

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

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

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

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

**Applicant:** Mr J Emmanuel

**Agent:** D K Seddon

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

### **Human Rights**

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

#### **Article 8**

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

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

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

#### **Application Site:**

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

## **Proposed Development:**

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

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

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

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

## **Consultations:**

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

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

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

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

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

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

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

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

- *Layout is satisfactory subject to previous conditions.*

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

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

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

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

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

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

Extra information submitted has been considered and:

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

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

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

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

Urban Design

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Conservation Officer:** No observations received

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

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

#### Trees/Scrubland

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

#### Landscaping/Amenity Planting

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

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

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

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

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

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

### **Relevant Policies:**

#### *Development Plan*

Hyndburn Borough Local Plan Saved Policies

Policy E10                      Development Criteria

#### *Hyndburn Core Strategy*

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

#### *Material considerations*

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

Hyndburn Borough Council Car Parking and Access Standards (2010)

Householder Design Guide SPD

Planning Practice Guidance (PPG)

Draft Rishton Canalside SPD June 2015

Hyndburn Borough Council Employment Land Study January 2016

## **Observations**

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

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

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

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

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

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

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

### ***Housing Supply***

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

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

### **Housing mix**

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

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

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

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

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

### **Affordable Housing**

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

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

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

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

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

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

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

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

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

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

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

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

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

### ***Residential Amenity***

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

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

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

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

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

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

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

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

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

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

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

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

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

*'To ensure viability, the cost of any requirements likely to be applied to the development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'.*

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

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

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

Parking:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### ***Ecology***

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

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

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

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

### ***Heritage***

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

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

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

### ***Neighbour objection***

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

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

### ***Sustainability***

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

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

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

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

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

### **Conclusion**

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

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

### **Recommendation REFUSE**

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

### **Informatives**

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