

<b>REPORT TO:</b>	<b>Planning Committee</b>
<b>APPLICATION REF:</b>	<b>11/26/0076</b>
<b>APPLICATION ADDRESS:</b>	<b>6 - 8 Thomas Street, Oswaldtwistle, Lancashire, BB5 3LA</b>
<b>DEVELOPMENT DESCRIPTION:</b>	<b>FULL: Conversion to 6no, 1 bedroom apartments, rear single storey infill extension, external alterations and creation of 2no parking spaces.</b>
<b>DATE REPORT WRITTEN:</b>	<b>01/04/2026</b>

**This planning application has been referred to Planning Committee by Councillor Smithson.**

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

A planning application has been submitted at the former Lord Longworth Public House on 6 – 8 Thomas Street in Oswaldtwistle, BB5 3LA. The site measures approximately 0.06 ha and includes the two-storey former public house building which sits on the junction of Thomas Street and Peel Street. The building has a single storey rear outrigger and adjoins land previously used as part of the public house for outdoor seating.

The site is generally surrounded by residential dwellings on all sides with some commercial uses (take-away, chemist and bar for example) to the south off Union Road. To the rear (north east) of the building off Peel Street/ Cooper Close is a retirement housing complex. Immediately opposite the site, on Thomas Street, are residential dwellings. To the north is the outdoor seating area associated with previous public house use (excluded from this application), beyond this are more residential dwellings off Mason Street.

The application seeks 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 infill extension to the northeast is single storey in height and approximately 1.7m in width, closing a gap between the two outriggers to the rear and aligning 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.

### **Consultation Responses/Representations**

HBC Environmental Health: No objection

Lancashire County Council (LCC) Highways: No objection subject to planning conditions

Cadent Gas: No response.

Neighbour Consultation: The application was advertised via neighbour letter to surrounding properties. A single objection was received at the time of writing this report and can be summarised as below:

- Concerned about the potential tenants of the flats, stating that potential tenants should be vetted prior to moving in due to nearby school and kids in the area.

### **Relevant Planning History**

11/24/0313 – Permission in Principle: Town and Country Planning (Amendment) Order 2017, Demolition of Existing Public House and Erection of up to 9 Apartments – Approved: 24/09/2024

11/15/0408 – Erection of single storey rear extension. – Approved: 19/01/2016.

06/0396 – Erection of garage, gazebo, timber shelter, fencing and balustrade, relocation of stairs, extension of curtilage to form beer garden and childrens play area (retrospective). – Approved: 22/09/2006.

94/0128 – Erection of extension to from beerstore 1st floor kitchen extension and formation of car park. Approved: 26/04/1994.

93/0679 – Erection of single storey games room, beer store extension and first floor kitchen extension. – Refused: 02/02/1994

93/0384 – Erection of single storey games room and garage extension of first floor kitchen extension and provision of car parking. – Refused: 06/10/1993

93/0041 – Erection of extension to from function room and provision of car parking – Refused: 12/05/1993

89/0409 – Erection of extension to form games room and formation of car park. – Approved: 25/09/1989

84/0502 – Erection of toilet extension and internal alterations. Approved: 08/10/1984

### **Relevant Policies**

#### The Hyndburn 2040: Local Plan (Strategic Policies and Site Allocations) (Emerging LP)

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 SP23 Sustainable and Safe Transport

#### Hyndburn Core Strategy (CS)

Policy BD1 Balanced Development Strategy  
Policy A1 Amount and Distribution of Housing in Accrington  
Policy H1 – Housing Provision  
Policy Env6 High Quality Design  
Policy Env7 Environmental Amenity

#### Hyndburn Development Management Development Plan Document (DMDPD)

Policy GC1 Presumption in favour of sustainable development  
Policy DM8 Public Houses  
Policy DM10 New Residential Development  
Policy DM16 Housing Standards  
Policy DM18 Protection and Enhancement of the Natural Environment  
Policy DM20 Flood Risk Management and Water Resources  
Policy EM26 Design Quality and Materials  
Policy DM29 Environmental Amenity  
Policy DM31 Waste Management in all New Development  
Policy DM32 Sustainable Transport, Traffic and Highway Safety

#### Material Considerations

National Planning Policy Framework  
National Planning Policy Guidance  
DMDPD GN3 Materials and colour  
DMDPD GN7 Waste Management  
DMDPD GN8 Car Parking, access standards and transport assessment/travel plan thresholds

### **Observations**

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.

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 moderate to substantial weight.

In assessing this proposal, the main considerations include the principle of development; design and impact on street scene; impact on residential amenity; housing standards; highway safety, access and parking; and flood risk and drainage. Each of these issues will be considered in turn.

## 1. Principle of Development

### *Development Strategy*

1.1. The application site comprises a former public house located within the urban boundary of Oswaldtwistle off Thomas Street/ Peel Street.

1.2. Policy BD1 of the Hyndburn Core Strategy (CS) sets out the development strategy in the Borough stating at section a) 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. Accrington and its townships will accommodate the majority of new development. Modest growth is proposed in Great Harwood, and Rishton would develop in a manner consistent with its size and function. Development that is appropriate to the scale and role of the townships will be supported to help sustain these areas and the services they provide to their communities”.*

1.3. Policy SP1 of the Emerging LP also sets out the spatial development strategy for the borough. The policy states:

*‘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 and accessibility, as set out below:’*

Principal Town - Accrington (includes the townships of Baxenden, Church, Clayton-le-Moors, Huncoat and Oswaldtwistle)

*'Growth Strategy - The Principal Town will accommodate the majority of new development. Accrington will be the principal centre and will provide for the Borough's key services, retail and town centre needs. Huncoat will grow at a significantly faster rate than the other Accrington townships to support Huncoat Garden Village (see Policy SP2: Huncoat Garden Village).'*

- 1.4. Policy SP1 also states *'Sufficient land will be made available in the Borough to meet the identified requirement for housing over the Plan period of at least 3,686 dwellings (equivalent to an average of 194 dwellings per year)' and 'Housing development will be focussed on previously developed sites'.*
- 1.5. The application site falls within the urban boundary of Accrington and its townships (Oswaldtwistle specifically) which is where development is expected to be concentrated. In particular, the CS outlines 75% of new housing is to be located in Accrington and Townships and Knuzden.
- 1.6. In land use terms, there are no site-specific policies which would restrict residential use in principle. Conversely, the Emerging LP and CS encourage the reuse of previously developed land for housing within the urban boundary. Therefore, the proposal is broadly in line with the development strategy of the Local Plan from a land use perspective.

#### *Loss of Public House*

- 1.7. The application seeks a change of use from a public house to 6no apartments. The proposal will lead to the loss of the public house at the site and therefore Policy DM8 (Public Houses) of the DMDPD applies.
- 1.8. Policy DM8 states;  
  
*'1. Proposals for the loss of a public house through demolition, or change of use to any other use class, will only be supported if an applicant can demonstrate that:*
  - a. the public house has been marketed as a public house, at market rate, for a consistent period of 12 months; and*
  - b. the loss of the pub will not result in a shortfall of local pub provision in the area;**or*
  - c. the public house is no longer economically viable;*  
*2. In all circumstances the proposed development should not have a detrimental effect on the design, character and heritage of the existing public house and/or the wider streetscape (and is in line with Policy DM22: Heritage Assets).'*
- 1.9. The applicant has stated marketing commenced on 9th October 2024 and the applicant purchased the building in the summer of 2025. No further details have been provided in terms of the marketing undertaken more recently.
- 1.10. The application site benefits from an extant planning permission (ref. 11/24/0313) which consented the demolition of the former public house and erection of a new apartment block on 24<sup>th</sup> September 2024. At the time of that application, information was provided to confirm the public house had been marketed since 29<sup>th</sup> August 2023 until

determination (24<sup>th</sup> September 2024) and officers were satisfied that the loss of the pub would comply with Policy DM8 of the DMDPD.

1.11. In light of the fall back position and clear intent from the owner to develop the site, in this instance it is considered that the loss of the pub can be justified in line with Policy DM8 (a). The application site has been recently marketed for a period of 12-months, and still could be lost without this application and therefore on balance, the retention and reuse of the building is considered acceptable and broadly in compliance with Policy DM8 (a) above.

1.12. In regards to local pub provision, Policy DM8 explains;

*'the Council considers a 'shortfall' of provision to be where no other facility is available within a reasonable walking distance (10 minutes or approximately 800m, however this will depend upon local circumstances)'*

1.13. Within a 10-minute walking distance or 800m radius of the application site the following public houses have been identified (the 5 nearest):

- Tap Select (320 Union Rd, Oswaldtwistle, Accrington BB5 3JD) circa 2-minute walk away (100m distance);
- The vault (343 Union Rd, Oswaldtwistle, Accrington BB5 3HS) circa 2-minute walk away (110m distance);
- Black Dog (384 Union Rd, Oswaldtwistle, Accrington BB5 3NW) circa 3-minute walk away (160m distance);
- The Heys Inn (52 Stone Bridge Lane, Oswaldtwistle, BB5 3BW) circa 8-minute walk away (645m distance); and
- The Rhoden Inn (109 Roe Greave Rd, Oswaldtwistle, Accrington BB5 3QF) circa 6-minute walk away (485m distance).

1.14. Based on the above, it is clear the local pub provision would not be significantly affected as alternative provision is available within walking distance, particularly on the nearby Union Road. It is considered the proposal would comply with Policy DM8 (1(b)) in this respect.

1.15. With regard to the detrimental effect on the design, character and heritage of the existing public house and/or the wider streetscape – no major external changes are proposed and therefore the proposal will comply with this element of Policy DM8 (2). This is considered further in the following sections.

1.16. Overall, the application site is located in a sustainable location, has no policy restrictions which limit the type of development proposed and accords with the development strategy set out within the Emerging LP Policy SP1 and CS Policy BD1 and A3. The loss of the pub is considered to be broadly in compliance with the criteria set out within Policy DM8.

## *Housing Provision*

1.17. Policy SP11 of the Emerging LP states new apartment developments will only be supported where they would maintain the prevailing character and setting of the local area and are either (relevant extracts only):

*'a) within town centres or within walking distance (250m or closer) of town centres;'* or  
*'d) in locations that are well served by public transport and the development would secure the efficient use of land;'*

1.18. In addition, the DMDPD states *'The majority of new housing will be developed on previously developed land and will also be within the existing urban area.'* The above is reiterated in the NPPF which states decisions should; *'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)'*

1.19. Policy A1 of the CS also states 75% of all new housing in the borough is expected to be developed in the main urban area of Accrington and its townships. In line with the above, residential development within the urban boundary of Oswaldtwistle is supported in the Development Plan, particularly on brownfield sites. The application site meets this policy aim as it seeks to redevelop previously developed land within the urban area.

1.20. It is also noted that the application site is within close proximity (less than 200m walking distance) to the Oswaldtwistle Town Centre. In addition, the site is considered to be well served by public transport and secures the efficient use of land (a vacant building). This is in line with Policy SP11 of the Emerging LP for apartment developments.

1.21. In consideration of the above, the principle of residential development at the site is considered acceptable. The site is surrounded by residential uses and being adjacent to the defined Oswaldtwistle Town Centre, the site is in a highly sustainable location, with a wide range of existing retail, commercial and community facilities available in the immediate vicinity.

## 2. Housing Standards

2.1. Policy SP18 of the Emerging LP states *'development should ensure that the occupiers of the new development will enjoy an appropriate standard of amenity and will not be adversely affected by neighbouring uses'*. Policy DM16 of the DMDPD states proposals for housing are required to meet the internal space standards as set in NDSS (Nationally Described Space Standards).

2.2. The proposed apartments are all 1-bed and range in floorspace from 38m<sup>2</sup> to 43.5m<sup>2</sup>. The NDSS requirement for 1-bed 1 person apartment is 37m<sup>2</sup> if a shower room is

provided. Each apartment is shown to have a shower room and is in excess of the NDSS requirements.

- 2.3. It is also noted that each apartment is served by adequate windows to allow natural light in for future occupiers. A cycle storage and bin storage area is proposed close to the external staircase with easy access to Thomas Street.
- 2.4. The proposals comply with Policy SP18 of the Emerging LP and Policy DM16 of the DMDPD.

### 3. Design and Visual Appearance

- 2.5. Policy Env6 of the CS seeks to conserve and enhance the quality of Hyndburn's urban and rural environment through the application of high-quality design. Policy DM26 of the DMDPD is concerned with design quality and materials and sets out a variety of criteria that should be taken into consideration when assessing planning applications. Policy SP18 of the Emerging LP reflects the previously mentioned policies above and reiterates the importance of high-quality design, creating a strong sense of place and ensuring new development assimilates well with the street scene/ local area.
- 2.6. The external changes to the existing building fabric proposed under this application are limited to 4no. new windows and 2no. new doors all to the ground floor. A single window is proposed to the first floor. These are considered to be of a suitable proportion and scale to that expected in the surrounding street scene and will not detrimentally impact upon the visual amenity of the area.
- 2.7. Likewise, the proposed rear extension is single storey in height and infill in nature which is likely to have little impact upon the visual amenity of the area. Due to its location, scale and surrounding properties screening; the extension is unlikely to be visible in the street scene.
- 2.8. Therefore, the proposal accords with Policies ENV6 of the CS, Policy DM26 of the DMDPD and Policy SP18 of the Emerging LP.

### 4. Impact upon Residential Amenity

- 3.1. Policy DM29 (Environmental Amenity) of the Hyndburn Development Management DPD states that development will be required to protect, and where possible to improve, the amenity of surrounding areas for existing and future residents. The Council will require that new development: a. does not result in the loss of privacy or unacceptable increase in the sense of enclosure; b. does not result in the unacceptable loss of outlook; c. benefits from adequate level of daylight and sunlight; and d. does not create an

unacceptable level of noise, vibration, artificial light, odour, fumes of dust pollution during construction and over the life of the development.

- 3.2. Policy Env7 of the Hyndburn Core Strategy requires that proposal for new development will be permitted only if it is demonstrated that the material impact arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisance will not give risk to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards.
- 3.3. Policy SP20 of the Emerging LP reiterates the above, highlighting 'Proposals for new development will be permitted only if it is demonstrated that the material impacts arising by virtue of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards'
- 3.4. Note that the Council's preferred minimum distances in relation to overlooking and loss of light are noted in the Householder Design Guide and also in the Design Policy in the DMDPD. The preferred distances are 21m at first floor level between habitable room windows and 12m from any facing gable and habitable room windows (this is increased for 2nd floor windows). In addition, overlooking gardens should be avoided too (ideally with a 10m+ gap provided from habitable first-floor window and private garden space).
- 3.5. In terms of loss of light; generally the proposal is unexpected to impact upon any of the neighbouring properties above and beyond the current situation as it will not project beyond existing elevations in any direction nor will it increase scale close to sensitive locations.
- 3.6. In terms of overlooking; the ground floor apartment windows are unlikely to cause a detrimental impact or concerns due to their limited height. A first-floor window to the rear elevation is serving a habitable room (bedroom) and directly interfaces with the rear garden of 1 – 2 Cooper Close. However, this is at a suitable 10m distance and is largely screened by the existing single storey flat roof to the rear. The other first floor apartment features a habitable room (bedroom) window interfacing with the rear garden of properties off Union Road. This is at a suitable distance of 10m+ to rear gardens and 21m+ to habitable window.
- 3.7. Overall, it is not considered that the proposed development would result in any undue harm to the residential amenity of neighbouring occupants and the proposal would accord with the requirements of Emerging LP Policy SP20, CS Policy Env7 and DMDPD Policy DM29.

## 5. Highway Safety, Traffic and Parking

- 3.8. Policy DM32 sets out that all development proposals will be required to actively encourage sustainable travel in line with Policy DM33: Sustainable Transport Infrastructure, and by prioritising the needs of sustainable transport modes in accordance with the following street user hierarchy: a. pedestrians; b. cyclists; c. public transport users; d. special vehicle service (including taxi's, deliveries and servicing needs); and e. other motorised transport.
- 3.9. LCC Highways have been consulted as part of the application process and initially raised concerns about the usability of the parking spaces and visibility splays proposed. Following amendments from the applicant which includes a wider access point and 1no. parking space; LCC Highways have removed their objection. The consultee notes, in relation to parking, that *'site that it is within acceptable walking distance of local amenities and facilities including public transport. Therefore future occupants would not necessarily be reliant on using private vehicles. The highway authority also noted that there was some spare capacity for parking on the surrounding highway network, which may be able to accommodate any additional parking demand generated by the development.'*
- 3.10. Various conditions have been proposed by LCC Highway including those which will secure the proposed changes to the access and off-site highway works.
- 3.11. The proposals are in general accordance with Policies DM32 and DM33 of the Development Management DPD.

## 6. Flood Risk and Drainage

- 5.1. The site falls within the Flood Zone 1 and is not considered to be at a high risk of flooding nor is it expected to increase flooding nearby. Likewise, the site is not expected to be at an increased risk of flooding in the future (2070 to 2125). Therefore, the proposals comply with Policy ENV4 of the CS and Policy DM20 of the DMDPD insofar as they seek to meet the challenge of climate change and flooding.

## 7. Other Considerations

- 6.1. A single objection has been received citing concerns in regard to the potential tenants of the apartments. This is not considered to be a material planning consideration in the determination of the planning application and does not change the overall assessment.

## 8. Planning Balance and Conclusions

- 7.1. The application seeks a change of use from a vacant public house to 6no. apartments with some external changes including an infill extension to the rear.
- 7.2. The proposed development will lead to the loss of a public house. However, in line with Policy DM8, it has been demonstrated that the public house has been marketed for unsuccessfully previously and also benefits from fallback position which would allow the demolition of the public house. Suitable alternative local pub provision is available in the vicinity. Therefore, alternative uses at the site are considered acceptable in this instance.
- 7.3. The site is located within the urban boundary and no site-specific designation within the Development Plan which would restrict the proposed use has been identified. The site is located within a sustainable location and is within an area outlined for development and growth within the development strategy set out in the CS Policy BD1 and Emerging LP Policy SP1.
- 7.4. No detrimental impact has been identified to highway safety, residential amenity and the visual appearance of the surrounding area. This is reflected in the lack of consultee objections.
- 7.5. On this basis, the application is recommended to be approved subject to the conditions below.

### **Recommendation:**

That planning permission is granted subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

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

Location Plan (ref. PP-14663105v1) received 26/02/2026;  
Proposed Site Plan (dwg no. 24041 - 10 rev Rev C) received 31/03/2026;  
Proposed Plans (dwg no. 24041 - 14 rev D) received 31/03/2026;  
Proposed Elevations (dwg no. 24041 – 15 rev B) received 31/03/2026.

Reason: In the interests of proper planning.

3. Site preparation and construction phase times of operation: Construction deliveries to and from the site, and construction works, are restricted to between 0800 and 1800hrs Monday to Friday, 0900 to 1300hrs on Saturdays, and will not take place on Sundays and bank holidays, unless otherwise prior 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 Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

4. No development shall take place, including any works of demolition or clearance, until a Construction Method Statement with 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. Measures to control the emission of dust and dirt during construction
  - vi. A scheme for recycling/disposing of waste resulting from demolition and construction works
  - vii. Details of working hours
  - viii. Routing of delivery vehicles to/from site
  - ix. Timing of deliveries
  - x. Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

5. No building or use hereby permitted shall be occupied or use commenced until dropped kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of highway/pedestrian safety and accessibility and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

6. Prior to first occupation of the approved development one car parking space as shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials and thereafter always remain available for the parking of vehicles associated with the development and shall be kept free from obstructions in perpetuity.

Reason: To ensure that the development has appropriate off-road car parking provision and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

7. Prior to first occupation of the approved development secure, covered cycle storage for six 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 and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

8. All refuse bins shall be kept within the confines of the site, except on the appropriate collection day.

Reason: In the interest of highway safety to prevent bins from being stored on the highway where they could cause an obstruction or hazard to other highway users and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

9. The boundary treatment along Thomas Street shall be kept below 0.6m at all times.

Reason: For highway safety and to allow acceptable visibility splays and to comply with Policy DM32 of the Hyndburn Development Management Development Plan Document.

#### Informative Notes:

1. Positive and Proactive Planning Statement

The Local Planning Authority operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. 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 all representations and 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. Conditions

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

3. 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.

#### 4. Coal Authority – Low Risk

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](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).

#### 5. Biodiversity Net Gain

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

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

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

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

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

#### **List of Background Papers**

<https://planning.hyndburnbc.gov.uk/Northgate/ES/Presentation/Planning/OnlinePlanning/OnlinePlanningOverview?applicationNumber=11%2F26%2F0076&guid=5caa5a5b-0993-4da7-b9d3-58c6f72d9adc>