

FOOTNOTE 1

¹ This troublesome Application No.11/19/0211, published on 24/07/2019, is otherwise dated [19/06/2019](#) and – according to the [Report to the Committee](#) extracts below ² - is otherwise a resubmission of 11/18/0177.

Draft Report 29.07.2020 extract page 6, attached, compares the information on the Applicant’s 2018 and 2019 Appeal Forms

13 Jul 2018	Appeal Form	Appeal Form-530222.pdf / Appeal Form-530222 Thumbnails	APPELLANTS 01 APPEAL FORM - 342922
16 Dec 2019	Appeal Form	Appeal Form-540093.pdf / Appeal Form-540093 Thumbnails	APPELLANTS APPEAL FORM

and Box 04 – in each case – clearly identifies the following

- 18-04-25 PHA/042 100 **9 May 2018-cloned** “OS Extract-526399.pdf”

as being the red-edged site location plan to be relied on in the both Appeals for establishing the site boundary (ownership certified at box I).

09 May 2018	OS Extract	OS Extract-526399.pdf	18-04-25 PHA042 100 BACK OWEN STREET SITE CONTEXT (INCLUDES LOCATION PLAN)
09 May 2018	CAD drawing	CAD drawing-526398.pdf	18-04-25 PHA042 100 BACK OWEN STREET SITE CONTEXT(1).

However, in the case of the 2019 Appeal, the “**Location Plan received 24.7.19**” ² should otherwise have been cited at Box 04 of the Appeal Form, as

- (1) it was not a clone of the SITE CONTEXT plan,

it was otherwise

- (2) a bespoke Location Plan based on the 20 February 2017-licenced OS Extract BLJT-00600948 – and, by reference to its red edge, an amendment of the Location Plan on page 15 of “**Ground Contamination Survey received 24.7.19 (dated September 2017)**” ².

11/17/0480 CASE FILE:

13 Nov 2017	OS Extract	OS Extract-521697.pdf	LOCATION PLAN.
13 Nov 2017	CAD drawing	CAD drawing-521694.pdf	PHA042100 BACK OWEN STREET SITE CONTEXT

11/19/0211 CASE FILE (13 December 2019 Notice of Appeal Letter, p2, [refers](#)):

24 Jul 2019	OS Extract	OS Extract-536654.pdf	LOCATION PLAN
24 Jul 2019	CAD drawing	CAD drawing-536629.pdf	18-04-25 PHA042 100 BACK OWEN STREET SITE CONTEXT (INCLUDES LOCATION PLAN)

² FOOTNOTE 2, NEXT PAGE

FOOTNOTE 2

² Pages 11-13 Report to the Committee, extracts:

“• The red edge doesn't include the access road The access road does not need to be included in the red edge. ...

• No certificate of ownership filled in in terms of the access This is not a legal requirement. The correct certificate has been filled out on the planning application form. ...

• *This is a resubmission of planning application 11/18/0177 that planning committee refused last year on highways and access issues. Following the appeal the applicant lost and the committee's decision was upheld. The appeal was upheld on the grounds that a valid s106 to secure the social housing element of the development had not been submitted, not on highways grounds.*

• *As no significant change has been made to the new application, therefore this planning proposal must again be taken to planning committee. The s106 is now included and as such the Inspector's matters have been addressed.*

Conclusion *In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account along with the recent appeal decision APP/R2330/W/18/3207105 which is a material consideration for this planning application. The applicant has submitted a signed s106 Agreement to ensures that the proposed housing will be used only for social housing, as required by the Planning Inspector in his consideration of the appeal APP/R2330/W/18/3207105.*

Recommendation *To APPROVE the application subject to the signed s106 securing this housing as social housing (Use Class C2) and the conditions set out below:*

Conditions ... 2. The development shall be carried out in accordance with **the following plans and documents:**

Application forms received 24.7.19

Location Plan received 24.7.19 ...

Acoustic Report received 214.7.19 (dated April 2018) ...

Ground Contamination Survey received 24.7.19 (dated September 2017)

Site context Drawing 100 Ground plan ... Reason: For the avoidance of doubt...”

FOOTNOTE 3

³ Page 19 Report to the Committee – Informatives 13a, 14, 15, 16, 17, & 18:

PAGE 19

The screenshot shows a PDF document viewer interface. The browser address bar at the top contains the URL: democracy.hyndburnbc.gov.uk/documents/s11935/11190211%20-%20Land%20Adjacent%20to%20Back%20Owen%20Street.pdf. The document title is "11190211 - Land Adjacent to Back Owen Street.pdf" and the page number is "19 / 24".

Informatives

- 1) 13a
- 2) 14
- 3) 15
- 4) 16
- 5) 17
- 6) 18

The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.

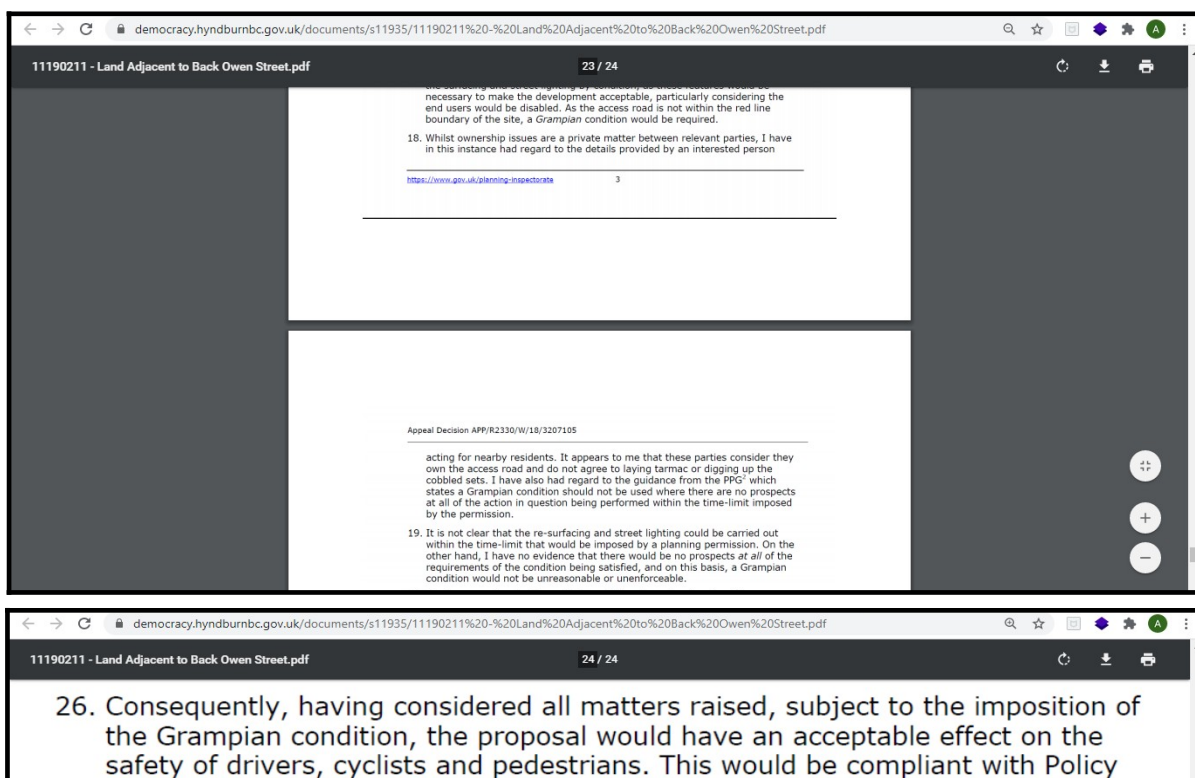
Police, Network Rail and Lancashire Fire Service comments.

Need to attach the previous planning report and the appeal report

FOOTNOTE 4

⁴ Pages 23-24 Report to the Committee (**access road / red edge / Grampian Condition**):

PAGES 23-24



17. *“Consequently, it would be necessary to secure details of the surfacing and street lighting by condition, as these features would be necessary to make the development acceptable, particularly considering the end users would be disabled. As the access road is not within the red line boundary of the site, a Grampian condition would be required.*

“18. Whilst ownership issues are a private matter between relevant parties, I have in this instance had regard to the details provided by an interested person acting for nearby residents. It appears to me that these parties consider they own the access road and do not agree to laying tarmac or digging up the cobbled sets. I have also had regard to the guidance from the PPG2 which states a Grampian condition should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

19. It is not clear that the re-surfacing and street lighting could be carried out within the time-limit that would be imposed by a planning permission. On the other hand, I have no evidence that there would be no prospects at all of the requirements of the condition being satisfied, and on this basis, a Grampian condition would not be unreasonable or unenforceable.”

FOOTNOTE 5

⁵ **Planning Committee Supplemental Agenda 9 October 2019, pages 5 & 14:**

PAGE 5

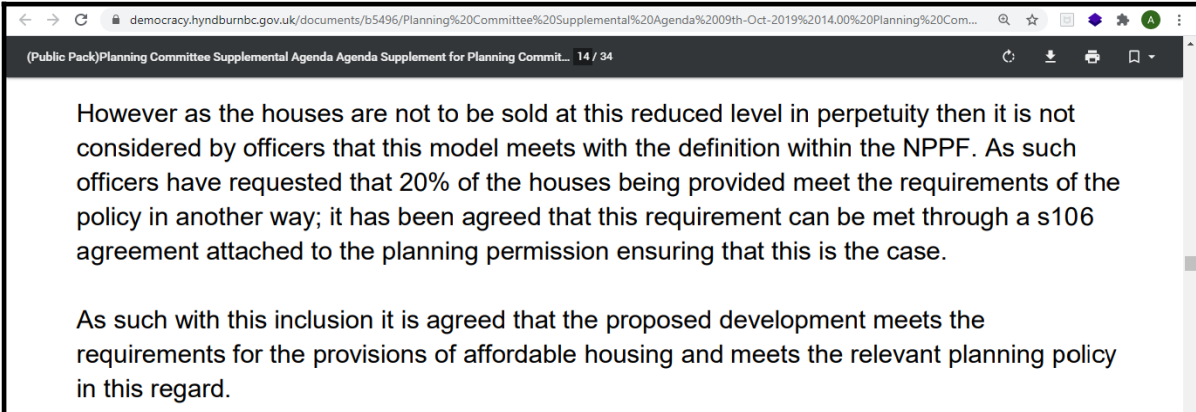


The screenshot shows a web browser window with the URL: democracy.hyndburnbc.gov.uk/documents/b5496/Planning%20Committee%20Supplemental%20Agenda%2009th-Oct-2019%2014.00%20Planning%20Com... The page title is "(Public Pack) Planning Committee Supplemental Agenda Agenda Supplement for Planning Commit... 5 / 34". The content is as follows:

Application Number:	11/19/0141
Full Application	Major Full: Residential development to create 46no dwellings (16 x 2 bed and 30 x 3 bed 2 storey buildings)
Address:	Land off Miller fold Avenue Miller Fold Avenue Accrington
Determination by:	20th Oct 2019 (extension agreed)

11/19/0141 SECTION 106 AGREEMENT TO BE SIGNED BEFORE COMMITTEE DECISION:

PAGE 14



The screenshot shows a web browser window with the same URL as above. The page title is "(Public Pack) Planning Committee Supplemental Agenda Agenda Supplement for Planning Commit... 14 / 34". The content is as follows:

However as the houses are not to be sold at this reduced level in perpetuity then it is not considered by officers that this model meets with the definition within the NPPF. As such officers have requested that 20% of the houses being provided meet the requirements of the policy in another way; it has been agreed that this requirement can be met through a s106 agreement attached to the planning permission ensuring that this is the case.

As such with this inclusion it is agreed that the proposed development meets the requirements for the provisions of affordable housing and meets the relevant planning policy in this regard.

11/19/0141 Case File:

19 Dec 2019	Legal	Legal-540453.pdf / Legal-540453 Thumbnails	UNILATERAL UNDERTAKING
23 Dec 2019	Decision	Decision-540295.pdf	COMMITTEE DECISION
23 Jun 2020	Decision	Decision-544219.pdf	ASSOCIATED DECISION

END