

UPDATE REPORT

**FOR DEVELOPMENT CONTROL COMMITTEE
MEETING OF 15 MARCH 2022**

B1 – 2022/0006 – Fold Head Farm

On page 1 of the report it states that 3 or more objections have not been received, however, this is incorrect and should have states 'yes', as 8 objections have been received. They are listed on page 3 of the report.

It is noted that the submitted plans do not provide details of how the newly formed embankment (upon which the menage will be sited) will be finished. An additional condition is recommended that requires the embankment to be turfed or grass seeded as follows:

“Prior to first use of the menage hereby approved, the embankment that has been formed and shown hatched green on the approved plan, shall be turfed or grass seeded, and shall be retained as such.

Reason: In the interests of the appearance of the development on the character of countryside.”

Also, one further e-mail has been received from Councillor Alan Neal expressing concern relating to the potential impact upon local residents whose only access to clean drinking water, is via their spring water well. Local residents main concerns are cross contamination to their spring water supplies to their homes. He expresses surprise that the case officer has not given more weight to those concerns and asks all members of the Development Control Committee are made aware of those residents' genuine concerns.

B3 – 2022/0015 – Land Adjacent to 59 Blackburn Road, Edenfield

Since publication of the Committee report for this application, officers have received a copy of a response from the Local Highway Authority to a query submitted directly to the Local Highway Authority by a member of the public.

The response from the Local Highway Authority is as follows:

“As a statutory consultee the County Council, as the highway authority, has a duty to comment upon the transport implications of development and to consider the impact of planning proposals on its highway network and users. As such we provide highway

advice to Lancashire's Local Planning Authorities such as Rossendale Borough Council on development proposals.

Colleagues at Rossendale Borough Council consulted the County Council on specific proposal put forward under planning application 2022/0015 on the 8th February 2022. The application being an outline proposal (with all matters reserved) for up to 6 dwellings on land adjacent to 59 Blackburn Road, Edenfield. The application was subsequently assessed in transport terms based on the detail made available to the highway authority.

Although the County Council is of course aware of Rossendale Borough Council's local plan, we do not typically reference individual local plan policies in our highway examinations. We would expect all local planning authorities to have a comprehensive understanding of their own planning policies. It would be a matter for the local planning authority themselves to decide the level of planning weight that local plan policy should apply in determining individual planning applications.

Our expertise is in transport and how our highway network operates. Our examination is therefore with regards highway and transport impacts. The highway authority cannot determine how the local planning authority applies its own local plan policies. Compliance or any lack thereof with individual local plan policy would not be a reason for highway objection.

With regards application 2022/0015 the application has been examined on its own merits. It is the County Councils view that the development proposal of up to 6 dwellings will have negligible impact on the local highway network and its users. However, as the application is with all matters reserved no details have been provided regarding site access. Given the location of the land parcel the only possible access to highway network would be via Blackburn Road. Clearly any site access will need to comply with standards and be delivered safely. As such our comments reflect this position.

A development site of up to 6 dwellings would not require a detailed technical appraisal through provision of a transport assessment. Nationally it is recognised that developments below a threshold of 80 dwellings will not result in trip generation of such significance that a transport assessment would be required. Less detailed examination is recommended for developments of between 50 and 80 dwellings through a transport statement. Application 2022/0015 is significantly below the minimum threshold where even a transport statement would be necessary. As such the County Council would not consider it necessary for a transport statement or transport assessment be provided for this application. Its omission would not be considered grounds for highway objection and to request such detailed transport analysis would be unreasonable. This of course does not negate the need for transport assessment requirements should the greater site come forward with significant development proposals in the future.

I hope this helps illustrate the Council's role in the planning consultation process and how we have considered Rossendale planning application 2022/0015. Ultimately the Council is comfortable with the highway advice it has provided to the local planning authority. How the site sits in with land allocation and local plan policy requirements for master-planning will be a matter for colleagues at Rossendale Borough Council to consider.

Although the County Council does not judge there to be any highway related reason for objection for the discussed planning application, we do appreciate you have genuine concerns. As these are planning considerations it is fully appropriate that you have passed your comments to Rossendale Borough Council. In replying to you I have also copied in the Local Planning Authority so district colleagues are aware of both your concerns and the County Council response.”

In addition, an email was received from the applicant’s planning agent on 11th March 2022, stating the following:

“The applicant would like to offer 30% affordable housing, providing dwellings for the disabled. This would be subject to being managed by a social registered landlord, and all the houses would be for local occupancy only.

In addition, the applicant is offering biodiversity net gain, on his adjacent land between the river Irwell and Blackburn Road, in the form of tree planting and bird boxes.”

Although the statement indicates that the applicant would be willing to provide affordable housing on site and to make provision for biodiversity net gain, no detailed information has been received to demonstrate how either of these would be provided as part of the development.

Normally, an application where affordable housing is proposed would need to be accompanied by an affordable housing statement and details of how this would be delivered and secured – including a S.106 agreement.

In the absence of such information, it is considered that the application still does not demonstrate compliance with Policy HS3 of the Local Plan (affordable housing) – as the site forms a small part of a much larger housing allocation. Policy HS3 requires:

“Within larger housing developments, the affordable housing will be evenly distributed throughout the development. Where a site has been divided and brought forward in phases, the Council will consider the site as a whole for the purposes of calculating the appropriate level of affordable housing provision.”

Without taking a holistic approach to the delivery of affordable housing on the allocation as a whole, the application fails to accord with the above.

Similarly, in order to demonstrate biodiversity net gain, calculations and reports by a qualified ecologist as part of a net gain statement would normally be required. These have not been provided, and it cannot therefore be concluded that the application can provide a net gain in biodiversity – contrary to Policy ENV4 of the Local Plan which states that *“all development proposals should seek to protect and enhance biodiversity, and will be requested to quantify any net gains.”*

Having regard to all of the above, no change to the recommendation contained within the Committee report is proposed.

Mike Atherton
Head of Planning and Building Control
DATE: 11/03/2022