

Application Number: 11/16/0128

Full Application: Major outline: Erection of up to 34 no dwellings (all matters reserved except access)

Address: Land to west of Rhoden Road, Oswaldtwistle

Determination by: 21st June 2016

Applicant: Mr H Grimshaw

Agent: IBA Planning Limited

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.

This application is presented to Planning Committee because it is accompanied by a S106 agreement.

Application Site

The site extends to 1.62ha and comprises an area of agricultural land, former kennels and wider curtilage associated with the residential property known as 'Greenacres'. The site is bounded by terraced residential properties fronting Rhoden Road to the east, undeveloped land to the north, wooded land containing a small watercourse to the west and open countryside to the south. Vehicular access to both the site and 'Greenacres' is obtained via Rhoden Road which is an adopted (but unmade) highway, in poor condition.

There is land to the north west side of the site which is allocated for housing in the Development Plan (allocation no 9). The development of this site would not restrict the development of this allocated site as it does not provide a viable way in, as such it does not prejudice its development. There is a public footpath to the west of the site.

Proposal

Outline planning permission is sought development of up to 34 dwelling houses within the site, with access being the only matter to be considered at this stage. There are three proposed access points form Rhoden Road. The application includes the upgrading of an unmade length of Rhoden Road alongside the development site comprising the provision of footways, carriage widening, re-surfacing and the provision of off street parking for those existing residential properties.

Consultations

Public consultation: Site notice affixed and letters sent to surrounding properties. 22 letters/emails of objection have been received and the reasons for objection have been summarised below:

- Increase in traffic and highways safety.
- Ownership of Rhoden Road/ where will residents park when development and road being built/how will emergency services access during development?
- Conflicts with Policy- NPPF doesn't take precedence as Local Plan is not out of date.
- Pedestrian safety.
- Loss of light and shadowing to residents on Rhoden Road.
- Character of street and loss of rural feel
- Noise pollution
- Risk to health and threat to living a healthier and longer life- e.g. dust and air pollution caused by increase in cars.
- Loss of view affects residential amenity.
- Play area- may attract anti-social behaviour.
- Geological instability ad risk to public health.
- Greenfield land being developed- Brownfield should be first.
- Compromises the key sustainable development principles in the NPPF- development doesn't qualify for sustainable development.
- Distances to amenities like shops.
- Trip rates are wrong.
- Impact on health of resident at no53 Rhoden Road
- Errors in application.

LCC Highways: Comments are summarised below:

- Transport Statement:

The Highways Authority considers that the TS traffic generation figures maybe slightly lower than could be expected for a site with limited sustainable transport link. Many of the sites chosen have far better public transport services than the proposed site so it is expected that slightly higher figures would be more realistic. However, given the limited scale of development it is unlikely additional traffic numbers would increase by a significant number. As such the view is that a max peak time increase of 23 vehicles in both directions is being realistic. Given that this is an equivalent to an addition of 1 vehicle every 3 minutes it is not

considered that the development is likely to have a significant impact on current highway network conditions.

- Section 38 Agreement:

The Highways Authority would seek to enter into an appropriate legal agreement with a view to adopting the road and footway layouts, inclusive of highway drainage and street lighting. A condition can be attached to the permission to ensure this.

- Access:

The proposed widening of Rhoden Road, with additional parking bays and a 2m wide footway to the westerly side of the road will match the current configuration of Roe Greave Road. The parking bays should be constructed to a minimum of 2m and an overall carriageway width of 7.5m. This improvement would be acceptable as a mechanism to provide adequate access to the residential proposal. The construction of the access road and footway should be to comply with standards.

On the previous application, the applicant indicated a new footway to tie into the existing, however there is no existing footway present on the westerly side of Roe Greave Road adjacent to Rhoden Road. The County Council require the applicant to introduce a footway along the existing grass verge from Rhoden Road up to the public right of way through an appropriate legal agreement.

The internal illustrative layout is welcomed and meets standards as do the access arrangements.

- Road safety:

Road safety records indicate one collision in the last five years does not raise particular concern with regards to the development of the site. Observations were that vehicle speeds are relatively low for the area.

- Parking standards

Car parking should be provided as per the Council's standard. Driveways should be 5.5m long and 2.5m wide and all garages should be constructed to internal dimensions of 6m x 3m as standard. All garages should have suitable charging for electric motor vehicles as standard. Cover cycle storage provided at 2 spaces per house.

- Layout

Roads should be constructed to 5.5m wide and 2m wide footways. Consideration to be given to street lighting positions and highway drainage layout. Service strips at 1m wide constructed in contrasting material to the adjacent driveways and free form all construction and vegetation beyond grass/turf. Proposed turning heads to be suitable to facilitate public service vehicles and design comply with standards.

- S278

A westerly footway provision from Rhoden Road to public right of way 11-5-FP 111.

The Highways Authority may also need some infrastructure works to facilitate sustainable travel from the site- this will be considered at reserved matters, as will potential for S106 contributions.

Conclusion:

- No objection subject to a road widening scheme to be introduced on Rhoden Road, inclusive of a new 2m wide footway, 5.5m wide carriageway and 2m wide parking bays to frontages 1-55 (odd) as indicated on the illustrative layout.
- A new public footway provision on the westerly side of Rhoden Road to the footway.

- The developer to enter into appropriate legal agreements with the County Council for the delivery and subsequent adoption of roads.
- Conditions suggested.

Lead Local Flood Authority: No objections to the scheme provided conditions and Informatives are attached.

United Utilities: No objections to the scheme provided conditions are attached.

LCC Education: No request for contributions has been made, no objections to the scheme.

Regeneration and Housing: No objections. Comments will be made in regarding to house types and sizes at the reserved matters stage. Welcome the provision of affordable housing.

Electricity Northwest: Comments were received on 2nd December 2015 to the previous application and are summarised below. Although comments were not received to this consultation, these still apply:

- Could have impact on infrastructure. Advice is supplied for the applicant.

HBC Trees and Woodlands Officer: No objections to the scheme, however a request for monies towards footpath upgrades, improved footpath to the west of the site and planting to the west of the site made.

HBC Waste Services: £75 per house for bin provision to be included in the S106.

HBC Parks and Open Space: Request for off-site public open space provision made for £62365 towards Rhyddings HLF match funding.

HBC Environmental Health: No objections providing suggested conditions are attached relating to site preparation and construction phase, noise dust and fumes and contamination of the site.

The Coal Authority: No objections but suggest condition is attached to ensure site investigations are carried out, and agreed with the local planning authority prior to the commencement of development.

Relevant Planning History

11/15/0417 Application in outline for upto 34 dwellings. Withdrawn as the red edge was incorrect.

Relevant Policies

Development Plan

Hyndburn Borough Local Plan Saved Policies

- Policy E.10 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 HC3 The Design of Residential Roads
- Policy HC4 Community Benefits/Planning Obligations
- Policy Env2 Natural Environment Enhancement
- Policy Env3 Landscape Character
- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity
- Policy T2 Cycle and Footpath Networks

Material considerations

National Planning Policy Framework (NPPF) including

- Paragraph 17 Core planning principles
- Section 4 Promoting sustainable development
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 10 Climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Hyndburn Borough Council Employment Land Study 2016

Hyndburn Borough Council 5 year Housing Land Supply April 2014

Hyndburn Borough Council Car Parking and Access Standards (2010)

Householder Design Guide (SPD) 2009

DCLG- Technical Housing Standards March 2015.

Guidelines for Proving Journeys on Foot' (Institution of Highways and Transportation 2000)

Observations

Key issues for consideration with this application are 1) Principle of the development/ Housing supply, 2) Traffic and highways, 3) Drainage and flooding, 4) Affordable housing, 5) Housing mix, 6) Residential amenity, 7) Design and layout 8) Landscaping, trees and ecology, 9) Neighbour objections and 10) Sustainability. They are discussed individually below:

Principle of development/Housing supply

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the

Development Plan comprises the saved policies of the Hyndburn Council Local Plan (1996) and the adopted Core Strategy.

The site adjoins, but lies outside the existing settlement framework boundary of Oswaldtwistle, as defined on the Proposals Map (1996) and therefore falls, by definition, within the countryside for development management purposes.

Prior to 2007, the site was subject to an allocation under Policy S4 as an 'Area of Special Restraint', and was highlighted as land which may be suitable for housing should there be deemed to be a strategic requirement beyond the plan period (2006). Following a Direction of the Secretary of State, this policy was not saved beyond September 2007; the site is therefore now considered to be 'white land' and as such is not allocated for anything.

Within the National Planning Policy 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 five 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.

As the site is not allocated by the Local Plan 1996 or the on the Hyndburn Core Strategy, it is necessary to consider the proposal for housing in terms of sustainable development. The implications of this are considered in the 'Sustainability' section later in this report.

Traffic and Highways

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic, Policy T2 deals with the provision of cycle and footpath networks and Policy HC3 deals with the design of residential roads.

The applicant has applied for outline planning permission with access only. A Transport Statement (TS) has been submitted with the application that looks at the impact of the development on the surrounding highway network. The TS concludes that the development will comprise up to 34 residential properties and associated parking, accessed via three new T junctions on Rhoden Road designed to standard and with appropriate visibility splays. In addition, as part of the development proposals, Rhoden Rad will be widened to accommodate two-way traffic and the off-street car parking will be formalised for the residential dwellings fronting the western side of the carriageway. As part of the highway improvement, the carriageway will be resurfaced along the site frontage.

It goes onto say that the development site is accessible by a range of sustainable transport modes, and as such it is a suitable location for development. The facilities in Oswaldtwistle are stated to be within a maximum walking distance (2000m) ('Guidelines for Proving Journeys on Foot': Institution of Highways and Transportation 2000), and given the existing pedestrian infrastructure there are good opportunities for pedestrian travel. The TS states that the existing pedestrian facilities will be enhanced by the development, by the widening of Rhoden Road and the provision of footways to connect to the existing network. It also highlights that given the areas contained within cycling distances accessible via relatively lightly trafficked residential roads, there are good opportunities for cycle travel between the development and the local area.

Objections have been raised in terms of the inaccuracies within the TS relating to TRICS. The TS notes that the proposed dwellings will generate two pedestrian journeys and two public transport journeys in a peak hour. These additional trips, can it says, be accommodated by the existing infrastructure and the proposed measures. It also states that the proposed development will also generate up to 18 two-way traffic movements in a peak hour. It states that almost all of the development traffic will travel to and from the north onto Roe Greave Road. As such, the TS concludes that this is considered to be an immaterial increase in traffic, and there have been no accidents in the last three years and as such, the proposed development will not have a significant impact on the operation or safety of the local highway network. The Highways Authority has considered the TS and state in their consultation response that it is their view that there would be a maximum increase of 23 vehicles in both directions. As this is the equivalent of an increase of 1 vehicle every 3 minutes, the Highways Authority do not consider that the development is likely to have a significant impact on current highway networks.

Objections have been raised in terms of the increase in traffic caused by the development, and highway safety. The Highways Authority has considered the submitted plans and TS, and has provided a detailed response. Overall they are satisfied with the information that has been provided and do not consider the proposal would have a detrimental impact on the highway network. However, they have requested that a new footway would be provided under a S278 agreement with the County Council to provide a link from the development to the public footpath at the west of the site, a road widening scheme be introduced at Rhoden Road to include parking bays to frontages 1-55 (odd) as indicated on the illustrative layout, a Section 38 agreement to adopt the highway once complete and various additional conditions noted in the consultation responses section of this report. These have been agreed with the applicant. The Highways Authority have also stated that the County Council may also require some infrastructure improvement works in order to facilitate sustainable travel from the site and that they may seek to support suitable infrastructure through a S106 contribution. This will be considered at the reserved matters stage.

Objections to the scheme have been also been raised in terms of pedestrian safety. The Highways Authority has considered this in their response and state road safety records indicate one collision has occurred in the last five years in the immediate vicinity of the site (in May 212- along Roe Greave Road) and as such this does not raise particular concern

with regards to the development of the site. Observations were that vehicle speeds are relatively low for the area.

Objections have also been raised in terms of the proximity to local services, and as such the sustainability of the site. In paragraph 2.5 of the TS it is stated that 'Guidelines for Providing Journeys on Foot' (Institution of Highways and Transportation 2000) suggests acceptable distances for walking to services (without impairment) is 1000m (acceptable) and 2000m (maximum). The report demonstrates that the pedestrian catchment area based on 2000m walking distance from the centre of the site via footways along the highway network and traffic free public footpaths. It is shown that the pedestrian catchment area covers the facilities within Oswaldtwistle and the western areas of Accrington. This includes three primary schools, various shops (including a Tesco), pubs, restaurants and leisure facilities. As such Officers are satisfied that this is not a reason to refuse the planning application. Parking and garage provision will be considered at the reserved matters stage, along with the internal layout of the scheme.

As such, in the absence of an objection from the Highways Authority as statutory consultee and with the suggested conditions attached, it is considered that the proposal meets with the relevant planning policies in terms of traffic and highway safety.

Drainage and Flooding

Paragraph 103 of the Framework seeks to avoid development resulting in an unacceptable flood risk. At the local level, Core Strategy policy Env4 and saved Local Plan Policy E10 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 body (e.g. canal)
3. To a surface water sewer, highway drain, or other drainage system
4. To a combined sewer

A flood risk assessment has been submitted with the proposal which outlines how the site is to be drained. It is the applicant's intention to drain the site separately for foul and surface water, the latter of which using Sustainable Urban Drainage Systems (SUDS).

LLFA and United Utilities have considered the application and have no objections subject to various planning conditions being imposed.

Officers are satisfied that sufficient information has been submitted, at this stage to indicate how the proposed development will be drained. This coupled with the fact that no objections have been received from statutory consultees, means Officers are satisfied that the proposal meets with the relevant planning policies, at outline stage, in terms of flooding and drainage.

Affordable housing

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

The agent has agreed to provide 20% affordable housing on site, which will be the subject of a suitable planning condition. As such it is not considered that compliance with relevant affordable housing policies is not a reason to refusal the planning application at this stage.

Housing mix

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

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

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

As the proposal is for outline permission for up to 34no houses with only access applied for, the detail of the development will be considered at the reserved matters stage. However, Officers consider that the size of the site is suitable to accommodate 34no houses. The design and access statement states that 'the proposed mix of house types will be tailored at the reserved matters stage to respond to current and future demographic trend, market trends and the needs of different groups in the community as called for the NPPF.

The Council's Housing and Regeneration Officer has considered the application and as there is no detail regarding the mix at this stage, raise no objections to the scheme. They do however, welcome the provision of the affordable housing on site. As such it is not considered that compliance with the provisions Policy H2 of the Core Strategy in terms of housing mix is a reason to refuse the application at this stage.

Residential amenity

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising my reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of

local amenity and can be properly controlled in accordance with best practice and recognised standards.

Only limited assessment can be made at the outline stage as much of the residential amenity considerations will be made at reserved matters stage.

Objections have been raised to the application in relation to noise pollution and dust and fumes during construction. The Council's Environmental Health Officer has considered the scheme and has raised no objection to the proposal. Conditions have been suggested in relation to noise, dust and fumes during construction, which are attached.

Objections have also been raised to the scheme with regards to the increase in pollution due to the increased number of cars in the area. However the area is not designated as an Air Quality Management Area and it is not considered that this permission would result in a significantly detrimental impact on air quality in the area.

Objections have also been raised to the scheme with regards to the loss of light to the properties facing the site, on Rhoden Road. As the proposal is currently only in outline, this cannot be considered in full at this stage. Details of siting and scale of the proposed houses will be submitted at the reserved matters stage. As the proposal stand at this stage however, Officers are satisfied that the distance from the site to the terraces on Rhoden road is acceptable in terms of impact on light to these dwellings, being a minimum of 27m away.

As the proposal is in outline at this stage, the full consideration of the impact on residential amenity will be made at reserved matters stage. As such, this is not currently considered a reason to refuse the application.

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 Framework; which also puts a strong emphasis on design. Indeed one of the core planning principles of the Framework (para 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 applicant has submitted a Design and Access Statement with the application which aims to show that regard has been had for the site and surroundings and that the indicative layout demonstrated that residential development would be acceptable in terms of design and layout in this location. Nevertheless the illustrative layout plan submitted with the planning application demonstrates that the site can readily accommodate proposed development without giving rise to any problems relating to overlooking, loss of privacy etc.

Also it demonstrates that such a scale of development is commensurate with the character of the surrounding residential locality.

Objections have been received in relation to the loss of the character of the area and in particular the stone flags on the pavement outside the terraces on Rhoden Road. Officers have considered this issue and the applicant has confirmed that the flags and pavement are not within the application site and as such the existing stone pavement, and any character it is considered to convey, is preserved. The overall character of the development will be considered at the reserved matters stage. However overall it is considered that a residential development in this location, adjacent to Green Belt, is acceptable. The allocated Green Belt land which is beyond the site to the south, would ensure that the openness of the countryside in this location is preserved.

As the proposal is in outline at this stage, the full consideration of the impact of the design and layout will be made at reserved matters stage. As such this is not currently considered a reason to refuse the application.

Open Space

Saved Policy H5 of the Local Plan requires consideration of the existing or proposed on-site or local provision of recreational and amenity open space and children's play areas. Policy HC1 of the Core Strategy requires that developments of over 10 houses or more will contribute towards the provision and maintenance of good quality, accessible, multi-functional green space. It goes 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 Council's Parks department has considered the application and has made a request for a S106 contribution towards parks and open space at £62365. Following discussions with Officers the applicant has agreed to pay £54365 towards public open space with a further £8000 paid towards the upgrading of the footpath network in the area in accordance with Policy T2 of the Hyndburn Core Strategy (see Landscaping and Ecology section of the report). Due to the other provisions within the application (the upgrading of the westerly footpath and provision of play space within the development, Officers accept that some of the off-site contribution towards the-public open space provision can be allocated in this way.

As such the proposal complies with the provisions of saved Policy H5 of the Local Plan and HC1 of the Core Strategy.

Trees, Landscaping and Ecology

Policy Env2 of the Core strategy requires opportunities for environmental enhancement to be secured; this is supported by the provisions of the Framework. Policy T2 required cycle, footpath and bridleway networks to be safeguarded and extended.

As the proposal is currently outline only with all matters reserved apart from access. The illustrative masterplan shows good quality landscaping is possible within the scheme. The

full landscaping details will be secured by the way of a standard landscaping condition. The Design and access statement submitted with the application states that in addition to the provision of a dedicated landscape buffer between the proposed dwellings and the existing dwelling on Rhoden Road and a buffer along the western boundary, it is proposed that a landscaping scheme will need to consider the provision of additional planting throughout the development in order to help further assimilate the proposal into its setting.

The Council's Trees and Woodlands Officer has considered the submitted details and has no objection to the application. He has however requested that £8000 be agreed with the applicant as part of the S106 agreement to provide monies towards the upgrades to the footpath between Ton Bent and Jackhouse Nature Reserve. This has been agreed by the applicant. In addition, following discussions with Officers, the applicant has also agreed to upgrade the surface of the western public footpath and a suitable condition is attached. A condition has also been suggested which will ensure that a full detailed landscaping and management plan be submitted at the reserved matters stage to include the details of SUDS and tree planting on site, with significant tree planting road side. A further condition is attached to ensure that bat and bird boxes are built into the buildings.

On consideration of the submitted information, and the agreed conditions relating to trees, landscaping and ecology, Officers are satisfied that the proposal meets with the provisions of the relevant planning policies.

Other issues

- Coal:

Objections have been raised by neighbours in relation to geological instability in the area and the associated risk to public health. The Coal Authority are a statutory consultee and have considered the coal report submitted with the application. They raise no objections to the scheme but suggest a condition, which has been attached.

- Bins:

A request has been made for the provision of bins at the properties at a rate of £75 per household. This has been agreed by the applicant and included in the S106 agreement. A condition is also attached to ensure bins are located to the rear of the properties at all times, apart from collection days.

Neighbour objections

Some of the objections made to the scheme have been considered in the main text of the report. However, the outstanding objection not covered are detailed below:

- Objections have been raised to the scheme with regards to temporary parking, and emergency access for the residents of Rhoden Road during the construction of the new road outside their houses. Officers have considered this and can confirm that issues of temporary parking and emergency parking will usually be dealt with as part of the **S278** agreement with Lancashire County Council (for the construction of the road). It is envisaged that parking is likely to be provided for these residents on the site, while the development of the road takes place. This has been confirmed by LCC.

- Objections have been raised to the scheme with regards to the fact that the residents facing the site, along Rhoden Road own the road and as such don't give permission to develop it. However, the applicant has submitted title plans which confirm that none of the titles to those properties on Rhoden Road which front the application site extend beyond the stone pavement. The appropriate ownership has also been submitted with the application and as such Officers are satisfied that the road is available for development.
- Objections have been raised to the scheme with regards to the fact the proposal does not complying with the current Development Plan; this is covered in detail in the 'Principle of proposal' section of this report.
- Objections have been raised to the scheme with regards to the loss of view due to building on the site. However, loss of view is not a planning consideration.
- Objections have been raised to the scheme with regards to anti-social behaviour related to the inclusion of a public play space on the site, available to residents of the new development and the surrounding streets. Officers have considered this and can confirm that as the proposal is only at outline stage, this can be considered in detail at the reserved matters stage. The benefits of the play will need to be carefully balanced against these perceptions, along with the precise siting of the play area.
- Objections have been raised to the scheme with regards to the provisions of the National Planning Policy Framework (NPPF) which states that brown field land should be developed before green field land such as this, and the consideration that this development does not constitute 'sustainable development' as detailed within the NPPF. However, as the Council does not have a five year supply of housing (see 'Principle of development' section of his report) there is a need to consider the development in terms of its sustainability which is considered in detail in the 'Sustainability' section of this report.
- Objections have been raised to the scheme with regards to the consideration that the development doesn't comply with the provisions of the NPPF in terms of sustainable development. This has been considered in the 'Principle of proposal' and 'Sustainability' sections of this report.
- An objection has been made by the resident at 53 Rhoden Road on terms of his own personal health and the impact the development will have on it. However the area does not lie within an Air Quality management Area and it is not envisaged that he development would lead to a significantly detrimental impact on the surrounding area due to unacceptable pollution levels.
- Finally, it is noted by objectors that there are errors in the application in relation to car parking spaces, the speed limit in the area, that Rhoden Road is not an adopted Road, removal of some trees, that there is no car scrap yard at the bottom of Rhoden Road and that the Core Strategy does not refer to 'rounding off of development' in any circular way as is noted in the application. Officers can confirm that the speed limit is XX and this does not impact on the comments of the Highways Authority in any way. The Highways Authority can also confirm that the road is/is not adopted and this also doesn't affect their conclusions in anyway. It is not possible to ascertain whether trees were removed for the purpose of making the application without a Arboricultural Report. However, Officers can confirm that there are no trees within the site which are or were, subject to Tree Preservation Orders and as such any

removal can be made without permission. Finally, the term 'rounding off development' is a term used by planners to describe the end to a settlement or area and is not indicative of shape.

Sustainability

Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. 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.

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

Economic role – this is an outline planning application which can be developed over a 1 – 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 1 -3 years. The development will meet an identified need for good quality, family homes, and will make an important contribution of 34 units towards the undersupply of housing within the Borough along with a substantial contribution to the provision and upgrading of open space in the area. The provision of 20% affordable housing and potential for large open spaces and play provision within the scheme will also have an impact on health and well-being, supporting the social role of sustainable development

Environmental role – The landscaping and sustainable drainage measures will represent a nature conservation gain. The inclusion of ecological features such as extra tree planting and bat and bird boxes will also ensure an overall net gain in biodiversity. The site is in close proximity to the existing urban area and goods and services in Oswaldtwistle.

For these reasons, the proposed development is considered to represent sustainable development.

Conclusion

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account. Officers consider that the proposal is sustainable in terms of the social, economic and environmental aspects of sustainable development and recommend approval subject to the imposition of planning

conditions and the completion of a Section 106 Agreement relating to off-site public open space provision, upgrading of footpaths and bin provision.

Recommendation

That planning permission is GRANTED subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined by condition 3 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990

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

The planning application form received 22nd March 2016
Design and Access Statement received 22nd March 2016
Location Plan received 22nd March 2016
Illustrative Layout Plan 15/168-03 received 22nd March 2016
Topographical Survey 2380-01-a rev A received 22nd March 2016
Flood Risk and Runoff Assessment received 22nd March 2016
Transport Statement by ADC Infrastructure received 22nd March 2016
Coal Mining Risk Assessment by BWB consultancy received 22nd March 2016
Landscape and visual Appraisal by FPCR received 22nd March 2016

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

Reserved matters

3. a) The reserved matters shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) layout;
 - (ii) scale;
 - (iii) appearance, and;
 - (iv) landscaping.

- b) The reserved matters shall be carried out as approved within two years of their final approval.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

Phased Development

4. Prior to the commencement of development, a scheme and programme for the phased development of the site shall be submitted to, and approved in writing by, the local planning authority. The submitted scheme and programme shall include the following:
 - i. Details of the phased development of the site including the timing of the development of each Zone;
 - ii. Details of the phasing of the landscaping of the site and a plan indicating those areas where advanced landscaping will be implemented;
 - iii. Details of the implementation of the site access and off-site highway works;
 - iv. Details of the implementation of the drainage works.

The development shall be implemented in accordance with the approved scheme and programme.

Reason: To provide for the phased development of the site, to protect local amenity and to ensure the off-site highway works are undertaken, in accordance with policies Env6 and Env7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

Levels

5. At the reserved matters stage, details of all existing and proposed levels across the site, including finished slab levels of all proposed buildings, shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: No details of these matters have been submitted with the application and bearing in mind the topography of the site and to accord with Policy Env 7 of the Hyndburn Core Strategy.

Affordable housing

6. A reserved matters stage, a scheme for the provision of 20% affordable housing to be provided on site shall be submitted unless information can be provided, and agreed in writing with the local planning authority, which demonstrates that affordable housing on site is not viable.

The affordable housing shall then be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of the total number of houses to be developed. The affordable housing shall be “pepper potted” around the site;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order that the proposal accords with Policy H2 of the Hyndburn Core Strategy and the National Planning Policy Framework.

Open Space

7. Prior to the commencement of development a scheme and programme for the management of open space within the site for the duration of the development shall be submitted to, and approved in writing, by the Local Planning Authority.

Reason: In the interests of good design and to protect local amenity in accordance with Policies Env6 and Env7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

Housing mix

8. The house types developed at the site shall provide the following mix:
Detached housing Not less than 26%
Semi-detached housing Not less than 49%
Terraced Not less than 5%
Bungalows Not less than 8% ,

Reason: To provide for a greater choice and quality of housing and to comply with Policy H1 of the Hyndburn Core Strategy and the National Planning Policy Framework.

Houses sizes

9. The sizes of the houses development at the site shall not be less than that set out within the Technical Housing Standard – National Described Space Standard (or a successor to this document) published by the Department for Communities and Local Government.

Reason: To ensure the development comprises high quality well designed family housing and will provide for a greater choice and quality of housing and to comply with the aims, objectives and Policy H1 of the Hyndburn Core Strategy and the National Planning Policy Framework.

Lead Local Flood Authority

10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) October 2015 / A18-R01 and the following mitigation measures detailed within the FRA:
 - a) Limiting the surface water run-off generated by the 1 in 1 year and the 1 in 100 year + 30% allowance for climate change critical storms so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - b) Unless otherwise agreed in writing all surface water must drain to Whams Brook, Northwest of the proposed development.

Mitigation measures shall be fully implemented prior to commencement and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority in consultation with the lead local flood authority.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env7 of the Hyndburn Core Strategy.

11. No development hereby permitted shall be occupied unless and until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env7 of the Hyndburn Core Strategy.

12. No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum shall include:

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

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

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env7 of the Hyndburn Core Strategy.

United Utilities

- 13. Foul and surface water shall be drained on separate systems

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env 7 of the Hyndburn Core Strategy.

- 14. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion), shall be submitted to and approved in writing by the local planning authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env 7 of the Hyndburn Core Strategy.

Highways

Section 38

15. The access point and internal estate roads shall be the subject of a dedication agreement with the Highway Authority under the provision of Section 38 of the Highways Act or other appropriate agreement in accordance with the scheme to be submitted to, and agreed in writing by the Local Planning Authority (including street lighting, drainage and road construction details). The development shall accord fully with the approved details.

Reason: In the interest of highway safety and residential amenity in accordance with Policy E.10 and Env7 of the adopted Hyndburn Core Strategy.

Section 278

16. No part of the development hereby approved shall commence until a scheme and programme for
- a) The provision of a new footway to connect Rhoden Road with the westerly public footpath: 11-5-FP111, and
 - b) The widening of Rhoden Road to include a new 2m wide footway, 5.5m carriageway and 2m wide parking bays to the front of 1-55 (odd) Rhoden Road as indicated on the illustrative layout submitted with this application,

has been submitted to, and approved, by the Local Planning Authority as part of a Section 278 agreement, under the Highways Act 1980.

The highway works shall be implemented in accordance with the approved details prior to the occupation of the first dwelling house in the associated phase of development and retained thereafter.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on the development hereby approved, in accordance with Policy E10 of the Local Plan Policy Env7 of the Core Strategy

Construction Method Statement

17. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors

- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays
- v) measures to control the emission of dust and dirt during construction
- vi) wheel washing facilities
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) road construction details
- ix) details of working hours.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with the provisions of saved Policy E10 of the Hyndburn Local Plan, Policy Env7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

18. The widened access road of Rhoden Road between the site and Row Greave Road shall be constructed in accordance with Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with the provisions of saved Policy E10 of the Hyndburn Local Plan, Policy Env7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

Landscaping

19. Prior to the commencement of development, a satisfactory programmed landscaping scheme which shall include hard surfacing, means of enclosure, planting of the development, details of SUDS, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy

20. Prior to the commencement of development, a scheme for the upgrading of the footpath to the west of the site shall be submitted to and approved in writing by the

local planning authority. The scheme shall then be implemented in full, in accordance with the approved details prior to the occupation of the first dwelling house.

Reason: To improve the footpath network in accordance with Policy T2 of the Hyndburn Core Strategy.

21. At the reserved matters stage, details of the provision of bat and swift boxes to be incorporated within the scheme shall be submitted. The boxes shall be incorporated into the buildings prior to their first occupation and retained thereafter.

Reason: To compensate for the impact on bats and to comply with Policy Env2 of the Hyndburn Core Strategy and the National Planning Policy Framework.

Fences/walls

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) details of the position, type and height of all fencing and walls to be erected on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The fencing and walls thereby approved shall be provided on site in accordance with the approved details.

Reason: In the interests of good design and the visual amenities of the area, and in order to comply with Policies Env 6 and Env 7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

Details of materials

23. At the reserved matters stage details the external roofing, facing materials, doors, windows and garage doors (including colour or render, paintwork and colourwash) shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies Env 6 and Env 7 of the Hyndburn Core Strategy.

Environmental Health

24. Construction deliveries to and from the site should be restricted to between 0800 and 1800hrs

Monday to Friday and 0800 and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays.

Works should be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs on Saturdays.

Works should not take place on Sundays and bank holidays.

All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

25. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.

There should be no burning off on site of construction waste. A Construction Environmental Management Plan shall be submitted, and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed Environmental Management Plan.

Reason: In the interest of residential amenity in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

26. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority for approval in writing:

- (a) A desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
- (b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.
The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
- (c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
- (d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with the provisions of Policy Env7 of the Hyndburn Core Strategy and the provisions of the National Planning Policy Framework.

Coal

27. Prior to the commencement of development, site investigation works shall be carried out and submitted to the local planning authority for consideration. In the event the site investigations confirm the need for remedial works, the condition should ensure that the remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to the commencement of development. The report submitted shall include the following:
- A submission of a scheme of intrusive site investigations for approval,
 - The undertaking of that scheme of intrusive site investigations,
 - The submission of a report of findings arising from the intrusive site investigations,
 - The submission of a scheme of remedial works for approval, and implementation of those remedial works.

Reason:XXX

Bin storage

28. No development shall commence until a scheme and programme for the provision of bins for all properties and design details setting out the means by which they will be stored at the rear of the properties has been submitted to and approved in writing by the Local Planning Authority. The bins shall be provided prior to occupation of the dwellings and the approved bin storage scheme shall be implemented prior to first use/occupation of the development hereby approved and thereafter retained.

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

Informatives

1. Developers of the site are advised to take note of the consultation response received from Electricity Northwest, available on the website.
2. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse (s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent form Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found on their website: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

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