

Examination of Hyndburn's Development Management Development Plan Document (DM DPD)

Inspector's Matters, Issues and Questions (MIQs)

Matter 1: Legal compliance, including duty to cooperate

Issue 1a: Has the preparation of the plan complied with the relevant legal requirements?

1. Has the plan been prepared in accordance with the Local Development Scheme (LDS), including timing and content? Does the LDS make clear the relationship between the plan and the Core Strategy, the Hyndburn Area Action Plan and the future Site Allocations DPD?
2. Has consultation been carried out in accordance with the Statement of Community Involvement and the relevant Regulations?
3. Has regard been had to the Sustainable Community Strategy? In what way?
4. Has the plan been subject to Sustainability Appraisal (SA) and does it comply with the relevant Regulations? Is it clear how the SA has influenced the plan?
5. Is it likely that the plan would have a significant effect on a European site (either alone or in combination with other plans or projects)? If so, has an appropriate assessment been carried out in accordance with the relevant Regulations?
6. Has the plan been prepared in accordance with the relevant Act and Regulations?
7. Is the plan and its policies consistent with national planning policy and guidance? Are there any significant departures from national policy? If so, have these been justified?
8. On 7 February 2017, the Government published the housing white paper entitled Fixing Our Broken Housing Market. Does this white paper have any implications in relation to the soundness of the plan?

Issue 1b: Has the duty to cooperate been met?

9. Has the duty to cooperate been met? On what strategic issues has cooperation taken place? Are there any unresolved strategic issues?

Matter 2: Infrastructure, Planning Obligations & CIL

Issue 2a: Proposed modification to policy GC2

10. The Council has proposed a modification to policy GC2. Specifically, the removal of paragraph 2b from the policy and the insertion of additional text into paragraph 3. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?

Matter 3: The Economy & Town Centres

Issue 3a: Does policy DM1 provide a clear framework for how employment development proposals will be assessed?

11. How would application sites outside of the defined urban area be dealt with under policy DM1? If a site falls outside of the defined urban area is it therefore classed as rural for the purposes of this policy and dealt with under DM1 7 as rural employment? How would sites on the edge of the defined urban area but in an accessible location be dealt with?

Issue 3b: Is the approach to applications regarding existing employment sites justified and effective?

12. Policy DM1 2 requires sites considered appropriate for alternative uses to incorporate employment space as part of a mixed use redevelopment. How was the figure of 25% of the original gross internal floor space identified?
13. How would employment sites deemed of less than adequate quality be dealt with under the policy?
14. Why does the policy DM1 3 refer to B1 employment space whereas this is not specifically defined in DM1 2?

Issue 3c: Proposed modification to policy DM1

15. The Council has proposed modifications to policy DM1. Specifically, changes to paragraph 1a, the addition of text at the end of paragraph 1a and replacing paragraphs 5 and 6 with new wording. The Council has also proposed to remove the reference to policy E2 in paragraph 2 of the policy. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?

Issue 3d: Does policy DM3 set out an effective framework for the determination of applications in out of town centre locations? Is the approach justified and effective?

16. Policy DM3 titled 'Town centre development' deals with proposals for both town centre and out of centre locations. Is the approach of setting out

the policy based on main town centre uses rather than geographical locations effective and justified?

17. Are the local retail impact thresholds set out within the policy justified?
18. Does the policy take sufficient account of established commercial sites in out of centre locations? Would proposals to extend or alter existing floorspace be dealt with in the same way in terms of the application of the local retail impact thresholds? Would this be effective and justified?
19. Is the reference within DM3 1b (page 25) to some circumstances where the Council may require an assessment where a proposal falls beneath the thresholds set justified and consistent with national policy? What is the purpose of doing this? How will the Council decide which proposals would require this assessment? Is the policy sufficiently clear to applicants and decision makers?

Issue 3e: Proposed modification to policy DM3

20. The Council has proposed modifications to policy DM3. Specifically, changing the title of the policy to 'Development of main town centre uses'; the removal of 'viability' from DM3 1a; the insertion of additional text in to paragraph 3.21 relating to other established commercial locations; and the insertion of text into paragraph 3.26 relating to specialist or niche retailing. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?

Issue 3f: Is the approach to Hot food takeaways set out in policy DM5 justified?

21. How would the term 'over concentration' in relation to proposals for hot food takeaways in policy DM5 1b be defined when determining applications? If the Council has specific criteria in mind when assessing this should this be included within the policy in the interests of clarity and effectiveness?
22. Policy DM5 1c refers to hot food takeaway restriction zones. Paragraph 3.33 of the plan acknowledges that there is no evidence demonstrating a causal link between the number of hot food takeaways and obesity. Is the policy justified?

Issue 3g: Proposed modification to policy DM7

23. The Council has proposed modifications to policy DM7. Specifically, to insert additional text regarding the use of vacant buildings. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?

Matter 4: Community Infrastructure

Issue 4a: Are the proposed assessment criteria set out within policy DM8 regarding the proposed loss of Public houses justified?

24. Would the definition of a shortfall in provision be effective for proposals in all areas, for example rural locations?
25. Why does policy DM8 specifically refer to the CAMRA Public House Viability Test? Is this justified?

Matter 5: Housing

Issue 5a: Is the approach set out in policy DM10 to high-density schemes or those with a high proportion of terraced/town house provision justified?

26. Paragraph 5.6 states that very high-density schemes or those with an overly high proportion of terraced/town house provision will in general be resisted. Is this justified? Would this affect the delivery of affordable housing provision?

Issue 5b: Proposed modification to policy DM10

27. The Council has proposed modifications to policy DM10. Specifically, the insertion of additional criteria to 1d and 1h. Additional text is also proposed to clarify that the applicant would be responsible in meeting the costs for any mitigation measures required in relation to residential amenity. It is also proposed to insert additional text to paragraph 5.7 to clarify that criteria 1c relating to Building for Life is not a mandatory standard for all developments. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?

Issue 5c: Is the reference to national standards for open space provision in policy DM11 justified and effective?

28. Footnote 52 of policy DM11 acknowledges that there are no local standards for open space provision in new residential development. Is it therefore justified and effective to refer to national standards?

Issue 5d: Proposed modification to policy DM11

29. The Council has proposed modifications to policy DM11. Specifically, the amendment of criteria 1f regarding the adoption of open space by the Council. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?

Issue 5e: Does policy DM12 provide an effective and viable framework for the provision of affordable housing?

30. Does policy DM12 provide sufficient flexibility in terms of the application of the Core Strategy's requirement for new housing development of 15 or more dwellings to provide 20% affordable housing where this may affect the viability of proposals in some areas of the Borough?

Issue 5f: Proposed modification to policy DM12

31. The Council has proposed modifications to policy DM12. Specifically, the removal of the term 'overall development costs' from paragraph 2. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?

Issue 5g: Does policy DM13 set out an effective approach for determining applications for housing development within the garden or curtilage of residential properties?

32. How would proposals for new dwellings in these locations be dealt with if they otherwise accorded with the principle of sustainable development?

Issue 5h: Proposed modification to policy DM13

33. The Council has proposed modifications to policy DM13. Specifically, separating part 1bii into a separate part (1c) so that proposals are not reliant upon also being on the footprint of an existing building. It is also proposed to change the title of the policy. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?

Issue 5i: Is the adoption of the technical housing standards relating to access and internal space justified, effective and consistent with national policy?

34. Is the adoption of technical housing standards relating to access and internal space justified in accordance with an identified local need and supported by relevant up to date evidence?
35. Has the viability of this requirement been sufficiently taken account of across all areas of the Borough? Is the approach consistent with national policy?

Issue 5j: Proposed modification to Guidance Note 2: Affordable housing

36. The Council has proposed a modification to GN2. Specifically the deletion of part of paragraph 7.1 which references HCA design and quality standards. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?

Issue 5k: Proposed modification to Guidance Note 8: Car parking, access standards and transport assessment/travel plan thresholds

37. The Council has proposed modifications to GN8. Specifically, adding a reference to 'domestic garages' regarding bike storage and flexibility in applying minimum size requirements. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?

Matter 6: Environment (Natural & Built)

Issue 6a: Proposed modification to policy DM17

38. The Council has proposed modifications to policy DM17. Specifically, adding text to paragraph 6.8 to clarify that in some circumstances the loss of trees the subject of a Tree Preservation Order may be unavoidable; and the insertion of additional text regarding the 3:1 compensatory planting ratio. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?

Issue 6b: Are the requirements for minimum information that should be included in Flood Risk assessments set out in the text accompanying policy DM20 justified and consistent with national policy?

39. Paragraph 6.34 sets out the information that Flood Risk Assessments should include as a minimum including sectional information and proposed land levels. Is this justified and consistent with national policy? Is the need to consider climate change also a relevant consideration?

Issue 6c: Is policy DM22 consistent with national policy regarding non-designated heritage assets?

40. Paragraph 7 of policy DM22 states that non-designated heritage assets that are demonstrably of equivalent significance to designated assets will be treated as if they are. Is this justified and consistent with national policy?

Issue 6d: Proposed modification to policy DM23

41. The Council has proposed modifications to policy DM23. Specifically, the deletion of paragraph 2 and alterations to paragraph 6.55. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?

Matter 7: Environment (Design Quality)

Issue 7a: Is the requirement for major development to undertake a formal design review process justified?

42. Policy DM26 5 expects all major development that will play a significant role in local place making to undertake a formal design review process. Is this justified and effective? Have potential viability impacts on development been taken account of?

Issue 7b: Are the policies and guidance relating to advertisements set out in policy DM27 and GN4 justified?

43. Is policy DM27 justified, effective and consistent with national policy and the relevant regulations?
44. Is the additional guidance set out in GN4 justified, effective and consistent with national policy and the relevant regulations?
45. Is the guidance relating to fascia, projecting, hanging and box signs set out in GN4 justified and effective?

Issue 7c: Does policy DM29 provide a clear and effective framework for assessing environmental amenity issues?

46. Policy DM29 2 refers to an 'acceptable distance'. Is this term specific and effective?

Issue 7d: Proposed modification to policy DM29

47. The Council has proposed a modification to policy DM29. Specifically the insertion of criteria 1b-d which were omitted in error from the submission version of the plan. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?

Issue 7e: Proposed modification to policy DM31

48. The Council has proposed a modification to policy DM31. Specifically the deletion of paragraph 3. Would this change be a main or additional modification? Would the modification affect the soundness of the plan?

Matter 8: Accessibility and Transport

Issue 8a: Does policy DM32 take sufficient account of sites that may require future occupants to travel but where there is evidence to suggest that the location is or can be made accessible via modes of sustainable transport?

49. Is the requirement in DM32 2 to locate development proposals where the need to travel will be minimised justified and consistent with national

policy? How would sites that are accessible via a wide range of public transport services be dealt with under the policy?

Issue 8b: Proposed modification to policy DM33

50. The Council has proposed modifications to policy DM33. Specifically, the insertion of an additional criteria to 4b relating to infrastructure owned or managed by the Canal and River Trust. Also the replacement of the word 'will' with 'may' in paragraph 1 and additional text to clarify the meaning of 'appropriate contributions'. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?

Matter 9: Green Belt

Issue 9a: Are the types of development that will be permitted within the Green Belt consistent with national policy?

51. Policy DM34 lists circumstances where the erection of new buildings will be permitted. Are the types of development listed consistent with national policy? For example, does the scope of the policy permit limited infilling outside of villages to take place and is this justified? Other types of exceptions referred to in national policy, such as engineering operations, are not specifically referred to. Is this justified and effective?

Matter 10: Monitoring and Implementation

Issue 10a: Does the plan set out a clear and robust framework for the monitoring and delivery of its policies?

52. Does the Plan set out a clear and robust framework for the delivery and monitoring of its policies?