Dear Steven,

Re: Pre-application advice, Land at Warcock Green Farm, Knuzden, Stanhill.

Thank you for your enquiry in relation to the development of housing on the above site. The Council’s advice is set out below. The advice is provided without prejudice to the determination of a planning application.

Part of the site (Site A) forms part of a larger area of land that was designated by Policy S4 of the Hyndburn Local Plan as an Area of Special Restraint, a policy that was not saved and which is discussed in more detail below. If it can be demonstrated that the development of this area represents sustainable development, as defined by National Planning Policy Framework (and subject to the advice below) I would prefer to see proposals for the development of the entire former ASR being brought forward rather than see individual parcels being brought forward in an un-connected and ad-hoc manner. I believe that this would result in a better form of development and enable some of the issues considered below to be addressed more effectively (for example site access and the relationship of the site to the poultry units). I would welcome your views on this and it may be necessary to meet again to discuss your proposals.

Site Location and Description

Advice is sought in relation to two sites. Site A occupies approximately 3.12 ha of open agricultural land immediately to the south of the urban area of Knuzden Brook which forms part of the wider urban area of Blackburn. The land slopes gently down towards the west and south and there are a number of poultry units sited on the land abutting the south west corner of the site. The farm and buildings that belong to the land owner are in the south east corner of site A. Site B occupies a smaller (0.71 ha), triangular, area of agricultural land immediately to the south of Site A, as illustrated by Fig 1. Although Site A and Site B form part of the same field, they have been divided into two areas because the policy framework for the two areas is different (Site B being within the Green Belt).
The M65 motorway is approximately 400m to the east of the sites, passing under Stanhill Road where the motorway is in a cutting. St Oswald’s Primary School abuts the north east corner of Site A but otherwise the eastern, southern and western boundary of the site abut open countryside that is used for a variety of agricultural purposes.

**Proposed Development**

Residential development (housing) is proposed on the site. On the basis of a housing density of 30 dwellings per hectare Site A would have the potential to accommodate approximately 94 dwellings. If the entire area\(^1\) that was designated as Area of Special Restraint (ASR) was developed for residential development the site could accommodate approx. 225 dwellings.

**Planning Policy Framework**

**Hyndburn Core Strategy**

The Hyndburn Core Strategy was adopted in 2012 and includes a number of policies that are relevant to the development of this site:

- Policy BD1 The Balanced Development Strategy
- Policy H1 Housing Provision
- Policy H2 Affordable Housing
- Policy HC1 Green Space & facilities for Walking / Cycling
- Policy HC3 The Design of Residential Roads
- Policy HC4 Community Benefits / Planning Obligations
- Policy Env1 Green Infrastructure
- Policy Env2 Natural Environment Enhancement
- Policy Env3 Landscape Character
- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity

**Hyndburn Local Plan**

The Hyndburn Local Plan was adopted in 1996 and although there are a number of “saved” policies that apply to this site, Policy S4 – Areas of Special Restraint, is not a saved policy and does not therefore apply. The relevant extract from the Proposals Map that accompanied the Local Plan illustrates that the site was allocated as an Area of Special Restraint and that this allocation extends between the urban area (edged in red) and the Green Belt (edged in green).

The following “saved” policies of the Local Plan are relevant

- Policy H2 Housing Development within the Urban Boundary
- Policy H5 Open Space in new residential development
- Policy E3 Retention of woodlands, trees, hedgerows, walls etc
- Policy E10 Criteria for determining proposals

\(^1\) Although Policy S4 of the Local Plan indicates that the ASR south of Stanhill Road occupies 4ha, it actually measures about 7.5ha (not including the school and quarry), giving a significantly greater capacity for housing development that originally thought.
National Planning Policy Framework (NPPF)

Relevant policies of NPPF comprise a material consideration that should be taken into consideration when determining planning applications. Hyndburn does not currently have a five year supply of land and it is therefore necessary to take into consideration the advice of NPPF in that respect, set out in paragraph 49 and the presumption in favour of sustainable development. The following sections of NPPF also include policies that are relevant to the development of this site:

- Introduction
- Achieving Sustainable Development
- 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 9 Protecting Green Belt land
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment

There are also a number of sections within NPPG that are also relevant, for example on air quality and planning obligations.

Consultation Responses

Lancashire County Council Highways

In principle I would have no objection to a residential development at this location, however, I would require that they supply a Transport Assessment and complete an accessibility score sheet. There is a history of accidents on Stanhill Road and by reputation it is a fast road – the TA should look at these factors and explain how they might address them with regard to the design, location and layout of the access. It is likely that might need a TRO in order to prevent parking on the southern side of Stanhill Road that may block visibility splays and it would therefore also need to consider the impact of this on school traffic. The development of this land would potentially also provide an opportunity to
improve the access arrangements for the adjacent primary school, particularly at peak times when children are being dropped off or collected.

I would expect the internal layout to be subject to Section 38 agreement. The proposed access and layout will be important and might require some section 278 works. There are also opportunities to upgrade existing bus stops immediately adjoining the site and pay for buses to stop outside the site (currently they are a school stop only). Parking levels within the site should be in line with HBC adopted Parking and Access standards.

**Lancashire County Council Ecology**

The Council does not currently have access to LCC Ecological Service. The site is not designated as a SSSI or a Biological Heritage Site.

**Hyndburn Borough Council – Environmental Health Officer**

1. **Site preparation/ construction phase.**
   There would be the potential for this development to adversely affect the amenity/well being of local residents, school children (A primary school abuts the NE perimeter of the site) and a large, agricultural operation (Chicken farm abuts the SW of the site) through noise, dust, fumes etc. Therefore conditions would be imposed including times of operation and for management of these potential sources of nuisance during this phase.

2. **Noise**
   There is the potential for end users of this development to be affected by road noise from the M65/ local main road, therefore assessments for this would need to be carried out to inform the layout, design, construction of the development should issues be identified.

3. **Chicken Farm**
   The proposed site abuts a large chicken farm to the SW. I am concerned at the potential for odour and noise nuisance affecting final occupants of this development. Therefore noise and odour assessments would need to be carried out by any applicant to determine the significance of these issues, to inform any proposals. This site is controlled under permit from the Environment Agency, there have been past complaints regarding odour. For further information the Environment Agency Officer for the site, Simon Boocock, on tel 01772 714144.

**Environment Agency**

Our Preliminary Opinion on this proposal is that the development as submitted raises some environmental issues and the developer will need to undertake further work to show how these issues can be satisfactorily addressed to ensure no adverse environmental impacts. Based on the information submitted, we wish to make the following comments:

1. **Flood Risk**
   The report provided (HPDA Ltd, October 2014) correctly states that the development is located outside Flood Zones 2 and 3. The proposed application lies within Flood Zone 1 defined by the Planning Practice Guidance to the National Planning Policy Framework (NPPF) as having a low probability of flooding. However, the proposed scale of development
may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Footnote 20 of paragraph 103 of the NPPF requires applicants to submit a surface water Flood Risk Assessment when planning permission for development on this scale is proposed in such locations. A FRA is vital if the local planning authority is to make informed planning decisions. In the absence of a FRA, the flood risks resulting from the proposed development are unknown.

In order to design a Surface Water Drainage Strategy for the proposal surface water run-off must be restricted to the existing greenfield rates up to the 1 in 100 year rainfall event. The drainage pipes within the system must have the capacity to store the 1 in 30 year event. Surface water for the 1 in 100 year storm should be stored on site using attenuation methods. To comply with current SUDs guidance, the first 5mm of rainfall must infiltrate. Pervious paving could be considered for this purpose.

Our records indicate that there is a surface water sewer on Mount St James to the north of the site, which discharges into Knuzden Brook. We would have no objection to the disposal of clean, uncontaminated surface water to the surface water sewer provided that it is attenuated in accordance with the above requirements. Surface water run-off from highways or other areas likely to be contaminated would need to be subject to appropriate treatment prior to discharge. The use of SUDs should be considered as part of the Surface Water Drainage Strategy and this would also contribute to ensuring no adverse effects on biodiversity and water quality.

2. Regulated Sites

The site is adjacent to a facility (intensive poultry farm) that has an active Integrated Pollution Prevention and Control (IPPC) authorisation. New development within close proximity to a facility that is subject to control through an Environmental Permit could result in the occupants of the proposed development being exposed to amenity impacts. The severity of these impacts will depend on the size of the facility, the nature and scale of the permitted operations and prevailing weather conditions. If the site operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community can co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern and they must appreciate that there are limits to the measures that the operator can take to prevent impacts to the residents.

The Coal Authority

I have reviewed the proposals and confirm that, whilst the proposed major development would be located within the defined coalfield, it would be located outside of the defined Development High Risk Area. Accordingly, in accordance with the agreed risk based approach, there would be no need for the applicant to submit a Coal Mining Risk Assessment in support of a planning application for development of the site.

It is noted that the Development High Risk Area is located less than 70m to the east of the eastern boundary of the proposed application site. Therefore, should any future planning application be submitted for a larger development area, one that also took in the open land adjacent to Moss Lane, we would expect a Coal Mining Risk Assessment to accompany the application.
Whilst the site is not recorded as having been subject to past coal mining at shallow depth, The Coal Authority records indicate there are unworked surface coal resources within the site. Therefore, we would expect the applicant to submit information with their planning application to demonstrate that they have afforded due consideration to the potential sterilisation of the mineral resource and assessed the viability of prior extraction of the mineral resource, in line with the requirements of Policy M2 of the adopted Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies.

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

Hyndburn Borough Council – Regeneration and Housing

The mix of house types and sizes are welcome for the site and the inclusion of bungalow accommodation for older households particularly so to assist in meeting the housing need of the older population in the borough numbers of which will increase in future years. The provision of 2 bed bungalows would be preferable over 1 bedroomed.

Affordable housing – as stated in accordance with Core Strategy Policy H2 Affordable Housing this should be provided on this site, subject to viability, at a rate of 20%. For this development it would mean delivering between 24no and 28no units. This should be spread throughout all house types on the development and consideration given to ‘pepper potting’ these rather than being concentrated in one location. Our preferred Registered Provider partners to assist in delivery of these units are Contour Homes and Great Places.

Observations

Advice is sought on the proposed development of approximately 4ha of land immediately to the south of Stanhill Road, Knuzden Brook. The site can be divided into two areas:

Site A  That part of the site within the Area of Special Restraint (ASR) as illustrated on Fig 1.

Site B  That part of the site within the Green Belt, as illustrated on Fig 1.

Site A

This site forms part of a larger area of land that was originally allocated in the Hyndburn Local Plan, adopted in 1996, as an Area of Special Restraint (ASR) under Policy S4. The Local Plan identified the Areas of Special Restraint as a means of seeking to protect the Green Belt boundary from change, potentially allowing ASR land to be developed beyond 2006 should there be a strategic requirement to do so. However, Policy S4 has not been “saved” leaving an area of land that falls beyond the urban boundary (Policy H2) but outside the Green Belt boundary (Policy S1), resulting in a policy lacuna in respect of the area once occupied by ASR.
Hyndburn does not currently have a 5 year supply of land and paragraph 49 of National Planning Policy Framework is therefore relevant:

"Housing applications should be considered in the context of the presumption in favour 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."

NPPF, para 49.

It would therefore be necessary for the authority to form a view about whether the development of this site for housing would constitute "sustainable development" and in doing so weigh up the economic, environmental and social costs and benefits. To facilitate the determination of a planning application, and to allow the local authority to reach a view on whether the development of housing on the site would be sustainable, the application would need to be supported by evidence in relation to the planning policy framework outlined above and the following:

- The environmental issues arising from the development of the site including:
  - Highways and Transportation. The Highway Authority has requested the submission of a Transport Assessment. This would be used to assess the extent to which the site is accessible by different modes of transport and ways in which this could be improved. The development of land around the school may provide an opportunity to improve parking / dropping off arrangements for the school, particularly at peak times.
  - Ecology. Although the site is not a SSSI or a Biological Heritage Site it would be necessary to undertake an ecological survey of the site to ensure that there are no protected species or habitats of importance in or around the site, recognising that it is a greenfield site in agricultural use.
  - Both the Environment Agency and the Borough Council's Environmental Health Officer have raised concerns about the potential impact of the development of the near-by poultry houses. A planning application should be accompanied by an odour and noise assessment that demonstrates the extent of the odour and identifies means of addressing the issue, for example through the use of a buffer/landscaped zone between housing on the site and the poultry houses. This could be a significant issue that could have an impact on the acceptability of the development in principle.

- The social issues arising from the development of housing on the site, for example how the development would help meet the need for housing in Hyndburn including affordable housing. The development of new housing also plays an important social role in helping to meet the future needs of communities by allowing people to stay in the Borough and also by attracting new people into the Borough. There is a primary school (St Oswalds C of E) immediately next to the site and it would be necessary to determine the capacity of the school and the extent to which new school places may or may not be needed.

- The economic issues arising from the development of housing on the site. This should be addressed in the Planning Statement that supports the application and should consider National Policy as well as local policy.

In policy terms, Site A forms part of a larger area of land that was designated as ASR. If it can be demonstrated that the development of this area represents sustainable development there would be benefits in seeking to bring forward the entire area of the former ASR, rather than see small parcels developed on a piecemeal basis. I would suggest that some of the issues raised in relation to the development of Site A would also apply to the remaining ASR outside Site A (for example the presence of the poultry unit, highways, ecology etc).
The development of the land occupied by the former ASR could make an important contribution towards the supply of housing land in Hyndburn. The Borough Council does not currently have a 5 year housing land supply and viability remains an issue. As mentioned in the statement that supports the request for advice, the Strategic Housing Land Availability Assessment (SHLAA) identifies the site and gives it a score of 73% when considered against the range of assessment criteria in the SHLAA. The last SHLAA was completed in March 2009.

Housing Mix and Affordable Housing

Policy H1 of the Core Strategy prescribes the mix of house types that the local authority would wish to see on housing developments, whilst Policy H2 sets out the authority’s requirement for affordable housing (20%). There is a need for good quality family homes in Hyndburn and this site would have the potential to deliver a high quality development in an attractive location next to the open countryside. The advice of the Council’s Regeneration and Housing Dept is included above and I note that they also offer support for some bungalows to be provided as part of the development.

If, for financial reasons, you are not able to provide 20% affordable housing then it would be necessary to submit a financial appraisal of the development that illustrates why this is the case. The applicant is expected to pay for the Council to undertake an independent appraisal of this assessment, something that normally costs between £1,000 and £3,000 depending upon which organisation undertakes the assessment.

Design

High quality design is enduring and supported nationally through NPPF and the Hyndburn Core Strategy. In terms of materials, there are opportunities to use a combination of natural stone (particularly on the front elevations), brick and render and different materials should also be used in the construction of roads, footways and parking areas as a means of creating an attractive and high quality housing development. The inclusion of sills, lintels in contrasting materials helps add to the visual quality of the development and the inclusion of chimneys also helps in this respect. The layout and landscaping should reflect the location of the site on the edge of the urban / rural area with a view to softening its edge. This should be informed by an appropriate landscape and visual impact assessment.

Living space should be of an adequate size and there should also be sufficient garden space around the development. Trees and landscaping can also be used to produce a high quality built environment and should be included in the design. Provision for the maintenance of trees for the duration of the development should be included as part of the s.106 agreement. The Council does not have a policy that prescribes the density of residential developments because it is more concerned about achieving the right mix of house types and a high quality development.

New housing developments should be designed so that they meet the requirements of the Council’s adopted Householder Design Guide as a means of seeking to protect local residential amenity.

Green Space

Policy HC1 of the Core Strategy and H5 of the Hyndburn Local Plan require new development to contribute towards the provision and maintenance of good quality, accessible and multi-functional green space. If it can be demonstrated that this cannot be provided on site then a financial contribution in lieu of open space will be required. This would be managed by the Council entering
into a legal agreement with those with an interest in the land through s.106 of the TCPA 1990 (as amended). The Council has consulted the Parks and Open Space Dept. and I will e-mail their response when it is forthcoming.

Highways and Transportation

The comments of LCC Highways are attached to this report. The design of residential roads should be designed in accordance with the principles set out in the Manual for Streets and with the aim of reducing vehicle speeds to no more than 20mph (Policy HC3 of the Core Strategy).

For developments of this size the Council would require the applicant to submit plans indicating those areas of the highway that would be adopted and those areas that would be managed by the developer. The Council does not take on responsibility for land in residential developments and the management of landscaped areas, car parking areas and other incidental areas of land within the development would need to be undertaken by a management company. This would be controlled through a s.106 agreement.

Environmental Health / Environment Agency – Poultry Units

NPPG advises that the planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity that would arise from the development of new housing in proximity to a licensed poultry unit. NPPG goes on to advise that the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.

The planning application should therefore include noise and odour assessments, as recommended by the Environment Agency, so that the authority is in a position to assess the acceptability of the proposed development in that respect and weigh these factors in the balance when reaching a conclusion about the extent to which the development represents sustainable development.

Site B

Site B is entirely within the Green Belt. The Government’s position in relation to development in the Green Belt is clearly set out in NPPF and the Hyndburn Core Strategy (Policy BD1) also seeks to ensure that the overall general extent of the Green Belt is maintained. The development of housing within this area would be contrary to NPPF and the Hyndburn Core Strategy and would not therefore be supported. Siting the gardens of houses within the Green Belt would also be inappropriate, however, there may be opportunities for outdoor sport and recreation, enhance landscapes and visual amenity in this area as a means of off-setting some of the impacts of the housing development and as long as it does not conflict with the purposes of including land in the Green Belt. There appear to be good opportunities to provide some landscaping in this area as a means of softening the rural / urban interface if housing is proposed at Site A.
Proposed residential development on 4ha of land south of Stanhill Road, Knuzden.

Hyndburn Borough Council, as Local Planning Authority, has given the Screening Opinion in respect of the above development and the details submitted with the request for a Screening Opinion, namely the letter from Hartley Planning and Development Associates dated 4th October 2014 and accompanying plans and statement.

The proposed development is not development that falls within Schedule 1 of the Regulations.

Part 10 of Schedule 2 of the Regulations includes Infrastructure Projects. Part (b) includes Urban development projects and although residential developments are not specifically listed they could be included within this group of development types. The area of the site exceeds the applicable threshold of 0.5ha. In making this screening opinion the following factors have been taken into consideration:

- The proposed development is outside the existing urban area of Knuzden and comprises a greenfield site.
- The scale of the development is such that it would result in the loss of agricultural land that is previously undeveloped, however, the acceptability of that loss and the impacts of residential development on neighbouring properties would be assessed as part of the planning process. For the purposes of this screening opinion the environmental impacts associated with the loss of this agricultural land are considered to be of a local nature.
- The built development associated with this proposal would take place on the edge of the urban area beyond the urban boundary defined by the Local Plan. For the purposes of this screening opinion the landscape impacts associated with this are considered to be of minor / local significance which would be managed through the planning process.
- The development of housing on this site may give rise to positive economic and social benefits for the local area.
- The site is not a site of ecological, historical, cultural significance and is not in the vicinity of such a site. For the purposes of this screening opinion impacts on ecological, historical or cultural features would be of a minor / local nature that would be managed through the planning process.
- The proposed development will not give rise to the pollution of air, ground or water resources at or near the site that cannot be managed or kept within acceptable levels. For the purposes of this screening opinion impacts would be of a minor / local nature. The impact of near-by poultry unit on the development proposed may have an impact on acceptability of the proposed development and that would be considered as part of the planning process.
- There is no reason to believe that the development would give rise to an increased risk of flooding. For the purposes of this screening opinion impacts would be of a minor / local nature.
- The development would not give rise to impacts arising from noise or light that cannot be managed through the planning process.
- The development would give rise to an increase in local traffic but the environmental impacts associated with this will be of a minor / local nature and would be assessed as part of the planning process.
- The site is opposite residential properties and adjacent to a primary school. The impacts of the development on the amenity of neighbours can be mitigated through the use of
appropriate standards and policies applied at the planning stage. For the purposes of this screening opinion impacts would be of a minor / local nature.

- For the purposes of this screening opinion the potential cumulative environmental impacts associated with the proposed development are considered to be of a minor / local nature.

Having regard to the points above, the Local Planning Authority has considered the characteristics of the proposed development, the existing land uses on the site and the potential impact of the development. Having considered the above the Local Planning Authority determines that the proposal does NOT constitute development for which an Environmental Impact Assessment is required. This Screening Opinion is made without prejudice to the determination of any future planning applications that may be submitted for development of this site.

Pre-application consultation

The Council would expect to see you undertake pre-application consultation with the local community prior to the submission of a planning application. I would also expect you to present the proposals to elected members of Hyndburn Borough Council prior to submission, in line with the pre-application protocol that the Council operates. The Council has a validation checklist which is available on its website, you would need to check to ensure that you have satisfied the requirements of the checklist prior to submission. If you require any further information please contact me,

Yours sincerely,

Simon Prideaux
Chief Planning and Transportation Officer