

Agenda

MUNICIPAL YEAR 2024-2025



HYNDBURN

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Planning Committee

Wednesday, 19 February 2025 at 3.00 pm,
Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Dave Parkins

Vice-Chair: Councillor Bernard Dawson MBE

Councillors Joyce Plummer, Heather Anderson, Jodi Clements, Loraine Cox, Clare Pritchard, Ethan Rawcliffe, Kath Pratt, Judith Addison, Peter Edwards, Scott Brerton, Bernard Dawson and Stephen Button

AGENDA

1. Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

2. Minutes of the Last Meeting (Pages 3 - 6)

The Minutes of the Meeting of the Planning Committee held on the 13th of November 2024 were submitted for approval as a correct record.

Recommended – That the Minutes be received and approved as a correct record.

3. Town and Country Planning Act 1990- Planning Applications for Determination

- a 11/24/0498 - 148 Richmond Road, Accrington, Lancashire, BB5 0JN (Pages 7 - 12)
Full: Householder: Erection of outbuilding to front of property



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- b 11/24/0502 - 19 Pendle View, Burnley Road, Altham, BB5 5UY (*Pages 13 - 24*)
Full: Change of use from Dwelling house (C3) to use as a residential children's care home (C2) for the accommodation of 2 children with 1 sleep in staff member.
- c 11/24/0499 - The Hollins, Hollins Lane, Accrington, BB5 2QY (*Pages 25 - 34*)
Full: Proposed Lighting Installation to an Existing Hard-Surfaced Sports Court/Pitch
- d 11/24/0508 - 316 Willows Lane, Accrington, BB5 0NJ (*Pages 35 - 46*)
Full: Change from a C3 dwellinghouse to a C2 residential institution to operate as a children's home for one child aged 8 to 17.

4. Enforcement Update (*Pages 47 - 52*)

The purpose of this report is to update members on the work of the Planning Enforcement Service.

Recommended – That the report be noted for informational purposes.

5. Local List of Validation Requirements for Planning Applications (*Pages 53 - 106*)

The purpose of this report is to seek agreement to undertake public consultation on the updated Local List of Validation Requirements for Planning Applications (the "Local List").

The Council, as local planning authority, should publish a bespoke list of the Council's information requirements to be submitted with planning (and related) applications if it wishes to request information over and above that set out in the national information requirements ("National List") as required by legislation (Article 7(1) (c) (ii) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015).

A Local List should be reviewed at least every 2 years. The currently adopted Local List is dated December 2012. It is therefore proposed to consult on the updated list for a period of four weeks after which the document would be adopted.

Recommended - That the Local List attached at appendix 1 is consulted upon for a period of four weeks and that delegated authority is given to the Head of Planning and Transportation to adopt the list with or without modifications following consideration of the public consultation responses.

PLANNING COMMITTEE

Wednesday, 13th November, 2024

Present: Councillor Dave Parkins (in the Chair), Councillors Heather Anderson, Ethan Rawcliffe, Kath Pratt, Bernard Dawson MBE (Vice Chair), Judith Addison, Peter Edwards, Bernard Dawson, Stephen Button, Stewart Eaves and Marlene Haworth

Apologies: Councillors Joyce Plummer, Jodi Clements, Loraine Cox, Clare Pritchard and Scott Brerton

233 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

Apologies were submitted for Councillors Clare Pritchard, Scott Brerton and Joyce Plumber.

Councillor Marlene Haworth substituted for Councillor Loraine Cox.
Councillor Stewart Eaves substituted for Councillor Jodi Clements.

No Declarations of Interest or Dispensations were declared.

234 Minutes of the Last Meeting

The minutes for the last Planning Committee held on the 2nd of October 2024 were submitted for approval as a correct record.

Resolved – That the minutes be received and approved as a correct record.

235 Town and Country Planning Act 1990- Planning Applications for Determination

The Planning Manager submitted reports setting out recommended action on the following Planning applications.

236 11/24/0192 - LAND AT HYNDBURN ROAD, NEAR JUBILEE ROAD, ACCRINGTON, BB5 4EG

Mr Adam Birkett, Planning Manager presented the report to the committee.

The application was for Advertisement Consent for the erection and display of a single freestanding 3 x 6 metre LED display unit. Located on the corner of the highway junction where Hyndburn Road and Dunkenhalgh Way meet Henry Street and Manor Place.

Mr Birkett clarified to the committee that advertisement consent can only be decided based on material conditions.
Specifically; Amenity and Public Safety.

No objections were received from Lancashire County Council Highways or Hyndburn Borough Councils Environmental Health team.

Objections were raised by Hyndburn Borough Councils Ecology Department due to the impact on the Woodland Tree Protection Orders in place.

6 letters of objections were received from neighbours.

The application was recommended for refusal by officers.

Members of the committee discussed the high volume of traffic at the proposed location and how road traffic accidents have happened here before. Members also discussed that simply planting trees in other areas does not guarantee the wildlife will move to the new site.

Resolved – The application was refused following officer recommendations by unanimous decision.

N.B – 1. Peter Livsey – Spoke against the application.

- Representative of the residents of Jubilee Road.
- Sites the location is a busy junction with high traffic and a common location for accidents.
- Trees proposed to be removed provide a high value ecological area with birds, voles, wood mice and many other animals using the area as a habitat.
- The area is used by residents for bird watching. By removing the trees this neighbourhood amenity is lost.

2. Graeme Hughes – Spoke in favour of the application.

- Provided a list of steps he would be willing to take to aid the application such as keeping the area litter free, planting 51 additional trees elsewhere and additional funds for the council to use how it sees fit. This was not included in the original planning application.
- Lancashire County Council Highways department have raised no objections to the location in regards to safety of drivers or pedestrians.
- Provides income to the Council with the purchase of the land and Business Rates.
- Area is strewn with litter and so seems uncared for by residents.
- The majority of trees needing to be removed mainly comprises of small immature trees.

237 11/24/0340 - 2A Allsprings Drive, Great Harwood, BB6 7RN

Mr Adam Birkett, Planning Manager presented the report to the committee.

The application proposes the change of use of the dwelling house to a Children's Care Home for a maximum of two children and three carers, two of whom will sleep overnight, working on a rota basis (C2).

This application was deferred pending a site visit at the 2nd of October 2024 Planning Committee Meeting.

The site visit was undertaken on the 6th of November 2024.

No objections received from Lancashire County Council Highways and Hyndburn Borough Councils Environmental Health Team.

5 objections were received from neighbours as per the 2nd of October 2024, 2 further representations were received, another objection and one statement of support.

The application is recommended for approval subject to the 4 conditions noted in the report.

Resolved – The application was approved subject to the conditions set out in the report.

N.B 1. Iklaq Ahmed – Spoke in favour of the application

- Highlighted that an open house was arranged for neighbours to ask questions and see the site.
- Experience of working in the healthcare sector for 15 years.
- Aims to provide a place for local children to be loved, cared for and provided with stability.
- Emphasis on hiring local staff.
- All meetings will be held at the Blackburn office to reduce parking on the street.
- Committed to being good neighbours and blending into the community.
- Community engagement with residents at the core of the model.

238 11/24/0393 - Land South of Hyndburn Road, Hyndburn Road, Accrington

Mr Adam Birkett, Planning manager presented the report to the committee.

The application has been brought to the committee to allow for 6 additional planning conditions to be added to the decision notice under S73 of the Act.

Mr Birkett informed the committee the application was approved in September 2023 under planning reference 11/22/0056.

The original decision notice was given in June 2024 but had missed 6 additional conditions which were presented on an update sheet during the original meeting.

The applicant has agreed to present a new application to allow for these conditions to be added onto the existing planning permission.

The committee will only be able to consider the conditions and not the original application.

The application is recommended for approval.

Resolved – The application was approved subject to the conditions set out in the report and the satisfactory completion of a s.106 legal agreement for the matters set out in the report.

N.B 1. Councillor Munsif Dad BEM JP

- Highlighted that he lives locally to the site which is currently derelict land.
- Local residents have been waiting over 12 months to see this come to fruition.
- Requests that members of the committee accept the officer's recommendation.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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Hyndburn Borough Council – Committee Report

Application Ref: 11/24/0498

Application Address: 148 Richmond Road, Accrington, Lancashire, BB5 0JN

Date for Decision: 21/01/2025

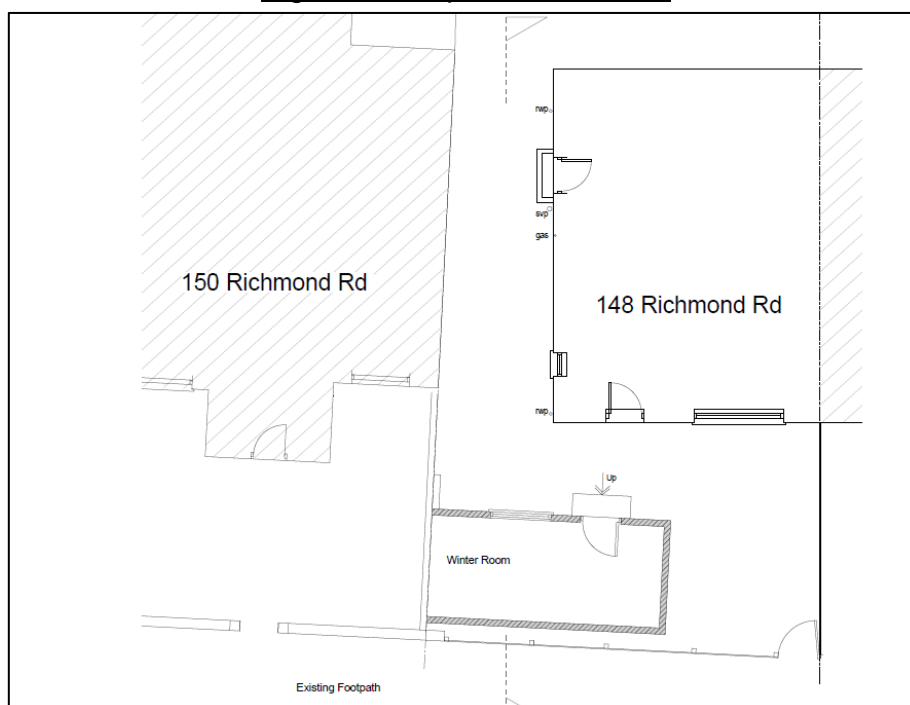
Description of Development: Householder: Erection of outbuilding to front of property.

Description of site and proposed development

The application relates to a two storey semi-detached property located on Richmond Road, Accrington. The property is located within a residential area that is located within the urban boundary. The streetscene of Richmond Road is comprised of detached and semi-detached properties. The household is topped with a pitched roof, featuring a hipped end, constructed using brown tiles. The elevations of the property are finished with a grey render, featuring white uPVC windows. The front garden of the property is bounded by a timber fence exceeding 1m in height. It has not been granted planning permission and is therefore unlawful.

Planning permission is sought for the erection of an outbuilding (referred to as a 'winter room' within the application), located on the western side of the front garden area. The proposed building would measure approximately 5.4m x 2.6m, with a maximum height of 2.5m. The outbuilding would be topped with a flat roof. The elevations of the building would be finished with a render to match the main house, with the rear elevation proposed to feature a black composite door and a white uPVC window. It is noted that the base of the outbuilding has already been laid.

Figure 1: Proposed Site Plan



Consultations

LCC Highways: No objections subject to condition

Environmental Health: No consultation response has been received, however, the Council's Environmental Health Officer would normally expect to see conditions applied to control noise, dust and vibration during construction and the hours of working.

Neighbour Consultations

Neighbouring properties have been consulted and no letters of objection have been received

Relevant Planning History

No relevant planning history.

Relevant Policies

Hyndburn Core Strategy:

Policy Env6 High Quality Design

Policy Env7 Environmental Amenity

Development Management DPD:

Policy DM10 New Residential Development

Policy DM26 Design and Materials

Policy DM29 Environmental Amenity

National Planning Policy Framework

Section 12 Achieving well-designed places

Hyndburn Householder Design Guide

Observations

Design/Visual Amenity/External Appearance:

Policy Env6 of the Core Strategy requires high quality design, including scale and appearance. DMDPD Policy DM26 requires development to take account of height and massing; façade and interface; details and materials; and streetscape. Design Guidance 14 of the Householder Design Guide SPD highlights what should be expected in relation to sheds, outbuildings and raised decking.

The NPPF (Chapter 12) requires that decisions ensure that developments are visually attractive and sympathetic to local character. It states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design

Design Guidance 14 states that “garden structures will not normally be allowed to the front of domestic properties where they would be within 2m of the boundary. The outbuilding would be within the front garden of the property and would be approximately 0.4m of the front boundary fence. As such, the proposals would not accord with Design Guidance 14.

It is also considered that the proposal would be contrary to Core Strategy Policy Env6 and DMDPD Policy DM26. The proposed outbuilding is not considered to replicate the character of the existing surroundings on Richmond Road. Along the road there are no other outbuildings that have been erected in a front garden/yard area. As such, the erection of the proposed outbuilding would be forward of the established building line and would be injurious to the harmony of the existing streetscene as the pattern of property frontages would be disrupted.

It is acknowledged that the outbuilding would be used as a space for disabled children. Whilst personal circumstances may be material to the consideration of a planning application, they do not generally outweigh other planning considerations such as conflict with adopted policy. No specific justification has been submitted for the provision of the ‘winter room’ – its requirement appears to relate more to the general needs of the family and the size constraints of the existing home.

There appears to be reasonable space within the curtilage of the property to erect a side or rear extension or to erect an outbuilding in the rear garden to meet the applicant’s requirements without breaching the requirements of Core Strategy Policy Env6 and DMDPD Policy DM26.

The applicant has not demonstrated why an extension or outbuilding could not be positioned to the side or rear of the property and has dismissed the opportunity to amend the scheme.

Therefore, the proposals would not accord with Policy Env6 of the Core Strategy, Policy DM26 of the Development Management DPD and Design Guidance 14 of the Householder Design Guide SPD.

Impact upon Residential Amenity:

Core Strategy Policy Env7 and DMDPD Policy DM29, taken together, require that development protects the amenity of neighbouring residents, including safeguarding privacy and avoiding increased enclosure.

The primary consideration for residential amenity is the ground floor window of the single storey side extension of number 150 Richmond Road. The outbuilding would be sited approximately 2.7m in front of the window (visible on the proposed site plan). As the outbuilding is not proposed right next to the window it is considered that it would not result in a loss of light or generate an overbearing impact on this ground floor window. The door and window proposed on the rear elevation would face back towards the host property, ensuring that the proposals would not result in a loss of privacy to any neighbouring properties.

Conclusion:

Taking the above into account, the proposals would not accord with Policy Env6 of the Core Strategy, Policy DM26 of the Development Management DPD and Design Guidance 14 of the Householder Design Guide SPD. Therefore, the application is recommended for refusal.

Recommendation: Refuse for the following reason:

1. The proposal, by virtue of its siting, appearance and scale, would result in a poorly designed and incongruous form of development that fails to respond positively to or enhance the immediate context, being of detriment to the visual amenity of the area contrary to Policy DM26 of the Hyndburn Development Management Development Plan Document, Policy Env6 of the Hyndburn Core Strategy, Design Guidance 14 of the Householder Design Guide SPD and National Planning Policy Framework.

Informative notes:

1. The documents which were considered in the determination to refuse this application were as follows:
 - (a) The planning application form and Location Plan received by Hyndburn Borough Council on 26th November 2024
 - (b) Plans and supporting documents received by Hyndburn Borough Council on 26th November 2024

24091 – 01 Existing Site Layout
24091 – 02 Existing Plans and Elevations
24091 – 03 Proposed Plans & Elevations

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Hyndburn Borough Council – Committee Report

Application Ref: 11/24/0502

Application Address: 19 Pendle View, Burnley Road, Altham, BB5 5UY

Date for Decision: 28th January 2025 (Extension agreed to 25th February 2025)

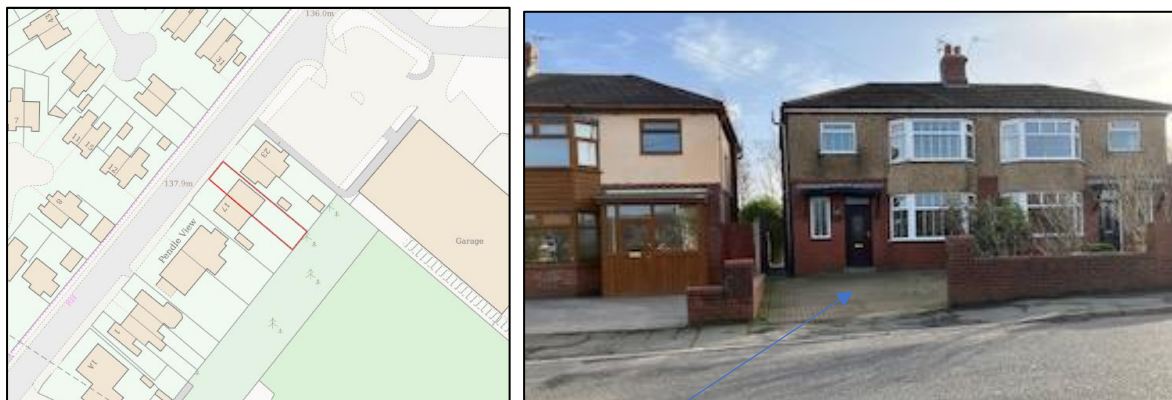
Date of Report: 9th February 2025

Description of Development: Full: Change of use from Dwelling house (C3) to use as a residential children’s care home (C2) for the accommodation of 2 children with 1 sleep in staff member.

The application is brought for Committee consideration at the request of Councillor Alexander because of the local interest and representations about the proposal.

Description of site and proposed development

The application relates to a semi-detached dwellinghouse in a group of properties known as Pendle View, fronting the south east side of Burnley Road, Altham, as shown on the location plan and image as follows.



Application site

Briefly, the dwellinghouse is of two storeys, having a living room, kitchen/dining room, utility, WC and hallway at ground floor level and 3 bedrooms and a bathroom on the first floor. Externally there is a rear garden, with side access from the front, and a forecourt garden adapted to provide 2no parking spaces.

The present proposal is to change the use of the building to a children’s home providing accommodation for 2no children with one sleep in staff member. Carers would attend on a rota/shift basis. There would be no external changes to the building or to the external areas. Two car parking spaces would be retained. There would be no external changes to the appearance of the building

The application is supported by a Planning Statement explaining the proposal. The key points are:

- The proposed care home will be run by proficient staff overseen by a manager with over fourteen years Ofsted approved experience, seeking to provide quality care for young vulnerable people in appropriate comfortable surroundings, supported by a good balance of male and female staff, that individually and as a collective, pride themselves in delivering the highest standard of care, by building positive and lasting relationships.
- The role of staff at this property is almost identical to that of a parent or foster parent, cooking meals, assisting children with schoolwork, transporting children to school and other necessary appointments, and providing emotional and physical support. The children residing at the property are not reliant on any medical care.
- The compatibility and matching of young people living in the property will always be of vital consideration in any admission and discharge situation, alongside the ability of the home to meet the needs of the young people.
- The staff that would be required to look after 2 x children at this property would comprise a Registered Manager, who would be on site between the hours of 9am – 6pm Monday to Friday, and a small team of support workers who would be on site on a rota basis.
- Aside from staff, other visitors to the site would be very limited. A member of the Social Services team would be required to visit once every 4 weeks, with an OFSTED visit taking place every 12 months.
- Staff would use their vehicles to transport children to & from school, clubs & appointments as with a normal family. Given the relatively close proximity to local primary schools and shops, it is likely that some trips will be made on foot, thereby reducing vehicle movements.

Consultation responses (summarised)

Neighbours notified by letter.

Consultation period expired 26th December 2024.

Neighbouring residents

Representations have been received from 7 neighbouring residents making objections and comments summarised and itemised as follows:

1. Noise and disturbance particularly to the attached house through the party wall.
2. Potentially disruptive occupants.
3. Additional traffic on busy main road.

4. Additional street parking; already a problem.
5. Already a home for the disabled close by.
6. Most existing residents are elderly.
7. That publicity for the application was inadequate.
8. Out of character.

Altham Parish Council - objects to this planning application on the following grounds.

Parking along this stretch of properties is at a premium, with space for only 1-2 cars per property maximum. However, these types of homes could have 4+ vehicles, i.e.: 1 service vehicle, 2 staff cars, 1 manager and other professionals, which would all impact on the neighbours' parking, causing anxiety and distress.

There is a property close by that is already used as a care home for the disabled, close to the bus stop, which currently causes parking issues

Another home, albeit it for another type of use, would be disproportionate for a small block of properties.

These older terraced properties are known for their paper-thin walls. This type of service is not that of a normal household and, as such, could result in increased noise at unsociable hours, again negatively impacting on the neighbouring properties on both sides.

The A678 is a very busy main road with no designated crossing points or pavement barriers. As such, in our opinion, this creates a high risk of potential dangers for such a home with vulnerable children.

Hyndburn Borough Council has recently refused similar applications along the grounds of parking issues and dangerous highways outside the properties.

ALTHAM PARISH COUNCIL STRONGLY OBJECTS to this proposal based on the facts put to you.

Highway Authority – Makes the following comments:

The plans and highway related information have been viewed together with a visit to the site; the following comments are made.

Ref. Planning Statement submitted; the above proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Environmental Health Officer – Makes the following comments:

This application requests permission for a change to a property where two children from care would reside together, with support staff, in a residential setting. As a result, there is the potential for children from different households to be co-located, with a number of staff, working shifts. The property in question is directly attached to one other.

This could result in disturbance for neighbours from both within the property (voices, music etc) and external of the property, particularly from the garden and due to noise from doors, vehicles etc. Officers from the Council's Environmental Protection Team are dealing with a number of multi-occupancy properties, which have caused, and continue to cause, noise and amenity issues, some serious, for neighbouring properties. In the past 12 months, officers have dealt with noise complaints relating to several premises which would identify as planning use class C2 (residential institutions), with one of them being so severe that a prosecution, in relation to breaches of a noise abatement notice, could have been taken. As a result, my professional opinion is that this application should be **refused**.

Environmental Health Manager – Food and Safety - Makes the following comments:

If planning permission is granted for planning application the applicant should note that it is likely that the premises will need to register as a food business with Environmental Health.

Senior Commissioning Manager for Lancashire County Council:

As the attached Market Position Statement sets out, Lancashire County Council has the highest number of Ofsted registered children's homes than any other local authority in England. There are almost 300 children's homes in Lancashire, which deliver four times as many children's home beds than we require. Despite this, we can still really struggle to find suitable, local, good quality and good value homes for some of our children in care. This is because many of the homes in Lancashire (70%) are not caring for Lancashire children and are instead caring for children from other local authorities, sometimes at a great distance from home. Only 16% of children's home beds in our area are being used for Lancashire children. This has a significant impact on local resources (e.g. health, schools and policing). Also, having so many children's homes in our area does make it challenging to recruit good quality, suitably trained staff, including children's home managers.

Lancashire County Council's Children's Services is firmly of the view that careful consideration should be given to the agreement of new children's homes in Lancashire. New homes need to meet an identified local gap in provision and need to be delivered by providers who offer good quality, good value provision and who are committed to providing local homes for Lancashire children. I note that the proposed home to be opened by 2gether

4children is a 2-bed children's home with a staffing ratio of 1 staff member to 1 child. I can confirm that this is the type of home that we can struggle to find.

2gether 4children have also contacted Lancashire County Council Children's Services to discuss their proposed home, care model and costs and demonstrated a commitment to providing local homes for local young people.

This is therefore a planning application that Lancashire's Children's Services supports. I note that our records indicate there are 2 operational children's homes under 1 mile away from the proposed home.

Relevant Policies

National Planning Policy Framework (NPPF)

Core Strategy – Adopted January 2012

Env6: High Quality Design

Env7: Environmental Amenity

T1: Improving Connectivity

Development Management DPD

DM26: Design Quality and Materials.

DM29: Environmental Amenity

DM32: Sustainable Transport, Traffic Management and Highway Safety (including GN8: Car parking standards)

Planning history

None relevant

Observations and assessment

Procedural

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration (NPPF paragraph 2).

NPPF defines sustainable development (paragraph 8), sets a presumption in favour of such development, requiring that: proposals in accordance with an up-to-date development plan be approved without delay (paragraph 11); and, that decisions should be approached in a positive and constructive way (paragraph 38).

The NPPF says in paragraphs 61 to 63 that in respect of housing provision the overall aim should be to meet an area's identified housing need for different groups including looked after children.

Considerations

The application proposes the change of use of a detached dwelling house to a care home for children. The applicant states that a maximum of 2no children would be accommodated. The property is within a residential area, in a main road position. The application is supported by Lancashire Social Services on the basis of a demonstrated need for this form of accommodation. There are objections from

Altham Parish Council and from the Environmental Health Manager. There are representations/objections from neighbouring residents account of which should be taken.

The principle of providing high quality accommodation for cared-for-children in the midst of well-founded residential areas is not under question. It is existing government policy, regulated and administered under specific legislation. As such, that principle is not a planning consideration. That said, it is helpful, for completeness, to outline the current practice.

Briefly, a Social Services department would normally place children in need of such care in a Local Authority or privately operated care home. Such residential provision is overseen under the Ofsted/Care Commission regime. Private care homes may be business ventures, however, the operation of business of any description is manifestly not a planning matter. It is reasonable to regard the loss of the dwellinghouse to the housing stock of the Borough as being balanced by the provision of a children's care home for which there is a need.

The proposal is for a change of use from a dwellinghouse (Class C3) to a care home for children in need of care (Class C2). Both uses are identified as residential classes. The distinction between the uses, for planning purposes, is that a property has to be occupied as a household to remain within with the C3 dwellinghouse use class. There are many instances where foster children are looked after by existing families and such arrangements would not amount to a change of use of a dwellinghouse.

Therefore, the question for the present purpose is to consider how a small children's care home differs from a dwellinghouse in terms of planning impacts, noting, in particular, that it would be a staffed workplace with routine comings and goings of staff, with additional professional visitors, in addition to being a home.

The main consideration for this application are the impacts on the amenity of neighbours; impact on the residential area generally arising from the character and operation of the proposed use; highway safety; and consideration of representations and any other matters arising from consultations or otherwise.

Neighbour amenity

DMDPD Policy DM29 requires that proposals do not does not create an unacceptable level of noise.

Clearly there is potential for noise transmission through a party wall to an attached house. Separation by distance and air gap means that noise transmission is less likely to an adjacent house. The Environmental Health Officer expresses concern about potential noise from within the building and from the garden area. This opinion needs to be balanced against the applicant's stated intention of providing a suitably

trained staff intent on providing a family setting for two children, and, to thoughtfully match and select the children to be accommodated.

In general a bad neighbour in a private household may be difficult to approach. In contrast, in the present proposal, there would be trained staff and a Manager with whom to discuss any issues of noise and disturbance. The Manager is registered with Ofsted so that the care home's Regulatory body could be contacted where necessary. It follows that whilst some element of disturbance may appear marginally more likely; any matter arising is more likely to be simply resolved.

In this context, the matters raised by the Parish Council are understandable. An attached property is not ideal and a detached building may work better. However, the applicant has chosen to operate within the community in which the property is located. There is no cause to expect that the care regime indicated in the application details would result in other than a caring surrogate family setting for the young people to be accommodated, as they propose. As such, it is not considered that the proposed use would, by its very nature, be contrary to DMDPD Policy DM29.

Character and operation

In operation, the main likely impacts would arise from the vehicle movement of staff and others connected with the care home. Core Strategy Policy Env7 requires that new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, [...] and other nuisances, will not give rise to unacceptable adverse impacts or loss of local amenity.

No changes are proposed to the external appearance of the building. The applicant states the intention to provide a living environment as close as possible to a family setting. That is an understandable and achievable aspiration. Therefore, the building itself, would likely continue to have a visual character consistent with that of a dwellinghouse.

The applicant has submitted that the movement would not be dissimilar to that generated by a family occupied dwelling house.

The proposed use would not be likely to cause significant harm, in that respect, to the amenities of neighbouring dwellings or the residential area generally. A condition is recommended to require retention of car parking space to minimise parking conflict and inconvenience to neighbours. On that basis the proposed development would be in accordance with Policy Env7.

Highway safety

DMDPD Policy DM32 (as relevant to the proposal) expects all development proposals to encourage sustainable travel and meet with local car parking standards. There are representations about the inadequacy of car parking provision.

The adopted car parking standard for a C2 use is 1 space per 5 beds plus 1 space per 10 beds for visitors /staff. Assessment against that policy indicates the need for 2 car parking spaces which is provided in the proposed development. However, for completeness, it needs be said that the proposed small children's home differs from the wide range of C2 uses for which the car parking standard has been derived.

Obviously, the children do not drive; and, the staff to occupant ratio is significantly higher for the care of children. That is a material consideration for this application. In this case, in any event, the indicated car parking standard is met by implementation of the proposal and the recommended condition.

The Highway Authority has no objection to the proposal. A condition is recommended to require retention of the car parking spaces,

On that basis the proposal would be in accordance with Policy DM32.

Other matters

The proposed use is within Use Class C2 identified in the Town and Country Planning (Use Classes) Order 1987 (as amended). The C2 class includes a wide range of residential institution uses (such as hospitals, nursing homes, residential school, training centre) for which the property would not be suited. A condition is, therefore, recommended to restrict the use to that proposed.

Conclusions

The proposal is for two children to be cared for by staff working on a rota, with always one staying over-night. The home and staff would be over-seen by a manager registered with Ofsted, which in turn would require a regulated standard of operation. There are objections to the proposed use and there is support for the use. The comments of Lancashire County Council Social Services points to the real need for the form of accommodation proposed – a family setting for two looked after children.

With the diligence of the care operator, the change of use of the dwelling house to a Children's Care Home would be likely to have minimal adverse impact on the amenity of neighbouring dwelling houses or the residential area generally. The Highway Authority is content with the proposal as regards matters of highway safety. Conditions are recommended in order to retain car parking and to restrict the use. The proposal would be in accordance with the development plan and the recommendation is made on that basis.

Recommendation

That the application be granted subject to the following conditions:

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 and Country Planning Act 1990.

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

(a) The planning application forms and location plan received by Hyndburn Borough Council on 3rd December 2024..

(b) Submitted drawings, namely:

Location Plan; and Floor Plan drawing, received by Hyndburn Borough Council on 3rd December 2024.

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to control the development and to minimise its impact in accordance with policies Env6, Env7 and T1 of the Hyndburn Core Strategy and DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

3. The building shall only be used as a Children's Care Home for a maximum of 2 children (as described in the application) only and for no other purpose including any purpose within Use Classes C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Notwithstanding that the proposed use (as described and defined in the application) would be an acceptable use of the building, the application does not demonstrate (taking account of its characteristics, including its location, its amount of internal accommodation and layout) that the building would be suitable for other uses within those Use Classes in accordance with the development plan, including policies Env6, Env7 and T1 of the Hyndburn Core Strategy and DM14, DM26, DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

4. The two car parking spaces shall be retained and kept available for use are all times in connection with the purpose now granted.

Reason: To provide for car parking in connection with the use in the interests of the amenities and convenience of neighbouring dwelling houses and the residential area generally, and of highway safety, in accordance with Policies Env7 of the Hyndburn Core Strategy and DM29 and DM32 of the Development Management DPD of Hyndburn Borough Council.

Informatives

1. Reasons for approval of the application

Subject to conditional control the proposal would not cause demonstrable harm to visual / residential amenity or highway safety or to any other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular Policies Env6 and Env7 of the Hyndburn Core Strategy and the Hyndburn car parking and access standards.

2. Strict accordance with approved plans

This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

3. Conditions

This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

4. Building Regulations may be required

The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

5. Coal Authority

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building

Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

6. Environmental Health- Food Safety

A food business can be registered by completion of an online registration form at the following link: <https://register.food.gov.uk/new>. This should be completed at least 28 days before a business trades.

If the applicant requires any further advice regarding this or any other food hygiene requirements then the Council's Food and Safety Team can be contacted at food_team@hyndburnbc.gov.uk.

7. BNG

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hyndburn Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Hyndburn Borough Council – Committee Report

Application Ref: 11/24/0499

Application Address: The Hollins, Hollins Lane, Accrington, BB5 2QY

Date for Decision: 22nd January 2025

Date of Report: 10th February 2025

Description of Development: Full: Proposed Lighting Installation to an Existing Hard-Surfaced Sports Court/Pitch

The application is brought for Committee consideration at the request of Councillor Pratt because of the local interest and representations about the proposal.

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right to peaceful enjoyment of possessions and protection of property.

Description of site and proposed development

The application site is shown on the location plan as follows.



Briefly, the application relates an existing High School. The school fronts the west side of Hollins Lane, at the edge of a residential area, being adjacent to dwelling houses to the north, east and south.

More particularly it relates to an existing hard surfaced sports pitch at the rear of the school buildings which is proposed to be floodlit. The proposal is for the installation of six, 10 metre high lighting columns, which will have 14 lights in total. The four

corner columns will each have two lights at the top, and the two central columns will each have three lights at the top. A lighting design is included with the application. The existing tarmacadam surface of the existing sports courts would be overlaid to create a Multi Games Area/football pitch. The existing surfaced sports pitch/courts pitch is approximately 62m x 30m and would not be increased in size. This pitch is enclosed by an existing fence, which would remain.

Consultation responses (summarised)

Site notice displayed.

Consultation period expired 3rd January 2025

11 Representations received, summarised and itemised as follows:

1. Light pollution and glare affecting residential amenity
2. Lighting and increased use would affect the general tranquillity of the area and views of the night sky.
3. Lighting impact on wildlife, including bats, owls, badgers, deer, hedgehogs, birdlife.
4. Noise from later evening including weekend football matches.
5. Additional traffic and traffic noise/pollution.
6. Inadequate car parking.
7. Whether use by external organizations is a change of use of the school premises outside the Use Class.
8. May reduce property values
9. There are playing pitches in other areas.
10. Some dwellings nearer than indicated in the application and consultations.

Highway Authority – Makes the following comments.

There is no objection to the proposed lighting installation subject to it being effectively screened from highway users.

Environmental Health Officer(s) – Make(s) the following comments.

Whilst this application predominantly relates to the addition of 6 lighting columns, the works allow the area (with a changed surface), to be utilised for additional sports and for an elongated amount of time. The application looks for usage within the following hours:

Monday to Friday 17.00 – 22.00, and Saturday & Sunday 09.00 – 17.00.

Ordinarily, I would look to reduce the weekday terminal hour, however the distance to the nearest houses works strongly in the applicant's favour. The predictive diagram on page 32 of the report produced by Bell Lighting (ref. LD4708), details that whilst some over-spill will inevitably arise around the pitches/MUGA, the impact of this reduces within around 30m, certainly by the existing school buildings. Given the nearest houses are over 100m away, I am satisfied that no light from the pitches will directly impact on existing residents. There is a good chance that the glare from the pitches, as a new source of light in the area, will be noticeable to residents, but the combination of the

angling of the lights and the distance will ensure that the lights do not shine directly into nearby houses. I therefore have no objections in principle to this application.

In order to assist residents, I would propose that the suggested hours for Saturdays and Sundays are also extended to include any Bank/Public Holidays.

I have also considered the amended lighting plan dated 18.12.2024 and can see that the proposed amendments only improve the above mentioned issues. As such, I still have no objections, but would still ask the above-suggested condition is utilised, in the interest of amenity.

Ecology Advisor – Make(s) the following comments:

No objection.

Please ensure that planning conditions are included to achieve the following purpose:

1. The approved scheme of flood lighting shall be maintained in accordance with the approved design and kept in this manner hereafter.
2. The approved scheme of flood lighting shall operate within the following hours:
Dusk to 10pm Monday to Friday
Dusk to 5pm Saturday & Sunday
3. The flood lighting shall be kept switched off at all times when the facility is not in active use.
4. Prior to commencement a management scheme, including the use of automatically switched timers, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall demonstrate the manner in which the flood lighting shall be managed to comply with the approved operating hours and switched off when the facility is not in active use.

Relevant Policies

National Planning Policy Framework (NPPF)

Core Strategy – Adopted January 2012

HC2: Leisure, Health and Culture

ED1: New and Improved Educational Facilities

Env6: High Quality Design

Development Management DPD

DM6: Delivering Schools and Early Learning

DM18: Protection and Enhancement of the Natural Environment.

DM19: Protected Species.

DM29: Environmental Amenity

DM32: Sustainable Transport, Traffic and Highway Safety

Planning history

(on larger site)

11/24/0095 - PRIOR APPROVAL: INSTALLATION OF SOLAR PHOTOVOLTAICS (PV) ON NON-DOMESTIC PROPERTY: INSTALLATION OF SOLAR PANELS ON THE ROOF OF THE SCHOOL. PRIOR APPROVAL IS NOT REQUIRED AND GRANTED. 08.04.2024

11/14/0401 - EXTERNAL RE-CLADDING AND REPLACEMENT WINDOW. LCC/2014/0143 A/C 10/11/2014

11/0529 - CHANGE OF USE OF EXISTING TARMACED AREA TO BE USED TO CARRY OUT CBT TRAINING (MOTOR BIKE SKILLS).

11/10/0163 - ERECTION OF SECTIONAL CONCRETE STORE ROOM EXTENSION TO SIDE OF SCHOOL HALL. A/C 01.06.2010

04/0645 - ERECTION OF A LINK CORRIDOR BETWEEN THE MAIN BUILDING AND THE SCIENCE BLOCK TOGETHER WITH AN EXTENSION TO THE MAIN ENTRANCE. APPROVED 27.10.04

80/0317 - ERECTION OF ADDITIONAL WOODWORK ROOM, LABS AND CLASSROOM. APP 30.7.80.

99/0523 - ERECTION OF 2.4M HIGH PALISADE SECURITY FENCING. APP 10.2.00

01/0311 - ERECTION OF EXTENSION TO SCIENCE BUILDING APP 6.9.01

Observations and assessment

Procedural

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration (NPPF paragraph 2).

NPPF defines sustainable development (paragraph 8), sets a presumption in favour of such development, requiring that: proposals in accordance with an up-to-date development plan be approved without delay (paragraph 11); and, that decisions should be approached in a positive and constructive way (paragraph 38).

Considerations

The application proposes the installation of floodlights at an existing school pitch. The site is at the edge of a residential area. There are representations/objections from nearby residents of which account should be taken. One representation questions whether a change of use is involved; this is not the case. This is referred to again below.

Core Strategy Policy HC2 supports proposals for improved sports and recreation facilities, saying that provision for healthy lifestyles are important assets that contribute towards health and well-being and quality of life. CS Policy ED1 supports proposals for high quality educational facilities.

DMDPD Policy DM6 supports development at schools provided it would not have an unacceptable adverse impact on the amenity of neighbouring properties, is designed to a high standard and would not adversely affect highway safety. The main planning considerations are the impact on residential amenity (including matters of light

pollution, noise, and traffic); ecology; highway safety; and, any other matter arising from consultation responses or otherwise.

Amenity

Policy DM29 requires development *to protect, and where possible improve, the amenity of surrounding existing and future residents. The Council will require that new development [as relevant to this proposal]: does not create an unacceptable level of artificial light over the life of the development.*

The pitch is already in existence and used during daylight hours. It is just over 100m to the nearest dwelling house. One resident refers to it being 87m and this appears to be the distance to a rear garden boundary.

Light pollution

The columns themselves would have little (if any) impact on visual amenity. The separating distance of the dwellings from the pitch would generally mitigate impact of the lighting. The submitted details of lighting design provides for angling and shrouding of the lights so that they are generally directed towards the playing area and to minimise light spill. The comments of the Environmental Health Officer confirms the view that whilst there would be a clearly apparent area of illumination, the neighbouring dwellings would not be directly impacted by glare and light spill to a harmful degree that would warrant refusal of the application.

Noise

The playing area exists and during seasons when days are longer can obviously be used to a fuller extent. The provision of the lighting would enable play into hours of darkness during darker days. The development would, therefore, extend the periods in which the noise would arise from the sports games. There are representations about the noise continuing into late evening. However, this would be reasonably controlled by the recommended condition about hours of operation of the lighting and would be acceptable on that basis.

Traffic noise impact

Some representations point to there being an extended period of related traffic movement facilitated by later use of the pitch in darker months. This would be a natural consequence of the extended period of use, as cars leave taking children home from their sports/games play. This impact would be curtailed to reasonable operating times by the recommended operating times condition.

The proposal would be in accordance with the relevant policies in these respects.

Ecology

The existing playing area is set at rear of the school building, close to a woodland area. As such, as commented in representations, there could be adverse impact on wildlife and protected species. The comments of the Ecology Advisor are pertinent here, in that there are no objections to the proposal if it is suitably controlled by

conditions. On that basis the proposal would be in accordance with the relevant policies DM18 and DM19 of the DMDPD.

Highway safety

The Highway Authority (HA) has raised no objections on highway safety grounds provided the lighting is suitably screened to avoid glare to drivers. A condition is also recommended to apply during the construction period. On that basis, the proposal would be in accordance with Policy DM32.

Other matters

One representation queries whether the use of the school by associated organizations would amount to a change of use of the building. Schools have customarily provided venues for extra-school educational and community activities. A school would be within Use Class F1 of the 1987 Use Classes Order (as amended). Article 3 of that Order makes it quite clear that a use that is included and ordinarily incidental to a use in an identified class is not excluded.

The applicant has submitted information that it has become aware of possible impact from existing lighting at the front of the schools and car park. Those lights, mounted on a pole and on the fascia of the building, have now been removed from the premises.

Conclusion

The proposed development would enable the use of the recreation facility in dark winter days with consequential benefit to the general well-being of participants. With the recommended conditions the flood lighting would be acceptable in terms of residential amenity, ecology and highway safety. The development would be in accordance with the development plan.

Recommendation

That the application be granted subject to the following conditions:

Conditions/Reasons:

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 and Country Planning Act 1990.

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

(a) The planning application forms and location plan received by Hyndburn Borough Council on 27th November 2024.

(b) Submitted drawings, namely: Drawing(s) number:
BS 24-250/01 (Existing Site Plan);
BS 24-250/02 (Existing Plan);
BS 24-250/03 (Proposed Plan); and,
BS 24-250/04 (Proposed Site Plan), received by Hyndburn Borough Council on 27th November 2024;
Lighting Design Project Number LD4708; Dated 18.12.2024 (Bell Lighting Ltd), received by Hyndburn Borough Council on 30th December 2024.

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to control the development and to minimise its impact in accordance with policies Env6 and Env7 of the Hyndburn Core Strategy, DM26 and DM29 of the Hyndburn Development Management Development Plan Document of Hyndburn Borough Council.

3. Notwithstanding the generality of Condition 2, any external source of lighting shall be effectively screened from the view of a driver on the adjoining public highway at all times of operation, in order to avoid glare, dazzle or distraction to passing motorists.

Reason: In the interests of highway safety, in accordance with Policy DM32 of the Hyndburn Development Management Development Plan Document of Hyndburn Borough Council.

4. Unless otherwise approved in writing by the Local Planning Authority the floodlighting hereby granted shall only be illuminated between dusk and 22:00 on Mondays to Fridays; and, dusk to 17:00 on Saturdays, Sundays, and Bank Holidays.

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

5. No development shall take place, 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
- II. The loading and unloading of plant and materials
- III. Details of working hours
- IV. Routing of delivery vehicles to/from site

Reason: In the interests of highway safety, in accordance with Policy DM32 of the Hyndburn Development Management Development Plan Document.

Informatives

1. Reasons for approval of the application

Subject to conditional control the proposal would not cause demonstrable harm to visual / residential amenity or highway safety or to any other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular Policies Env 6 and Env 7 of the Hyndburn Core Strategy, the Hyndburn Householder Design Guide and the Hyndburn car parking and access standards.

2. Strict accordance with approved plans

This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

3. Conditions

This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

4. Building Regulations may be required

The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

5. Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

6. BNG

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in

England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hyndburn Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

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Hyndburn Borough Council – Committee Report

Application Ref: 11/24/0508

Application Address: 316 Willows Lane, Accrington, BB5 0NJ

Date for Decision: 31st January 2025 (Extension requested)

Date of Report: 10th February 2025

Description of Development: Full: Change from a C3 dwellinghouse to a C2 residential institution to operate as a children’s home for one child aged 8 to 17.

The application is brought for Committee consideration because of the local interest and representations about the proposal.

Description of site and proposed development

The application relates to a semi-detached dwellinghouse fronting the west side of Willows Lane as shown on the location plan and image as follows.



Application site

Briefly, the dwellinghouse is of two storeys, having a living room, kitchen, dining room, and hallway at ground floor level and 3 bedrooms and a bathroom on the first floor. Externally there is a rear garden, a side attached garage with a driveway parking space and a walled forecourt garden.

The present proposal is to change the use of the building to a children’s home providing accommodation of one child with carers attending on a rota/shift basis. There would be no external changes to the appearance of the building

The application is supported by a Planning Statement explaining the proposal. The key points are:

- This application seeks approval for the change of use of 316 Willows Lane from a C3 dwellinghouse to a C2 residential institution to operate as a children's home for one child aged 8 to 17. The proposal includes no structural or material changes to the property, ensuring minimal impact on the surrounding residential environment.
- **Care Needs:** The home will provide individualised care for one child who has experienced adverse childhood events. The focus will be on offering tailored support to foster educational engagement, build independence, and develop emotional regulation skills.
- **Staffing:** A minimum of two highly trained staff members will be on-site at all times, ensuring consistent supervision and support. During shift handovers, up to three staff members may be present, including care staff and the manager. One staff member will always be available 24/7, while the manager will attend for several hours daily to provide oversight, support the care team, and handle administrative responsibilities.

Consultation responses (summarised)

Site Notice displayed.

Neighbours notified by letter.

Consultation period expired 3rd January 2025.

Neighbouring residents

Representations have been received from 16 neighbouring residents making objections and comments summarised and itemised as follows:

1. Safety of area and local schoolchildren would be affected by a troubled youth being accommodated. Potential anti-social behaviour.
2. Several references to medical problems a child might have that are thought unsuitable for the area.
3. Area multi-cultural, multi-aged and would be harmed by the proposal.
4. Noise from staff and visitors. Late night disturbance.
5. Increased Parking problems
6. Increased Traffic; may encourage taxis.
7. A commercial venture.
8. Would affect house process.
9. Loss to the housing stock.
10. Should be in another location.

Petition of Objection

Petition bearing 45 signatures.

Highway Authority – Makes the following comments:

The plans and highway related information have been viewed together with a visit to the site; the following comments are made.

Ref. Planning Statement Rev A, 5.12.24, submitted; the above proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

[Further comment Received 21/1/2025]

Further to additional information, we would like to provide the following updated comments.

The garage measures 2.4m by 4.3m so it is small and unlikely to provide a car parking space and the driveway is suitable for 1 vehicle. As they have the opportunity to widen the driveway and provide a second driveway space then it is requested that they do.

Environmental Health Officer – Makes the following comments:

Although the Environmental Protection Team has dealt with numerous complaints about noise from C2 properties, housing multiple households, this application is slightly different, in that it is for one child, with carers.

Although the property in question is a semi-detached property, it is difficult to consider one child generating substantial regular noise problems for the attached property and I therefore have no objections to the use of the property for one child, being supported.

Environmental Health Manager – Food and Safety - Makes the following comments:

If planning permission is granted for planning application the applicant should note that it is likely that the premises will need to register as a food business with Environmental Health.

Senior Commissioning Manager for Lancashire County Council

As the attached Market Position Statement sets out, Lancashire County Council has the highest number of Ofsted registered children's homes than any other local authority in England. There are almost 300 children's homes in Lancashire, which deliver four times as many children's home beds than we require. Despite this, we can still really struggle to find suitable, local, good quality and good value homes for some of our children in care. This is because many of the homes in Lancashire (70%) are not caring for Lancashire children and are instead caring for children from other local authorities, sometimes at a great distance from home. Only 16% of children's home beds in our area are being used for Lancashire children. This has a significant impact on local resources (e.g. health, schools and policing). Also, having so many children's homes in our area does make it challenging to recruit good quality, suitably trained staff, including children's home managers.

Lancashire County Council's Children's Services is firmly of the view that careful consideration should be given to the agreement of new children's homes in Lancashire. New homes need to meet an identified local gap in provision and need to be delivered by providers who offer good quality, good value provision and who are committed to providing local homes for Lancashire children. I note that the home proposed to be opened by Care Services to You Ltd is a solo children's home. I wish to advise that very few of our children in care require a solo home and any that do, we would not be looking for them to live on their own for a long period of time.

Our preference is to place any child who requires to live on their own into a home that could in the future support another child to move in. As this is a solo home, this would not be possible. In addition, whilst the provider's supporting document states "referrals will primarily come from Local Authorities, including Lancashire", the provider has not contacted Lancashire County Council Children's Services to discuss their proposed home or care model. I am therefore not assured that the proposed home would be used to meet local need.

I also note that our records indicate there are 4 operational children's home under 1 mile away from the proposed home.

This is therefore not a planning application that Lancashire's Children's Services supports.

Relevant Policies

National Planning Policy Framework (NPPF)

Core Strategy – Adopted January 2012

Env6: High Quality Design

Env7: Environmental Amenity

T1: Improving Connectivity

Development Management DPD

DM26: Design Quality and Materials.

DM29: Environmental Amenity

DM32: Sustainable Transport, Traffic Management and Highway Safety (including

GN8: Car parking standards)

Planning history

None relevant

Observations and assessment

Procedural

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration (NPPF paragraph 2).

NPPF defines sustainable development (paragraph 8), sets a presumption in favour of such development, requiring that: proposals in accordance with an up-to-date development plan be approved without delay (paragraph 11); and, that decisions should be approached in a positive and constructive way (paragraph 38).

The NPPF says in paragraphs 61 to 63 that, in respect of housing provision, the overall aim should be to meet an area's identified housing need for different groups including looked after children

Considerations

The application proposes the change of use of a detached dwelling house to a Care Home for children. The applicant states that one child would be accommodated. The property is within a residential area, in a main road position. The application is not supported by Lancashire Social Services on the basis that it is for one child only. This is a childcare matter not a planning matter. There are representations/objections from neighbouring residents account of which should be taken.

The principle of providing high quality accommodation for cared-for-child/ren in the midst of well-founded residential areas is not under question. It is existing government policy, regulated and administered under specific legislation. As such, that principle is not a planning consideration. That said, it is helpful, for completeness, to outline the current practice.

Briefly, a Social Services department would normally place children in need of such care in a Local Authority or privately operated care home. Such residential provision is overseen under the Ofsted/Care Commission regime. Private care homes may be business ventures, however, the operation of business of any description is manifestly not a planning matter. It is reasonable to regard the loss of the dwellinghouse to the housing stock of the Borough as being balanced by the provision of a children's care home for which there is a need.

The proposal is for a change of use from a dwellinghouse (Class C3) to a care home for a child/young person in need of care (Class C2). Both uses are identified as residential classes. The distinction between the uses, for planning purposes, is that a property has to be occupied as a household to remain within with the C3 dwellinghouse use class. There are many instances where a foster child is looked after by an existing family and such arrangements would not amount to a change of use of a dwellinghouse. Therefore, the question for the present purpose is to consider how a small children's care home differs from a dwellinghouse in terms of planning impacts, noting, in particular, that it would be a staffed workplace with routine comings and goings of staff, with additional professional visitors, in addition to being a home.

The main consideration for this application are the impacts on the amenity of neighbours; impact on the residential area generally arising from the character and

operation of the proposed use; highway safety; and consideration of representations and any other matters arising from consultations or otherwise.

Neighbour amenity

DMDPD Policy DM29 requires that proposals do not does not create an unacceptable level of noise. Clearly, there is potential for noise transmission through a party wall to an attached house. Separation by distance and air gap means that noise transmission is less likely to an adjacent house. The Environmental Health Officer is content with the proposal to accommodate one child.

There are representations that refer to possible harm that could come to the neighbouring area as a result of the proposal. Included in this is fear of anti-social behaviour, which is a material consideration for planning purposes. There is no indication that bad behaviour of any description is likely to occur. However, in the present care home there would be trained staff and a Manager with whom to discuss any issues of noise and disturbance and, indeed, unacceptable behaviour. The Manager is registered with Ofsted so that the care home's Regulatory body could be a contacted where necessary. It follows that whilst some element of disturbance may appear marginally more likely; any matter arising is more likely to be simply resolved. It needs be said that, in general, a bad neighbour in a private household may be difficult to approach; whereas the care home manager is likely to be responsive to difficult discussions because of her/his regulatory responsibilities.

There is no cause to expect that the care regime indicated in the application details would result in other than a caring surrogate family setting for the young person to be accommodated intended by the applicant.

Character and operation

In operation, the main likely impacts would arise from the vehicle movement of staff and others connected with the care home. Policy Env7 requires that new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, [...] and other nuisances, will not give rise to unacceptable adverse impacts or loss of local amenity.

No changes are proposed to the external appearance of the building. The applicant states the intention to provide a living environment as close as possible to a family setting. That is an understandable and achievable aspiration. Therefore, the building itself, would likely continue to have a character consistent with that of a dwellinghouse.

The applicant has submitted that the movement would not be dissimilar to that generated by a family occupied dwelling house. The proposed use would not be likely to cause significant harm, in that respect, to the amenities on neighbouring dwellings or the residential area generally. On that basis the proposed development would be in accordance with Core Strategy Policy Env7.

Highway safety

DMDPD Policy DM32 (as relevant to the proposal) expects all development proposals to encourage sustainable travel and meet with local car parking standards.

There are representations about the inadequacy of car parking provision. The adopted car parking standard for a C2 use is 1 space per 5 beds plus 1 space per 10 beds for visitors /staff. Assessment against that policy indicates the need for 2 car parking spaces which is provided in the proposed development. However, for completeness, it needs be said that the proposed small children's home differs from the wide range of C2 uses for which the car parking standard has been derived. Obviously, the children do not drive; and, the staff to occupant ratio is significantly higher for the care of children. That is a material consideration for this application. In this case, in any event, the indicated car parking standard is met by implementation of the proposal and the recommended condition.

There are representations referring to potential car parking and traffic difficulties. The Highway Authority advises that the driveway be widened to create an additional parking space and a condition is recommended to put that into effect. On that basis the proposal would be in accordance with Policy DM32.

Other matters

The proposed use is within Use Class C2 identified in the Town and Country Planning (Use Classes) Order 1987 (as amended). The C2 class includes a wide range of residential institution uses (such as hospitals, nursing homes, residential school, training centre) for which the property would not be suited. A condition is, therefore, recommended to restrict the use to that proposed.

Conclusions

The proposal is for one child to be cared for by staff working on a rota, with always one staying over-night. The home and staff would be over-seen by a manager registered with Ofsted which in turn would require a regulated standard of operation.

Lancashire County Council Social Services does not support the application, stating that it does not identify the proposal as offering to provide for the local need for care spaces. However, the applicant has identified a need for the care home which he is intending to fulfil. With the diligence of the care operator the change of use of the dwelling house to a Children's Care Home would be likely to have minimal adverse impact on the amenity of neighbouring dwelling houses or the residential area generally. The Highway Authority is content with the proposal as regards matters of highway safety provided there is an additional car parking space. A condition is recommended to achieve that purpose. The proposal would be in accordance with the development plan and the recommendation is made on that basis.

Recommendation

That the application be granted subject to the following conditions:

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 and Country Planning Act 1990.

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

(a) The planning application forms and location plan received by Hyndburn Borough Council on 6th December 2024.

(b) Submitted drawings, namely: Drawing(s) number:

S(00)01 (Existing Site Plan);

GA(00)01 (Existing Plans);

GA(00)02 (Existing Elevations);

GA(00)03 (Proposed Plans); and,

GA(00)04 (Proposed Elevations), received by Hyndburn Borough Council on 6th December 2023

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to control the development and to minimise its impact in accordance with policies Env6, Env7 and T1 of the Hyndburn Core Strategy and DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

3. The building shall only be used as a Children's Care Home for a maximum of one child (as described in the application) only and for no other purpose including any purpose within Use Classes C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Notwithstanding that the proposed use (as described and defined in the application) would be an acceptable use of the building, the application does not demonstrate (taking account of its characteristics, including its location, its amount of internal accommodation and layout) that the building would be suitable for other uses within those Use Classes in accordance with the development plan, including policies Env6, Env7 and T1 of the Hyndburn Core Strategy and DM14, DM26, DM29 and DM32 of the Hyndburn Development Management Development Plan Document.

4. Before the property is brought into use for the purpose hereby granted an additional car parking space shall be provided in accordance with details to be beforehand submitted to, and approved in writing by, the Local Planning

Authority. The additional car parking space shall be surfaced in a bound, permeable material. Thereafter, the car parking spaces shall be retained and kept available for use at all times in connection with the purpose now granted.

Reason: To provide for car parking in connection with the use in the interests of the amenities and convenience of neighbouring dwelling houses and the residential area generally in accordance with Policy Env7 of the Hyndburn Core Strategy and policies DM29 and DM32 of the Development Management DPD of Hyndburn Borough Council.

Informatives

1. Reasons for approval of the application

Subject to conditional control the proposal would not cause demonstrable harm to visual / residential amenity or highway safety or to any other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular Policies Env6 and Env7 of the Hyndburn Core Strategy and the Hyndburn car parking and access standards.

2. Strict accordance with approved plans

This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

3. Conditions

This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

4. Building Regulations may be required

The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

5. Coal Authority

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

6. Environmental Health- Food Safety

A food business can be registered by completion of an online registration form at the following link: <https://register.food.gov.uk/new>. This should be completed at least 28 days before a business trades.

If the applicant requires any further advice regarding this or any other food hygiene requirements then the Council's Food and Safety Team can be contacted at food_team@hyndburnbc.gov.uk.

7. BNG

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Hyndburn Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

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REPORT TO:		Planning Committee
DATE:		19 February 2025
REPORT AUTHOR:		Head of Planning and Transportation
TITLE OF REPORT:		Enforcement Update
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable

1. Purpose of Report

- 1.1 The Planning Enforcement Team (comprising two Planning Enforcement Officers) is responsible for investigating alleged breaches of planning control and taking action to remedy breaches of planning control and the harm arising, where necessary. Complaints about breaches of planning control are normally made by members of the public, other Council departments and elected members.
- 1.2 The Planning Enforcement Team receive approximately 250 cases per year and until 2022 the Council employed a single Planning Enforcement Officer. A second Planning Enforcement Officer was employed in October 2022 to assist with managing caseloads and to help reduce the backlog of cases that had built up over time.
- 1.3 The purpose of this report is to update members on the work of the Planning Enforcement Service. Specifically, the report will examine the following matters:
 - Historic Case Review and Management of the Backlog
 - Current Enforcement Cases
 - Enforcement Notices and Cases
 - Prosecutions

2. Recommendation

- 2.1 That the contents of the report are noted.

3. Historic Case Review and Management of the Backlog

- 3.1 Over the past 18 months one of the key priorities has been to work on the review and clearance of historic enforcement cases dating back to 2013. To date, all cases up to (but not including) 2021 have been reviewed and a large number of those cases have

been closed on the basis that the breach is de minimis, it is not proportionate to take action or that the breach has been regularised through the passage of time. The progress made in relation to cases from 2013-2020 is illustrated by Figure 1 below.

3.2 Regular meetings have been held to consider all cases on a year by year basis. So far, the number of live cases (2013-2020) has been reduced from 185 to 49, which is a reduction of 136 cases since September 2023. This work has been undertaken in addition to the on-going investigation of enforcement cases.

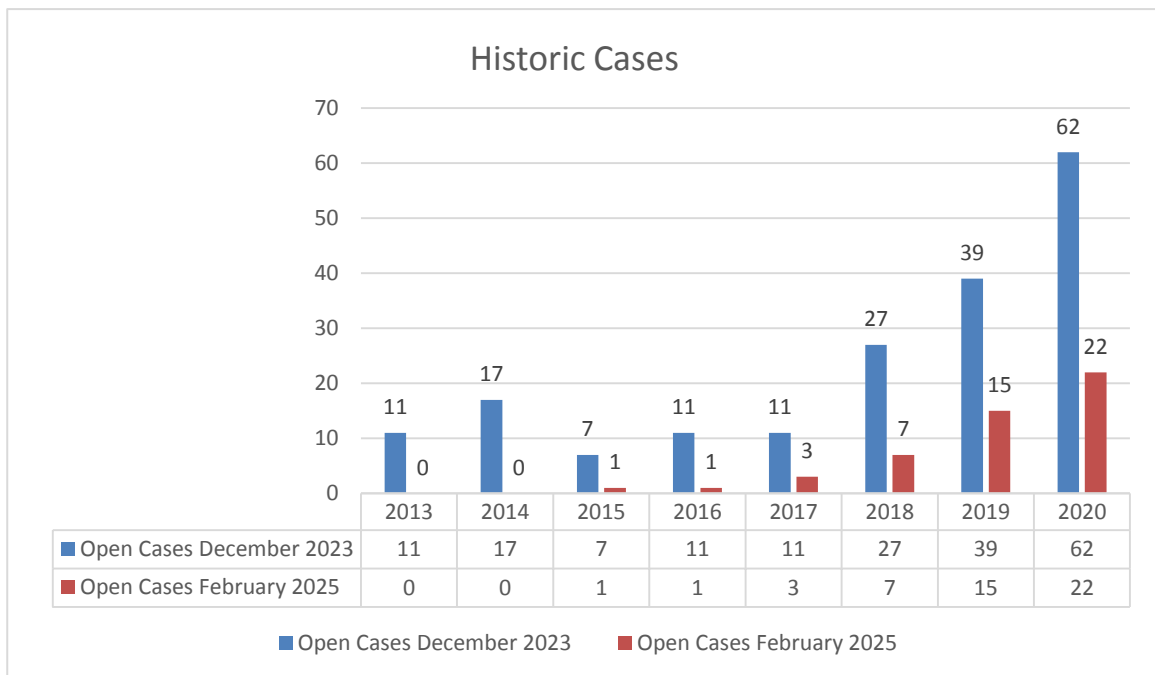


Figure 1. Review of on-going enforcement cases (2013-2020)

3.3 The review of cases has also been continued for the years 2021-2023. Case numbers for these years are not only higher in terms of the number of open cases, but also involve more detailed consideration of whether or not to close cases. This is due to the fact that enforcement action may still be able to be taken on unauthorised developments (i.e. they are not immune from enforcement action due to the passage of time). Below is a table (Table 2) illustrating the amount of live cases.

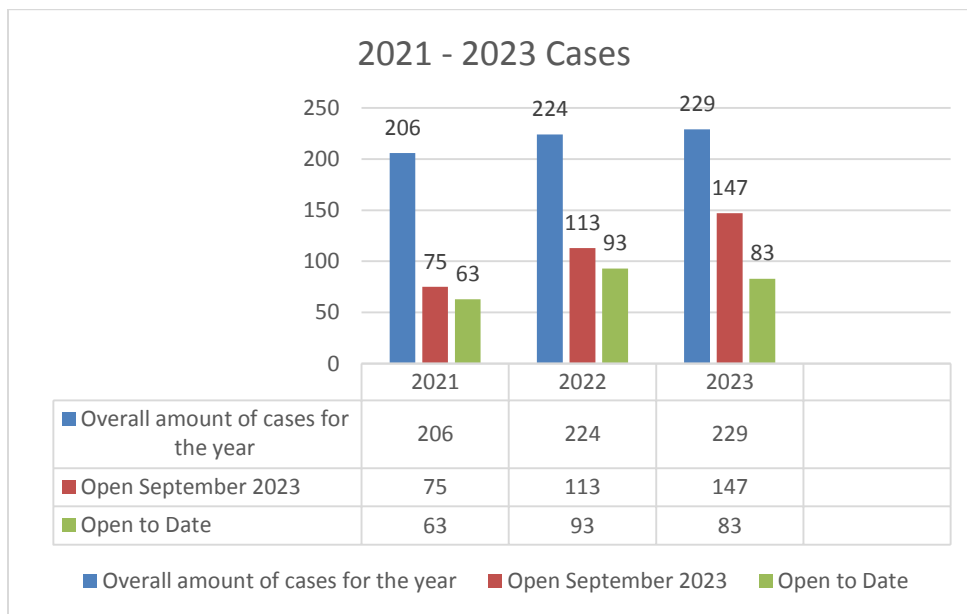


Figure 2: Review of on-going enforcement cases (2021-2023)

3.4 It should also be noted that in the year 2024, we received a total number of 219 cases, 110 of which have been closed. This is illustrated in Fig. 3 below.

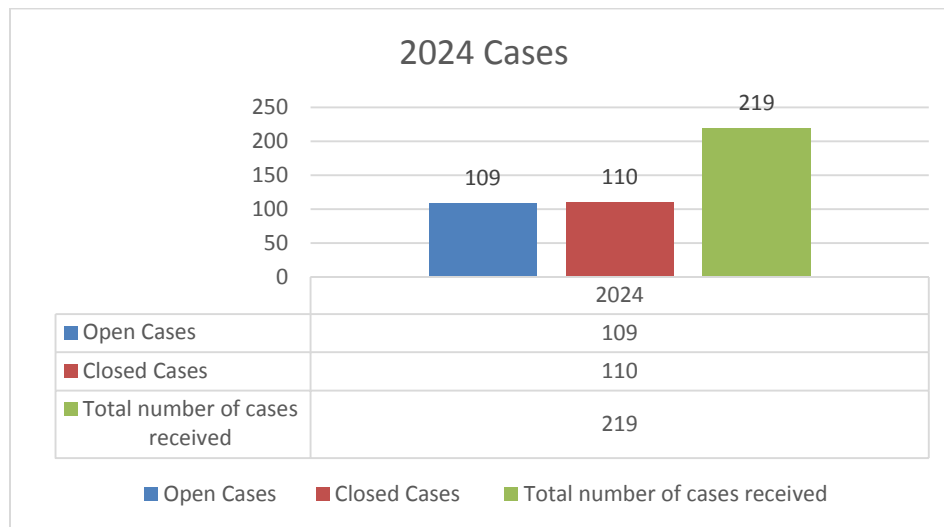


Figure 3: Review of recent cases of the year 2024.

3.5 The figures do not include 2025 cases and these will be included in the next committee update report. For the years 2013- 2024 (end), in total there are currently 397 cases open remaining. Over the next 12 months, the aim is to achieve a reduction in cases so that workload will become more management.

4. Electronic Management of Enforcement Cases

- 4.1 The management of enforcement cases has historically been through paper-based files. New software, NEC Assure, is now in place for the Enforcement Module that allows cases to be entered into a database and for the database to be used to generate letters, reports and manage dates. Importantly, this allows performance of the service – measured by cases resolved in 8 weeks – to be automatically calculated in the same way that planning application performance is monitored.
- 4.2 It is also proposed to use the recently procured document management software (NEC DM) to manage enforcement case information.

5. Review of Enforcement Protocol

- 5.1 The National Planning Policy Framework (the Framework) recommends that local planning authorities publish a local enforcement plan to manage enforcement proactively and in a way that is appropriate to their area. The Council’s enforcement protocol (known as the ‘Planning Enforcement Management Plan’) sets out priorities for investigation, explains the type of complaints that will be investigated, and outlines the Council’s general discretionary powers with regard to planning enforcement. The document has been reviewed and updated to reflect the approach now being taken.

The revised protocol will soon be presented to Cabinet for approval. The amendments and improvements in the new protocol will mean that cases will be allocated to individual officers and investigated within agreed priority levels – in effect, a traffic light system.

6. Lone Working Arrangements

- 6.1 The employment of a new officer within the service has highlighted to need for officers to take appropriate precautions when working on site, particularly when visiting sites alone. The service has procured a lone working device that allows officers to contact emergency services in the event of an incident or threat to them on site. There are a number of officers within the service that would benefit from the use of such a device when working in isolated rural areas or when in confrontational situations. The devices can now be use by the department.
- 6.2 Officers also have a letter authorising power of entry to sites should it be necessary.

7. Enforcement Notices and Cases

- 7.1 This section sets out the enforcement notices and cases prosecuted in 2024 (see Table 1).

Table 1. Planning Enforcement Notices and Cases in 2024.

Action	Breach of Planning Control	Address	Outcome
Enforcement Notice	Without planning permission, the erection of boundary wall, fence and roller shutters to the side of the property facing Riding Barn Street.	105 Hyndburn Road, Church	Appeal – Await Decision
Enforcement Notice	Without planning permission, the erection of an agricultural building.	Rosedene Barn, Rhoden, Oswaldtwistle	Appeal – Await Decision
Enforcement Notice	The development is not in accordance with the approved plans, planning application ref 11/22/0203.	18 Moorside, Clayton-Le-Moors	Appeal – Await Decision
Enforcement Notice	Erection of fencing on land adjacent to Park Road, Monk Street and Princess Street	Served on individuals suspected to have interest.	Appeal – Await Decision
Prosecution	Failure to respond to Planning Contravention Notice	Wood Cottage, Spouthouse Lane, Huncoat	Fine and Costs awarded to Council
Planning Enforcement Order	Concealment of the development of a residential dwelling in the Green Belt without planning permission	Hillside, Shawcliffe Lane, Whalley Banks, Great Harwood BB7 9JL	Order hearing scheduled for Magistrates Court in March 2025
Prosecution	Failure to comply with an Enforcement Notice served.	2 Oakdeane Avenue, Huncoat	Court Date arranged for February 2025
Prosecution	Failure to comply with an Enforcement Notice served.	70 Glebe Street, Great Harwood	Court Date arranged for February 2025
Enforcement Notice	Without planning permission, the laying of a hard standing concrete and the creation	33 Queens Road,	The notice is still within the

	of a vehicular access (driveway) on a classified road without drainage provisions.	Accrington	compliance period
Enforcement Notice	Without planning permission, the laying of concrete on a cobbled street without drainage provisions.	Wood Street, Church	Appeal – Await Decision
Enforcement Notice	Change of use of land for the storage of tyres and vehicles.	Wood Street, Church	Complied with the Notice
Breach of Conditions Notice	Failure to comply with the conditions attached to the approved application.	Whalley Road Car Wash, Clayton Le Moors	Part – compliance to the notice, awaiting the discharge of conditions.

**8. Local Government (Access to Information) Act 1985:
List of Background Papers**

- 8.1 *Copies of documents included in this list must be open to inspection and, in the case of reports to Cabinet, must be published on the website.*

Agenda Item 5.

REPORT TO:	Planning Committee	
DATE:	19 February 2025	
REPORT AUTHOR:	Head of Planning and Transportation	
TITLE OF REPORT:	Local List of Validation Requirements for Planning Applications	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable

1. **Purpose of Report**

- 1.1 The purpose of this report is to seek agreement to undertake public consultation on the updated Local List of Validation Requirements for Planning Applications (the “Local List”).
- 1.2 The Council, as local planning authority, should publish a bespoke list of the Council’s information requirements to be submitted with planning (and related) applications if it wishes to request information over and above that set out in the national information requirements (“National List”) as required by legislation (Article 7(1) (c) (ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015).
- 1.3 A Local List should be reviewed at least every 2 years. The currently adopted Local List is dated December 2012. It is therefore proposed to consult on the updated list for a period of four weeks after which the document would be adopted.

2. **Recommendation**

- 2.1 That the Local List attached at appendix 1 is consulted upon for a period of four weeks and that delegated authority is given to the Head of Planning and Transportation to adopt the list with or without modifications following consideration of the public consultation responses.

3. **Reasons for Recommendations and Background**

- 3.1 The Government publishes a ‘National List’ of validation requirements, which covers basic information to be submitted with all applications for planning permission. This includes a completed application form, plans, and the appropriate application fee.
- 3.2 If local planning authorities wish to introduce other requirements it is for each Council to specify what it requires in a ‘local list’ which they must prepare in consultation with the local community (e.g. planning agents, and statutory/non-statutory consultees).

The Local List is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location.

- 3.3 Paragraphs 44 and 45 of the National Planning Policy Framework (the NPPF) identify that the right information is crucial to making decisions on planning applications, and that local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question
- 3.4 The adoption of an up-to-date Local List will ensure that quality planning applications are received and will provide certainty for applicants and officers alike when validating planning applications. An up-to-date Local List is essential to ensure that all the necessary information is submitted with planning applications to enable the local planning authority to process them efficiently and consistently, and to be able to assess them against local policies. The updated list will take into account:
- the key changes having regard to the adopted development plan, NPPF and recent planning practice and guidance;
 - the introduction of the Biodiversity Net Gain (“BNG”) Regulations in early 2024;
 - preference for applicants to submit electronically via the Planning Portal and;
 - further clarification of any technical requirements.
- 3.5 In terms of the Council’s local requirements, particular regard is given to the requirements outlined in the NPPF, National Planning Policy Guidance (NPPG) and the Hyndburn Core Strategy and Development Management DPD policies. In doing so, the local list is considered to meet the statutory tests in that the information requested is considered to be:
- Reasonable having regard, in particular, to the nature and scale of the proposed development; and
 - About a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.6 The updated list (attached) will be sent directly to stakeholders. The consultation will also be published on the Council’s website. A period of four weeks will be given for responses.
- 3.7 Following consultation, all responses will be tabulated, considered and inform changes to the list before adoption by the Council.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The alternative would be to continue with the existing Local List which is considered to be out-of-date and fails to set out the additional information requirements that have arisen from changes to the development plan, NPPF and recent planning practice and guidance, and BNG Regulations.

**5. Local Government (Access to Information) Act 1985:
List of Background Papers**

5.1 None applicable.

6. Freedom of Information

6.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

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HYNDBURN

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VALIDATION CHECKLIST FOR PLANNING AND OTHER APPLICATIONS

January 2025

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1. INTRODUCTION

This document, which is also available on the Council's website, is for use by applicants and agents when submitting planning and other applications. It can be found at: www.hyndburnbc.gov.uk.

Different types of application require different levels of information and supporting documentation. This checklist list should be used to determine what information is required for each application type.

Pre-application discussions will detail the required information for an application. A separate pre-application advice protocol and charges can be found at www.hyndburnbc.gov.uk.

2. SUBMISSION OF APPLICATIONS

The Council will validate each application according to

- National Requirements which are mandatory for all applications.
- Local Requirements depending on the nature of the proposal.

Providing all the required information is included at the outset the application will be classed as 'Valid' and will progress to a decision.

If information is missing, the application will be held as 'Invalid' and delayed until the necessary information is received. If information is not provided within **28 days** of us requesting it we will not be able to deal with the application and it will be treated as withdrawn. We will not keep any documents relating to such applications.

Due to the volume of invalid applications being handled by the planning department an administrative charge will be levied where an application is deemed to be withdrawn. The charge seeks to recover some of the cost of officer time involved in handling them. These are:

- Major Applications: £120.00
- Minor Applications: £60.00
- Householder / Other / Advertisement Applications: £36.00

Should you disagree with the Council's reasons for invalidating a planning application then the planning department will make every effort to resolve disagreements by informal negotiation.

If negotiation fails then the agent or applicant must send the local planning authority a notice under the provisions of Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO). This must set out the reasons why the applicant considers that the information requested by the local planning authority, in refusing to validate the planning application, does not meet the [statutory tests](#). Further information on this procedure can be found in the [Planning Practice Guidance](#).

Planning Portal Submissions

Applicants are encouraged to submit and pay for planning and other applications electronically using the Government's Planning Portal service on the internet – www.planningportal.co.uk.

Email Submissions

Planning applications can be submitted to the Council via email to planning@hyndburnbc.gov.uk. There is a limit to the file size that can be received by email and larger files may be sent by online file transfer service or on USB memory stick.

Paper Submissions

The Council will process applications submitted on paper. These require

- (i) 1 copy of each document, plan and form and;
- (ii) 1 copy of all the application documents on USB memory stick in PDF format.

Paper Applications (with USB memory stick) should be posted to:

Hyndburn Borough Council
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

Or deposited in the Main Reception at Scaitcliffe House.

Payment

A schedule of planning application fees can be found at [Planning Portal](#). If you submit your application to us through the Planning Portal your planning application fee will be requested at the time of submission.

If you are submitting your application by email or hard copy you can pay by:

- Card by telephoning the Contact Centre 01254 380155 between 9:00am to 5:00pm
- Cheque made payable to Hyndburn Borough Council.

It will help us to process applications quickly if you:

- Include all the necessary information
- Submit plans at A4/A3 size where possible
- Avoid using high definition colour where possible
- Avoid using large file sizes
- Avoid ring binding reports
- Avoid password protecting documents
- Include a document schedule

Changes to the description of development

To avoid any delay in the processing and validation of applications, applicants should ensure that the description of development entered on the application form accurately describes the proposed development.

Should the local planning authority consider that an amendment to the description of development is required, we will write to you to seek your agreement to any revised wording.

Commercially Sensitive or Personal Information

Hyndburn Borough Council may publish comments and personal details received in connection with planning applications on the internet and make them available for public inspection. This information may include (but is not confined to) names, addresses, signatures, email addresses and phone numbers.

When submitting any document which contains any commercially sensitive or personal information you are requested to submit two copies, one of which redacts the sensitive information so that it is suitable to be made publicly

available. It will rarely be acceptable to make entire documents or entire sections of reports that contain commercially sensitive information exempt from publication. Even in those circumstances an executive summary will be required to ensure a transparent and accountable system

Planning Application Drawings

All drawings should include a drawing reference number as these are referred to in planning conditions (stamped plans are not issued). All scaled drawings should also include a linear scale bar and should refer to the paper print off size e.g. "print off at A3".

NATIONAL REQUIREMENTS

3. APPLICATION FORM

Required for all applications

A completed standard application form is available to view and download via the Planning Portal. Applicants are encouraged to apply online via the Planning Portal. Alternatively an application can be completed electronically and submitted directly to the Council or an application can be completed on a paper version of the form which can be provided by the Council on request.

All the relevant questions should be answered and if not relevant to the application, then the words “not applicable” should be inserted for clarity.

4. CORRECT FEE

Required for all applications unless an exemption or concession applies

You can check the fee for your application by:

- Using the fee calculator available on the Planning Portal [website](#).
- Telephoning the Development Management team at 01254 380111 or emailing planning@hyndburnbc.gov.uk

Planning Applications submitted without a fee are classed as ‘invalid’ and cannot be processed until payment is received.

Regulation 4 of the 2012 Fees Regulations, as amended, sets out that planning application fees are waived for applications solely for the alteration or extension of an existing dwellinghouse; or works in the curtilage of an existing dwellinghouse (other than the erection of a dwellinghouse) for the purpose of providing:

- Means of access to or within it for a disabled person who is resident in it, or is proposing to take up residence in it; or
- Facilities designed to secure that person's greater safety, health or comfort.

For the purposes of the regulation, “disabled person” means—

- a) a person who is within any of the descriptions of persons to whom section 29 of the National Assistance Act 1948 (welfare arrangements for blind, deaf, dumb and crippled persons, etc) applies; or
- b) a child who is disabled for the purposes of Part 3 of the Children Act 1989 (local authority support for children and families).

The applicant should provide evidence of disability (e.g. a letter confirming the applicant (or family member) is disabled or that they are receiving benefits) and that the proposed development is necessary and appropriate as a direct result of their disability needs. This can be demonstrated by submitting either a letter from a medical professional (GP or consultant) or a letter/statement from an Occupational Therapist following a home assessment.

Any information provided will be treated confidentially for the sole use of planning officers and will not be placed in the public domain. However, for transparency reasons, it may be necessary to make reference to the disability needs within reports in the event that officers are to consider making an exception to policy.

5. OWNERSHIP CERTIFICATES

Required for all applications apart from those listed below

Under the 1990 Act all applications must be accompanied by the relevant certificates concerning the ownership of the application site. This applies to all applications except for:

- The approval of reserved matters
- Applications for lawful development certificates
- The discharge or variation of conditions
- The prior notification for agricultural development
- The prior notification for telecommunications development
- Works to protected trees
- Consent to display advertisements.

For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

- Certificate A must be completed when the applicant is the sole owner of the site.

- Certificate B must be completed when the owner of the site is known to the applicant
- Certificate C and D must be completed when some or none of the owners of the site are known.

6. AGRICULTURAL HOLDING CERTIFICATE

Required for all applications apart from those listed below

This certificate is required whether or not the site includes an agricultural holding and all tenants must be notified prior to the submission of an application.

This certificate is not required for:

- The submission of an application for reserved matters
- Applications for lawful development certificates
- A renewal of temporary planning permission,
- The discharge or variation of conditions,
- The prior notification for agricultural development
- The prior notification for telecommunications development
- Works to protected trees,
- Consent to display advertisements.

7. ARTICLE 6 NOTICES

Required for all applications

If Certificate B has been completed a copy of the Article 6 notice must be served on all the owners of the site in question. This may be required where Certificate C has been served or when some of the owners are known. Templates are available via the Planning Portal.

For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

8. PLANS AND DRAWINGS

Required for all applications.

a) Location plan

This should:

- Be up-to-date and of Ordnance Survey quality
- At a scale of 1:1250 or 1:2500
- Show a North point.
- Show at least two named roads
- Show surrounding buildings which are named or numbered.
- Clearly identify the application site with a red edge which should include all the land required to carry out the proposed development.
- Show any other land in the control or ownership of the applicant which is close to or adjacent to the application site, with a blue line.
- Show the exact location of the application site.

An appropriate location plan can be obtained via www.planningportal.co.uk or from an approved Ordnance Survey supplier.

b) Any other plans and drawings necessary to describe the development which is the subject of the application

Additional plans and drawings (existing and proposed) will in most cases be necessary to describe the proposed development. These can include:-

- Site Layout Plans
- Floor Plans
- Elevations
- Site Levels Plans
- Sectional Drawings
- Roof Plans

9. DESIGN AND ACCESS STATEMENT

They are required for:

- Applications for Major Development¹;

¹ [As defined in Article 2 of the Town and Country Planning \(Development Management Procedure \(England\) Order 2015](#)

- Applications for development in a designated area², where the proposed development consists of:
 - one or more dwellings; or
 - a building or buildings with a floor space of 100 square metres or more.
- Applications for listed building consent.

A Design and Access Statement must:

- a) explain the design principles and concepts that have been applied to the proposed development; and
- b) demonstrate the steps taken to appraise the context of the proposed development, and how the design of the development takes that context into account.

It should cover several key aspects, including:

- Details of the use or uses proposed
- The amount of development
- The layout of the development
- The scale of the development
- Any landscaping of the site
- The appearance of the development
- The access to the development and any parking arrangements

Additional information is also required for outline applications, even if layout, scale and access are reserved. As a minimum outline applications should always include information on:

- Use – the use or uses proposed and any distinct development zones within the site identified,
- Amount of development – amount proposed for each use,
- Indicative layout – including separate zones proposed within the site boundary as appropriate,
- Scale parameters – an indication of the upper and lower limits for height, width and length of each building,
- Indicative access points – an area or areas in which the access point or points will be located.

² A “designated area” means a World Heritage Site or a Conservation Area.

Design and Access Statements accompanying applications for listed building consent must include an explanation of the design principles and concepts that have been applied to the proposed works, and how they have taken account of:

- the special architectural or historic importance of the building;
- the particular physical features of the building that justify its designation as a listed building; and
- the building's setting.

10. ENVIRONMENTAL IMPACT ASSESSMENT

They are required for development falling within the provisions of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

A developer is required to prepare an Environmental Statement to enable the local planning authority to give proper consideration to the likely environmental effects of the proposal.

Environmental Impact Statements (EIA) are required for major developments over a certain size or where there would be a significant impact on the local environment. The Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the developer to describe the likely significant effects of a development on the environment and to set out any proposed mitigation measures.

The applicant may submit an application to the Council for a Screening Opinion for a definitive decision as to whether an EIA is required.

11. BIODIVERSITY NET GAIN

Biodiversity Net Gain is an approach to development. It makes sure that habitats for wildlife are left in a measurably better state than they were before the development. BNG is mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#).

Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development. More information can be found here: <https://www.gov.uk/guidance/biodiversity-net-gain>.

Applicants must confirm whether they believe that planning permission, if granted, would be subject to the biodiversity gain condition, and if not, the reasons why.

There are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations [2024].

Where an applicant wishes to claim an exemption from biodiversity net gain, the reason for exemption should be clearly set out on the planning application form. Failure to provide the appropriate level of information may result in a delay in the validation of the planning application.

Where development would be subject to the general biodiversity gain condition, the application must be accompanied by minimum information set out in [Article 7A of the Town and Country Planning Act 1990](#). For avoidance of doubt, the following is the mandatory minimum information required:

- confirmation that the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('[degradation](#)'), and where they have:
 - a statement to the effect that these activities have been carried out;
 - the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the onsite habitat on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this;

- a description of any irreplaceable habitat (as set out in column 1 of the [Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations \[2024\]](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

In addition to these minimum information requirements, further information may need to be provided in order to assist the consideration of biodiversity net gain as part of the planning application, in particular where there are particular considerations around significant onsite biodiversity enhancements or use of offsite biodiversity gains (see Local Requirements Section 30 below).

12. FIRE STATEMENT

They are required for applications for ‘relevant buildings’ which includes buildings that:

- contain two or more dwellings or educational accommodation and
- meet the height condition of 18m or more in height, or 7 or more storeys

Fire statements will support the consideration of information on fire safety matters as they relate to land use planning matters (e.g. site layout, water supplies for firefighting purposes and access for fire appliances). It is the intention that the information provided within a fire statement is focussed and concise, specific and relevant to the development, and proportionate to the scale, type and complexity of the proposal. A fire statement will evidence that thinking on fire safety matters, as they relate to planning, has been incorporated into the planning application.

Further information about Fire Statements is available at

[Fire safety and high-rise residential buildings \(from 1 August 2021\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/fire-safety-and-high-rise-residential-buildings-from-1-august-2021)

13. OUTLINE PLANNING APPLICATIONS

Outline applications are about establishing whether a particular type of development is acceptable on a site in principle.

Part 3 of the Development Management Procedure Order identifies certain 'reserved matters' which may be set aside at the outline stage for subsequent approval by the local planning authority. These are Layout; Scale; Appearance; Access; and Landscaping.

Regardless of which matters are set aside for subsequent approval, the outline application is required to set out information about the proposed use/uses and the amount of development proposed for each use.

Even where access is a reserved matter, the outline application must state the area or areas where access points to the development proposed will be situated. This is to enable an early assessment of whether safe vehicular and pedestrian access will be possible.

Where layout is a reserved matter, the outline application shall state the approximate location of buildings, routes and open spaces included in the development proposed. This will typically be in the form of a Site Masterplan or Parameter Plan showing how the amount and type of development proposed will be distributed across the site.

Where scale is a reserved matter, the outline application shall state the upper and lower limit for the height, width and length of each building included in the development proposed. This is in order to establish a three dimensional building envelope within which the detailed design of the buildings will be constructed.

It is advised that prior to submitting an outline planning application formal pre-application discussions are entered into to establish the level of detail required to accompany the application.

Any plans submitted for illustrative purposes will not form part of the list of approved plans on any outline planning approval and should be clearly marked 'Illustrative' on the plans.

14. SECTION 73 (S73) (MINOR MATERIAL) AND SECTION 96A (S96A) (NON-MATERIAL) AMENDMENTS

Applications for removal/ variation of condition(s) (submitted under S73 of the Town and Country Planning Act 1990) or applications for minor non-material amendments will be required to be accompanied by the following information:

- Application form
- Plans/Information to clearly identify the site and the proposed amendments

LOCAL REQUIREMENTS

Additional information may also be required by the Council prior to the validation of the application depending on the nature and type of application or the nature of the character of the area within which the application site is located. This section will clearly outline what the Council's local requirements are to validate an application, having regard to national guidance and informed by policy.

The list is considered to meet the statutory tests in so far that the information requested is considered to be:

- Reasonable having regard, in particular, to the nature and scale of the proposed development; and
- About a matter which it is reasonable to think will be a material consideration in the determination of the application.

Applicants or agents are advised to seek advice on the need for such additional information with the local planning authority at the pre-submission stage.

Meeting the requirements of this list does not preclude a request for further information later in the decision making process where this is deemed necessary to fully assess the development proposal.

Whilst planning obligations are not a validation requirement, it would potentially reduce delays if Heads of Terms were submitted alongside an application where a planning obligation is considered likely to be necessary. It is advised that planning obligations are considered at pre-application stage.

Applicants should be aware that there will be a legal fee which the applicant will need to pay on completion of a Section 106 Agreement/Unilateral Undertaking.

15. EXISTING AND PROPOSED SITE PLAN

Required for all applications

This should:

- Be at a scale of either 1:500 or 1:200
- Show the direction of North
- Show the proposed development in relation to the site boundaries and other existing buildings on site
- Include written dimensions including those to the boundaries
- Indicate any buildings or other structures to be demolished.

It should also include the following unless these would NOT influence or affect the proposed development:

- All the buildings, roads and footpaths on land adjoining the site including access arrangements
- All public rights of way crossing or adjoining the site
- The position of all trees on the site, and those on adjacent land
- The extent and type of any hard surfacing
- Any boundary treatments including walls/fencing where these are proposed.

16. EXISTING AND PROPOSED FLOOR PLANS

Required for applications where:

- New floor space is proposed,
- A change in the use of floor space is proposed.

These should:

- Be drawn to a recognised metric scale, preferably 1:50 or 1:100
- Be annotated with external dimensions.
- Explain the proposal in detail.
- Show details of the existing buildings and those for the proposed development.
- Show the development in context with any adjacent buildings (including property numbers where appropriate).

17. EXISTING AND PROPOSED ELEVATIONS & ROOF PLANS

Required for applications where:

- Existing buildings are proposed to be demolished or altered
- New buildings are proposed

These should:

- Be drawn to a recognised metric scale, preferably 1:50 or 1:100
- Be annotated with dimensions (including height to eaves and ridge)
- Explain the proposal in detail (including reference to existing & proposed external materials).
- Show all sides of the proposal
- Clearly show the relationship between any adjoining buildings or any building in close proximity (2 metres) providing details of the positions of any openings on each property.

They are also required for Applications for Advertisement Consent to show:

- The size and position of the proposed advertisement in relation to the associated site and buildings
- Height above ground level
- Amount of projection
- Sections
- Materials & Colours
- Method of fixing

18. EXISTING AND PROPOSED SECTION DRAWINGS

Required for applications:

- Where a proposal involves a change in ground levels – drawings should be submitted to show both existing and finished levels.
- On sloping sites – full information is required concerning alterations to levels, the way in which a proposal sits within the site and in particular the relative levels between existing and proposed buildings within or in close proximity to the site.

These should:

- Be drawn to a recognised metric scale preferably at 1:50 or 1:100

- Show a cross section through the proposed building(s) or site.

Wherever possible, the drawings should contain existing site levels and finished floor levels (with levels related to a fixed datum point off-site) and also show the proposals in relation to adjoining buildings. Section drawings may also be requested in other cases by the planning officer. The drawings may take the form of contours, spot levels or cross/long sections as appropriate.

19. EXISTING AND PROPOSED SITE LEVELS PLANS

Required for applications:

- which propose new building(s), extensions to building(s), decking area(s) and/or other engineering operations.

The plans should include finished floor levels where new buildings, floor level changes to existing buildings or extensions to buildings in Flood Zones 2 or 3 are proposed. Where no change in ground level is being proposed then fixed datum points included on existing and proposed site layout plans would be acceptable.

20. STREET SCENE ELEVATIONS

Required for:

- Major developments where requested during pre-application discussions
- New buildings in prominent or sensitive locations
- New buildings on infill plots

21. SHOPFRONT DETAILS

Required for all applications for new shopfronts

Applications shall be accompanied by:

- A section plan detailing the projection of any signage, canopies and roller shutters;
- Elevation plans detailing the existing and proposed shopfront, at a scale of 1:10 or 1:20.

22. LISTED BUILDING PLANS

Required for applications for Listed Building Consent where elevational changes are proposed.

Elevation drawings for applications for Listed Building Consent should typically be provided at a scale of 1:20.

Section details shall be provided of each elevation affected which clearly indicates eaves, guttering/rain water goods, soffit/overhangs and window/door reveals and the proposed window/door framing profiles/systems and materials as well as any internal alterations which may be proposed (e.g. panelling, fireplaces, plaster moulding and other decorative details).

23. PLANS FOR MAJOR HOUSING DEVELOPMENTS

Required for all major applications for housing development where design/appearance and/or layout is being considered.

The following plans shall be provided:-

- Materials Plan – showing full details of the proposed external facing materials.
- Boundary Treatment Plan – showing the proposed walls, fencing etc. to be erected on the site along with plans detailing the height and appearance of these boundary treatments.

24. DETAILS OF ANY PRE-APPLICATION DISCUSSIONS

We would encourage prospective applicants to discuss their proposals with us before they submit their applications. Such pre-application discussions will ensure that the application has the best chance of success and that the information required is identified at the outset thus speeding up the decision making process.

Details of any pre application meeting should be included with any subsequent application.

Full details of this service can be found at www.hyndburnbc.gov.uk.

25. STATEMENT OF COMMUNITY INVOLVEMENT

Required for:

- Major development where there is likely to be significant public interest in the proposals.
- Any development involving an installation for the harnessing of wind power for energy production where
 - (a) the development involves the installation of more than 2 turbines; or
 - (b) the hub height of any turbine exceeds 15 metres

The statement should set out how the applicant has complied with the requirements for pre-application consultation and should demonstrate that the views of the local community have been sought and taken into account in formulating the development proposals. Options for engagement include:

- Meeting(s) with relevant Ward Councillors and Parish/ Town Council;
- Issue letters or leaflets in the locality
- Local exhibition or public consultation event
- Press release/advertisement in local newspapers / social media
- Public meeting or meeting with particular groups in the community.

26. PLANNING STATEMENT

Required:

- For all major developments
- For developments not in accordance with the development plan
- When requested in association with pre application advice
- For applications for advertisement consent to address amenity & public safety
- For wind turbines:
 - to address why the turbine is needed
 - to provide details of wind speeds
 - to provide evidence of the feasibility of energy generation
 - to include a shadow flicker report

The information provided should identify the need for the proposed development and explain how the proposal relates in policy terms to national and local level.

27. STRUCTURAL SURVEY/PRIOR NOTIFICATION FOR DEMOLITION

Required for:

- Applications involving the conversion of barns or other buildings outside the urban areas.
- Applications for Listed Buildings / buildings within a conservation area where identified as necessary during pre-application discussions
- Applications where there is evidence of land instability
- Applications for Prior Notification for Demolition will require a Demolition and Method statement

This must be carried out by a competent person and give an appraisal of the structural stability of the building, identify clearly any re-building works and include a schedule of works necessary to carry out the conversion.

28. TREE SURVEY

Required for:

- All developments affecting trees within or adjacent to the development site

An Arboricultural Impact Assessment (incorporating a tree survey) must be provided for all developments that potentially impact on trees either on the application site or on an adjoining site. Where trees are protected by a Tree Preservation Order, or are within a Conservation Area, such a survey is essential.

The location of any trees within adjacent properties that may be affected by the application should also be shown. An Arboricultural Impact Assessment (AIA) must include (where relevant):

- a survey of existing trees and hedgerows present within/ adjacent to the application site (this shall indicate the species and height of the trees and hedgerows plus canopy diameter and show their location on a tree constraints plan)
- Indicate which trees and hedgerows will be retained as part of the development and which trees/hedgerows are proposed to be removed (including a tree retention and removal plan)

- In terms of those trees and hedgerows to be retained it shall include an Arboricultural Method Statement indicating how the work will be carried out including site preparation and earth works, as well as a Tree Protection Plan.
- A tree shading analysis where retained trees or newly planted trees hold potential to shade buildings or the gardens of dwellings.
- In terms of those trees and hedgerows to be removed it shall include clear justification

An AIA must be produced by an appropriately qualified arboriculturalist, and the works proposed must conform to “BS 5837 (2012) Trees in Relation to Design, Demolition and Construction – Recommendations.”

29.ECOLOGICAL ASSESSMENTS (INCLUDING BAT AND NESTING BIRD SURVEYS)

Required for developments which impact on:

- Site of Special Scientific Interest
- Biological Heritage Sites
- District Wildlife Sites
- Habitat of Principle Importance (priority habitats)
- Sites meeting the standard set for BHS/DWS/HPI
- Sites designated or shown to be important in the Local Nature Recovery Strategy
- Sites containing $\geq 25\text{m}^2$ medium and above habitat distinctiveness types (DEFRA habitat distinctiveness classification).
- Geological heritage sites
- Wildlife Links or Corridors and
- Development which is likely to affect the habitat of protected species,

Planning Trigger List for works requiring a Preliminary Bat Roost Assessment, incorporating a nesting bird survey:

- a) Conversion, modification, demolition or removal of buildings and structures (especially roof voids) (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:

- agricultural buildings (e.g. farmhouses, barns and outbuildings) particularly of traditional brick or stone construction and/or with exposed wooden beams;
 - buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;
 - pre-1960 detached buildings and structures within 200m of woodland and/or water;
 - pre-1914 buildings within 400m of woodland and/or water;
 - pre-1914 buildings with gable ends or slate roofs, regardless of location;
 - located within, or immediately adjacent to woodland and/or water;
 - Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding if, following a preliminary roost assessment the site appears to be particularly suited to bats.
- b) Development affecting built structures:
- tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures
 - unused industrial chimneys that are unlined and brick/stone construction;
 - bridge structures, aqueducts and viaducts (especially over water and wet ground).
- c) Floodlighting of:
- churches and listed buildings, green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water;
 - any building meeting the criteria listed in (1) above.
- d) Tree work (Felling, removal or lopping) and/or development affecting:
- woodland;
 - field hedgerows and/or lines of trees with connectivity to woodland or water bodies;
 - old and veteran trees that are more than 100 years old;
 - mature trees with obvious holes, cracks or cavities, or which are covered with mature ivy (including large dead trees).
- e) Proposals affecting water bodies:

- within 200m of rivers, streams, canals, lakes, reed beds or other aquatic habitats.
- f) Proposals located in or immediately adjacent to:
- quarries or gravel pits;
 - natural cliff faces and rock outcrops with crevices or caves and swallets.
- g) Proposals for wind farm developments of multiple wind turbines and single wind turbines
- h) Proposed development affecting any type of buildings, structures, feature or location where protected species are known to be present.

Please note that where the Preliminary Bat Roost Survey recommends further Phase 2 Presence Absence Bat surveys then such surveys must also be submitted prior to validation.

Each case is individually assessed and this is not a comprehensive list of situations where ecological surveys will be required. Any assessments that are over 2 years old will be considered out-of-date and will need to be re-visited unless agreed otherwise.

Wind Turbine applications should be accompanied by a site specific assessment of potential impacts upon biodiversity

The survey should assess the implications of the proposed development upon the wildlife present within the locality, including any measures for mitigating the impact.

Householder applications affecting a roof space will require a statement relating to the presence of bats or owls. If bats/owls are found within the roof space an ecological survey will be required.

30. BIODIVERSITY NET GAIN

In line with current legislation and guidance, relevant developments should provide net gains in biodiversity. Relevant applications for major development submitted on or after 12th February 2024 and applications for non-major

development submitted on or after 2nd April 2024, will need to submit the minimum national information requirements.

In order to assess whether these applications will be able to meet the biodiversity gain objective, the Council requires the minimum information to be submitted (as set out in Section 11 of the National Requirements above), plus the following additional information:

- a draft Biodiversity Gain Plan which sets out the steps undertaken to minimise any adverse impacts of the development on the biodiversity of the site, the pre-development biodiversity value on-site, the estimated post-development biodiversity value on-site, the number of biodiversity units likely to be needed on biodiversity off-site gain and any statutory biodiversity credits that might need to be purchased for the development (a Biodiversity Gain Plan template form is available from the Government at: <https://www.gov.uk/government/publications/biodiversity-gain-plan>);
- a draft Habitat Management and Monitoring Plan (a link to a HMMP template is available at: <https://publications.naturalengland.org.uk/publication/5813530037846016>)

Applications likely to be exempt from demonstrating a measurable biodiversity net gain are listed below but may be subject to change:

- development impacting habitat of an area below a 'de minimis' threshold of 25 square metres, or 5m in length for hedgerows and watercourses, where the development does not involve the loss of any priority habitats;
- householder applications;
- biodiversity gain sites (where habitats are being enhanced for wildlife);
- small scale self-build and custom housebuilding;
- permission in principle;
- reserved matters;
- development granted planning permission by a development order under section;
- urgent Crown development granted under s293A TCPA 1990;
- retrospective planning permissions made under section 73A;
- section 73 permissions where the original permission to which the section 73 relates to was either granted before or the original application was made before the date the regulations for biodiversity net gain come into force;

For outline applications where layout is a reserved matter, the draft Biodiversity Gain Plan should show the information requested above, with as much information as possible, in order to apply relevant planning conditions or draft relevant planning obligations for the significant biodiversity net gains to be provided on-site and/or off-site.

31. LANDSCAPING PROPOSALS (INCLUDING LVIAS)

Required for:

- Major and Most Full Applications
- Some outline/reserved matters applications
- Other applications as identified during pre-application discussions or during the application process
- Proposals which have the potential to impact on heritage assets (e.g. listed buildings/conservation areas)

Landscaping is an important constituent of the development of a site and detailed hard and soft landscaping should be given as much consideration as the other elements of the overall design of the site. Reference should be made to the landscaping of the site within the Design & Access Statement.

Although in some instances it is possible to deal with the detailed landscape design by planning condition, where the site is in a prominent location such as areas of high townscape value or rural areas, a Landscaping Scheme including species and numbers of plants and a schedule of surfacing materials should be submitted with the application. Existing trees and other vegetation should be retained wherever practicable and protected during the construction of the proposed development.

Landscaping schemes should include:

- Proposed ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures including street furniture.
- Proposed and existing functional services above and below ground, (e.g. drainage, power/communication cables, manholes)
- Planting plans, schedules of plants, noting species, plant sizes & proposed numbers/planting densities where appropriate

- Existing vegetation to be retained, together with measure for its protection during the construction process.
- Details of long term maintenance and management
- For major applications where it is proposed to phase development, a landscape strategy should form part of the landscaping proposals.

For sites that are considered to be particularly sensitive in landscape or visual terms Landscape and Visual Impact Assessment (LVIA) will be required. For example:

- where large scale developments are proposed, particularly vertical developments;
- where developments are within areas with a national or international landscape or landscape heritage designation (e.g. AONB);
- where developments may affect the settings of the above areas; or
- where developments will be particularly visible from publicly accessible viewpoints.

LVIAs should be carried out by qualified landscape professionals in accordance with the Landscape Institute and Institute of Environmental Management and Assessment's Guidelines for Landscape and Visual Assessment (GLVIA) 3rd Edition (2013).

32.STATEMENT OF PROPOSED HEADS OF TERMS FOR PLANNING OBLIGATIONS

In determining planning applications the Council has to ensure that developments contribute to the locality in which they are situated, and, that where they create a demand for additional facilities or infrastructure, the cost of providing these is borne by those with an interest in the development.

The means of achieving this is through a 'Section 106' Legal agreement drawn up by the Councils solicitor between the Council and anyone with an ownership interest in the application site. Under this agreement, the developer agrees to certain matters, or undertakes to make a financial contribution towards, the cost of specific works made necessary by the development.

Decision Notices are not released until any associated S.106 Agreement is completed. To minimise any unnecessary delays a Statement of 'Heads of

Terms' is required. This provides details of the matters to be agreed to and the contact details of the applicant's solicitor.

Required for:

- All Major Residential Applications in connection with Public Open Space
- All Major Applications in connection with Highways/Transport/Affordable Housing, etc where this is identified during pre-application discussions.

Applicants should clarify in pre-application discussions with the local planning authority any required planning obligations. Where such requirements have been identified a 'heads of terms' document should be submitted with the planning application. Applicants are advised that there will be additional legal fees to be paid in respect of either the preparation of or checking of planning obligations. A 'heads of terms' document should include the applicant's agreement to cover the Council's S.106 monitoring and recording costs and reasonable legal costs in drafting or checking a S.106 Agreement.

It is strongly advised that applicants discuss S.106 agreement requirements and prepare draft S.106 agreements in advance of formal submission of a planning application. The Council operates a formal pre-application advice service available at www.hyndburnbc.gov.uk. The Council's Solicitor can prepare S.106 agreements for a charge.

33. OPEN SPACE PROPOSALS

Required for:

- Major Residential Developments

Applications for Major Residential developments should include proposals for the provision of appropriate areas of open space, including amenity space, playing fields and play space. In some cases where there is an abundance of open space in the locality it might be appropriate, in lieu of the provision of on-site open space for a developer to make a financial contribution towards the provision, enhancement or maintenance of existing nearby open space and play areas.

Provision should be made in accordance with the Council’s Policy on Open Space and the application should include details of long term maintenance and management of any on-site open space to be provided.

34. TRANSPORT ASSESSMENT

Required for:

- All Major Residential or Commercial Developments
- Wherever specified during pre-application discussions
- Developments affecting or adjacent to a level crossing

The table below illustrates the thresholds that will be used to determine whether a Transport Assessment (TA) and a Transport Plan (or Statement) (TP) will be required. Transport Assessments are thorough assessments of the transport implications of development, and Transport Plans are a ‘lighter-touch’ evaluation to be used where this would be more proportionate to the potential impact of the development.

Use Class	TA Threshold (m ² GFA)	TP Threshold (m ² GFA)
A1 Retail	1,000	1,000
A1 Non food retail	1,000	1,000
A2 Financial & Professional Services.	2,500	2,500
A3 Food and Drink	1,000	◆
B1 (a) Offices	2,500	2,500
B1(b) and (c) Light ind., Research and Dev.	2,500	2,500
B8 Storage & Distribution	10,000	◆
C1 Hotels	1,000	◆
C2 Hospital	2,500	1,000
C2 Residential College / School	250	500
C3 Dwelling Houses	100 dwellings	◆
D1 Primary Schools	1,000	◆
D1 Secondary Schools	2,500	◆
D1 Further Education	2,500	500
D1 Medical	2,500	◆
D1 Conf. facilities	1,000	1,000
D1 Other	2,500	2,500
D2 Cinema	1,000	1,000
D2 Stadia	1,500 Seats	1,500 Seats
D2 Other	1,000	1,000

◆ To be determined by the Highway Authority on a case-by-case basis.

TAs and TPs should quantify and assess the impact of the proposals on traffic movement and highway safety, and provide details of any proposals for access or transport improvements.

As the Highways Authority for Lancashire, Lancashire County Council (LCC) provides a dedicated pre-application highways advice service that offers relevant, accurate up to date advice on how individual developments will impact on the highway network. Details of the service can be found at:

<https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-highways-advice-service/>

35. TRAVEL PLAN

Required:

- For major retail, employment, leisure and educational developments
- Wherever specified during pre-application discussions

A Travel Plan should outline the way in which the transport implications of the development will be managed in order to ensure the minimum environmental, social and economic impacts. It should seek to promote more sustainable methods of transport other than the private car.

Lancashire County Council's Sustainable Travel Team may be able to advise applicants on the requirements for a Travel Plan. Email: sustainabletravel@lancashire.gov.uk.

36. PARKING ARRANGEMENTS/CYCLE STORAGE AND ACCESSIBILITY QUESTIONNAIRES

Existing & Proposed Parking & Access Arrangements are required for:

- New developments and change of use
- Householder applications where the proposed development will affect existing parking arrangements.

An Accessibility Questionnaire is required for:

- All Major Applications

A copy of the accessibility questionnaire can be found at page 173 of the Hyndburn Development Management DPD and is also available to download separately at www.hyndburnbc.gov.uk.

37. RETAIL SEQUENTIAL ASSESSMENT AND IMPACT ASSESSMENT

NPPG sets out [government guidance](#) on proposed retail developments.

A sequential assessment is required for all planning applications for ‘main town centre uses’³ which are neither in an existing centre nor in accordance with an up-to-date plan except for small scale rural offices or other small scale rural development. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

The sequential approach requires a thorough assessment of the suitability, viability and availability of locations for main town centre uses. It requires clearly explained reasoning if more central opportunities to locate main town centre uses are rejected and should demonstrate:

- that sites have been assessed for their availability, suitability and viability.
- that all in-centre (and then edge-of-centre) options have been thoroughly assessed before less central sites are considered.
- that there are no town centre sites (or other sequentially preferable sites) to accommodate a proposed development.

Proposals for new retail and leisure floorspace that are not located in defined Town Centres or Local Centres, are not in accordance with specific policies in the Site Allocations DPD and which are larger than the thresholds set out in Policy DM3 of the Hyndburn Development Management DPD, must also be supported by an Impact Assessment.

The assessment shall include:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

³ Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where the Council has particular concerns arising due to the size and nature of a proposal (of retail or other main town centre uses) in relation to the health of a specific centre, it may on occasion require an impact assessment to be submitted below the thresholds stated in Policy DM3 of the Hyndburn Development Management DPD.

38. FLOOD RISK ASSESSMENTS (INC SEQUENTIAL AND EXCEPTION TESTS)

Flood risk areas have been identified by the Environment Agency and may be viewed at <https://flood-map-for-planning.service.gov.uk/>. Flood Risk Assessments should address the issue of flood risk to both property and people and be in accordance with guidance set out in NPPF and [Government guidance](#).

Required for all development proposed:

- in flood zones 2, 3 or 3b
- within flood zone 1 with a site area of 1 hectare or more
- in areas with critical drainage problems
- within flood zone 1 where the LPA's strategic flood risk assessment (SFRA) shows it will be at increased risk of flooding during its lifetime
- that increases the [vulnerability classification](#) and may be subject to sources of flooding other than rivers or sea

Guidance on the requirements for Flood Risk Assessments to be submitted is available at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications> including advice on Flood Risk Assessments required for minor extensions.

For householder applications located within a Flood Risk Zone the planning application shall be accompanied by a simple flood risk assessment. The relevant form which will constitute the required simple FRA can be found at www.hyndburnbc.gov.uk.

Sequential and Exception Tests

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- Within medium risk areas; and
- Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

A Sequential Test is required for major and non-major development if any proposed building, access and escape route, land-raising or other vulnerable element will be:

- in flood zone 2 or 3
- in flood zone 1 and the Strategic Flood Risk Assessment for the area shows it will be at increased risk of flooding during its lifetime
- subject to sources of flooding other than rivers or sea

A development is not exempt from the Sequential Test just because a Flood Risk Assessments shows the development can be made safe throughout its lifetime without increasing risk elsewhere.

A Sequential Test will not be required where:

- A site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).
- A site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.
- The application is for a development type that is exempt from the test, as specified in [footnote 56 of the National Planning Policy Framework](#).

For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.

The Exception Test requires two additional elements to be satisfied (as set out in the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

It should be demonstrated that:

- development that has to be in a flood risk area will provide wider [sustainability benefits to the community that outweigh flood risk](#); and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Further guidance on when the Exception Test will be required is available at <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.

39. DRAINAGE STRATEGY

Required for:

- [major development](#) with surface water drainage
- development with surface water drainage in an [area at risk of flooding](#) such as flood zones 2 or 3, or at risk of surface water flooding

A drainage strategy must be submitted to explain how the hierarchy of drainage options has been assessed by the applicant and to justify why the drainage options situated higher up in the hierarchy have been discounted.

1. Into the ground (infiltration);
2. To a surface water body;
3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer

If an application proposes to connect a development to the existing drainage system then details of the existing system should be shown on the application drawing(s) along with full details of the proposed drainage arrangements within the site.

Applications should include details of the disposal of surface water run-off. Where it is proposed to drain this to existing drains the location of those drains should be indicated and where Sustainable Drainage Solutions (SuDS) are

proposed there should be sufficient engineering, geotechnical and hydrological information provided to demonstrate the feasibility and suitability of the proposed solution.

For major applications, the Lancashire Sustainable Drainage Systems (SuDS) pro-forma should also be submitted to outline the surface water sustainable drainage approach of the development. The pro-forma and guidance notes are available to download at <https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/lead-local-flood-authority-planning-advice-service-for-surface-water-and-sustainable-drainage/>.

40. ARCHAEOLOGICAL ASSESSMENT

Required where:

- An application affects any known or suspected archaeological site.

The Archaeological Assessment should be prepared by a suitably qualified person/organisation and be submitted in accordance with advice in NPPF.

41. HERITAGE STATEMENT

Required for development involving:

- Works or demolition to Listed Buildings, works within Conservation Areas or works or demolition to other designated and non-designated heritage assets.
- Alterations or new development affecting the setting of Listed Buildings, Conservation Areas or other designated and non-designated heritage assets.
- Works to a Registered Park or Garden.
- Works affecting an area of archaeological interest

A Heritage Statement should include a description of the significance of any heritage asset(s) affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance.

As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary.

This information together with an assessment of the impact of the proposal will be required as part of the explanation of the design concept. It should detail the sources that have been considered and the expertise that has been consulted.

Applications for Listed Building Consent will require:

- A schedule of proposed works
- An analysis of the significance of archaeology
- The history and character of the building
- The principles of and justification for the proposed works
- The impact of the proposed works on the significance of the heritage asset.

A Structural Survey may also be required.

Applications affecting the setting of a Listed Building or a Conservation Area will require:

- Details of the design principles affecting the impact, scale, layout, appearance and character of the development
- A statement demonstrating an understanding of the historical, archaeological and architectural interest of the affected Listed Building or Conservation Area.
- A Statement providing a description of the significance of the Heritage asset affected by a proposal, including the contribution that setting makes to their significance

This information may be included within the Design & Access Statement accompanying the application.

42. REFUSE STORAGE FACILITIES/RECYCLING DETAILS

Required for developments which include:

- New dwellings
- New retail and business development
- New industrial developments

Details of the proposed facilities for the storage & collection of refuse, as well as for the provision of recycling facilities, will be required for these developments

43. CONTAMINATED LAND SURVEY

Required where:

- Contamination is known or suspected (e.g. landfill sites, or land with an industrial use history)
- The proposed use would be particularly vulnerable to ground contaminants (e.g. allotments, residential use, schools)

A survey of the application site may be required to establish the degree of contamination and remedial measures that may be necessary. Contamination can result from a previous use of the site or from migrating landfill gas.

The Council will normally expect a Phase I Desk Study to be submitted for any application which results in a sensitive end use on a site where such a site is or may be contaminated by virtue of previous uses.

If the site is known or identified as having high levels of contamination on site, a Phase II Intrusive Investigation Survey may also be required.

44. NOISE IMPACT ASSESSMENT

Required for proposals which:

- Introduce a noise source which may cause loss of amenity
- Introduce a noise sensitive development in a noisy environment (e.g. adjacent to a railway line/motorway or existing noise generating activity)

The Noise Impact Assessment should be prepared by a suitably qualified person/organisation and include measurements of existing and proposed noise levels and also recommend, where appropriate, mitigation measures.

For further advice please contact Hyndburn Environmental Health.

45. AIR QUALITY ASSESSMENT

Required for proposals which:

- When there would be increased congestion/traffic volumes/speed/HGV movements
- For 100 + new parking spaces outside an AQMA
- For 50+ new parking spaces inside an AQMA
- For 50+ new retail parking spaces outside an AQMA
- For 20+ new retail parking spaces inside an AQMA
- For Dwellings, Residential Care facilities or schools within an AQMA or within areas of poor air quality where there may be an exceedance of a National Air Quality Objective.
- For Commercial or Industrial plant/ equipment producing emissions close to or within an AQMA

The Air Quality Assessment should be prepared by a suitably qualified person/organisation and provide information on existing and proposed air quality and include mitigation measures where appropriate.

For further advice please contact Hyndburn Environmental Health.

46.ODOUR ASSESSMENT

Required for:

- All uses falling within Use Classes A3 & A5 the Town & Country Planning (Use Classes Order) (as amended 2008) (Hot Food Takeaways & Restaurants)
- Other commercial developments causing odorous emissions (e.g. brewing, rendering, paint spraying, launderettes)
- Odour sensitive developments proposed in areas of poor odour amenity (e.g. dwellings, hospitals, schools)
- Applications in near vicinity to sites regulated by the Environment Agency which pose a significant risk of nuisance to the development

The Assessment should be prepared by a suitably qualified person/organisation and provide information on current and proposed conditions and include mitigation measures where appropriate.

For further advice please contact Hyndburn Environmental Health.

47. FLUES AND VENTILATION EXTRACTION DETAILS

This will be required for all applications which involve the sale or preparation of cooked food, laundrettes and other uses which require air conditioning or extraction and filtration equipment.

The details should include scaled drawings of the ducting, flues and filters including the size, materials and position of flues. These should be shown in relation to the relevant elevation of the building. The information provided should also contain details of any measures required to ameliorate the impacts of these uses.

For further advice please contact Hyndburn Environmental Health.

48. LIGHTING SCHEME INCLUDING A LIGHT POLLUTION ASSESSMENT

Required for all planning applications which include new external lighting including:

- External floodlighting in the vicinity of residential property, a listed building, a conservation area or open countryside.
- Illuminated advertisements.
- Lighting for riding arenas, sports pitches and buildings.

The scheme provided should be prepared by a suitably qualified person/organisation and should include:

- Plans detailing the location of the lighting.
- Calculations – determining Glare, Intensity and Spill and recommendations to control these.
- Equipment design – must be identified & used to determine aim, glare and overspill.
- Measured luminance of the proposed scheme.
- Hours of illumination.
- Details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

For further advice please contact Hyndburn Environmental Health.

49. PHOTOGRAPHS AND PHOTOMONTAGES

These can provide useful background information and can help to show large developments can be satisfactorily integrated within the street scene.

Photographs should be provided if:

- The proposal involves the demolition of an existing building
- The proposal affects a Conservation Area or Listed Building.
- The proposal would affect a heritage asset or its setting
- The application is for wind turbines.
- They are requested during pre-application discussions
- The proposal is for a building over 18m in height
- The proposal is for a building of any height which is substantially taller than the predominant height of surrounding buildings
- The proposal would make a significant impact on the skyline
- The proposal would have a significant impact on the townscape or landscape

50. AFFORDABLE HOUSING STATEMENT

This is required for all housing schemes which require an element of affordable housing in accordance with policy.

Applicants are advised to contact the Council's Housing Regeneration Team to discuss type/tenure prior to the submission of a planning application. Details in respect of affordable type/number/tenure will be required to be submitted as part of Affordable Housing Statements.

The statement should demonstrate how the proposed tenure responds to local needs.

51. CRIME IMPACT STATEMENT (CIS)

Required for:

- Residential schemes of 25 or more dwellings

- Other developments that may increase the risk of crime (e.g. Commercial units/offices, Multi-occupancy accommodation, Supermarkets, ATM's, Licensed premises)
- Wherever specified during pre-application discussions

As part of the Design and Access statement, or as a separate document, applicants will be required to demonstrate how the design of a proposal will seek to minimise the potential for crime.

A Crime Impact Statement (CIS) can help applicants adapt a development to avoid/reduce the adverse effects of crime and disorder, allow the Local Planning Authority to assess the scheme in this context and can help to allay public fears about a development that could be brought about by lack of information.

A CIS can be obtained from Lancashire Constabulary Designing Out Crime Officers by e-mailing a request to ALO@lancashire.police.uk. More details are available at <https://www.lancashire.police.uk/help-advice/property-safety/designing-out-crime-secured-by-design/>.

52. COAL MINING RISK ASSESSMENT

Required for:

- All EIA Development
- All development within a Development High Risk Area specified as exempt by The Coal Authority guidance (<https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>).

This must be prepared by a suitably qualified person/organisation (i.e. chartered members of a relevant professional institution (Geological Society, Institute of Civil Engineers, Institution of Mining & Metallurgy, Royal Institute of Chartered Surveyors etc.)).

Further information, including the Coal Authority's interactive map viewer, can be obtained from <https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>.

53. SUNLIGHT/DAYLIGHT ASSESSMENT

Required for:

- Developments where there is an obvious potential for adverse impact on existing levels of sunlight/daylight for neighbouring properties.

This must be prepared by a suitably qualified person/organisation and be prepared in line with the methods described in the Building Research Establishment's (BRE) Site layout planning for daylight and sunlight: A guide to good practice" 2011.

54. FINANCIAL VIABILITY ASSESSMENT

Required for:

- Applications which would fail to provide the obligations, affordable housing or other contributions required by policy, or the necessary infrastructure provision (public open space, sport or leisure facilities/ education contributions, off-site highway improvements if required).

The application will be required to be supported by a financial viability assessment containing the following information:

- Value of the land
- Abnormal development costs
- Construction costs
- Price Registered Provider will pay for the units (in the case of affordable housing)
- Open market value of the dwellings/ value of the development
- Developer return
- Details of the proposed obligations/ specific elements of the scheme which are proposed to be included (i.e. Open Space).

Further information is available at: <https://www.gov.uk/guidance/viability>

In all cases applicants will be required to pay for the Council to employ a qualified consultant to appraise and assess the financial/viability report.

55. PROOF OF MARKETING STATEMENT

Required for:

- Applications proposing the re-use of 'adequate' or 'good' quality employment sites/premises for alternative uses.
- Applications proposing a change of use away from, or loss of, cultural or community facility.
- Proposals for the loss of a public house through demolition or change of use.

In accordance with Policy E2 of the Hyndburn Core Strategy and Policy DM1 of the Hyndburn Development Management DPD, applications for the re-use of 'adequate' or 'good' quality employment sites/premises will require convincing evidence of lack of demand or viability for employment re-use and employment redevelopment demonstrated through a marketing strategy normally of 18 month duration.

Alternative uses, in line with policy, will only be considered where there is no demand for the site or it is unviable to retain in employment use.

The Marketing Statement must be supported by evidence that the property/business has been marketed for business use by a property agent/surveyor at an appropriate price reflecting the current market or rental value. It must be targeted at an appropriate audience with suitable advertisement. It should include details of all expressions of interest/ offers made and any offers refused and the reasons for this.

Where it is claimed that the current use is not viable for employment purposes, the Marketing Statement must have considered the potential for refurbishment; redevelopment for new commercial uses; sub-division, amalgamation or selective demolition, in order to improve the format, layout and access arrangements.

Existing employment land or premises that are currently not in use are not redundant and will need to be marketed for employment use. Furthermore, a lesser financial return on investment relative to other development or re-use options (such as residential) is not sufficient to justify the site not continuing to be available for employment use.

In certain circumstances, policies DM7 and DM8 of the Hyndburn Development Management DPD require applicants to justify the loss of cultural or community facilities and public houses through the completion of an appropriate marketing

exercise or to demonstrate that continuation of the established use is no longer viable.

56. GREEN BELT ASSESSMENT

Required for applications for replacement buildings and extensions to a building in the Green Belt

The NPPF identifies exceptions where new buildings could be considered appropriate development in the Green Belt. This includes:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

To enable the Local Planning Authority to assess whether or not the replacement building is “materially larger”, applications for replacement buildings should include volume calculations of the existing building and proposed building.

To enable the Local Planning Authority to assess whether or not an extension would result in “disproportionate additions over and above the size of the original building”, applications for extensions should include volume calculations of the original building, the existing building (if the original building has been extended already) and the proposed building the subject of the application.

57. AGRICULTURAL STATEMENT

Required for applications for new agricultural and equestrian buildings, horticultural enterprises and agricultural /rural workers dwellings.

An Agricultural Statement will need to include the following information in respect of the existing and proposed site arrangements:

- Full details of all the land which forms part of the agricultural holding
- Full details of the business enterprise
- Full details of existing farm buildings and their uses
- Full details of the proposed development including why the proposal is reasonably required and designed for the purposes of agriculture and any future plans that are relevant

- Any further information deemed necessary.

In respect of agricultural workers dwellings this will be expected to include full details of the employees of the business and financial details directly linked to the proposed development to meet the requirements of Guidance Note 9 of the Hyndburn Development Management DPD.

The Local Planning Authority may require the assistance of a professional surveyor to assess the appropriateness and necessity for proposed agricultural and equestrian developments. Where such an assessment is deemed necessary, applicants are required to pay the cost of this in addition to the payment of the planning application fee.

58. TELECOMMUNICATIONS DEVELOPMENT

Required for all applications for telecommunications equipment.

In addition to existing and proposed plans and elevations, applications should be accompanied by the following:

- A statement of compliance with ICNIRP guidelines
- Evidence of an assessment of alternative sites and/or mast sharing with justification for rejecting them
- An explanation as to why the installation is needed

59. DEMOLITION OF BUILDINGS (INCLUDING WITHIN CONSERVATION AREAS)

For sites not within a Conservation Area an application is required to the planning authority to ascertain whether the authority requires prior approval of the method of demolition along with details of the proposed restoration of the site.

Such applications for prior approval shall be accompanied by:

- Details of the method of demolition
- Details of the proposed restoration of the site
- Confirmation from a suitably qualified Ecologist that the demolition will not adversely impact on any ecological assets or protected species

- Confirmation from an accredited archaeologist that the demolition will not adversely impact on any items of archaeological significance at / adjacent to the site.

For buildings/sites within a Conservation Area, full planning permission is required for relevant demolition. Such applications for planning permission shall be accompanied by:

- Floor Plans and Elevations of the building / structure to be demolished
- A structural survey
- An ecological survey and report (to include where necessary a bat & nesting bird survey)
- A tree survey / arboricultural impact assessment where trees exist on the site or are immediately adjacent to areas of work/demolition

60. SELF AND CUSTOM BUILD HOUSING PROFORMA

Required for all applications for self and custom build housing.

For applications for self and custom build housing there will be a requirement for applicants to complete the Council's 'Proforma for schemes that are self-custom build'. This is available at www.hyndburnbc.gov.uk.

When granting permission for self or custom building housing, the local planning authority will consider whether to secure the self or custom build nature of the dwelling(s) through the use of appropriate planning conditions or through a legal agreement. Further information is available in the '[Right to Build Task Force Custom and Self-Build Planning Guidance](#)'.

61. BATTERY ENERGY STORAGE SITE (BESS) COMPLIANCE STATEMENT

Required for all applications for Battery Energy Storage Sites of 1 MWh or over.

All applications for Battery Energy Storage Sites should demonstrate how they have met the health and safety guidance for grid scale electrical energy storage systems published by the UK Government and the National Fire Chiefs Council (NFCC) guidance and recommendations.

Applicants should have early engagement with the local Fire and Rescue Service, Lancashire Fire and Rescue Service (LFRS), continuing throughout the

planning process. The Lancashire Fire and Rescue Service (LFRS) webpage [Battery Energy Storage Systems \(BESS\) | Lancashire Fire and Rescue Service \(lancfirerescue.org.uk\)](https://www.lancfirerescue.org.uk) contains links to the relevant documents from the NFCC and government.