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Date: 22 December 2016
Our Ref: ENQ 7238
Please ask for: Kate McDonald
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Dear Mr Taylor,

PRE-APPLICATION ADVICE:

**PROPOSED DEVELOPMENT: Residential development of up to 153 dwellings
AT: Former Hollins Paper Mill, Hollins Grove Street, Darwen.**

I refer to your recent pre-application enquiry on whether the above development is considered to be acceptable or not. In addition, I also refer to our meeting on 13 December, where the issues relating to your proposed scheme were discussed with Council representatives. As promised at the meeting, this letter will now consider your proposed scheme.

The proposal is for a residential development by Gleeson Homes to provide up to 153 no. 2 storey, 2/3/4 bedroom, semi-detached/detached dwellings. Richard Kelly (Gleeson Homes) detailed that Gleeson provide a product of low cost homes for first time buyers. This allows people on a minimum wage to be able to buy their first home.

The dwelling offer is likely to be 35% 2 bed semi's, 30% 3 bed semi's, 30% 3 bed detached and 5% 4 bed detached. The site is a former paper mill, and features varying levels, tree cover and is surrounded by employment uses.

Principle

The site is allocated within the Blackburn with Darwen [Local Plan Part 2](#) (Site Allocations and Development Management Policies) as being a Secondary Employment Area (Policy 15). Policy 15 details that *"Within the Secondary Employment Areas as defined on the Adopted Policies Map, planning permission will be granted for development in Use Classes B1, B2 and B8, and for other uses with a clear requirement to locate in a commercial area, provided that an appropriate overall balance of uses will continue to be maintained in that Area."*

[Core Strategy](#) Policy CS4 details that *"The development for other uses of land in use for employment purposes will not be permitted unless [...] it is demonstrated that the land is no longer capable of beneficial use for employment purposes within the life of the Core Strategy"*.

These policies specifically help to protect traditional jobs and industry and to identify potential sites for developers/businesses seeking smaller or lower-cost premises whilst at the same time ensuring that an appropriate overall balance of uses will continue to be maintained in the defined area. This has been informed by the [Employment Land Review](#), which was also used as an evidence base for the Local Plan Part 2 examination, providing an employment land requirement from 2011 until 2026 of 66 ha. Furthermore, there has been a significant uplift in

employment development over recent years, with 5932 square metres of additional employment floor space added in 2014-2015, as identified in the most recent [Authority Monitoring Report](#).

The protection of employment sites is seen as a key element of the Targeted Growth Strategy which is set out within the Core Strategy, which states that *“the overall planning strategy for the Borough will be one of “Targeted Growth”. The overarching aim will be to raise economic performance, average wage levels and GVA generation, while minimising or eliminating net environmental impact.”*

However, in certain specific cases, it is recognised that a site may no longer be suitable for the demands of the market for employment development, and therefore stands little prospect of being brought into a beneficial employment use in a reasonable timescale. Where it is demonstrated that this is the case, Policy CS4 provides flexibility for the site to be redeveloped for a different use, in line with Paragraph 22 of National Planning Policy Framework which details that *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

In terms of the site’s vacancy, it was discussed that the site has been marketed for a number of years with no apparent prospect of sale for employment uses. For that reason, the development of the site for residential purposes will need to justify, with suitable evidence, that there is no reasonable prospect of the site being used for employment. Types of evidence expected by the Council would be marketing details/reports including any expressions of interest (and reasons for failing to progress), physical site constraints, and anything else you feel is relevant to substantiate the position.

Should you be able to comprehensively demonstrate the above to the satisfaction of the Local Planning Authority, the application for residential development on the site would then be treated upon its merits.

The Council’s 5 year housing supply was discussed; however, you stated that you would not wish to challenge this area if you can establish the principle of residential development on the basis of the above Policy CS4/NPPF paragraph 22.

Based on the presumption that you can demonstrate that there is no reasonable prospect of a site being used for employment, I will now address each material planning matter.

Quantity, quality and mix of housing

Core Strategy Policy CS5 advises that new residential development should be located, in the first instance in the inner urban areas. This site falls on the periphery of the “inner urban area”, given its allocation as employment. I would advise that the location could be considered sustainable.

The number of dwellings would contribute towards the Council’s housing targets. In line with Core Strategy Policy CS7 and Local Plan Part 2 Policy 18, we would seek to provide family housing, and as such, the prevalence of 3 and some 4 bedrooms dwellings is acknowledged. The Council has produced [Housing Space Standards](#), which we would expect to see followed within the internal size of the dwellings proposed to ensure quality.

Affordable Housing

Core Strategy Policy 8 requires that all new residential development will be required to contribute towards meeting the identified need for affordable housing. This will be achieved through on-site provision, or through a commuted sum to be used in supporting the delivery of affordable housing elsewhere in the Borough. The overall target will be for 20% of new housing to be affordable.

It was detailed within the meeting that given the sites constraints, viability of the site may be questionable and the delivery of/contribution towards affordable housing may not be available. As such, as part of the planning application, we would expect to be presented with a viability appraisal of the site using the HCA [Developer Appraisal Tool](#).

Design

Policy 11 of the Local Plan Part 2 and the [Residential Design Guide](#) Supplementary Planning Document (SPD) provide policy and general advice on design and residential schemes. Both Policy 11 and the principles outlined in the SPD should be employed within the final design proposal. No details of house types were presented and as such, the comments upon design generally focus on the layout.

The Council would require you to present a strong sense of place, which connects to the historic character of the town. We would advise increased pedestrian connectivity through the site, particularly within the open space. Additionally, there could be increased vehicular connectivity through the site, designed to ensure that speeds are slow (build outs etc.) so as to also encourage family “on street” play.

The materials palette in Darwen is traditionally stone with slate roofing and this is a feature that should be included within the overall design. Red brick with stone detailing may be considered appropriate, but the use of buff brick is to be avoided. Front boundary treatments are important, and we would advise the use of low height railings/walling or landscaping.

Separation distances are adopted spacing standards which the Council uses to ensure that new dwellings have an acceptable level of amenity. The standards the Council uses are 21 metres from habitable rooms to habitable rooms (increase by 3 metres per land level change of 1storey) or 13.5 metres habitable room to blank/non-habitable gable. These are minimum standards that the Council would expect to be demonstrated on plan.

Accessibility and Transport

The Council’s Highways team was broadly supportive of the proposal providing that the proposal ensures that the safe, convenient and efficient movement of all highways users is safeguarded, in compliance with Policy 10 of the Local Plan Part 2. Saf Alam (Principal Highways Development Engineer) encouraged the use of Manual for Streets layout for the highway; using build outs, shared surfacing and landscaping to create a sense of street character. The indicative layout proposed details 1no. access point to serve most of the development, with roads spurring off the central road. It was suggested that a secondary access point would be beneficial, particularly given the number of dwellings proposed, and in the event of an emergency. Advice was given that there should be no direct private driveway access off Hollins Grove Street. The gradients on site also need to be DDA compliant.

Details are required to be presented with the subsequent application, which are:

- Transport Assessment, with offsite highways works detailed. Please contact [Saf Alam](#) for a scoping assessment.
- Encourage active travel, i.e. cycling and walking. As such, pedestrian/cycle movement through the site.

- Compliance with the adopted [parking standards](#). However, please note this is a guide and site specific circumstances will be taken into account, particularly if promoting active travel.
- Tracking to detail a 3 axle refuse collection vehicle through the site would be required as part of the application details
- Boundary treatments proposed will need to ensure pedestrian and vehicular visibility.

Development and People

The main areas of concerns associated with this application are the effect of the surrounding uses on the proposed residential properties. Policy 8 of the Local Plan Part 2 seeks to approve development where it can be demonstrated that:

- It would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings;
- in the case of previously developed, other potentially contaminated or unstable land, a land remediation scheme can be secured which will ensure that the land is remediated to a standard which provides a safe environment for occupants and users and does not displace contamination;
- the development will not give rise to a deterioration of air quality in an Air Quality Management Area or result in the declaration of a new AQMA, unless the harm caused is significantly and demonstrably outweighed by other planning considerations and a comprehensive mitigation strategy can be secured; and
- the development incorporates positive measures aimed at reducing crime and improving community safety, including appropriate detailed design, the provision of adequate facilities for young people, and the creation of a suitable mix of uses.

The proposed site is contained within a wider area of heavy industry B2 use and has a significant history of the same. It is difficult to envisage how residential receptors introduced into this area will be able to enjoy a high standard of residential amenity considering the conflict that may arise from the surrounding industrial uses.

Furthermore, introducing a residential end use will move this area from a solely industrial area into a mixed industrial and residential area. This may place restrictions upon existing uses in the area that are already established. (*NPPF paragraph 123*).

For understandable reasons, the Council is not seeking to encourage a residential development adjacent to heavy industry, which is likely to generate a significant number of complaints to Public Protection. [John Wood](#) (Principal Public Protection Officer) has provided the following comments.

The potential conflicts are as follows. This is not an exhaustive list.

Odour

The Hempel Polymer Plant to the North of the site, Express Asphalt to the South East and Darwen Waste Water Treatment Works located to the North West are all potential sources of odour and would need to be assessed and information submitted with any application.

Prevailing winds may not be in the worst direction but given the extremely close proximity to the polymer plant in particular and the strength of odour that can be associated with sewage works there is considerable concern about the suitability of this site for residential development.

Noise

We understand that the Hempel Polymer Plant operates 24 hours, Express Asphalt starts work very early in the morning and Crown Paints has the potential to work late shifts. In addition, noise

from Goose House Lane / Lower Eccleshill Road is likely to be considerable with a steep incline and a high proportion of HGV traffic. Any application would need to be supported by an acoustic assessment.

Light

As above, there may be an issue with light intrusion caused by adjacent industrial uses that often rely on high levels of lighting for safety purposes. In particular, the 24 hour polymer plant due to its close proximity to the site. An assessment would need to be completed and submitted with any application.

Contaminated Land

The site has a significant industrial history from when it was a paper mill and some considerable time before with known landfills on and adjacent to the site. Information we have suggests that these landfills are producing gas. We would not allow residential development on a gassing landfill. In addition, electrical generation, spoil heaps, former reservoirs, brick works and iron works were on and around the site historically. This will make the site challenging to develop to the standards of a residential end use. Desk study and Site Investigation reports would need to be submitted with any application. In addition, the more Site Investigation that is done pre application, the more clear it will be on the viability of the site.

Air Quality

We have a problem with air quality at certain parts of the borough and a commitment to improve air quality generally. I understand that the developer has already been in touch with my colleague Simon Kirby for further information in this regard. Air Quality would need to be considered at the application stage and a report submitted considering the impact.

Summary on amenity

It is important to note that that the sum total of concerns listed above are likely to make this site unsuitable for residential development, with significant concerns raised over the level of residential amenity that can be provided.

This may result in a recommendation for refusal of the application due to fundamental concerns over the conflict between the different users of the site. Obviously the decision would be informed by reports produced, but our concerns at this stage are substantial.

The Council would expect to see the proposal designed to a Secured by Design standard to ensure that crime and anti-social behavior is minimised where possible.

Development and the Environment

Policy 9 of the Local Plan Part 2 aims to ensure that the relationship between new development and our environment is managed, and that the right balance is always struck between environmental concerns and other factors. A comprehensive landscaping scheme should be proposed, to enable the development to assimilate to its surroundings and provide net ecology benefits, for example, using predominantly native species which feature berry bearing trees/shrubs.

Trees should be retained where possible, and any trees loss will need to be replaced by trees offering a similar amenity value.

Ecological surveys will need to be carried out and presented with the application to detail the presence of any protected species and any mitigation proposed.

In terms of drainage, a site specific flood risk assessment will be required to follow the Sequential Test for drainage. The Council would require foul and surface water to be drained on separate systems, with the surface water treatment being in the form of sustainable drainage

systems. The site is brownfield and as such, the Council would seek for the surface water run off rates to be improved where possible. Attenuation should be on site, in the form of ponds, swales or ecological features.

Green Infrastructure

Policy 40 of the Local Plan Part 2, Core Strategy Policy CS19 and The [Green Infrastructure and Ecological Networks](#) SPD requires developments to contribute towards Green Infrastructure. The Council will expect developers to explore opportunities to provide a range of green infrastructure on site, including allotments, amenity spaces, children's play space, recreational areas and natural and semi-natural open spaces. This should be detailed within the final proposals.

Conclusion

Should you be able to establish that the principle of residential development is acceptable, I have significant concerns in relation to the surrounding uses and their resultant impact upon residential amenity of future residents.

I would *strongly advise* that a follow-up pre-application meeting is arranged, once you have acquired all the evidence necessary to support the planning application. This will enable the Council to provide you with a comprehensive opinion on the principle of development and other material planning matters prior to a submission.

To avoid any delays in processing your planning application, it is important that you get it right first time. I therefore enclose a checklist of what is required for this particular application. Please enclose one copy of this completed checklist with your application.

Please note that if any information is missing it will delay the determination of your planning application and that we treat applications as withdrawn if any missing information is not provided within 28 days of it being registered.

The above comments are based on the information you have provided, and will not prejudice the formal submission and determination of any subsequent planning application.

One of the next stages in the development process will be to apply for Building Regulation consent and, if that is the case, I would like to take this opportunity to offer the services of our Pennine Lancashire (Local Authority) Building Control team who are there to help you through this phase. Unlike private companies, Pennine Lancashire Building Control are non-profit whilst still providing a customer focused, proactive, cost effective and efficient service.

Pennine Lancashire Building Control is a partnership arrangement between both Blackburn with Darwen Borough Council and Burnley Borough Council and our team of qualified Surveyors are able to offer a comprehensive and effective package of services to ease the path to Building Regulation approval and early completion of your project.

If you would like to find out more about us please visit our [website](#), e-mail bc@penninelancsplace.org or alternatively ring 01254 505022.

I trust that this information is of assistance to you. Should you have any further queries please do not hesitate to contact me on the telephone number or email address above.

Yours sincerely,



Kate McDonald MSc MRTPI
Acting Team Leader (Planning Implementation)

SUMMARY OF VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

A VALID APPLICATION WILL:

- COMPLY WITH THE NATIONAL LIST
- COMPLY WITH LOCAL LIST
- INCLUDE ANYTHING REQUESTED DURING PRE APPLICATION DISCUSSIONS

NATIONAL REQUIREMENTS		
INFORMATION DETAILED ON THE NATIONAL LIST IS <u>ALWAYS</u> REQUIRED. APPLICATIONS WILL BE MADE INVALID & DELAYED IF THIS IS MISSING FROM THE SUBMISSION		
Ref		
N1	Application Form	3
N2	Correct Fee	3
N3	Ownership Certificates	3
N4	Agricultural Holdings Certificate	3
N5	Article 6 Notices	3
N6	Location Plan	3
N7	Site Plans	3
N8	Floor Plans	4
N9	Elevations & Roof Plans	4
N10	Section Drawings	5
N11	Design & Access Statement	5
N13	Sustainable Urban Drainage Systems (SUDs)	5
LOCAL REQUIREMENTS		
APPLICATIONS WILL BE MADE INVALID & DELAYED IF INFORMATION REQUIRED BY THE LOCAL LIST IS MISSING FROM THE SUBMISSION		
L1	Details of any pre-application discussions	6
L2	Statement of Community Involvement	6
L3	Supporting Planning Statement	6
L5	Tree Survey	7
L6	Ecological Surveys & Protected Species Statements (Including Bat, Barn Owl and Nesting Birds Surveys)	7
L7	Landscaping proposals	7
L8	Statement of Proposed Heads of Terms (Section 106- Planning Obligations)	8
L9	<u>Affordable Housing/Financial Appraisal/viability report</u> (Section 106- Planning Obligations)	8
L10	Open Space Proposals	8
L11	Transport Assessment	8
L12	Green Travel Plan	9
L14	Flood Risk Assessments	9
L15	Drainage Scheme	10
L18	Refuse Storage Facilities / Recycling details	10
L19	Contaminated Land Survey	10
L20	Noise Impact Assessment	11
L21	Air Quality Assessment	11

L22	Odour Assessment	11
L23	Lighting scheme / light pollution assessment	11
L24	Crime avoidance Impact Statement	11
L25	Coal Mining Risk Assessment	12
L30	Health Impact Assessment	12