

# Agenda

MUNICIPAL YEAR 2026-2027



**HYNDBURN**

The place to be  
an excellent council

## Planning Committee

**Wednesday, 24 June 2026 at 3.00 pm,**  
Scaitcliffe House, Ormerod Street, Accrington

### Membership

Chair: Councillor Dave Parkins  
Vice-Chair:

Councillors Mike Booth, Loraine Cox, Ethan Rawcliffe, Judith Addison, Stephen Button, Stewart Eaves, Heather Anderson, Paul Brown, Jordan Fox, Lance Parkinson, Steven Smithson and Kate Walsh

## AGENDA

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

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

The Minutes of the last Planning Committee held on the 15<sup>th</sup> of April 2026 were submitted for approval as a correct record.

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

**3. Appointment of Vice Chair**



Telephone Enquiries: Holly Townsley, Democratic Services, (01254) 380184

Email: [Holly.Townsley@hyndburnbc.gov.uk](mailto:Holly.Townsley@hyndburnbc.gov.uk)

Published on Tuesday, 16 June 2026

Page 1 of 2

**4. Town and Country Planning Act 1990- Planning Applications for Determination**

The Chief Planning and Transportation Officer submitted a series of reports setting out the recommended action on the planning applications below.

**5. 11/25/0175 - Land to the North East side of Burnley Road, Altham, BB5 5UB (Pages 7 - 24)**

Full: Change of use from agricultural land to a mixed use including one gypsy and traveller family pitch and agricultural storage.

**6. 11/25/0333 - Land Parcel, 50 Hodder Street, Accrington, Lancashire, BB5 6SX (Pages 25 - 42)**

Construction of a self-build 3-bed detached dwelling and associated hardstanding together with a re-routed public footpath to adoptable standards.

## PLANNING COMMITTEE

---

**Wednesday, 15th April, 2026**

**Present:** Councillor Dave Parkins (in the Chair), Councillors Bernard Dawson MBE (Vice Chair), Mike Booth, Loraine Cox, Kath Pratt, Judith Addison, Noordad Aziz, Stewart Eaves, Heather Anderson and Danny Cassidy

**Apologies:** Councillors Joyce Plummer, Scott Brerton and Josh Allen

---

### **366 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**

Apologies for Absence were given by Councillors Josh Allen, Scott Brerton and Joyce Plummer.

Councillor Danny Cassidy substituted for Councillor Allen  
Councillor Heather Anderson substituted for Councillor Brerton.

### **367 Minutes of the Last Meeting**

The Minutes of the last Planning Committee held on the 11<sup>th</sup> of March 2026 were submitted for approval as a correct record.

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

### **368 Town and Country Planning Act 1990- Planning Applications for Determination**

#### **369 11/26/0076 - 6 to 8 Thomas Street, Oswaldtwistle, BB5 3LA**

Mr Joshua Parkinson, Planning Manager (Development Manager), presented the application to the committee. The application related to the former Lord Longworth Public House located on 6-8 Thomas Street in Oswaldtwistle. The site is approximately 0.06 ha and has a single storey rear outrigger and adjoins land previously used as part of the public house for outdoor seating.

The application sought consent to convert the building into 6no. 1-bedroom apartments and various external alterations including a single storey infill extension to the rear.

The submitted floor plans show 4no. apartments to the ground floor and 2no. apartments to the first floor.

Each apartment is shown to have a single bedroom, bathroom, kitchen and living room, of varying floorspace; ranging from 38m<sup>2</sup> to 43.5m<sup>2</sup>. Each apartment is shown to have a separate external access with the ground floor units accessed from either Thomas Street or Peel Street. The first-floor units have separate access points including an existing external staircase to the rear/ northwest and an internal staircase via the northwestern elevation, both accessed via Thomas Street.

The application proposes a single-story infill extension to close the gap between the two outriggers to the rear and aligns with the rear of the building in projection.

The extension is to be used as a bathroom associated with one of the ground floor apartments, while adding to the existing flat roof terrace at first floor level.

Other external changes include 4no. new windows (one to each elevation) and 2no. new doors all at ground floor. A single window is proposed to the southern elevation at first floor level.

1no parking space has been proposed off Thomas Street to the north of the building. Bins and cycle storage is shown to the rear of the building close to the external staircase.

No objections were received by Hyndburn Borough Councils Environmental Health Team, Lancashire County Council Highways or Cadent Gas.

One objection was raised by a member of the public which raises concerns regarding the potential tenants of the property.

The application was recommended for approval with the conditions listed in the agenda.

Members discussed the application and agreed that bringing the building back into use was a positive, especially considering there are other local pubs close by. However, the lack of parking provided in the plans raised concerns as members were aware of the existing demand on parking without the addition of 6 new properties.

**Resolved – Members voted to approve the officer recommendation and grant planning permission subject to the conditions noted in the report.**

N.B. – 1. Councillor Stephen Smithson – Spoke against the application.

- The Parking Standard usually requests 1 parking space for each flat. Only 1 space is provided in the plans. This is not suitable for the number of flats proposed.
- 2 Local schools increase the number of cars on the road during drop of and pick up time.
- On street parking is already at a premium.

2. Tahir Satia – Spoke in support of the application.

- Lancashire County Councils Highway department have raised no concerns regarding the number of parking spaces.
- The building has been empty for a long time, the plans hope to bring it back into use.
- Tenants will be vetted before placing in the flats.
- No intention of filling the property with tenants who will have a negative impact on the area.

**370 11/26/0097 - 19 Fielding Lane, Oswaldwistle, BB5 3BH**

Mr Joshua Parkinson, Planning Manager (Development Manager), presented the application to the committee. The application related to a three-bed semi-detached dwelling (No.19 Fielding Lane) situated within a corner plot adjacent to the junction of Fielding Lane and Hornby Street.

The application proposes a change of use from an existing dwelling to a residence providing care for two children, aged between 8 and 18. According to the information submitted with this application, care will be provided by two carers who will be present in the home providing 24-hour care on a rolling basis.

18 Letters of objection, 1 petition and 1 support letter were received and are detailed on pages p23 – p25 of the agenda.

No objections were received from the following organisation; Heritage Advice (Growth Lancashire, Lancashire County Council Highways, Cadent Gas.

Comments were made by Lancashire County Councils Children's Services on page 26 of the agenda.

Mr Parkinson advised that the application conflicts with Policy 1 and 2 of the Children's Home Supplementary Planning Guidance but this has little weight when compared to the consistent appeal decisions made by the planning inspectorate.

Members discussed the frequency of these types of applications and their impact on local residents. Members acknowledged that the Supplementary Planning Guidance for Children's Homes had not been afforded as much weight as they had hoped by the inspectorate in appeal decisions. Members caveated that children's homes are needed and all children deserve the best start in life but the lack of need in the local area combined with the additional strain on local services was negatively impacting local residents.

**Resolved – Members voted approve the officer recommendation and grant planning permission subject to the conditions noted in the report and update sheet.**

N.B. – 1. Councillor Steven Smithson – Spoke against the application.

- Parking is notoriously difficult.
- The driveway is often blocked and so will not be able to be utilised as per the applications plans.
- Lancashire County Councils Children Service states we do not need any additional children's homes.

2. Andrea Hibbert – Spoke against the application.

- Lived at the neighbouring property for 27 years.
- Loss of community feel.
- Lancashire County Councils Children's Services state there is no need for more children's homes in this area. Wants to see the property used by local people.
- Increased pressure on services due to children being placed from out of the area.
- Care homes are a for profit business not family homes.

### **371 Update Sheet**

The update sheet was noted by the committee.

### **372 Enforcement Update**

Mr Joshua Parkinson, Planning Manager (Development Manager) presented the Enforcement Update to the committee.

Mr Parkinson advised that as of the 31<sup>st</sup> of March 2026 there had been a reduction of 58 cases by the planning enforcement team.

There are currently 397 live investigations in the system.

Mr Parkinson highlighted the report which details a number of cases and their current status.

Mr Parkinson informed the committee that the planning team are looking to hire an additional part-time Planning Enforcement Officer in the next quarter. This will help with overall capacity and enable the continued reduction of live enforcement investigations.

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

<b>REPORT TO:</b>	<b>Planning Committee</b>
<b>APPLICATION REF:</b>	<b>11/25/0175</b>
<b>APPLICATION ADDRESS:</b>	<b>Land to the North East side of Burnley Road, Altham BB5 5UB</b>
<b>DEVELOPMENT DESCRIPTION:</b>	<b>Full: Change of use from agricultural land to a mixed use including one gypsy and traveller family pitch and agricultural storage</b>
<b>DATE REPORT WRITTEN:</b>	<b>9 June 2026</b>

## **Description of the Site and the Proposed Development**

The application site relates to around 0.11 hectares of land to the east of Burnley Road (A678), located around 445 metres (m) north of the urban boundary of Clayton-le-Moors. The site comprises a flat area of land, which includes an agricultural building to the southwest with a gravel yard to the front (northeast). There is an existing access with Burnley Road to the northwest and the site is bound by a hedgerow and trees to the northwest.

The proposal seeks full planning permission for the change of use from agricultural land to a mixed used including one gypsy and traveller family pitch and agricultural storage. This would involve relocating the existing access. It is unclear whether the applicant is a gypsy and traveller as defined at Annex 1: Glossary of the Planning Policy for Traveller Sites (PPTS). However, the use of the site could be restricted to a person with PPTS gypsy and traveller status by condition and the application is assessed on this basis.

## **Relevant Planning History**

The Local Planning Authority granted full planning permission for the erection of the agricultural building and formation of a relocated access and hardstanding by decision notice dated 24 May 2019<sup>1</sup>. Subsequently, full planning permission was granted for development of the same description by decision notice dated 19 October 2020, which included some alterations to the location of the building and extent of hardstanding<sup>2</sup>. Whilst the agricultural building appears to have been erected and the hardstanding formed in accordance with the latter permission, several conditions of that permission have not been discharged, including in relation to the relocation of the access as set out in the comment of Lancashire County Council (LCC) Highways below.

## **Consultation Responses/Representations**

<sup>1</sup> Application Reference 11/19/0119.

<sup>2</sup> Application Reference 11/20/0309.

## *Consultation*

Altham Parish Council: 17 May 2025: Object and have serious concerns as follows:

- The access with the busy Burnley Road is not suitable for a regular large volume of traffic, especially larger vehicles and animals. The number of vehicles seen on the application site exceeds the allowance.
- The proposed foul drainage could cause serious environmental and health issues.
- The proposal would involve the destruction of yet more Green Belt. It must be protected in line with the Framework.
- The Emerging LP identifies sites that are not in Green Belt, and that are suitable for gypsies and travellers.
- The proposal would have a negative impact on the character and appearance of the area.
- The proposal would have a negative impact on the local community.
- Concerns about the lack of publicity, including neighbour notification letters.
- Additionally, raise concerns about previous breaches of planning control, harm to biodiversity and ecology and other matters, including fighting, fires and waste. They have concerns that planning control will continue to be breached.

Cadent Gas: 10 June 2026: No objection subject to informative note.

Hyndburn Borough Council (HBC) Environmental Protection: 31 October 2025: No objection in principle but recommend a condition regarding foul drainage.

HBC Policy: No response received (due by 3 June 2025).

LCC Highways: 2 February 2026:

- The proposal would be reliant on private motor vehicle.
- The original planning permission for the agricultural building included a new access, which would improve visibility in the interests of highway safety. It would have been 25 metres south of the existing access with the existing to be closed.
- The access works conditioned under the original planning permission for the agricultural building have not been implemented.

- The amended proposal would involve the relocation of the access as previously approved. This could provide visibility splays of 120 metres in both direction when measured 2.4 metres back from the carriageway edge. This is suitable. The hedge along the applicant's boundary to the north of the proposed access needs to be trimmed back.
- The submitted drawing showing the visibility splays should be amended to show 120 metres in both directions rather than 90 metres with a note of 160 metre (this has now been actioned by the applicant).
- The access would be 4.6 metres wide, gated and surfaced. The gate would be 11.65 metres back from the carriageway edge, which is adequate to allow long vehicles to clear the highway. The access surface would need to be drained and paved to their specification under an agreement under section 278 of the Highways Act 1980 (as amended) (s278 agreement).
- The existing access would be reinstated to grass verge with a full height kerb to their specification under the s278 agreement.
- The proposed hardstanding is suitably sized to allow vehicles to access and egress Burnley Road in forward motion, which they consider to be necessary.
- In conclusion, they request that the visibility splay drawing is updated and recommend conditions should the application be approved. The recommended conditions relate to the site access and off-site highway works; maintenance of the visibility splays; the erection of the gates; and that vehicles shall enter and leave the site in forward gear.

LCC Minerals and Waste Planning Authority (MWPA): No response received (due by 1 July 2026).

United Utilities: 20 May 2025: Request a condition requiring a foul and surface water drainage scheme to be approved. They also recommend a condition relating to management and maintenance of sustainable drainage systems and other advice on their assets.

### *Publicity*

There have been seven representations of objection, which raise the following issues:

- Impact on infrastructure, including sewerage.
- Impact on the Green Belt, including harm to openness.
- Impact on the character and appearance of the area, including landscape character.

- Impact on biodiversity and green space, including trees and other natural features.
- Impact on the local environment.
- Impact on highway safety and transport.
- Impact on flood risk and drainage.
- Impact on waste and recycling.
- The proposed development has already commenced.
- Concerns about the cumulative impact of gypsy and traveller sites in the area.
- Concerns about the lack of publicity, including neighbour notification.
- Concerns about previous and future breaches of planning control.
- Concerns about precedent.

### **Planning Law and Policy Background**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant documents and policies include:

Hyndburn Core Strategy (HCS):

- Policy BD1 The Balanced Development Strategy
- Policy H3 Gypsy and Traveller Provision
- Policy HC4 Community Benefits / Planning Obligations
- Policy ENV1 Green Infrastructure
- Policy ENV2 Natural Environment Enhancement
- Policy ENV3 Landscape Character
- Policy ENV4 Sustainable Development & Climate Change
- Policy ENV6 High Quality Design
- Policy ENV7 Environmental Amenity
- Policy T2 Cycle and Footpath Networks

Hyndburn Development Management Development Plan Document (DMDPD):

- Policy GC1 Presumption in Favour of Sustainable Development
- Policy GC2 Infrastructure, Planning Obligations & CIL
- Policy DM6 Delivering Schools and Early Learning
- Policy DM15 Gypsy and Traveller Sites
- Policy DM17 Trees, Woodlands and Hedgerows
- Policy DM18 Protection and Enhancement of the Natural Environment
- Policy DM19 Protected Species
- Policy DM20 Flood Risk Management and Water Resources
- Policy DM24 Contaminated or Unstable Land & Storage of Hazardous Substances
- Policy DM25 Pollution Control
- Policy DM26 Design Quality and Materials
- Policy DM29 Environmental Amenity
- Policy DM31 Waste Management in All New Development
- Policy DM32 Sustainable Transport, Traffic and Highway Safety
- Policy DM33 Sustainable Transport Infrastructure

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (Emerging LP) has been subject to public hearings and the Examining Inspector has issued a post-hearings letter, which does not raise any fundamental concerns. It is at an advanced stage of preparation and is expected to be adopted in the summer. Therefore, in accordance with paragraph 49 of the Framework, the policies of the Emerging LP generally attract substantial weight. The relevant policies include:

- Policy SP1 The Spatial Development Strategy
- Policy SP3 Planning Obligations
- Policy SP12 Gypsy and Traveller and Travelling Showpeople Provision
- Policy SP13 Climate Change and Sustainable Development

- Policy SP14 Green Infrastructure
- Policy SP15 Landscape Character
- Policy SP16 Natural Environment Enhancement
- Policy SP18 High Quality Design
- Policy SP20 Environmental Amenity and Air Quality
- Policy SP23 Sustainable and Safe Transport
- Policy SP24 Cycle and Footpath Networks
- Policy SP25 Development in Rural Areas

The National Planning Policy Framework (Framework) (amended 7 February 2025) sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration. While the government have begun a consultation on a significant rewrite of the Framework, it is not currently an expression of government policy and is subject to change. As such, the consultation draft version attracts very limited if any weight at all.

### **Observations**

1. Whether the proposal would be inappropriate development in the Green Belt
  - 1.1. The application site is located within Green Belt where development, including gypsy and traveller sites, are inappropriate development unless an exception applies.
  - 1.2. The applicant asserts that the proposal accords with paragraph 155 of the Framework, which states development should not be regarded as inappropriate development where all the following apply:
    - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
    - b. There is a demonstrable unmet need for the type of development proposed;
    - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and
    - d. Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 and 157 of the Framework.

- 1.3. Annex 2: Glossary of the Framework defines grey belt as land that does not strongly contribute to purposes (a), (b) or (d) in paragraph 143 of the Framework. These relate to checking the unrestricted sprawl of large built-up area, preventing neighbouring towns merging into one another, and preserving the setting and special character of historic towns, respectively. It also excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
- 1.4. The Planning Practice Guidance (PPG) on Green Belt provides guidance on how to assess the contribution land makes to the relevant Green Belt purposes.
- 1.5. The application site contains existing development. It is around 470m north of the large built-up area of Accrington and its township of Clayton-le-Moors and does not form part of a substantial part of a gap between towns nor contribute to the visual separation of towns. The site does not make a considerable contribution to the special character of a historic town. As such, the site does not contribute strongly to Green Belt purposes (a), (b) or (d). Additionally, there are no areas or assets in Footnote 7 of the Framework (other than Green Belt) that would provide a strong reason for refusing or restricting development. Therefore, the application site satisfies the definition of grey belt.
- 1.6. The proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area given its limited scale. There is a demonstrable unmet need for gypsy and traveller pitches in the Borough. For the reasons given below, the location is sustainable having regard to the scale and type of development proposed. The Golden Rules are not applicable to minor development or gypsy and traveller sites. Therefore, the proposal satisfies the grey belt exception at paragraph 155 of the Framework and is not inappropriate development. As such, it is not necessary to consider the effect on openness or other Green Belt purposes further.
- 1.7. For completeness, there is no conflict with Policy DM34 of the DMDPD insofar as it relates to Green Belt as it does not contain provisions relating to the use of land as a gypsy and traveller site.

## 2. Whether the location is suitable for the proposal

- 2.1. Policy BD1 of the HCS seeks to limit development within the rural area to that supporting farm diversification and promoting leisure and recreational facilities whilst retaining landscape character. This policy approach would be continued by policies SP1 and SP25 of the Emerging LP. However, Policy DM15 of the DMDPD, which is the most relevant development plan policy, does not explicitly require traveller sites to be located within urban areas but does expect them to be located within a reasonable distance from services such as a school, bus stop, local shop and health services; and in accessible locations with good access to public transport provision.

- 2.2. Paragraph 26 of the PPTS states that new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan should be strictly limited (footnote 9 of this sentence states that this is unless an relevant exceptions from inappropriate development in the Green Belt apply as set out in paragraph 154 of the Framework).
- 2.3. Paragraph 26 of the PPTS continues that it should be ensured that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. Similarly, although in relation to plan-making, paragraph 14 of the PPTS states that when assessing the suitability of sites in rural areas, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.
- 2.4. There is an important distinction between 'open countryside' and 'rural area' in the PPTS as development in the former should be strictly limited away from existing settlements or allocated areas whereas development is allowed in the latter.
- 2.5. Starting with Policy DM15 of the DMDPD, which requires a location within a reasonable distance from services and that is accessible with good access to public transport. It is important to note that accessibility for a gypsy and traveller site cannot be assessed on the same terms as bricks and mortar dwellings. This is because people with a nomadic way of life will travel by definition and generally not work in employment areas that were planned along public transport routes. Wherever they live, gypsies and travellers usually rely on private vehicles for work and often for access to facilities and services too. Therefore, the assessment must be made within this context.
- 2.6. The application site is an around 1770m walk from Clayton Medical Centre, local shops on Whalley Road (A680) and St Mary's Roman Catholic Primary School. Although frequent travel by foot is perhaps unlikely and by bicycle even more so, this is not an unreasonable distance from these facilities and services. Any trips to them by private motor vehicle would be small in duration and length. In any event, there are two bus stops within 160m of the access to the site, which provide regular services Blackburn, Burnley and Preston, including stopping in Clayton-le-Moors and a school bus service to Accrington St Christopher's Church of England High School. Therefore, having regard to the scale and type of development proposed, the site is within a reasonable distance from facilities and services, and is in an accessible location with good access to public transport provision. It complies with Policy DM15 of the DMDPD insofar as it sets out the locational requirements of gypsy and traveller sites and Policy DM33 of the DMDPD insofar as it seeks to promote sustainable transport.
- 2.7. Turning to the PPTS, the application site is within 500 metres of the nearest settlement of Clayton-le-Moors such that it is not away from existing settlements. It also contains an existing building and forms part of a wider cluster of built form on either side of Burnley

Road. As such, the application site is distinct from the open countryside and its development does not need to be strictly limited. Whilst it is in the rural area, its limited scale of one pitch would not dominate the nearest settled community nor place undue pressure on local infrastructure. Therefore, the proposal complies with paragraphs 14 and 26 of the PPTS insofar as they relate to gypsy and traveller sites in rural areas.

- 2.8. For completeness, although the proposal conflicts with Policy BD1 of the HCS and policies SP1 and SP25 of the Emerging LP insofar as they seek to limit development in rural area. This attracts limited weight against the proposal in light of compliance with Policy DM15 of the DMDPD and the PPTS, which are of greater relevance, and the lack of a five-year supply of traveller sites.
- 2.9. In conclusion, the location is suitable for the proposal having regard to the most relevant development plan policy (Policy DM15 of the DMDPD) and the PPTS. The conflict with Policy BD1 of the CS and policies SP1 and SP25 of the Emerging LP attract limited weight against the proposal.

### 3. The effect of the proposal on highway safety

- 3.1. The amended proposal would involve the relocation of the access with Burnley Road as previously approved. Burnley Road is subject to a 40 miles per hour posted speed limit, which Design Manual for Roads and Bridges suggests requires a stopping sight distance of around 120 metres. The amended visibility splay plan demonstrates that this distance could be achieved in both directions, which LCC Highways confirm is suitable. They also state that the gating and surfacing of the access are acceptable and recommend conditions, including requiring a scheme for the new access and closing of the existing access. There would be adequate room for parking and turning within the application site. Whilst concerns have been raised by the representations of objection regarding speeding, this is a matter for Lancashire Constabulary. Therefore, subject to conditions, the proposal would comply with policies DM15 and DM32 of the DMDPD insofar as they seek to safeguard highway safety.

### 4. The effect of the proposal on the character and appearance of the area, including landscape character

- 4.1. The application site is partially screened from Burnley Road by the hedgerow and trees along the northwest boundary. It is unlikely that there are any views from further field due to topography and the vegetation along the boundaries of adjacent fields. In any event, if the site is visible within any medium- or long-range views, the views would include the existing agricultural building and be within the context of the wider cluster of development in this general location.
- 4.2. The proposal has involved the introduction of a residential caravan on the application site. However, the PPTS implicitly accepts that gypsy and traveller sites may be located

in rural areas and it is noted that caravans are not uncommonly seen across the countryside on farms and holiday caravan sites as well as established gypsy and traveller sites. The boundary vegetation could be retained and enhanced by condition and a fence behind the hedge could be erected, which would screen views. Therefore, on balance, the proposal would have an acceptable and localised effect on the character and appearance of the area, including landscape character.

4.3. In conclusion, subject to condition, the proposal would have an acceptable effect on the character and appearance of the area, including landscape character. It would comply with policies BD1, ENV1, ENV3 and ENV6 of the HCS and policies DM15, DM26 and DM34 of the DMDPD, which seek to achieve well-designed places that recognise the intrinsic character and beauty of the countryside.

5. The effect of the proposal on flood risk and drainage

5.1. The application site appears to be at the lowest risk of flooding from rivers and surface water according to the Environment Agency Flood Map for Planning. The proposal proposes use of non-mains drainage. HBC Environmental Protection and United Utilities raise no objections in principle subject to conditions requiring further details. Therefore, subject to condition, the proposal would have an acceptable effect on flood risk and drainage. It would comply with Policy ENV4 of the HCS and Policy DM20 of the DMDPD, which seek to meet the challenge of flooding.

6. The effect of the proposal on biodiversity and ecology

6.1. The proposal appears to be exempt from the statutory biodiversity gain condition under the de minimis exemption. It proposes a package sewage treatment plant for the disposal of foul drainage. However, the application site is not in or near a protected site nor does there appear as though there would be any undue impact on the natural environment in this regard. Whilst there are concerns about the impact on trees, the proposal would have limited impact and replacement hedge planting could be secured by the landscaping condition. Therefore, subject to condition, the proposal broadly accords with policies BD1, ENV2 and ENV4 of the HCS and policies DM18 and DM19 of the DMDPD insofar as they seek to conserve and enhance the natural environment.

7. Whether the proposal would provide acceptable living conditions for future occupants

7.1. There were initially concerns regarding the impact of traffic noise on the living conditions of future occupants. However, it is understood that British Standard 3632:2015 'Residential Park Homes – Specification' requires such homes to have sound insulation providing a sound reduction index of 35dB and HBC Environmental Protection have no objection. Therefore, internal and external noise would be acceptable in this location.

7.2. Although the proposal would involve a residential caravan next to an agricultural building, they would form one planning unit such that there would not be any unacceptable impact on the living conditions of future occupants in this regard.

7.3. In conclusion, the proposal would provide acceptable living conditions for future occupants. It complies with policies BD1 and ENV7 of the HCS and policies DM15, DM25 and DM29 of the DMDPD insofar as they seek to achieve acceptable amenity.

8. Other consideration – Historic policy failure

8.1. It has previously been argued that there has been a persistent failure of the Local Planning Authority to put policies or other measures in place to meet the accommodation needs of gypsies and travellers and of a corresponding long-standing unmet need for sites. This attracted significant weight in favour of allowing an appeal. Whilst the policy context has changed with the Emerging LP, it is unlikely that this would remedy the historic policy failure in the short-term. Therefore, the historic policy failure attracts moderate weight in favour of the proposal.

9. Other consideration – Intentional unauthorised development

9.1. The proposal appears to be intentional unauthorised development as the applicant appears to be aware of the requirements for planning permission given the planning history of the site. This was put to the agent on 15 September 2025, but no substantive response has been received. Nevertheless, the enforcement code contained in the Town and Country Planning Act 1990 (as amended) is intended to be remedial not punitive. Therefore, this attracts limited weight against the proposal.

10. Other consideration – Presumption in favour of sustainable development

10.1. The Local Planning Authority cannot demonstrate an up-to-date five-year supply of traveller sites. In such circumstances, paragraph 28 of the PPTS states that the provision in paragraph 11(d) of the Framework apply, which states that permission should be granted unless:

- i. the application of the policies in the Framework that protect areas or assets of particular importance (set out in footnote 7) provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies (set out in footnote 9) for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 10.2. There are no policies in the Framework that protect areas or assets of particular importance that would provide a strong reason for refusal.
- 10.3. Turning to the balance of adverse impacts and benefits, the proposal conflicts with Policy BD1 of the HCS and policies SP1 and SP25 of the Emerging LP. It has also involved intentional unauthorised development. However, these each attract limited weight against the proposal. On the other hand, the proposal would involve the provision of one gypsy and traveller pitch with associated social benefits in the context of a lack of supply, which attracts significant positive weight. The historic policy failure, which is unlikely to be remedied in the short-term, attracts moderate positive weight. Therefore, the adverse impacts do not significantly and demonstrably outweigh the benefits.
- 10.4. On this basis, the presumption in favour of sustainable development and tilted balance contained therein is engaged. It is a material consideration of significant weight that indicates that planning permission should be approved.

11. Other matter – Coal mining

- 11.1. The application site is within the coal mining development low risk area such that a coal mining risk assessment is not required. Therefore, subject to informative note, the proposal would comply with Policy ENV4 of the HCS and Policy DM24 of the DMDPD insofar as they relate to legacy coal mining risks.

12. Other matter – Equality and human rights

- 12.1. This recommendation has had due regard to the public sector equality duty set out in the Equality Act 2010 (as amended) and the European Convention on Human Rights as enshrined in the Human Rights Act 1998 (as amended). However, the applicant has not put forward a personal circumstances case, so these matters are not determinative.

13. Other matter – Gas pipeline

- 13.1. The constraints suggest that there is a gas pipeline within or near to the application site. However, Cadent Gas have no objection subject to informative note and the plan they have provided shows that the nearest pipeline is on the opposite side of Burnley Road. Therefore, the proposal would be safe from the gas pipeline.

14. Other matter – Mineral safeguarding

- 14.1. The application site is located within a mineral safeguarding area. However, the proposal would have a limited impact given its proximity to the existing agricultural building and it is unlikely that prior extraction would be environmentally acceptable in this immediate location due to the proximity of existing dwellings and other buildings. LCC MWPA have been consulted and their response is awaited. Nevertheless, based on the available information, the proposal does not conflict with Policy DM2 of the Joint

Lancashire Minerals and Waste Local Plan: Site Allocations and Development Management Policies – Part One.

15. Other matter – Waste and recycling

15.1. There have been concerns raised by the representations of objection regarding waste and recycling. However, there is sufficient space within the application site to accommodate the storage of receptacles and LCC Highways have not raised any concerns regarding their collection. Therefore, the proposal would not conflict with Policy ENV4 of the HCS and Policy DM31 of the DMDPD insofar as they relate to waste and recycling.

16. Outstanding matters

16.1. The proposal would cause no unacceptable harm to the geodiversity of the area, the character of appearance of a conservation or heritage assets and their setting. Therefore, there is no conflict with Policy DM15 of the DMDPD in these regards.

16.2. Altham Parish Council have concerns about a negative impact on the local community. However, it is unclear how one pitch would have any significant material impact on the living conditions of nearby occupants or the local community. They also raise concerns about the lack of publicity. However, a site notice was posted near the application site in accordance with the statutory publicity requirements.

16.3. The representations of objection raise concerns about the impact on infrastructure. However, this is not supported by evidence. There are concerns about potential future breaches of planning control and that the proposal would set a precedent. However, any future breaches and applications would be assessed on their merits.

17. Planning balance and conclusion

17.1. In conclusion, there would be a degree of conflict with the development plan due to the conflict with Policy BD1 of the HCS and policies SP1 and SP25 of the Emerging LP insofar as they seek to limit development in the rural areas. However, this attracts limited weight against the proposal in light of compliance with Policy DM15 of the DMDPD and the PPTS, which are of greater relevance, and the lack of a five-year supply of traveller sites. The proposal accords with the plan taken as a whole.

17.2. In terms of material considerations, the intentional unauthorised development attracts limited weight against the proposal. However, the tilted balance is engaged, which attracts considerable weight in favour of the proposal. The material considerations indicate that the decision should be taken in accordance with the development plan.

17.3. On this basis, as the proposal accords with the development plan taken as a whole and material considerations positively indicate a decision in accordance with the plan, it is recommended that planning permission be approved subject to conditions.

**Recommendation:**

That planning permission be approved subject to the following conditions (or as amended to the satisfaction of the Head of Planning and Transportation):

1. The development hereby permitted shall be carried out in accordance with the following approved plans all received 11 June 2026, unless other conditions indicate otherwise:
  - Drawing number 1 revision A "SITE LOCATION PLAN – Rev A";
  - Drawing number 2 revision A "EXISTING AND PROPOSED SITE PLANS – REV A";
  - Drawing number 3 revision A "PROPOSED SITE PLAN DETAIL AND PLAN KEY – REV A"; and
  - Drawing number 4 revision A "PROPOSED SITE PLAN WITH VISIBILITY SPLAYS ALONG WITH THE APPROVED ACCESS GRANTED VIA PLANNING PERMISSION 11/19/0119 – Rev A".

Reason: To specify the terms of the permission in the interests of proper planning.

2. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within six months of the date of failure to meet any one of the requirements set out in i) to v) below:
  - i) Within three months of the date of this decision a site development scheme (hereafter referred to as the scheme) to include:
    - a) full details of existing and proposed boundary treatment;
    - b) full details of existing and proposed external lighting;
    - c) full details of foul and surface water drainage;
    - d) full details of soft landscaping, including enhancement of the existing hedgerow, and details of species, plant sizes and proposed densities and numbers; and
    - e) full details of the new site access and off-site highway works, including the permanent closing of the existing access and its reinstatement to grass verge

with full height kerb. The new access shall have visibility splays of 120 metres measured 2.4 metres back from the carriageway edge in both directions.

shall have been submitted for the written approval of the Local Planning Authority and shall include a timetable for its implementation.

- ii) If within eleven months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: In the interests of the character and appearance of the area, flood risk and drainage, and highway safety in accordance with policies BD1, ENV1, ENV3, ENV4 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26, DM31 DM32 and DM34 of the Hyndburn Development Management Development Plan Document.

- 3. At the same time as the site development scheme required by condition 2 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within five years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

4. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such, in accordance with Planning Policy for Traveller Sites or replacement planning policy or guidance.

Reason: The site is in the rural area where development is usually limited and the type of development is a reason for granting planning permission here.

5. There shall be no more than one pitch on the site. The pitch shall have no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), of which no more than one shall be a static caravan.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

6. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted and it shall not exceed 3.5 tonnes in weight.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

7. No non-agricultural commercial activities shall take place on the land, including the storage of materials.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV3 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

8. Notwithstanding the approved plans and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls other than those expressly authorised by this permission shall be erected within the site.

Reason: In the interests of the character and appearance of the area, including landscape character, in accordance with policies BD1, ENV1, ENV2, ENV3, ENV4 and ENV6 of the Hyndburn Core Strategy and policies DM15, DM18, DM19, DM26 and DM34 of the Hyndburn Development Management Development Plan Document.

Informative notes:

i. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (As amended) 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 (or any successor 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.

ii. Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [www.cadentgas.com/our-services/gas-diversions](http://www.cadentgas.com/our-services/gas-diversions).

Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

iii. Coal Mining Development Low Risk Area – Standing Advice

The application site lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during the 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](http://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](http://www.groundstability.com).

iv. Positive and Proactive Planning Statement

The Local Planning Authority have worked with the applicant in a positive proactive manner by offering detailed advice in the development plan and the accompanying suite of supplementary planning documents, offering a pre-application planning advice service and, where appropriate, providing guidance at the validation stage.

**List of Background Papers**

*The background papers are available on the Council's website at:*

<https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F25%2F0175&guid=171f21e3-c1a7-4fb9-8837-b2dfacb4420b#>.

<b>HYNDBURN BOROUGH COUNCIL – COMMITTEE REPORT</b>	
<b>APPLICATION REF:</b>	<b>11/25/0333</b>
<b>APPLICATION ADDRESS:</b>	<b>Land Parcel, 50 Hodder Street, Accrington, Lancashire BB5 6SX</b>
<b>DEVELOPMENT DESCRIPTION:</b>	<b>Construction of a self-build 3-bed detached dwelling and associated hardstanding together with a re-routed public footpath to adoptable standards</b>
<b>DATE REPORT WRITTEN:</b>	<b>11<sup>th</sup> June 2026</b>

## **Description of the Site and the Proposed Development**

The application site consists of a plot of land to the south of Hodder Street, immediately adjacent to the curtilage of No.48 Hodder Street. This roughly trapezoid-shaped site measures approximately 360m<sup>2</sup> in size. A public footpath, ref: 110374 Accrington, passes through the site in parallel with the gable end of No.48 Hodder Street. It is understood that a slither of land within the application site is designated as a statutory allotment site held by statute of the Allotments Act 1908 to 1950 (the Act).

Although the application site is currently vacant, it was previously occupied by a garage building, which was demolished in the late 20<sup>th</sup> century. The application site (including the public footpath) is currently blocked by a metal wire gate placed at the frontage of the site, and there is a line Heras fencing running along the rear of the site. Further to the south are a number of mature trees between the application site and Arden Hall Playing Field.

The application site is located within an established residential area within the Ward of Peel, with a mixture of semi-detached dwellings and traditional terraced properties on both sides of Hodder Street. The terraced properties on the opposite side of Hodder Street are dated back to the late 19<sup>th</sup> and early 20<sup>th</sup> century, characterised with stone facade, slate roof, and enclosed forecourt. The semi-detached dwellings adjoining the application site were constructed in the 1980s (under planning permission: 11/82/0417).

This proposal is seeking a planning permission for the construction of a self-build 3-bed detached dwelling with associated hardstanding, and a re-routed public footpath to adoptable standards.

## **Consultation Responses/Representations**

**Public Consultation:** A total of 11 consultation letters has been sent to occupiers of the neighbouring properties and a site notice posted adjacent to the application site on 08<sup>th</sup>

September 2025. The LPA has received a total of three objection letters and one support letter. The comments are summarised as follows:

### Objection

- There is a public footpath running through the middle of the application site which has been added to the record of the PRow (reference: FP1101374). It is understood that the footpath, when opened up again, would be 2.8m wide.
- The proposed 1.8m replacement footpath running along the side boundary of No.48 Hodder Street would be substantially inconvenient for the public.
- The existing Right of Way no. 11101374 is significantly wider (between 4.5m-6.5m) than the proposed rerouting on the application. The planning New Development guidelines suggest a minimum width of 3m as the path has been proven to be used by both pedestrians and cyclists. The proposed 1.8m fence will change the usage from a safe and open route, to merely a ginnel without a clear line of sight.
- The proposal has included a soakaway, but the site for the dwelling has historically been a soakaway area for the area of Hodder Street, Hodder Street and adjoining Wadding Road have no surface water drainage. Heavy rainfall frequently causes surface flooding which naturally takes its courses onto the application site.
- The application site includes part of the allotment land, which is not within the ownership of the applicant.
- The habitats and wellbeing of wildlife within the allotment such as frogs, butterflies, hedgehogs, woodpeckers, etc could be affected by the proposed development.
- The construction of a dwelling would significantly detract from the Peel Park & The Coppice Local Nature Reserve (LNR).
- The increased volume of traffic as result of the proposed development could cause further erosion to the road condition of Hodder Street

### Support

- Currently, the application site and part of the allotment has become a dumping ground for creamer gas bottles and rubbish on this area but the gas bottles and bin bags are easily thrown over the fence into the adjacent allotment area. The proposed development would therefore resolve this issue.

### 14-day reconsultation

Following the initial round of consultation, a set of updated plans has been submitted to the LPA. Subsequently, a 14-day reconsultation has been undertaken with a site notice posted adjacent to the application site, and consultation letters posted to the neighbouring residents. During this reconsultation period, no written response received.

**HBC Environmental Health:** The application site is within a short distance of a known landfill that has historically accepted domestic and municipal waste. Whilst this landfill is relatively old it is still of an age whereby gas production and contamination could still present a risk to sensitive human receptors and buildings especially when ground is to be broken.

Where contamination is expected or the end use is of sensitive nature such as residential, developers should provide proportionate but sufficient investigation information to determine the risk it may pose to whom/what so that the risks can be statistically reduced to an acceptable level. In the first instance, a phase one desk study will be required before commencement. This must be carried out by a competent person or company. Subject to the following conditions (including informative) , Environmental Health Officer raises no objection:

- Contaminated land survey – full
  - Site preparation and construction phase times of operation
- Informative: dust control; smoke control

LCC Highways: In the initial consultation response (dated 15<sup>th</sup> September 2025), the County Highway officer raised no objection to the proposal, subject to the recommended conditions. It is also noted that public footpath ref: 1101374 passes through the site parallel with the gable end of 48 Hodder Street in a roughly north-south orientation. The site layout plan submitted (drawing BP/HS/01) shows that the proposed development would encroach into and partly obstruct to recorded line of this Public Right of Way.

Following submission of a set of revised plans, the LCC Highways provided updated comments on the application on 14<sup>th</sup> May 2026. In the response, the County Highway Officer raised no objection to the application subject to the recommended conditions. The County Highway Officer also referred to the comments of the LCC PRow team, recommending that the public footpath is widened to 3m as it has been identified as a Primary Cycle route within the LCWIP.

*Further comments (received 16 June 2026)*

The absolute minimum width for a diverted Public Footpath is 2m. The recommendation to increase the width to 3m is because the route has been identified as a potential cycle route through LCWIP and so the extra 1m would be required as a shared space. However, the increased width is a recommendation and not a requirement in this instance, as long as the absolute minimum of 2m can be provided.

LCC Public Rights of Way (PRow) Team: In the consultation response dated 12<sup>th</sup> September 2025, the LCC PRow officer raised objection to the proposal, as the provision of the 1.8m footpath is significantly narrower than public footpath shown in the Definitive Map Modification Order (with the Order and Plan confirmed by the Secretary of State in May 2025 (with a width varying from 4.6-6.5m). The proposed development cannot take place without obstructing part of the recorded public right of way, either the development footprint needs to be changed for the footpath diverted under S257 of Town & Country Planning Act 1990. 2 meter width is the minimum acceptable width for a diverted footpath.

A diverted or improved public right of way must be constructed to an agreed standard acceptable by Lancashire County Council. The details shall include:

- Width, gradients and surface of the public rights of way
- Location and details of any proposed infrastructure across the right of way

- Drainage methods to prevent the discharge of water on the right of way
- Any planting to border the right of way
- Methodology to keep the disturbance and or closure of the rights of way to a minimum

HBC Ecological Adviser: In the initial consultation response dated 04 September 2025, an objection was raised for the reasons including:

Part of the application site is comprised of land first registered to the HBC, forms part of the statutory allotment site hold by state of the Allotments Act 1908 to 1950 (the Acts). The lawful use of allotment land cannot be changed 'disposed' through the Town & Country Planning Act 1990 except by prior authorisation of the Secretary of State and only following consultation with the National Allotment Association. No such permission for the change of land use has been given by the Secretary of State and consultation with the National Allotments Association has not been undertaken.

Reconsultation Response (05/02/2026): No objection. The edged red has been amended to exclude the statutory allotment site. The applicant has claimed Custom & Self-Build and therefore exemption from the Biodiversity Gain Regulation 2024. A legal agreement shall be secured between the Council and the applicant to ensure that dwelling is legally secured as 'Custom and Self-Build' as defined by the C&SB Act 2015. In the event that the dwelling is either let or sold within a defined period then the principle established by Biodiversity Gain Regulations becomes retrospectively applied to the dwelling.

Recommended conditions:

- Installation of permanent 1800mm close boarded timber fencing along the east boundary of the site
- Programmed landscaping scheme

United Utilities: No objection with recommended informative

### **Relevant Planning History**

11/21/0401 – Full: Erection of 1 No dwelling. Withdrawn 15.03.2023

11/12/0208 – Erection of a dwelling. Withdrawn 26.06.2012

### **Relevant Policies**

#### Hyndburn Core Strategy (CS)

Policy BD1 The Balanced Development Strategy

Policy H1 Housing Provision

Policy Env4 Sustainable Development and Climate Change

Policy Env6 High Quality Design

Policy Env7 Environmental Amenities

Policy A1 Amount and Distribution of Housing in Accrington

## Hyndburn Development Management Development Plan Document (DMDPD)

Policy GC1 Presumption in favour of sustainable development

Policy GC2 Infrastructure, Planning Obligations and CIL

Policy DM10 New Residential Development

Policy DM16 Housing Standards

Policy DM18 Protection and Enhancement of the Natural Environment

Policy DM19 Protected Species

Policy DM21 Protection of Open Spaces

Policy DM26 Design Quality and Materials

Policy DM29 Environmental Amenity

Policy DM31 Waste Management in all New Development

Policy DM32 Sustainable Transport, Traffic and Highway Safety

Policy DM33 Sustainable Transport Infrastructure

## Hyndburn Local Plan 2040

The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (the Emerging LP) has been subject to public hearings, and the Examining Inspector has issued a post-hearings letter, which does not raise any fundamental concerns. It is at an advanced stage of preparation. Therefore, in accordance with paragraph 49 of the Framework, the policies of the Emerging LP generally attract substantial weight. Following policies from the Emerging Local Plan are relevant to this proposal:

Policy SP1 The Spatial Development Strategy

Policy SP10 Housing Provision (including affordable housing)

Policy SP11 Suitable Range of Housing

Policy SP18 High Quality Design

Policy SP20 Environmental Amenity and Air Quality

Policy SP25 Development in rural areas

## Material Considerations

National Planning Policy Framework

National Planning Policy Guidance

Nationally Described Space Standards

### **1. Observations**

- 1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Hyndburn comprises of Core Strategy (2012), Development Management DPD (2018), the Accrington Area Action Plan.

- 1.2. The main issues raised by this application relate to the principle of development; design and appearance; impact on residential amenity; highway safety, access and parking; flood risk and drainage and ecology. Each of these issues will be considered in turn.

### Principle of Development

- 1.3. The application relates to piece of land between the curtilage of No.48 Hodder Street and Hodder Street allotment site. The application site and its neighbouring area is within the defined urban boundary of Accrington.
- 1.4. With regard to housing provision, Hyndburn Core Strategy Policy H1 sets out the Council's housing delivery target during the plan period, and provides a guideline on the percentage of housing mix for new development. Core Strategy Policy BD1 and Hyndburn Local Plan Policy SP1 set out the Council's settlement hierarchy, and state that the existing settlement pattern and hierarchy of centres will be maintained and supported by concentrating development within the urban areas and in centres of a scale and type appropriate to their role. Core Strategy Policy A1 particularly notes that 3,200 new houses will be developed in the Borough, and 75% of new housing will be developed within the main urban area of Accrington and its township.
- 1.5. In this case, the proposed scheme would provide a detached three-bed dwelling with associated parking provision. As part of the proposal, a 2m wide public footpath will be provided from Hodder Street to Arden Hall Playing Fields between the curtilages of No.48 Hodder Street and the proposed dwelling. The proposed development would provide a family dwelling within/adjacent to the established residential area and therefore complies with policies BD1, H1 and A1 of Hyndburn Core Strategy and Policy SP1 of Hyndburn Local Plan 2040.
- 1.6. Furthermore, at the time when this planning application is considered, the Council is unable to demonstrate a five-year housing land supply. Given the Council's current housing land supply position, the proposed development would make a small contribution to the supply of housing. A key objective of the NPPF is to significantly boost the supply of housing. Such benefit shall carry significant weight in the overall planning balance.
- 1.7. In light of the above, it is considered that the proposed development is acceptable in principle.

### Design, Appearance and Impact on Local Character

- 1.8. Policy Env6 of the Core Strategy seeks to conserve and enhance the quality of Hyndburn's urban and rural environment through the application of high-quality

design. Policy DM10 of Hyndburn Development DPD sets out a range of criteria that will be applied when considering planning applications for new residential development. Policy DM26 of Hyndburn Development Management DPD and Policy SP18 of Hyndburn Local Plan 2040 are concerned with design quality and materials and sets out a variety of criteria that should be taken into consideration when assessing planning application.

- 1.9. The area surrounding the application site features a variety of housing types on both sides of Hodder Street and Waddington Road, including the late 19<sup>th</sup> century terraced properties and the 1980s semi-detached dwellings, all of a two-storey nature. The material palette featured in local vicinity is also varied with red bricks, stone, part render/part stone elevations, slate or grey tile roof. With this in mind, it is considered that there is no prevailing design character/ choice of materials in the local area.
- 1.10. As illustrated in plans accompanying this submission, the proposed dwelling would be positioned approximately 8.9m from Hodder Street, following the building line established by existing properties on south side of Hodder Street, to enable off-street parking provision along the frontage of the proposed dwelling. The proposed dwelling is of conventional design, to be constructed with brick external elevations and grey roof tiles, and grey uPVC windows. It is also noted that the proposed detached dwelling is not of a scale which will over-dominate neighbouring properties, particularly when compared with the semi-detached properties in its vicinity. The proposed dwelling, by virtue of its design, height, scale and choice of materials, will be in keeping with the surrounding area, being a detached property, with similar visual appearance of the neighbouring semi-detached properties. Notwithstanding the choice of materials specified within this application, a condition requiring material details to be submitted and approved would be imposed, should the planning permission be granted.
- 1.11. For the reasons given above, it is considered that the proposed dwelling is acceptable in terms of design and appearance. The proposed development would therefore comply with policies ENV6 of the Hyndburn Core Strategy, Policy DM10 and DM26 the Hyndburn Development Management DPD, and Policy SP18 of the Hyndburn Local Plan 2040.

#### Impact on Residential Amenity

- 1.12. Hyndburn Core Strategy Policy Env7, Development Management DPD Policy DM29 and Policy SP20 of Hyndburn Local Plan 2040 states that proposals for new development will only be permitted if it does not result in unacceptable adverse impacts through (amongst other things), overlooking and loss of light. Hyndburn Development Management Policy DM16 requires that the internal space of

developments are expected to be in accordance with the Nationally Described Space Standards, including sufficient built-in storage.

- 1.13. In this instance, the proposed dwelling, by virtue of its design, position and separation distance with the neighbouring properties, is not expected to result in overlooking, overshadowing or any other undue impact on the neighbouring amenity. The internal floor area of the proposed dwelling measures approximately 98m<sup>2</sup> (with internal storage space provision), which complies with the standards as set out in the Nationally Described Space Standards.
- 1.14. The proposal is therefore acceptable in terms of the amenity of neighbouring properties and the future occupiers of the proposed dwelling, therefore in accordance with Policy Env7 of Hyndburn Core Strategy, Hyndburn Development Management DPD Policy DM29, and Hyndburn Local Plan 2040 Policy SP20.

#### Highway Safety, Public Rights of Way (PRoW), Traffic and Parking

- 1.15. Hyndburn Core Strategy Policy Env7 aims to avoid development which has an unacceptable adverse impact by reason of traffic. Development Management DPD Policy DM32 requires that development should not give rise to an increase in traffic volume that exceeds local or strategic transport network capacity and should ensure that any new development would not have an adverse impact on highway safety. Policy GN8 of the Hyndburn Development Management DPD sets out the parking standards for developments in each use class. With regard to Class C3 housing development, GN8 requires the provision of 2 parking spaces per 2-3 bedroom dwelling.
- 1.16. The scheme is for a detached single dwelling with the layout showing 2 no parking spaces which does comply with the Council's parking standards. LCC Highways have been consulted and have raised no objection to the proposal and are of the opinion that the development will not have a significant impact on highway safety and capacity.
- 1.17. As a part of the proposal, a 1.8m wide public footpath was initially proposed between the defined curtilage of the proposed dwellings and No.48 Hodder Street. This is set to replace the PRoW FP1101347 which is recorded as running through the application site. In the consultation response, the LCC Public Rights of Way Team commented that the proposed development cannot take place without obstructing part of the recoded Public Rights of Way and that either the development footprint needed to be changed or the footpath diverted under the Town and Country Planning Act S257, or part of the width of the footpath is stopped-up under S257 of TCPA. A 2 metres width is the minimum acceptable width for a diverted footpath.

- 1.18. In response to the comments from the LCC PRow team, an updated site layout plan showing the provision of a 2m width replacement public footpath was submitted.
- 1.19. However, LCC Highways indicated in their consultation response that a 3m-wide was required as the public footpath had been identified as a 'Primary Cycle Route' within the adopted Lancashire Local Cycle and Walking Infrastructure Plan (LCWIP). The LCWIP is a material consideration, but does not form part of the adopted Development Plan. A 2m-wide footpath would not be suitable for shared pedestrian and cycle use.
- 1.20. The representation from LCC Highways also highlighted that a temporary closure order must be made and in effect prior to commencing any works on site. In addition, any section of diverted footpath will need to be constructed through a legal agreement with Lancashire County Council and to the County Council's specification.
- 1.21. Having regard to the recommended 3m wide replacement public footpath/cycleway, planning officers are of the view that there is already an extensive existing PRow network in the area adjacent to the application site providing the connection between Hodder Street and Arden Hall Playing Field with the presence of the existing 5m wide public footpath at Essex Street approximately 40m to the west of the application site (reference FP1101049) and its established connection with other PRow to the south of the application site. If the opportunity to provide the Primary Cycle Route through the application site was lost, there remains an alternative route to provide a cycleway connection. In this regard it is not considered that the proposal would fundamentally prejudice implementation of wider LCWIP objectives.
- 1.22. The applicant has indicated that the provision of a 3m wide footpath/cycleway would require a redesign of the dwelling and would result in the reduction in the width of room sizes. In addition, the two off-street parking space could not longer be constructed due to width constraints.
- 1.23. Following further discussion with the Highway Authority it has been confirmed that the provision of a 3-metre-wide footpath/cycleway is a recommendation only and is not a requirement in this instance.
- 1.24. On site, a well-used pathway of approximately 1m width across the site was apparent. The Public Right of Way however is recorded as being 4.5m-6.5 wide at present with its remaining width, aside from the 1-metre-wide worn path, being grassed. If permission was granted a new 2m wide footpath would be constructed to LCC's specifications. This would result in a properly constructed surface which would be marked improvement compared with the existing unmade PRow and would make access easier for pedestrians with prams or those in wheelchairs.

- 1.25. In light of the above, subject to the conditions and informative proposed by the County Highway Officer and PRoW officer, the proposal would not have an unacceptable impact on PRoW, highway safety and transport, including parking. It would broadly accord with policies DM32 and DM33 of the Hyndburn Development Management DPD, and Policy Env7 of the Core Strategy. However, it would fail to provide a Primary Cycle Route of 3m width as set out in the Lancashire LCWIP and this weighs against the proposal.

### Ecology and Biodiversity Net Gain

- 1.26. Hyndburn Development Management DPD Policy DM17 (Trees, Woodland and Hedgerows) states that development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value. With regard to the development proposals which could potentially result in harm to biodiversity, Paragraph 193 (a) of the NPPF notes that when determining planning application, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impact), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 1.27. In this case, the applicant has claimed that the proposed dwelling would be a Custom & Self-Build scheme, therefore it is exempted from the Biodiversity Gain Regulation 2024. HBC Ecological Advisor recommend that a legal agreement be secured between the Council and the applicant to ensure that the dwelling is legally secured as Custom and Self-Build as defined in the relevant legislation with appropriate retrospective action required in the event of non-compliance.
- 1.28. Subject to a list of planning conditions (including a fencing condition to prevent unauthorised encroachment onto the statutory allotment site), the proposed development is in accordance with Policy DM19 of Development Management DPD and paragraph 193 of the NPPF.

### Drainage and Waste Management

- 1.29. Hyndburn Development Management DPD Policy DM20 requires flood risk and surface water drainage to be considered as part of the planning process, this is supported by the provision of the NPPF. The site is within the Flood Zone 1 and is not considered to be at a high risk of fluvial or pluvial flooding. The proposed scheme has outlined the provision of a soakaway within the application site. Subject to the provision and successful implementation of a detailed surface water drainage strategy, the proposed development is not expected to result in an increased level of surface water run-off from the site or risk of flooding. Therefore, subject to relevant condition, the proposal would comply with Policy DM20 of the Hyndburn

Development Management DPD insofar as they seek to meet the challenge of climate change and flooding.

- 1.30. The application site is within a very short distance of a known landfill that has historically accepted domestic and municipal waste. It is still of an age whereby gas production and contamination could still present a risk to sensitive human receptors and buildings especially the ground is to be broken. As such, the Council's EHO officer recommended a condition to ensure a proportionate and sufficient investigation to be undertaken to determine the risk it could post to the further residents and the associated mitigation strategy.

### Other Considerations

- 1.31. As Hyndburn Borough Council currently fails to demonstrate a deliverable 5-year housing land supply, paragraph 11(d) of the NPPF indicates that the policies which are most important for determining the application are out-of-date. The presumption in favour of sustainable development would apply unless there is strong reason for refusing the development or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 1.32. Footnote 7 of the NPPF identifies a range of policies that are capable of providing a strong reason for refusal of an application and have the effect of disengaging the presumption in favour of sustainable development. None apply in this case.
- 1.33. In this instance, the proposed development, even just for 1 dwelling, would still offer benefits in terms of housing supply within one of the key settlements of the Borough. The development will also give rise to minor economic benefits during the construction period.
- 1.34. Whilst it is recognised that the proposed footpath provision would not comply with the aspirations of the Lancashire LCWIP and the request for a 3m-wide cycleway, it does appear that there are alternative routes available to provide cycleway connectivity in this location. It is not considered any harm arising from the failure to provide this would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole.

### Conclusion

Therefore, planning permission shall be granted for this proposal subject to the completion of a legal agreement securing it as a Custom and Self-Build dwelling.

### Recommendation:

That planning permission be APPROVED subject to the satisfactory completion of a s.106 legal agreement for the matters set out in the report and subject to the following conditions (or alternative conditions satisfactory to the Chief Planning and Transportation Officer):

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 submitted drawings/documents:

Application Form – received 29<sup>th</sup> August 2025

Location Plan – received 04<sup>th</sup> June 2026

BP/HS/01 Site Layout – received 04<sup>th</sup> June 2026

BP/HS/04 Floor Plans – received 29<sup>th</sup> August 2025

BP/HS/02 Side Elevation – received 29<sup>th</sup> August 2025

BP/HS/03 Front and Rear Elevation – received 29<sup>th</sup> August 2025

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.

3. Notwithstanding the details shown on the approved plans, no development (other than demolition and site clearance/preparation) shall commence until details of the walling and roofing materials (including colours and finishes and details of cills or lintels) have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details, and retained as such at all times thereafter.

Reason: In the interest of visual amenity of the area in accordance with the provisions of Core Strategy Policy Env6 and Development Management Development Plan Document Policy DM26.

4. Construction deliveries to and from the site and construction works shall not take place except between 8.00 and 18.00hrs Monday to Friday, 09.00 to 13.00hrs on Saturdays, and will not take place at any time on Sundays and Bank Holidays, unless otherwise agreed in writing with the local planning authority. All works will be undertaken in accordance with BS5228:2009

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

5. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

- (a) A desk study which assessed the risk of the potential for no-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
- (b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, or nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological system and property.

The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey

- (c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
- (d) On completion of development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface water both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

6. Prior to commencement of construction and enabling work permanent 1800mm close boarded timber fencing shall first be erected along the eastern boundary to protect the neighbouring statutory allotment site and to form a Construction Exclusion Zone. Location of the boundary fencing is denoted by the edge red and shall not extend into the land protected by statutory designation as allotment land 'Allotments Act 1908/1950.

Reason: To protect the neighbouring statutory allotment site

7. Prior to commencement a satisfactory programmed landscaping scheme, which shall include soft and hard landscaping, means of enclosure, planting of the development, and annual maintenance shall be submitted to and approved in writing by the Local Planning Authority. The content of the scheme shall include minimum of 2 standard UK native trees and/or orchard trees (8-10cm girth/2.5-3.0m height), further details of the landscape scheme shall include the number of plants, The content of the planting scheme shall include the number of plants, species, planting size, planting and seed sowing methodology, British Standards, and location of the planting. The work described in the scheme, shall be carried out strictly in accordance with the approved details and shall be retained in this manner thereafter. The approved landscape scheme shall be implemented during the first planting season following completion of the main construction phase. The approved scheme shall thereafter be kept in this manner, and any tree, shrub, plant or bulb/seed sown area which dies or is felled, uprooted, wilfully damaged or destroyed for a period of no less than 30 years, commencing with the date of first planting, shall be replaced by the applicants or their successors in title.

Reason: To enhance tree and hedgerow cover and the natural environment in accordance with Policies DM17 and DM18 of the Development Management DPD of Hyndburn Borough Council.

8. Prior to the commencement of construction details for the installation of 1 building integrated terraced Sparrow nest box, 1 building integrated Bat box and 11 building integrated bee brick shall be submitted and approved in writing by the Local Planning Authority. The submitted details shall include the box type, manufacturer's name, and elevation plans marking the location of installation. The building integrated boxes must be installed during the construction phase, and installed in accordance with manufacturer's specification, to British Standard or appropriate guidance. The work described shall be retained in this manner thereafter.

Reason: To protect bats and nesting birds in the interests of biodiversity and to accord with Policies DM18 and DM19 of the adopted Development Management DPD and the NPPF

9. Immediately following completion of the main construction phase a Statement of Good Practice shall be signed by the competent person, and shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Good Practice shall confirm that the biodiversity enhancement measures have been implemented in accordance with good practice, drawings and scheme design upon which the planning consent was granted. The Statement of Good Practice shall extend to include the following ecological avoidance, mitigation and enhancement measures: That the bat box, bird box and bee brick have been installed in accordance with the approved scheme and plans.

Reason: To protect bats and nesting birds in the interests of biodiversity and to accord with Policies DM18 and DM19 of the adopted Development Management DPD and the NPPF

10. Immediately following completion of the landscape scheme (which by planning condition must itself be completed during the first planting season following the completion of development) a Statement of Good Practice shall be signed by the competent person, and shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Good Practice shall confirm that the specified landscape measures have been implemented in accordance with good practice upon which the planning consent was granted.

Reason: To enhance tree and hedgerow cover and the natural environment in accordance with Policies DM17 and DM18 of the Development Management DPD of Hyndburn Borough Council.

11. Prior to commencement of any development on site, including any clearance works, the section of Public Footpath FP1101374 Accrington which will be obstructed by the proposed development shall be stopped up under Section 257 of the Town and Country Planning Act. In addition, the remaining reduced width of 2m shall be diverted under the same legislation, exact alignment to be agreed with Lancashire County Council's Public Rights of Way team.

Reason: In the interest of highway and pedestrian safety.

12. Prior to commencement of any development on site, including any clearance works, a scheme for the construction to Lancashire County Council's specification of the diverted section of Public Footpath FP1101374 Accrington shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All works shall be completed prior to first occupation of the development.

Reason: In the interest of pedestrian safety and to protect the Public Rights of Way network.

13. No development shall take place, including any works of site clearance, until a Construction Method Statement including site plan 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) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities and mechanical road sweeping
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Timing of deliveries
- xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

14. The approved development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

15. Prior to first occupation of the approved development two electric vehicle charging points shall be provided in accordance with a scheme to be approved by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development supports sustainable forms of transport.

16. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development supports sustainable forms of transport.

17. Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Plan Authority for a surface drainage scheme. The scheme shall be implemented in accordance with the agreed details prior to first use of the development.

Reason: To prevent surface water running onto the highway.

## Informative Notes:

### 1. Positive and Pro-active

As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring that upon receipt consultation responses are available to view on the Council's web site. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework.

### 2. 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.

### 3. Dust Control

The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.

### 4. Smoke Control

Hyndburn Council receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning.

### 5. S.278 Legal Agreement for Highway Works

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (short form Section 278), with Lancashire County Council as the

Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction to the highway authority's specification of Public Footpath ref 1101374 Accrington. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

6. Works Affecting Public Footpath

The applicant/developer should take note of Public Footpath ref 1101374 Accrington which runs through the site and take utmost care to ensure that this is kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's Public Rights of Way team. An enquiry about permanently diverting or stopping up of the footpath, or part thereof, should be made to Hyndburn Borough Council.

7. Surface Water Drainage Strategy

All options for sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.