

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

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 360m² 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 20th 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 19th and early 20th 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 08th

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 15th 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 14th 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 12th 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 19th 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 98m² (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 29th August 2025

Location Plan – received 04th June 2026

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

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

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

BP/HS/03 Front and Rear Elevation – received 29th 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 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.