



Appeal Decision

Hearing held on 11-12 December 2019

Site visits made on 5 and 12 December 2019

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/R2330/W/19/3224695

Devine Fisheries, Broad Oak Road, Accrington BB5 2DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Cath Whelan (Windmill Rise SPV Ltd) against the decision of Hyndburn Borough Council.
 - The application Ref 11/18/0238, dated 18 January 2018, was refused by notice dated 15 October 2018.
 - The development proposed is for 110 dwellings, including 26 affordable homes, along with the associated access and site infrastructure.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Cath Whelan (Windmill Rise SPV Ltd) against Hyndburn Borough Council during the Hearing. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for outline planning permission with all matters reserved except access. Indicative plans have been presented detailing the layout and I have had regard to these so far as relevant.
4. At the start of the Hearing, an amended indicative site plan was presented detailing all development would take place outside Flood Zones 2 and 3a, along with the reservoir no longer being infilled. Based on this plan and the imposition of conditions controlling these changes; the Environment Agency verbally removed its objection. The Council had no objections to the submission of the amended plan, and I am satisfied that as it relates to detailed elements of the layout which is not subject to my consideration at this stage; no party would be prejudiced by my consideration of it. It has however, resulted in the proposed dwelling numbers being reduced from 122 to 110 and the affordable dwelling numbers being reduced from 29 to 26. The description of development above has been amended and I have proceeded to determine the appeal accordingly.
5. A planning obligation was submitted in draft form prior to the Hearing, discussed at the Hearing and subsequently signed and executed following the event, dated 17 December 2019. I have taken account of it in the Decision.

6. The Council is currently undertaking a review of the Core Strategy and producing a Site Allocations Development Plan Document that will include a review of settlement boundaries. However, both documents are at an early stage, with publication anticipated later this year. Therefore, they are of little weight in this decision.

Main Issues

7. The main issues are:
 - (a) Whether the proposal would maintain the existing settlement pattern in the area in the light of adopted development plan policies;
 - (b) The effect of the proposal on the character and appearance of the area; and,
 - (c) Whether the proposal would provide adequately for sustainable travel.

Reasons

8. Located to the south east of Accrington, the site is approximately 8.57 hectares. It is irregularly shaped, containing 2 reservoirs used as leisure fisheries and open fields. There is a narrow parcel of land extending to the west of the main site, that would connect with Manchester Road. This is where the proposed access road, of around 450 metres long, would be taken from. This parcel also lies within the Christ Church Conservation Area (CA).
9. The proposal is for a housing development with access taken from Manchester Road. The housing development would take place on the land surrounding the reservoirs, and land to the north and east of the reservoirs. The land is located at a lower level than Manchester Road to the west, in a valley setting, rising to the east. It comprises grassland, wooded ravines and the reservoir edges, with 2 streams that meet within the site and form a wooded corridor through.
10. Immediately to the north west of the housing site is an industrial factory, associated car parks and outdoor storage areas. On the northern boundary is a sports pitch and buildings associated with Accrington and Rossendale College. To the east and south east is open countryside, whilst to the south and west are the established residential areas of Baxenden.
11. The narrow parcel of land that would be used for the access is a wooded area running between Manchester Road and the industrial site. There is a public footpath running north-south and the land drops steeply eastwards from the road to the factory.

Planning Policy

12. The parcel of land where the dwellings are proposed sits outside the urban boundary, and in land identified as open countryside. Policies BD1 and RA1 of the Hyndburn Borough Council Core Strategy (January 2012) (CS), and Policy DM34 of the Hyndburn Borough Council Development Management Development Plan Document (January 2018) (DPD) are relevant to the principle of the proposal. The appellant claims Policy BD1 would be the most important policy for determining the appeal and it is out of date.
13. Policy BD1 seeks to concentrate development in the urban areas, and limit development in the rural areas to that supporting farm diversification and promoting leisure and recreational facilities. The policy contains no blanket ban

- of development of housing in the countryside areas, but instead it seeks to locate development in the most sustainable locations. For the purposes of the CS, this is those in the urban areas as they have better access to services and facilities, and this ensures that sufficient land of the right type is available in the right places and at the right time.
14. Furthermore, BD1 c) limits development in rural areas, but supports specific local needs development in the settlements of Belthorn and Altham. This promotes sustainable development in rural areas, by locating housing where it will enhance or maintain the vitality of rural communities.
 15. BD1 d) states that sufficient land will be made available to meet the Borough's housing needs. There are no site allocations in the CS nor the DPD, however, the Council has significantly more than a 5 year supply of housing and this is not contested by the appellant. The housing supply is based upon local housing need because the strategic policies are more than 5 years old and the CS is being reviewed. Therefore, the lack of a site allocations document has not constrained development.
 16. Whether the CS contained a higher housing need figure is largely irrelevant as using the local housing need figure is the present approach for this authority. Furthermore, because there is more than 11 years supply of housing, the Council is without doubt significantly boosting the supply of homes. This is despite assertions from the appellant that the Council is failing to deliver larger dwelling types or affordable housing. For these reasons, Policy BD1 is consistent with the National Planning Policy Framework (the Framework) and I attach it full weight.
 17. At the Hearing, the appellant did not contend there were any other 'most important policies', and I consider that all other policies referenced by the Council as being most important are consistent with the Framework and up to date for the purposes of determining this appeal. Thus, the 'tilted balance' of paragraph 11 (d) of the Framework is not engaged.

Settlement pattern

18. Having regard to this, the proposed location for housing would not be in a settlement, located outside the urban area of the Borough. It would also not meet specific local needs for housing in rural areas. Therefore, the proposal would not maintain the existing settlement pattern, contrary to the locational principles of Policy BD1, along with RA1 of the CS, which seeks to limit housing in settlements in the rural area to that which meets specific local needs. There would be an 'in principle' policy harm.
19. The appellant referred to the Core Strategy Review, and that a higher housing need may be contained in that strategic document. Reference was also made to the release of Green Belt to accommodate allocations, which this development would avoid. However, the Core Strategy Review is at an early stage and thus carries little weight; and any emerging higher housing numbers or the strategic release of Green Belt or indeed allocations in countryside areas would be a matter for the examination of the development plans.
20. Moreover, the site has been considered an allocation in the emerging Site Allocations Development Plan Document. However, in the Site Assessment Summary Report, it achieves a poor score in terms of topography, ecological

networks, tree/woodlands/hedgerow and priority species/habitats along with access to the railway station. Thus, there are negatives influencing selection of this site.

Character and appearance

21. The landscape character type (LCT) for the area is Industrial Foothills and Valleys and the site is also located in the Calder Valley Landscape Character Area (LCA). Features of the LCT in this immediate area include hedgerow trees that are prominent along boundaries; semi natural woodlands alongside water courses; stone walls; historic field patterns; mills, other industrial buildings and terraces of brick or stone along with spoil heaps, quarries and reclaimed land.
22. The proposal is essentially located in a bowl given the rising topography of the surrounding area, and there are limited views from the site itself. Aside from the fisheries there is little management or stewardship to the land where the dwellings are proposed. However, the land did not appear unkempt and felt distinctly rural, even though located close to existing development. This contributes to the character of the area, in that rural areas run close to the urban valley and foothills.
23. Despite its screened nature, there are views into the site from the numerous Public Rights of Way (PROW) nearby or running through the site, and these would be significantly altered, along with views from other surrounding roads and dwellings. These views are localised but highly conspicuous and valuable to local residents, as I heard from interested parties at the Hearing and the Council's landscape witness.
24. There would be a high degree of change to users experiencing these footpaths from tree loss, land clearance and the development itself, essentially introducing a significant scale of urbanising development. Whilst replacement planting is proposed to define the urban edge, this would take time to establish and the large scale changes would be noticeable for a long period of time.
25. There would be elements of the landscape character conserved and some elements enhanced or restored through the proposal, which would be of some benefit. I also accept that the site is located close to the urban boundary and there is development to the north, west and south. However, the extent of encroachment in the rural area to the east would be great and dispersed around the site with several pockets of dense housing development over rising ground, running close to boundaries and PROWs.
26. Given the topography, the eastern most parcels would be noticeable from wider western view points over the site and this would result in a marked change to the landscape, introducing urbanising development where there are currently open grasslands surrounding water bodies. In terms of landscape character, development of the site would result in a permanent irreversible change and the proposal would not maintain the clear distinction between urban and rural that exists now.
27. The proposed access from Manchester Road would be around 450 metres long, snaking southwards towards the site through woodland. It would be overly elongated accessing only the development itself. Additionally, owing to the topography, it would be around 7 metres high in places from the existing ground level and undulating in level throughout.

28. At the proposed point of the access, there is a solid, natural stone wall running between 2 rows of terraced housing. Behind this is the large woodland area and public footpath running through. Opposite the proposed access point is Oak Hill Park and the conspicuous absence of road side development, to my mind, marks a transition between Accrington and Baxenden providing a sense of relief from built form. Thus, the landscaping, trees and woodland are of high value in the area.
29. A high number of trees would be removed for the access road to be built. The exact figure was not agreed between the main parties. Replacement planting would take place over the whole site, yet those which are lost because of the access are unlikely to be replaced in this location given the road would be in their place. Of those lost, there would be one tree protected under a tree preservation order which is of high amenity value.
30. Most other trees lost, I am advised by the appellant, would be lesser quality species, and perhaps may be lost under a woodland management plan anyhow, which could be the subject of a condition. On this, the Council raised concerns over this suggested condition as it would not be within the site boundary and takes place on land outside the ownership of the appellant. I agree. In this instance, a woodland management plan would require works to take place post development, and as the land is outside the control of the appellant, there may be issues with enforceability.
31. The loss of trees as a result of the proposal would be noticeable from Manchester Road and the PROW within the woodland, despite assertions that they would be lower down the site and not as mature specimens. Views through to the back of the industrial site would become more prevalent.
32. The Council argue that the construction of the access road, that would include large scale engineering works may result in a greater amount of trees lost. Indeed, the Tree Report sets out that the formation of an access route will require the removal of a number of trees and is likely to entail significant engineering works¹. The Arboricultural Impact Assessment² details similar, setting out that due to the significant level changes, more tree removals are likely to be required, albeit this is caveated with "trees within this area are not of significant individual or collective values".
33. Nonetheless, the works to facilitate the access road could realistically result in the removal of more trees. That would be harmful to the character and appearance of the area despite their asserted value. There may also be changes to the irrigation of the land and this could lead to further tree loss in the future. The use of a condition to require a construction method statement and tree protection plan would not alleviate my concerns, because this detail would be presented after planning permission was granted.
34. Taking all these matters together, the effect of the proposal upon the character and appearance of the area would be adverse and harmful. The elongated and extended length of the access, loss of trees and the dispersed, yet relatively dense nature of development projecting into the undeveloped rural area would not be well integrated with the existing settlement pattern, nor would it maintain or reinforce the clear distinction between the urban edge and rural

¹ Prepared by Antony Wood RFS Cert Arb Yew Tree+Gardens (dated 19/04/17)

² Prepared by Antony Wood RFS Cert Arb Yew Tree+Gardens (dated 04/01/18)

areas. This would conflict with Policies Env3 and Env6 of the CS, along with DM26 of the DPD, which together seek to ensure high quality development, appropriate to the landscape character type; responding to and reinforcing locally distinctive patterns of development and landscape character.

Sustainable travel

35. The length of the access road would be extensive, winding through an established woodland site with very little, if any, natural surveillance. It would be undulating in topography throughout, at points with steep gradients, and at its steepest point would have a gradient of 1 in 12 where it rises to reach Manchester Road. Within the site itself, the indicative plans show a 1 in 12 gradient for the access road on other parts of the site.
36. The CIHT Designing for Walking 2015 guidance³ indicates that in exceptional circumstances ramps can be as steep as 1 in 12 (8%), but this gradient will cause a difficulty for people with reduced mobility. The appellant outlined that the exceptional circumstance for the gradient was in order to retain the trees, and that the area is not flat, so it is not uncommon to have steep parts of road. It is also claimed as the only way to access the site.
37. The area is indeed not flat, and an objective of the appellant has been to retain trees. However, I am not persuaded that the steep gradient has resulted because of the desire to avoid the protected trees. This is because any access road from Manchester Road into the site would have to account for the changes in levels. Furthermore, I am not convinced that this would be the only way to access the site. Therefore, this would not be an exceptional circumstance.
38. Additionally, I agree with the Council's concerns around the safety of the access road and the height of the retaining walls. Whilst safety measures may well be incorporated and no objections are raised from the Council's Highways Authority, it remains that there would be around a 7 metre drop in places from the access road to the woodland below.
39. The lack of any properties overlooking most of the access road, along with its proximity to an industrial factory would not make the route feel safe, accessible or attractive. Moreover, even though the site is not directly far from facilities and services; owing to the long length of the access, its conditions and the changes in levels, the housing development would feel isolated from the existing urban area. This could create a place that undermines the future residents' quality of life. The use of lighting along the route would illuminate the access road, but this would not improve the lack of natural surveillance.
40. Alternative non-vehicular accesses would be included in the scheme. There are steps as part of an existing PROW onto Manchester Road, yet this would be inaccessible for less ambulant people, cyclists or those with prams or in wheelchairs. The appellant intends to link up existing PROWs and extend one to the east of Parcel 1, yet this extension is of limited weight given it has not been formally designated; and as this would be in a field, it would not be accessible for all people. Furthermore, the PROWs would not be lit, nor benefitting from natural surveillance where they cross countryside areas.
41. Lastly, in terms of alternative access, there would be a pedestrian and cycle access onto Bamforth Crescent that would avoid the access road and provide

³ Appendix 4 of appellant's evidence

an alternate route. This could prove to be the preferable route for pedestrians accessing the site from Manchester Road.

42. Nevertheless, the steep gradient of the access road, the lack of natural surveillance for such a long length and the overall elongated length of the road generally into the site would not encourage pedestrians, particularly less ambulant people or those with prams to walk, or indeed cyclists. These concerns also translate to the rest of the site, where 1 in 12 gradients are shown on the indicative plans.
43. As a result, whilst there would be alternative pedestrian/cycle access points and PROW linkages, these would not overcome my significant concerns with the primary access road. Consequently, the proposal would be likely to encourage private car borne travel to access the site more than anything else.
44. Therefore, the proposal would fail to provide adequately for sustainable travel. This would conflict with Policies Env4 of the CS and DM32 of the DPD, which seek to ensure all development minimises the negative impact on the environment, ensuring new development is in sustainable locations and actively encouraging sustainable travel.
45. It would also conflict with the Framework, which seeks to achieve healthy, inclusive and safe places, with developments giving priority first to pedestrian and cycle movements, addressing the needs of people with disabilities and reduced mobility in relation to all modes of transport; and creating places that are safe, secure and attractive.

Other Matters

Conservation Area and the setting of a Listed Building

46. The access point and road would be within the CA and the setting of the Oakhill Mansions Grade II Listed Building. The significance of the CA is derived from the evolution of housing and housing areas with parks, from a regency period of formation in Accrington. It contains a range of associated mill housing and includes the woodlands, garden and trees as well as open spaces. Manchester Road acts as a spine running to the side of the CA and at the point where the proposed access would be, it is tree lined with a stone boundary wall, reflecting the boundary of Oak Hill Park.
47. The significance of the Listed Building is derived not only from its physical presence, but also its setting. The building would have originally been occupied by a mill owner, and I was advised by the Council that the woodland opposite is likely to have been the route taken to access the mills, and thus there is a historical significance associated with it.
48. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have also paid special attention to the desirability of preserving the setting of the Listed Building, as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
49. The introduction of an access point by breaking through the stone wall and interrupting the existing relief from development would not preserve nor enhance the CA. Furthermore, the associated highways paraphernalia would

introduce modern elements to this relatively well preserved location. Therefore, this element of the scheme would not preserve the significance of the CA, to which there would be less than substantial harm.

50. Furthermore, given the historic association and the proximity between the proposed access road and the Listed Building, the proposal through the woodland and its removal of the wall would also harm the setting and historic significance of the Listed Building. This would result in less than substantial harm to the significance of Oakhill Mansions.
51. The extent of harm in respect to both heritage assets would be localised and moderate, but it would nevertheless cause harm. Paragraph 196 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
52. On the matter of the less than substantial harm to heritage assets, the Council⁴ found that the public benefits of the scheme outweighed the harm – albeit noting a fine balance. However, this position appears to be contradictory to the requirements of the Framework. Paragraph 193 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. These are matters to which I give considerable importance and weight.
53. As the Council found the proposal to conflict with the development plan, it follows that the public benefits of the scheme would not outweigh the less than substantial harm. Given my statutory duties, I have weighed the harm against the public benefits of the proposal in the planning balance below.

Living conditions for the future occupiers

54. The adjacent industrial site produces foam for various commercial purposes. It could be noisy and odorous, and indeed I was aware of sounds and smells from the factory when carrying out my visits. This could have implications for the living conditions of the future occupiers.
55. An Environmental Noise Assessment⁵ (ENA) was submitted with the planning application, yet the Council recommended a condition requiring a noise survey. It was not entirely clear if the Council had considered the report. Nevertheless, the ENA produced by the appellants suggests that part of the site should not be developed for housing⁶. On the indicative site plans, this parcel contains 8 dwellings. There is a clear inconsistency with the details presented by the appellant.
56. The ENA also recommends that to ensure appropriate internal noise levels, the windows would need to be fit with either Mechanical Extract Ventilation or a Positive Input Ventilation system. This enables extracts/supplies of air to/from habitable rooms but does not allow significant noise to enter from the outside, either because of the system's attenuation or because it vents to a quiet

⁴ In the Committee Report

⁵ Produced by Martec Environmental Consultants Ltd. (April 2017)

⁶ 8.0 of the report

façade. This means that windows could be kept closed at the occupant's choice. I have no view on whether this would be an acceptable solution from the Council.

57. However, to my mind, this suggests that noise from the adjacent industrial site may well cause future occupants' disturbance as the specialist ventilation systems are designed to enable ventilation to take place without opening windows. Given the recommendations of the report; I have concerns that the effect of noise from the factory upon future occupants may be adverse, particularly when in private gardens.
58. Moreover, the Council also request an odour report via a planning condition. I do not have an odour report before me. I do not know the extent of any odour problems, nor if this would have implications for the location of dwellings, similar to the recommendations of the ENA.
59. Whilst both main parties were satisfied that these matters could be dealt with at a reserved matters stage, I disagree. The outline planning permission is *the* planning permission; and I would need to be satisfied that the quantum of development could be delivered on site, particularly given the extent of affordable housing offered and the likely high costs of the road infrastructure.

Biodiversity

60. The Ecological Appraisal⁷ is over 2 years old. Whilst there appears to be no detail in it as to when it would become time expired, both main parties accepted that 2 years was a normal timescale and the report should be updated. A condition was suggested to remedy this.
61. There are protected species present on site, most notably bats, and their presence is a material consideration. Furthermore, it appears that the river habitat has also not been assessed based upon comments received from Ribble Rivers Trust. Again, a further condition was suggested.
62. Although I accept there is an Ecological Appraisal, it is most likely time expired and things may have changed considerably on site since 2017. Furthermore, the river habitat has not been assessed. Given that Circular 06/2005 advises that surveys should only be required by condition in exceptional circumstances, it would not be appropriate to impose a condition that repeat or additional surveys are carried out. Thus, I am not satisfied that the effect upon protected species and biodiversity has been properly considered on up to date evidence.
63. Additionally, the Council indicated that parts of the site may qualify for District Wildlife Site status in the emerging Site Allocations Development Plan Document, and the site has been subject to a preliminary assessment. Given this early stage, little weight is attached to this matter, but it demonstrates the ecological sensitivity of the site.

Planning obligation

Ecological Mitigation

64. An offsite ecological mitigation programme (the 25 year habitat management plan) would be secured via a planning obligation, taking place on Walmden Clough Biological Heritage Site to the east of the site. The objective of this

⁷ Prepared by Envirotech. Report version 2. Dated 23/11/2017

programme would be to mitigate the effect of the biodiversity harm on the site and provide net gains. The appellant sets out that the proposed ecological works would result in a 64% improvement over the existing situation following a Biodiversity Offsetting calculation utilising the DEFRA matrix.

65. However, the extent of net gains is not agreed with the Council given the unknown extent of tree loss in the woodland area used for the access. Furthermore, my concerns remain over the date of the Ecological Appraisal and the lack of assessment of the river habitat.
66. Nevertheless, both main parties agree that the ecological mitigation programme in the obligation would have to deliver a net gain overall, and this would require approval of the Council. However, the obligation does not provide any guarantees of net gain. Furthermore, the obligation refers to the likely outdated Ecological Appraisal as being the base for Schedule 2 of the obligation. It also requires that the 25 year habitat management plan will follow the restoration, creation and enhancement measures set out in the 10 year habitat management plan contained in the Ecological Appraisal. This does not declare a 64% improvement over the existing situation, only an intention to create a diverse range of habitats and species opportunities as well as promoting habitat linkage.
67. Therefore, whilst it appears the appellant's intention of the obligation is to deliver net gains in biodiversity and opportunities for environmental enhancement, compliant with Policy Env2 of the CS and Framework; this is based upon assertion and a likely outdated Ecological Appraisal. Therefore, I am not convinced that the extent of ecological enhancements claimed by the appellant would be realised. The weight to be attached to this element of the obligation is accordingly reduced.

Affordable Housing

68. The obligation also commits to providing 23.8% affordable housing. This would be 3.4% more than the Council's policy requirement. There has been an under delivery of affordable homes in the Borough when compared to the need. Whilst the policy requirement allows for the financial viability to be considered and the amount of affordable homes reduced accordingly, it still stands that the amount of affordable housing needed in the area has not been delivered.
69. Although the Council raised concerns with the financial viability of the site and high infrastructure costs, the obligation I have before me promises to provide 23.8%. The appellant was confident this could be delivered, despite potential reductions in housing number owing to the ENA assessment.
70. Therefore, the planning obligation promises to deliver a very good amount of affordable housing. This would be a significant benefit, compliant with the tests set out in the Community Infrastructure Regulations 2010 (as amended) and the Framework.

Planning balance

71. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

72. The proposal would be located outside the urban area of the Borough and it would be contrary to the locational principles of the development plan. Furthermore, there would be harm to the character and appearance of the area and the proposal would not provide adequately for sustainable travel. All these matters would conflict with the development plan and collectively, they attract substantial weight against the development.
73. Additionally, there would be less than substantial harm to the significance of heritage assets. I am unsatisfied that the site could be developed effectively once the odour and noise reports have assessed the effect and been accounted for. Lastly, I am concerned about the likely out of date ecology reports and lack of assessment of the river habitat.
74. There are benefits to the scheme and these amount to public benefits in terms of Paragraph 196 of the Framework as well as general planning benefits. Of these, the 23.8% affordable housing attracts significant weight, given it would provide more than the policy requirement and there is an identified need.
75. An additional benefit is the delivery of market housing. The type of housing proposed is expected to be generally larger family homes, in line with the Council's requirements. Whilst the appellant argued that the Council was failing to provide larger family homes, the Authority Monitoring Report 2018-2019 (October 2019) sets out that in the period since 2013 a total of 887 net new homes were built. Of these, where information is monitored on bedroom size, 63% were 3, 4 or 5+ bedroom houses. Therefore, irrespective of arguments over Council Tax bands, the Council is not failing to deliver larger family homes. The Council also has an excellent supply of housing, and the provision of larger homes is a policy requirement that would need to be met in any event. For these reasons the delivery of market housing attracts moderate weight in this instance.
76. Whilst the planning obligation would require a 25 year Habitat Management Plan to be approved by the Council, I remain concerned over the deliverability of the actual benefits, and for this reason, moderate weight is attached to ecological enhancements. There would also be benefits to the local economy from the construction of the site and increased local spending which are of moderate weight. The proposed PROW to link up existing PROWs would be of benefit, but given the early stage of its designation, this is of little weight.
77. Overall, the provision of affordable housing is of significant weight, and there are other material considerations that attract moderate weight. But even so, these would not outweigh the harm arising from the substantial conflict with the locational and other policies in the development plan. Nor would the harm to the heritage assets be outweighed by the public benefits. Therefore, on balance, it is my view that the material considerations would not indicate a decision other than in accordance with the development plan.

Conclusion

78. For the reasons set out above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR

APPEARANCES

For the Appellant:	
Chris Betteridge	Agent, De Pol
Jason Jones	Flood risk and drainage consultant
Dean Blackhurst CMH	Landscape, Re Landscape Ltd
Jennifer Beardsall	Agent, De Pol
Catherine Whelan	Appellant
For the Local Planning Authority:	
Elizabeth Thornber	Principal Planner
Simon Prideaux	Chief Planner
Penny Bennet	Consultant, Penny Bennett Landscape Architects
David Morris	Conservation Officer
Darren Tweed	Principal Planner
Ian Marfleet	Regeneration Project Manager
Interested Parties:	
Colin Worswick	Environment Agency
Steven Smith	Neighbouring resident
Tracey Smith	Neighbouring resident
Peter Holden	Neighbouring resident
Cllr Dave Parkins	Elected Member
Kimberly Whitehead	Neighbouring resident
Steven Waddington	Neighbouring resident

HEARING DOCUMENTS

1	Amended site plan DHD 08B/7/19
2	Housing and Economic Need Assessment (GL Hearn, December 2018)
3	AMR 2018-2019
4	Plans relating to trees and tree preservation orders
5	Preliminary assessment of surveyed Hyndburn sites against Designated Wildlife Status criteria
6	Google walking distances from the site