

Section 278 Agreement Requirement

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Statutory Consultee Response-536760.pdf 2 / 3

Informative note

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.

Kelly Holt
Senior Engineer

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Register of applications

40.—(1) In this article and in articles 41 and 42, “the local planning register authority” means—

- (a) in relation to land in a National Park, the National Park authority (and references to the area of the local planning register authority are, in this case, to the National Park);
- (b) in relation to land in Greater London or a metropolitan county, which is not land in a National Park, the local planning authority (and references to the area of the local planning register authority are, in this case, to the area of the local planning authority other than any part of their area within a National Park);
- (c) in relation to any other land—
 - (i) the district planning authority; or
 - (ii) where there is no district planning authority in relation to the land, the county planning authority,(and references to the area of the local planning register authority are, in this case, to the area of the district planning authority or the area of the county planning authority, as the case may be, other than any part of their area within a National Park).


(2) Each local planning register authority must keep, in two parts, a register (“the register”) of every application for planning permission relating to their area.

(3) Part 1 of the register must contain in respect of each such application and any application for approval of reserved matters made in respect of an outline planning permission granted on such an application, made or sent to the local planning register authority and not finally disposed of—

- (a) a copy (which may be photographic or in electronic form) of the application together with any accompanying plans and drawings;
- (b) a copy (which may be photographic or in electronic form) of any planning obligation or section 278 agreement proposed or entered into in connection with the application;
- (c) a copy (which may be photographic or in electronic form) of any other planning obligation or section 278 agreement entered into in respect of the land the subject of the application which the applicant considers relevant; and
- (d) particulars of any modification to any planning obligation or section 278 agreement included in Part 1 of the register in accordance with sub-paragraphs (b) and (c).

Case File x Heading 9 x The Town and Country | x +

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 **The Planning Inspectorate**

Appeal Decision

Site visit made on 27 January 2020

by Gareth Wildgoose BSc (Hons) MSc MRTPI
an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/R2330/W/19/3240964
Land adjacent to Back Owen Street (adjacent to Brandwood Works),
Accrington BB5 6AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by J & R Plant Hire UK against the decision of Hyndburn Borough Council.
- The application Ref 11/19/0211, dated 19 June 2019, was refused by notice dated 10 October 2019.
- The development proposed is erection of 6no. supported living units (C2) with associated parking and communal area.

Decision

1. The appeal is allowed and planning permission is granted for erection of 6no. supported living units (C2) with associated parking and communal area at Land adjacent to Back Owen Street (adjacent to Brandwood Works), Accrington BB5 6AU in accordance with the terms of the application, Ref 11/19/0211, dated 19 June 2019, subject to the conditions set out in the attached schedule.

Application for costs

Case File x Heading 9 x The Town and Country | x +

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Appeal Decision APP/R2330/W/19/3240964

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BLJT-00600948; PHA/042/100; PHA/042/200 rev B; PHA/042/300 & sss-7741 rev A.
- 3) No development shall take place until full details of a scheme for the highway works to provide the site access have been submitted to and approved in writing by the local planning authority. The scheme of works shall include the re-surfacing of the side street adjacent to 106 Whalley Road, addition of street lighting and any **agreements** required thereto. The approved scheme shall be implemented in full before the first occupation of any supported living unit hereby approved.