



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

THE APPLICATION

Applicant: Gleeson Regeneration Limited
Mr Matt Smith
Agent: Gleeson Regeneration Limited
Sandringham House
Hollinsbrook Park
Little 66, Roach Bank Road
Bury
BL9 8RN

Full Planning Application

FOR:
Erection of 152 no. dwelling houses including access and associated infrastructure

AT:
Former Hollins Paper Mill
Hollins Grove Street
Darwen

APPLICATION REFERENCE NUMBER: **10/17/1037**

The application was received: **09/08/2017**

THE DECISION

Date of Decision: 16/03/2018

In pursuance of their powers under the above Act, the Council

REFUSES

consent for the above development in accordance with the details given on the application form and submitted plans. Permission is refused for the following REASONS:

1. The proposed development would result in the loss of secondary employment land and the applicant has failed to demonstrate that the land is no longer capable of beneficial use for employment purposes, contrary to Policy CS4 (Protection and re-use of employment land) of the Blackburn with Darwen Core Strategy and the provisions of Paragraph 22 of the National Planning Policy Framework (NPPF).
2. The proposed development would prejudice the on-going operations of surrounding commercial uses by way of the likely future imposition of operating restrictions bought about in response to the adverse amenity effects existing commercial uses generate, contrary to the overarching objectives of the Blackburn with Darwen Local Plan, Part 2 (Site allocations and development management policies) Paragraphs 3.1 and 3.7 and the provisions of Paragraph 123 of the NPPF.
3. The principle of a residential development of this nature in this location fails to recognise the wider context of the area and could not make a positive contribution to it in accordance with the provisions of Policy 11 (Design) of the Blackburn with Darwen Local Plan, Part 2 (Site allocations and development management policies). The development would also undermine the prevailing and desired land use character of the area and as such contravenes the provisions of Policy CS16 (Form and design of new development) of the Blackburn with Darwen Core Strategy.
4. The development would generate a large number of vehicle movements and the site is not conveniently located with regard to existing and proposed public transport services so as to reduce resident's dependence upon private motor vehicles. Many on site car parking facilities are also substandard and this will discourage their use and likely result in on-street parking which will, in turn, impact upon traffic flows and highway safety. The residual impacts of increased vehicle movements and substandard parking facilities would likely generate severe on-site and off-site highway impacts contrary to Policy 10 (Accessibility and transport) of the Blackburn with Darwen Local Plan, Part 2 (Site allocations and development management policies) and Paragraph 32 of the NPPF.
5. Insufficient information has been submitted to demonstrate how the proposed bund around Crown Paints' polymer plant would interact with the adjacent Public Right of Way (No. 252). As such potential impacts upon this public asset cannot be determined.
6. Insufficient information has been submitted to demonstrate that the amenity effects generated by existing surrounding commercial uses can reasonably be mitigated. This includes noise, odour and failure to mitigate these effects is contrary to the provisions of Policy 8 (Development and people) of the Blackburn with Darwen Local Plan, Part 2 (Site allocations and development management policies).
7. The development would place undue strain upon the local highways network and green infrastructure and would not accommodate the active travel needs of future residents. The applicant is unwilling to contribute to improvements to, or the provision of new facilities to accommodate these needs and the viability assessment submitted with the application does not adequately demonstrate that the level of contribution required to mitigate the harm of the development could not be sustained. Whilst the applicant has agreed in-principle to provide affordable dwellings on site, the applicant has not agreed to a delivery mechanism and as such it has not been confirmed that affordable housing would be provided in accordance with Policies CS8 and CS21 of the Blackburn with Darwen Core Strategy.

Your attention is drawn to the NOTES attached.

PLEASE NOTE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise. As set out above, it is considered that the proposal would be contrary to a number of the policies of the plan. In this case, significant social, environmental and economic concerns have been identified and these concerns demonstrably outweigh any benefits of the scheme. Whilst the absence of a five-year housing supply engages Paragraph 14 of the NPPF, this paragraph emphasises the need to ensure that decisions still represent sustainable outcomes, notwithstanding the status of relevant policies. In this case, the lack of a five-year housing supply renders locational housing policies out-of-date however on the basis that the proposal generates significant and demonstrable disbenefits, it is considered to be an unsustainable outcome and therefore should not be supported in accordance with Paragraph 14. In addition to this, the applicant has not adequately demonstrated that there is no reasonable prospect of the site being used for employment purposes. This is the key policy test in accordance with Paragraph 22 of the NPPF. Without this justification, the local planning authority are of the view that the application must be refused.

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 endeavoured to work pro-actively and positively with the applicant in trying to resolve all the issues raised by the proposals. The Local Planning Authority has considered the application. The possibility of either the imposition of planning conditions and/or the making of reasonable amendments to the application have been explored in order to deliver a sustainable form of development in accordance with the NPPF.

Town and Country Planning (Written Representations) Regulations 1987

In accordance with the provisions of these Regulations, in the event of an appeal, the Local Authority's copy of the completed appeal form should be sent to:

The Director of Growth & Development, Blackburn with Darwen Borough Council, Town Hall, Blackburn. BB1 7DY



Ian Richardson,
Director of Growth & Development
Blackburn with Darwen Borough Council.

