

- *The Police and Fire Service remain silent on matters of the arson attack adjacent to the site*

This is not a planning consideration.

- *When a valid Planning application is finally received consultees should be asked to submit proper responses.*

This is not a planning consideration.

- *Lancashire County Council have not been notified in terms of the C2 use to the correct department*

This is not a planning consideration.

- *The access is owned by lease by third parties and no permission is given to allow people to move over it*

This is not a planning consideration.

- *The site has no pedestrian or cycle access and can only be visited by driving on back streets to the proposed site. This far out ways any benefit from the site.*

There is shared access from Whalley Road which will be used by vehicles pedestrians and cycles. The Inspector states in his report that this is acceptable for a low trafficked development such as this.

- *This is a resubmission of planning application 11/18/0177 that planning committee refused last year on highways and access issues. Following the appeal the applicant lost and the committee's decision was upheld.*

The appeal was upheld on the grounds that a valid s106 to secure the social housing element of the development had not been submitted, not on highways grounds.

- *As no significant change has been made to the new application, therefore this planning proposal must again be taken to planning committee.*

The s106 is now included and as such the Inspector's matters have been addressed.

Conclusion

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account along with the recent appeal decision APP/R2330/W/18/3207105 which is a material consideration for this planning application.

The applicant has submitted a signed s106 Agreement to ensures that the proposed housing will be used only for social housing, as required by the Planning Inspector in his consideration of the appeal APP/R2330/W/18/3207105.

Recommendation

To APPROVE the application subject to the signed s106 securing this housing as social housing (Use Class C2) and the conditions set out below:

Conditions

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

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

Application forms received 24.7.19

Location Plan received 24.7.19

Design and Access Statement received 24.7.19

Acoustic Report received 214.7.19 (dated April 2018)

Ecology Survey received 24.7.19 (dated Sept 2017)

Ground Contamination Survey received 24.7.19 (dated September 2017)

Site context Drawing 100

Ground plan Drawing 200 B

Elevations Drawing 300

Boundary fencing Du08 General Arrangement, and

Boundary Fencing H sec 3MH General Arrangement

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council 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.

3. Construction works & associated deliveries shall be restricted to between 0800 and 1800hrs Monday to Friday, 0800 and 1300 on Saturdays and shall not take place on Sundays and bank holidays. All works shall be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with Core Strategy Policy Env7, Development Management Development Plan Document Policy DM29 and the provisions of the National Planning Policy Framework.

Highways

4. No development shall take place, including any works of demolition, 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. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors