetable for its implementation;

b) Site-specific details of the operation, maintenance, and access requirements for all sustainable drainage system features and connecting drainage structures. This shall include any automated monitoring of motorised equipment (such as pumps and

proprietary drainage features for flow control or water quality improvement), their functionality, and transmission of failure warnings to the responsible maintenance body;

- c) The arrangements for adoption by any public body or statutory undertaker, or identification of named parties responsible for the management and maintenance of each surface water drainage system feature throughout the lifetime of the development
- d) Details of financial management, including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- e) Instructions on necessary steps to be taken in the event of a pollution incident, including matters that should be reported to the adopting authorities or the Environment Agency; and
- f) Details of land ownership and access rights for all parts of the surface water drainage system, including watercourses, sustainable drainage system features, and associated easements required for inspection and maintenance.

Thereafter, the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure adequate management and maintenance of surface water drainage in accordance with Policy ENV4 of the Hyndburn Core Strategy and Policy DM20 of the Hyndburn Development Management Development Plan Document.

25. Prior to the first occupation of the development, a site-specific verification report, pertaining to the surface water sustainable drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include, as a minimum:
- a) Evidence that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) and specifications, or details any minor variations, with evidence demonstrating that the system remains fit for purpose and compliant with the approved surface water drainage strategy;
  - b) Photographic and written evidence confirming the location and details of all critical drainage infrastructure. Locations shall be referenced using national grid coordinates;
  - c) As-built drawings of the constructed drainage system, including all SuDS features, pipework, control structures, and discharge points, with levels and dimensions clearly annotated.

Thereafter, the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure adequate surface water drainage in accordance with Policy ENV4 of the Hyndburn Core Strategy and Policy DM20 of the Hyndburn Development Management Development Plan Document.

26. Prior to the first occupation of the development, the construction specification details for the improvement of the surrounding public rights of way (references FP1105111, FP110112 and FP1105113) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- i. Gradients, surfacing and widths of the rights of way;
  - ii. Location and details of any infrastructure across the rights of way;
  - iii. Drainage methods to prevent the discharge of water on the rights of way;
  - iv. Directional signage;
  - v. Any planting to border the rights of way; and
  - vi. Methodology to keep disturbance and or closure of the rights of ways to a minimum.

Reason: In the interests of highway safety and transport in accordance with policies DM10, DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

27. Prior to the first occupation of the development, a scheme for the construction of the site access and off-site highway mitigation works shall be submitted to and approved in writing by the Local Planning Authority. The works shall include:
- i. construction of the site access to include a 5.5 metre wide carriageway and 2 metre wide footways either side with tactile paved dropped kerb pedestrian crossing within the access and appropriate markings;
  - ii. construction of a junction table on Roe Greave Road adjacent to the site access;
  - iii. streetlighting assessment;

- iv. construction of a section of footway, including full height kerbs and dropped kerbs, from the site access to the existing footway to the west of Roe Greave Road;
- v. construction of an informal crossing point on Roe Greave Road, near Roe Greave Convenience Store.

Reason: In the interests of highway safety and transport in accordance with policies DM10, DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

28. Prior to the first occupation of the development, visibility splays measuring 25 metres measured 2.4 metres back from the centre of the carriageway edge shall be provided at the site access. They shall remain free of any obstruction exceeding 1 metre in height and shall be retained as such thereafter.

Reason: In the interests of highway safety in accordance with policies DM10, DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

29. Prior to the first occupation of the development, details of cycle storage for at least two cycles per dwelling shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle storage for that dwelling has been provided in accordance with the approved details. Thereafter, that storage shall be retained for the storage of cycles.

Reason: To promote sustainable transport in accordance with policies DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

30. Prior to the first occupation of the development, a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include clear objectives and modal split targets, together with a time bound programme of implementation, monitoring, regular review and update. The development shall be operated in accordance with the approved plan.

Reason: To promote sustainable transport in accordance with policies DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

31. Prior to the first occupation of the development, full details of safety measures associated with the attenuation basin shall be submitted to and approved in writing by the Local Planning Authority. This shall include final details of the siting of the adjacent footpath link. The measures shall be implemented prior to first occupation of the development and retained for its lifetime.

Reason: To ensure the surrounding routes are safe in accordance with policies DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

32. Prior to the first occupation of the development, a scheme for the management and maintenance of the open space, including children's play area, shall be submitted to and approved in writing by the Local Planning Authority. It shall cover a period of at least 20 years. The approved scheme shall thereafter be implemented in accordance with the approved details.

Reason: To ensure appropriate management and maintenance of open space in accordance with Policy ENV4 of the Hyndburn Core Strategy and policies DM10 and DM11 of the Hyndburn Development Management Development Plan Document.

33. No dwelling shall be occupied until the vehicle parking spaces, including any garage space, for that dwelling have been provided in accordance with the approved drawings. Thereafter, those spaces, including the garages, shall be retained for the parking of vehicles.

Reason: To ensure adequate parking provision in accordance with policies DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

34. Prior to the installation of external lighting, full details including height, design, location and intensity, shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

Reason: To protect living conditions and the natural environment in accordance with policies ENV1, ENV2 and ENV7 of the Hyndburn Core Strategy and policies DM10, DM18, DM19 and DM29 of the Hyndburn Development Management Development Plan Document.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason: To safeguard the visual integrity of the scheme in accordance with policies ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM10 and DM17 of the Hyndburn Development Management Development Plan Document.

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be constructed on any dwellinghouse.

Reason: To safeguard the living conditions of future occupants, natural environment and visual integrity of the scheme in accordance with policies ENV1, ENV2 and ENV7 of the Hyndburn Core Strategy and policies DM10, DM18, DM19, DM29, DM32 and DM33 of the Hyndburn Development Management Development Plan Document.

Informative notes:

- a. Positive and proactive planning statement

The Local Planning Authority has worked with the applicant in a positive proactive manner by offering detailed advice in the development plan, offering a pre-application planning advice service and, where appropriate, providing guidance at the validation stage and negotiating during the determination period.

- b. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Hyndburn Borough Council (or any successor).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Completion of development shall take place when:

- (a) The main construction phase has been completed.
- (b) The approved landscape scheme has been completed.
- (c) The habitat creation phase has been completed.

c. Coal Mining (Coal Authority)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property) What is a permit and how to get one? – GOV.UK ([www.gov.uk](http://www.gov.uk)).

d. Ordinary Watercourse Consent (Lancashire County Council Lead Local Flood Authority)

Under Section 23 of the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, there is a legal requirement to obtain consent from Lancashire County Council, as Lead Local Flood Authority, prior to undertaking certain works on ordinary watercourses. This applies to permanent and temporary works, including repairs and maintenance, whether the watercourse is open or culverted (piped or enclosed). This requirement applies regardless of any planning permission. Important Information:



- The applicant is expected to avoid crossing, diverting, or culverting an ordinary watercourse in line with Lancashire County Council's Ordinary Watercourse Regulation Policies.
- Written consent must be obtained before works start. There is no legal mechanism for retrospective consent.
- Carrying out works without the required consent constitutes a nuisance in law and may lead to enforcement action under Section 24 of the Land Drainage Act 1991 (as amended).
- Consent applications can take two months to determine once valid and paid in full.
- Applications may be refused if insufficient evidence is provided to demonstrate compliance with Lancashire County Council's Ordinary Watercourse Regulation Policies.
- If works include adoption of new assets, such as roads or sewers, adoption may be refused by the adopting body without the appropriate consent.
- Sites may be inspected before, during, and after consent is issued.
- Planning permission does not guarantee Ordinary Watercourse Consent. Applicants are strongly advised to apply for consent before or at the same time as planning permission to avoid delays. Further guidance, policies, application checklist, and pro-forma are available at: <https://www.lancashire.gov.uk/flooding/ordinary-watercourse-regulation/>.

e. Public Rights of Way (Lancashire County Council Public Rights of Way)

The granting of planning consent does not entitle the developer to obstruct the Public Right of Way. Therefore, the infringement or obstruction of the footpath would be a criminal offence and one that would be subject to enforcement should it be impeded. To prevent this occurring the right of way should always remain accessible and not used to park or store materials, vehicles or machinery during or proceeding construction.

If works relating to the proposed development are likely to cause a health and safety risk to users of a public right of way a Temporary Traffic Regulation Order (Temporary Closure Order) must be made and in effect prior to commencing those works. Applications should be made 8 weeks before commencement to avoid delay to the works. Further details on closures can be found at Request a temporary closure of a public right of way - Lancashire County Council. A Temporary Closure Order cannot be made unless the proposed works are lawful.

f. Highways (Lancashire County Council Highways)

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. The applicant should contact the County Council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

**List of Background Papers**

<https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F25%2F0520&guid=016f309c-5fe0-4088-b5ad-543d59b7de4e>

*Copies of documents included in this list must be open to inspection and, in the case of reports to Cabinet, must be published on the website.*

End.