

In terms of the storage area, the applicant has submitted a revised layout (Plan no. PHA/042 200 B) that incorporates at least 1.5m² of storage into each of the units and on this basis, the proposed development is acceptable.

Policy DM14 of the DM DPD establishes the criteria that need to be considered for developments that are for Older People and those with disabilities ; they include the development should be situated in the urban area close to local amenities. There should also be sufficient car parking and open space or grounds where residents can relax.

The proposed development is situated in the urban area close to Accrington Town Centre which offers a range of uses such as shops and community and health facilities. Given its proximity to public transport hubs such as the rail and bus stations and providing car parking spaces for a minimum of four cars, the highway authority has raised no objection to the proposal in terms of parking provision. Finally, it is considered that the development would provide adequate open space about the development that would allow the residents to relax and this would be augmented by a communal building situated within the complex.

In light of this, the proposed development is considered acceptable and complies with Policy DM14 of the DM DPD.

Other matters

Objections have been raised as a result of the consultation process. These are summarised in the consultation section of the report. Some of the matters are not considered to be planning considerations, where this is the case, it is noted.

- *Not a suitable site for people with learning difficulties as too enclosed and trains passing/maintenance of tracks at night. Acoustic report is out of date and due to the new railway contracts this is wrong as there are going to be more passenger and freight trains on the tracks*

The residential amenity was considered as part of planning application 11/18/0177 and this was not considered a suitable reason to refuse the planning application

- *Impact of construction nuisance, especially to the elderly in the area*

The residential amenity was considered as part of planning application 11/18/0177 and this was not considered a suitable reason to refuse the planning application. Conditions are included which will ensure development does not take place outside suitable hours, there is also a condition which aims to minimise nuisance due to the construction process (such as noise and dust/fumes)

- *Traffic and highway safety/Accidents on the roads do happen even if LCC HA do not state this- local knowledge/A pedestrian was killed by a car on the day before the Inspectors deadline for observations*

This was considered by the Inspector as part of the appeal process and it was not considered that traffic and highway safety as a result of the development was unacceptable. Therefore this is not considered a suitable reason to refuse the planning application. It has

been raised that there was a fatal accident along Whalley Road at the approximate time the Inspector was writing his report which has not been considered. This matter has been raised with the Highways Authority who has provided this response:

'The small scale of this development and the limited number of additional vehicle trips generated by the development would not cause an unacceptable impact to highway safety.

All collisions are regrettable and in this case a fatality has occurred close to the site in October 2018 on Milnshaw Lane, which is deeply saddening. However following an investigation by Lancashire Constabulary and Lancashire County Council it was deemed that the design and layout of the public highway did not contribute to the fatality. We would not consider the unfortunate circumstances of the collision to have a bearing on the development as presented'.

As such traffic and highway safety is not considered a suitable reason to refuse the application by Officers, in line with the Inspectors decision.

- *Impact on ecology/ Ecology report is out of date*
The impact of the development on Ecology was considered as part of planning application 11/18/0177 and this was not considered a suitable reason to refuse the planning application.
- *The application shouldn't have been validated- it's been refused twice, once by an Inspector for being not fit for purpose. This is causing stress to local people*
The application as submitted is considered acceptable for validation.
- *Breach of the 1998 Human Rights Act resulting in the loss of privacy, family life, and peaceful enjoyment of homes.*
This was was considered as part of planning application 11/18/0177 and this was not considered a suitable reason to refuse the planning application.
- *Contamination/ Ground contamination is out of date*
Possible contamination was considered as part of planning application 11/18/0177 and this was not considered a suitable reason to refuse the planning application, subject to the relevant planning conditions being included.
- *Inadequate parking on the front of Back Owen Street for construction workers*
This was considered by the Inspector as part of the appeal process and it was not considered that parking provision in the development would be unacceptable. Therefore this is not considered a suitable reason to refuse the planning application.
- *Access to the site is inadequate*
This was considered by the Inspector as part of the appeal process and it was not considered that the access to the development would be unacceptable. Therefore this is not considered a suitable reason to refuse the planning application.

- *Water running down Whalley road turns to ice in winter this is an accident waiting to happen*

This is not a planning consideration.

- *Safety of children is an issue as the back alleys are used for playing.*

It is not possible to control where children play in terms of utilising back alleys. As such it is not considered a suitable reason to refuse this planning application

- *Contrary to the Human Health Act, European Directive and Environment Protection Act, Property and Environment Act, Strategic Vision Act, Associated Regulations Deprivation of Liberty Safeguards, Health and Social Care act 2008, Local Government and Social Care under Section 5 (2) of the Parliamentary Commissioners Act 1967.*

These are not planning considerations

- *Impact on utilities in the back alley*

No objections have been received from utilities companies; in any case this is not a planning consideration.

- *Loss of heritage by covering the alley cobbles with tarmac*

There are a large number of cobbled streets throughout Hyndburn, this site does not fall within a Conservation Area and as such the benefits of developing his site outweigh the loss of the cobbled streets. This is therefore not considered a suitable reason by officers to refuse the planning application.

- *Increase in crime due to 6 units being built in an area which is out of view*

The 6no new dwellings will provide overlooking and activity in the area and it is more likely that crime would be reduced, not increased as a result.

- *Application is filled out incorrectly in terms of contamination (Q6)*

The contamination of the site has been considered by the Council's Environmental Health Officer and this is not considered, with the inclusion of the suggested conditions, to be a suitable reason to refuse the application by Officers. Sometimes forms are not accurately filled out but this matter is considered as part of the planning process.

- *The red edge doesn't include the access road*

The access road does not need to be included in the red edge.

- *Mistakes made in relation to previous planning application in 2017*

This planning application is considered on its own merits.

- *No certificate of ownership filled in in terms of the access*

This is not a legal requirement. The correct certificate has been filled out on the planning application form.

- *Inaccuracies in the Inspectors report*

This is not a planning consideration.

- *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