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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.

Case File

Search Application

Summary

Comment On Application

Application No: 11/19/0211
Registration Date: 24 Jul 2019
Location: LAND ADJACENT TO BACK OWEN STREET ACCRINGTON BB5 6AU
Development: Full: Erection of 6 No supported living (C2) units with associated parking and communal area

Date published	Document Type	View	Description
24 Jul 2019	Application Form	Application Form-536623.pdf / Application Form-536623 Thumbnails	APPLICATION FORM
24 Jul 2019	OS Extract	OS Extract-536654.pdf	LOCATION PLAN
24 Jul 2019	BackGround Papers	BackGround Papers-536630.pdf	18-04-25 PHA042 BACK OWEN STREET DESIGN AND ACCESS STATEMENT
24 Jul 2019	BackGround Papers	BackGround Papers-536633.pdf	AMENDED HIGHWAYS REPORT 19.2.2019
24 Jul 2019	BackGround Papers	BackGround Papers-536639.pdf	DRAFT SECTION 106 AGREEMENT
24 Jul 2019	BackGround Papers	BackGround Papers-536635.pdf	PHA042 ACCOUSTIC REPORT
24 Jul 2019	BackGround Papers	BackGround Papers-536637.pdf / BackGround Papers-536637 Thumbnails	PHA042 ECOLOGY SURVEY
24 Jul 2019	BackGround Papers	BackGround Papers-536638.pdf	PHA042 GROUND CONTAMINATION STUDY.
24 Jul 2019	Photo	Photo-536641.pdf	PHA042 BOUNDARY FENCING DUO8 IMAGE
24 Jul 2019	Photo	Photo-536643.pdf	PHA042 BOUNDARY FENCING HISEC IMAGE.
24 Jul 2019	CAD drawing	CAD drawing-536629.pdf	18-04-25 PHA042 100 BACK OWEN STREET SITE CONTEXT (INCLUDES LOCATION PLAN)
24 Jul 2019	CAD drawing	CAD drawing-536631.pdf	18-06-11 PHA042 200 BACK OWEN STREET PLAN REV A.
24 Jul 2019	CAD drawing	CAD drawing-536632.pdf	18-06-11 PHA042 300 BACK OWEN STREET ELEVATIONS
24 Jul 2019	CAD drawing	CAD drawing-536644.pdf	PHA042 BOUNDARY FENCING DUO8-2MTR-X-2.5MTR
24 Jul 2019	CAD drawing	CAD drawing-536645.pdf	PHA042 BOUNDARY FENCING HISEC-3M-OVERLAPPING
24 Jul 2019	CAD drawing	CAD drawing-536647.pdf	PHA042 TOPOGRAPHICAL SURVEY
25 Jul 2019	Statutory Consultee Response	Statutory Consultee Response-536692.pdf	NETWORK RAIL. DEV ASSET-PROTECTION-INITIAL-ENQUIRY-QUESTIONNAIRE-REV-1.1
25 Jul 2019	Statutory Consultee Response	Statutory Consultee Response-536694.pdf / Statutory Consultee Response-536694 Thumbnails	NETWORK RAIL. RESPONSE
01 Aug 2019	Statutory Consultee	Statutory Consultee Response-536789.pdf	HBC ENVIRONMENTAL HEALTH OFFICER

APPENDIX

	Response		
01 Aug 2019	Statutory Consultee Response	Statutory Consultee Response-536793.pdf	LCC FIRE & RESCUE
01 Aug 2019	Statutory Consultee Response	Statutory Consultee Response-536760.pdf	LCC HIGHWAYS
05 Aug 2019	Statutory Consultee Response	Statutory Consultee Response-536872.pdf / Statutory Consultee Response-536872 Thumbnails	POLICE ALO
05 Aug 2019	Statutory Consultee Response	Statutory Consultee Response-536873.pdf	POLICE ALO- SBD HOMES 2019 V1
06 Aug 2019	Statutory Consultee Response	Statutory Consultee Response-536909.pdf	LCC FIRE & RESCUE
15 Aug 2019	Statutory Consultee Response	Statutory Consultee Response-537156.pdf	HBC REGENERATION
16 Aug 2019	Statutory Consultee Response	Statutory Consultee Response-537205.pdf / Statutory Consultee Response-537205 Thumbnails	PL HBC ENV HEALTH
22 Aug 2019	Statutory Consultee Response	Statutory Consultee Response-537392.pdf / Statutory Consultee Response-537392 Thumbnails	PT HBC ENV HEALTH
27 Aug 2019	Statutory Consultee Response	Statutory Consultee Response-537451.pdf / Statutory Consultee Response-537451 Thumbnails	HBC ECOLOGY CONDITIONS 19 0211
30 Sep 2019	Statutory Consultee Response	Statutory Consultee Response-538296.pdf / Statutory Consultee Response-538296 Thumbnails	NETWORK RAIL ADDITIONAL COMMENT
10 Oct 2019	Decision	Decision-538506.pdf	DECISION NOTICE
13 Dec 2019	Appeal Correspondence	Appeal Correspondence-540087.pdf	START LETTER (AR13) - S PRIDEAUX - 09 DEC 2019.
16 Dec 2019	Appeal Form	Appeal Form-540093.pdf / Appeal Form-540093 Thumbnails	APPELLANTS APPEAL FORM
19 Dec 2019	Statutory Consultee Response	Statutory Consultee Response-540178.pdf	ELECTRICITY NORTH WEST
13 Jan 2020	Appeal Correspondence	Appeal Correspondence-540687.pdf / Appeal Correspondence-540687 Thumbnails	B1843 BACK OWEN ST A DAVIES HIGHWAYS WRITTEN STATEMENT APPEAL APPENDIX 1 FOR PLA
13 Jan 2020	Appeal Correspondence	Appeal Correspondence-540678.pdf	HBC QUESTIONNAIRE
13 Jan 2020	Appeal Correspondence	Appeal Correspondence-540690.pdf / Appeal Correspondence-540690 Thumbnails	STATEMENT OF CASE HBC.DOCX
23 Jan 2020	Legal	Legal-544578.pdf	UNILATERAL UNDERTAKING (ON WEBSITE 09/07/20)
14 Feb 2020	Appeal Correspondence	Appeal Correspondence-541622.pdf	LETTER FROM PLANNING INSPECTORATE TO APPELLANT
26 Feb 2020	Appeal Decision	Appeal Decision-541950.pdf	APPEAL DECISION 3240964
26 Feb 2020	Appeal Decision	Appeal Decision-541951.pdf	COSTS DECISION 3240964

Documents

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Extracts from the Appeal Decision relating to access

[in para. 10]:

“The UU, therefore, overcomes the concerns of the previous Inspector and I afford significant weight to the planning obligations therein”.²

[in para. 9]:

*“I note that the UU for the purposes of identification of the site has a red edge that is different from **the submitted plans** insofar as it excludes the access road”.*

[in para. 29]:

*“there has not been a material change in circumstances in terms of the proposed access arrangements and local highway conditions aside from the **inclusion**³ of the site access within the red edge on the location plan submitted as part of this proposed development”.*

[in para. 36]:

“In reaching that view, I have taken into account that the access road is already capable of being used by vehicles as an access point to and from Back Owen Street ... none of the accidents which have taken place had any relationship with the use of the proposed site access”.

[in para 45]:

“Conditions 3 and 4 are pre-commencement conditions to secure highway works to ensure that the site access is suitable for vehicles, pedestrians and cyclists to ensure that the development does not have an unacceptable impact in terms of highway safety”.

[in the SCHEDULE]:

*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”.*

[in the SCHEDULE]:

*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**”.*

[in para. 33]:

Whilst ownership matters have been raised with respect to works taking place along the access road, the submitted plans include it within the red edge and the Council determined the planning application on that basis”.

² THE “UU” (UNILATERAL UNDERTAKING) IS MISSING FROM THE APPLICATION REGISTER 11/19/0211.

³ A REQUEST FOR SUCH INCLUSION WAS MADE ON 19.08.2019 (extracts follow):