

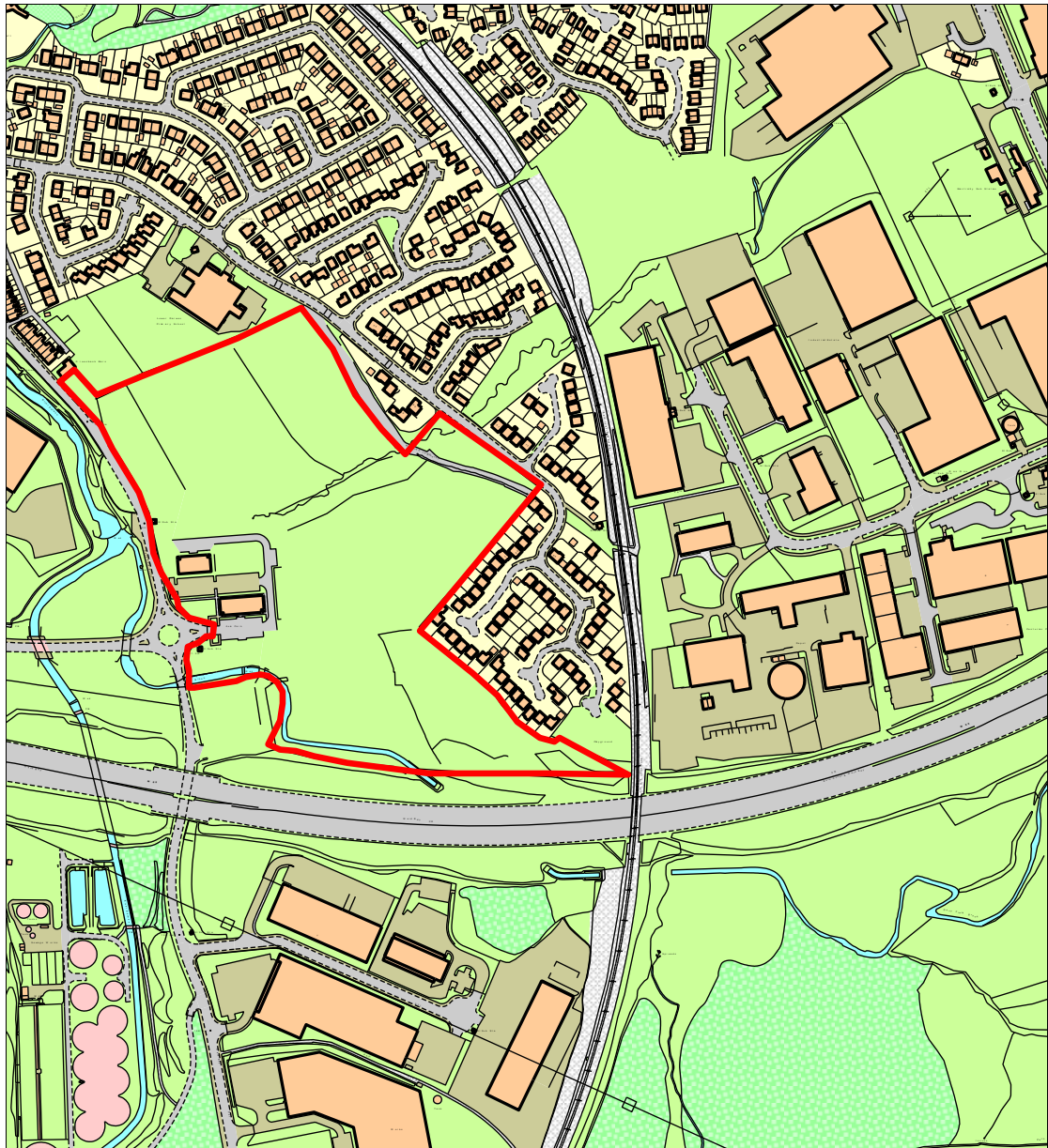
Proposed development: Outline Planning Application (access) for the erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings

Site address: Greenbank Terrace/ Milking Lane , Lower Darwen , Blackburn

Applicant: Mr Richard Topham (River Street Assets LLP & Co-Operative Bank PLC)

Ward: Fernhurst

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| Councillor Jacqueline Slater | |
| Councillor John Slater | |
| Councillor Denise Gee | |



1.0 Details of application

- 1.1 This application is referred to Committee since it is considered to be a large scale major development and objection has been received to the proposal from local residents.
- 1.2 The application site comprises an area of land that lies to the immediate west of Milking Lane and to the east of Greenbank Terrace. The site is immediately bound by Lower Darwen Primary School to the north, dwellings to the east/ south and the watercourse of Davy Field Brook/ Alum House Brook to the west, the motorway corridor is also in proximity to the south. The site can be split in two by topography having a lower section currently occupied by a part constructed office development accessed via a roundabout on Greenbank Terrace, and a flat upper portion off Milking Lane. The site is linked to junction 4 of the M65 motorway via the Eccleshill Link Road to the west via Greenbank Terrace.
- 1.3 This site has an area of approximately 9 hectares. The upper portion of the site comprises two distinct elevated areas of land which are separated by a stream and its associated valley. The stream leads to the River Darwen via a culvert which runs through the lower portion of the site and under Greenbank Terrace to the west. This portion of the site has a public footpath located to the rear of existing dwellings on Milking Lane and is littered with self-seeded trees, with more established trees and hedgerow to the perimeter. The shell of buildings associated with the office development are visible on the lower site, and have been subject to vandalism/ anti-social behaviour following cessation of the construction works.
- 1.4 The current proposal seeks outline planning permission (access) for residential development on both the upper and lower portions of the application site. All other matters (appearance, landscaping, layout and scale) are to be determined under future reserved matters application(s) should outline planning permission be granted. It is noted that the applicant refers to three development parcels in the submission, namely Parcel 1 (adjacent to Lower Darwen Primary School), Parcel 2 (to the east of the stream) and Parcel 3 (the former office development located on the lower portion of the site) and a drawing has been submitted to illustrate. This description of the three parcels of land will be used in the remainder of the report.
- 1.5 The proposal will involve demolition of the part constructed office accommodation. Two new access points are proposed from Milking Lane, both serving Parcels 1 and 2, the second access to Parcel 2 will also form the basis of a link road joining Milking Lane to Greenbank Terrace. Retention of the existing footpath is also annotated on plan.

1.6 Illustrative plans show that the upper Parcels 1 and 2 could accommodate around 84, with the majority of dwellings located to the lower Parcel 3. This includes a mix of detached, semi-detached and mews style dwellings. The detailed mix of properties and their disposition across the site would be determined under reserved matters.

2.0 Development Plan

2.1 The Local Plan Part 2 has recently been found to be 'sound' by the Planning Inspector and was adopted by Full Council on 3rd December 2015. Policies within this document are therefore material in determination of the application. The former adopted Local Plan policies are also referred to in this report for completeness. The following policies are of relevance:

Core Strategy (adopted January 2011):

CS5 – Locations for New Housing

CS7 –Types of Housing

CS8 – Affordable Housing Requirements

CS13 – Environmental Strategy

CS15 – Protection and Enhancement of Ecological Assets

CS16 – Form and Design of New Development

CS21 – Mitigation of Impacts / Planning Gain

Local Plan Part 2 (adopted 3rd December 2015):

1. The Urban Boundary.

7. Sustainable and Viable Development.

8. Development and People.

9. Development and the Environment.

10. Accessibility and Transport.

11. Design.

12. Developer Contributions.

28. Development Opportunities

40. Integrating Green Infrastructure with New Development

Local Plan (adopted April 2002):

URB1 – Urban Boundary

H2 – Development of Large Unallocated Sites

H3 – Primary Residential Areas

H4 – New residential developments

H5 – Public Open Space in New Residential Developments

H6 – Landscaped Amenity open Space in New Residential Developments

T9 – New development s – General Transport Considerations

T10 – Major New Development – Transport Considerations

HD1 – Visual Appearance of Development – General Considerations

HD8 – Existing Trees and Landscaping

HD9 – New Trees and Landscaping

ENV2 – Flood Protection
LNC8 – Ecological features
LNC10 – Water bodies and courses
ENV3 – Contaminated Land

Residential Design Guide Supplementary Planning Document.

Public Open Space in New Residential Development Supplementary Planning Guide

National Planning Policy Framework.

National Planning Practice Guidance.

3.0 Planning history

3.1 The following planning applications are of relevance to the proposal:

10/10/0551 - Residential Development and Link Road (outline – all matters reserved) – approved on 19th November 2010 subject to condition.

10/05/0317 – Planning permission approved for the redevelopment of part of the former Lower Darwen Paper Mill site to create a business park – approved on 28th June 2006 subject to condition.

10/01/0980 – Outline planning application for a mixed-use development comprising a high quality business park, residential dwellings and hotel and leisure uses, together with associated access roads and extensive landscaping. After protracted consideration and negotiation on this application, including involvement by the Secretary of State, this application was withdrawn in 2004.

4.0 Consultations

4.1 Drainage

- No objection subject to imposition of conditions suggested in the applicants Flood Risk Assessment – Supplementary Information.

4.2 Environment Agency (1)

- Objection is made to the proposal.
- The submitted Flood Risk Assessment (FRA) does not comply with the requirements set out in section 10, paragraph 30 of the Flood Risk and Coastal Change (FRCC) guidance category of the Planning Practice Guidance (PPG).
- The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to properly demonstrate that the proposed development will not be at risk from flooding from the culverted watercourse which flows through the site.

- This watercourse has flooded the proposed development site on many occasions during recent years, the last time in 2012 when the culvert entrance blocked with debris and floodwaters flowed through the site. The FRA does not provide any measures to prevent flooding from this watercourse from reoccurring or to mitigating against it.

4.3 Environment Agency (2)

- Original objection has been removed in light of additional information submitted by the applicant.
- The development will comply with the NPPF provided the following conditions are attached to the planning approval:
 - Finished floor levels are set no lower than 300mm above adjacent ground levels.
 - Flood resilience measures will be implemented in any buildings at risk of flooding.
 - a scheme to manage overland flow shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any dwelling constructed on Parcel 3.
 - The detailed design of the culvert inlet headwall and debris screen hereby approved (drawing 12723-B-SA-92-0007-E01, amended so that the debris screen is angled between 45 and 60 degrees), or an alternative design submitted to and agreed in writing in writing by the Local Planning Authority; shall be implemented prior to the construction of any dwelling in the lower portion of the site (between the culvert inlet headwall and Greenbank Terrace).
 - A scheme for the inspection and maintenance of the culvert inlet debris screen and culvert shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.
- This will reduce the risk of blockages to the existing culvert(s) and risk of flooding to the proposed development and future occupants.

4.4 United Utilities

- No objection subject to imposition of conditions relating to foul and surface water drainage.
- The site should be drained on a separate system with foul water draining in to the foul system and surface water draining in the most sustainable way.
- The developer should consider the following drainage options in the following priority: into the ground (infiltration), to a surface water body, surface water sewer/ highway drain/ other drainage system, to a combined system.

4.5 Lancashire Constabulary

- No objections but certain recommendation are made to prevent the opportunity for criminal and anti-social behaviour, relating to security of houses, natural surveillance, car parking and rear garden areas.

4.6 Education

- No objection.
- Additional school capacity has recently been added to this area. It is considered that there is sufficient school places to support an increase in demand for school places resulting from this development.

4.7 Highways England

- No objection subject to imposition of conditions relating to proximity of development to the motorway, drainage, boundary treatment, landscaping, noise mitigation.
- Lower trip generation of the proposal when compared to that of consented.
- There will be a change in the type of trips to/ from the site, but these movements will be minimal and will dissipate before impacting on J4 of the M65.
- A suitable level of parking should be identified in the reserved matters submission so as not to work against sustainable travel options. This will help relieve existing pressures at J1 of the M65 by reducing reliance on the car.

4.8 Contract, Policy and Performance Manager – Environment Housing & Neighbourhoods

- The road layout should provide sufficient road width and turning to enable refuse collection.

4.9 Head of Public Protection

- No objection subject to imposition of conditions relating to noise control (road noise), land contamination, construction hours restriction (08:00-18:00 Monday to Friday, 09:00-13:00 Saturday, no works on Sunday or Bank Holidays), noise/ vibration/dust controls during construction, provision of electric charging points to mitigate possible air quality impacts from increased car use.

4.10 Capita Highways

- Parcel 1 – swept path analysis of the proposed access is necessary to ensure access by larger vehicles. Visibility is hindered by landscaping outside the application site, speed on roads is low and therefore visibility achieved is adequate.
- Parcel 2 & 3 – this access and link road will attract a larger volume of traffic serving as a direct link for existing housing to the motorway. Swept path is needed to ensure access by larger vehicles. Detail of roundabout serving as access from the link to Parcel 3 should be provided at reserved matters stage as part of layout approval. Access into Parcel 3 should be deeper into the site to prevent potential queuing. Pedestrian/ cycle linkages should be explored.
- Transport Assessment – The link road would offer some relief to the local network and likely mitigate any impact of the scheme locally. The extant planning consent (residential) with the inclusion of the

office accommodation on Parcel 3 would have generated greater than this proposal, therefore any mitigation is unjust.

- Parking – to accord with adopted standards.
- Layout - is subject to assessment at reserved matters stage.
- Details of demolition methodology required.
- Footpaths – objection is made due to impact of the development on FP123 Blackburn located to the north of the site having an adverse impact on the use and enjoyment of the footpath. Character of the route is not adequately protected in terms of safety, attractiveness and convenience. Routing of the footpath on to surfaced footways is not deemed appropriate, any diversion should not be adjacent to estate roads. Contributions are sought to improve the local footpath network.

4.11 Strategic Housing

- The submitted viability assessment demonstrates little viability on the scheme at present.
- The site has been stalled for a number of years, existing office buildings detract from the locality and as a result the Council are willing to negotiate a 3 year relaxation of viability.
- Negotiation is ongoing with the applicant with regards to requirement for further viability assessment if construction of the development has not commenced within this 3 year relation period. This will ensure the Council would have a means to require financial contributions from the development, in the event of an upturn in the market and resultant increased profitability of the proposal. If acceptable to the applicant, this will be required by section 106 Legal Agreement.

4.12 Tree Officer

- No objections subject to imposition of conditions requiring replacement planting of trees.
- Both mature and self seeded trees are to be lost from the site to enable development. These are of low amenity value and can therefore be lost to facilitate the development.

4.13 Neighbours living adjacent to the application site have been notified by letter, site notices were erected about the site perimeter and a press notice was also undertaken. Two objection letters have been received relating to lack of play area provision for children and highways, specifically increased traffic on Milking Lane as a result of the development. Please refer to paragraph 7.0 for a summary of representations received.

5.0 Issues/Comments

5.1 The main issues pertinent in the assessment of the proposal are:

- principle of residential development.
- highways (access and network impact).

- flood risk/ drainage.
 - residential amenity.
 - ecology.
- 5.2 With regards to principle of residential development, the site is located within the Urban Boundary, new development will be focused to such areas as stipulated by CS1 of the Core Strategy, Policy 1 of the newly adopted Local Plan Part 2 and URB1 of the former Local Plan. T
- 5.3 Policy CS5 encourages new housing to within the inner urban areas of Blackburn, and accessible locations where the development cannot be delivered within the inner urban area. The policy does not preclude green field development (as is the case with this application); however, clear justification for the proposal is required. It should also be noted that outline residential consent has been previously granted on the site which was assessed to accord with the former Local Plan and Core Strategy policies.
- 5.4 The upper portion, Parcels 1 and 2, of the site have no allocation in the former Local Plan or newly adopted Local Plan Part 2, the lower site Parcel 3 is allocated as Established Business and Industrial Area in the former adopted Plan, and as a Development Opportunity site for residential/ employment in the newly adopted Local Plan Part 2.
- 5.5 The applicants Planning Statement refers to the site being located adjacent to existing residential development, as a result the most appropriate use for the site given the immediate character should also be residential. The proposals would form a natural redevelopment of a part brownfield site, and provide for the remediation of a contaminated site (landfill tip). Support for the proposal would utilise the land and regenerate the site in to an attractive residential development that would assimilate in to its surroundings. Furthermore, the proposal is considered to be suitable, available and deliverable in the short term and to be in an accessible sustainable location.
- 5.6 With regards to Parcel 3, the former Local Plan designated the site for Established Business and Industrial Area purposes and would have prohibited residential development. Notwithstanding this, the Development Opportunity allocation of the site within the adopted Local Plan Part 2 has re-designated the site for employment/ residential uses. This allows a more flexible approach for redevelopment of the site supporting residential use.
- 5.7 The Planning Authority are in agreement with the justification to support residential development of the site provided by the applicant. Furthermore it should be acknowledged that the proposal would contribute toward the Councils 5 year housing land supply. Given the newly adopted Local Plan Pat 2 policy position, relationship of the proposed use of the site to the surrounding area and regeneration benefits, it is considered that residential development is the optimum

use for the site and is therefore supported in accordance with the above development plan policies.

- 5.8 Policy CS8 requires new housing development to provide for 20% affordable housing. Exception to this can be made where it is demonstrated that the development is not viable. The applicant has submitted a Viability Appraisal which demonstrates minimal profitability in the site at present. The Planning Authority is in discussion with the applicant with regards to requirement for further viability assessment in the future. This will ensure the Council would have a means to require financial contributions from the development, in the event of an upturn in the market and resultant increased profitability of the proposal. The site has been stalled for a number of years, existing office buildings detract from the locality and as a result the Council are willing to negotiate a 3 year relaxation of viability. If acceptable to the applicant, this will be required by section 106 Legal Agreement.
- 5.9 The outline application refers to matters relating to access, it is therefore appropriate to assess the access arrangements and implications on the network as a result of additional vehicles associated to the development. Policies H4 and T9 of the former Local Plan support new development subject to appropriate access being provided, without detriment to road safety and the efficient, convenient movement of highway users. Policy T10 states that traffic generated by the proposal must be capable of being accommodated on existing or proposed networks. Policy 10 of the newly adopted Local Plan Part 2 reflects the above policy position requiring new development to provide appropriate access and parking, maintaining road safety, efficiency and convenience of highway users and network impact assessment.
- 5.10 Currently there is one single point of vehicular entry to houses located on the Milking Lane residential area, at Milking Lane/ Greenbank Terrace. This access serves a large number of houses and results in congestion problems, especially around peak times of the day. Objection has been received from 2 residents on this basis, relating to existing traffic problems on Milking Lane and how the proposal would serve to exacerbate this problem.
- 5.11 The proposal seeks consent for 2 vehicular access points from Milking Lane. This will serve as access to dwellings on Parcel 1, a second access will serve as a new road linking Milking Lane to the roundabout on Greenbank Terrace. 3 access points off this link road will be taken to facilitate vehicular entry to Parcels 2 and 3. A Transport Assessment has been submitted with the application.
- 5.12 The Highway Officer has no objection to the access proposals, subject to detailed access design to ensure larger vehicles (service vehicles such as refuse collection) can manoeuvre through the access points. This can be controlled by condition.

- 5.13 The proposals will offer an alternative access from the residential area, which at present is restricted to the junction of Milking Lane/ Greenbank Terrace. Assessment of the proposal considers that the link road will offer some relief to the local network and is likely to mitigate any impact of the scheme locally. The previous planning consent together with the part implemented office development would have generated more trips than the proposal therefore resulting in a positive impact on the network. Highways England also considers that trip movements created by the development would not have an unacceptable impact on J4 of the M65.
- 5.14 The Footpath officer has raised concern to the impact of the development on a public footpath located to the rear of existing dwellings on Milking Lane. Such concerns relate to character of the route is not adequately protected in terms of safety, attractiveness and convenience. This is based on the change from a rural route with views of fields to a suburban housing estate. On this basis contributions are requested to improve the local footpath and access network. It should be noted that the application is made in outline form, reserving matters relating to layout for further assessment. Layout drawings are indicative only and the applicant should be given opportunity to provide for an acceptable footpath retention scheme within their final layout. Furthermore, the applicant has demonstrated that there is minimal viability within the scheme to outweigh the contribution request.
- 5.15 With regards to flood risk, the majority of the site is located within Flood Zone 1, a small portion adjacent to Davy Field Brook, located to the south west of the site, is designated as Flood Zone 3.
- 5.16 With regards to flood risk, Core Strategy Policy CS13 states that new development will only be permitted where it would not have an unacceptable environmental impact. Policy ENV2 of the former Local Plan states that development will not be permitted if it would increase the risk of flooding. Policy 9 of the newly adopted Local Plan Part 2 requires development to demonstrate that it will not be at risk of flooding referencing requirement for the Sequential and Exception Tests in certain circumstances. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. A sequential approach should be used in areas known to be at risk from any form of flooding. Exception can be made based on sustainability benefits for the community and the FRA demonstrating that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.17 In accordance with the NPPF the newly adopted Local Plan Part 2 is supported by a Strategic Flood Risk Assessment (SFRA) which develops policies to manage flood risk. The applicant has submitted a Flood Risk Assessment in support of the application required by the SFRA.

- 5.18 For the purposes of the Sequential Test it is considered that there are other more suitable housing sites within the Borough which meet the Council's objectives for housing provision and have a lower risk of flooding. Notwithstanding this, it is considered that there are a wide range of sustainability benefits associated to the scheme which offer support for the development by way of exception. For instance, the site is located in a highly accessible location, on a main Bus route, close to established employment areas, a primary school is immediately adjacent and Darwen Vale secondary school close by. The proposed use of the site would also result in the redevelopment of an unsightly contaminated parcel of land and relieve highway congestion problems on Milking Lane. The site is not within or in close proximity to a SSSI, a European designated site or any designated heritage assets. A site specific FRA has also been submitted which demonstrates a number of measures to protect the development from flooding, stating that the entire development platform would be brought within Flood Zone 1, as well as reducing the risk of flooding elsewhere by physical improvements to watercourses. The Drainage Officer and Environment Agency have no objection to the proposal subject to conditions which will reduce the risk of blockages to the existing culvert(s) and risk of flooding to the proposed development and future occupants.
- 5.19 Policy H4 of the former Local Plan and Policy 8 of newly adopted Local Plan Part 2 support new residential development subject to an amenity assessment for surrounding uses and for occupants of the development itself. This is relative to both the siting of dwellings within the proposal and potential for amenity impacts from the physical presence of properties (light loss, overshadowing, dominance and privacy) as well as external factors such as road noise.
- 5.20 The planning application is made in outline form (access) with detailed siting of dwellings being reserved. The relationship between dwellings proposed and neighbours cannot therefore be assessed at this time. Though it is expected that separation both within and to neighbouring properties is consistent with the provisions of the Residential Design Guide.
- 5.21 The application site is close to the M65 motorway corridor, located immediately south of the application site. Prospective occupants may be affected by noise disturbance as a result of cars using this network. It is expected that internal living standards are not compromised by this disturbance and mitigation may be required subject to further assessment. It is considered that this matter can be dealt with by condition.
- 5.22 Policy LNC9 of the former Local Plan and Policy 9 of newly adopted Local Plan Part 2 do not support proposals which are likely to damage or destroy habitats or species of principal importance, unless the harm caused is outweighed by other planning considerations and an appropriate mitigation strategy.

- 5.23 The applicant has submitted an Ecology Survey and additional water vole survey in support of their proposal. The reports conclude that the proposal will have no adverse impact on habitat or protected species, subject to recommendations relating to the final site layout, measures for the protection of common toads and bats during the construction period, enhancement of habitats through planting and provision of bat/bird boxes. This can be controlled by condition.
- 5.24 In summary, subject to a range of planning conditions which will control the reserved matters it is considered that this outline planning application should be granted. The grant of this outline accepts only the principle of the residential development, access arrangements and link road. All other matters will be the subject of future reserved matters submissions.
- 5.25 Other Issues
The Head of Public Protection has confirmed that there will be no further assessment of air quality, but does request electric vehicle charging points provision within each dwelling constructed. Bearing in mind the comments with regards to trip generation and network impact from The Highways officer and Highways England, it is expected that the proposal will have a positive impact when compared to the fall back position. On this basis charging points are not considered necessary.
- 5.26 Concern has been raised to the lack of an equipped play area within the development. It is recognised that such facilities are lacking within the locality, providing justification for inclusion of an equipped play area on site. This can be controlled by condition.

6.0 Recommendation

- 6.1 Approve, subject to:
- (1) Committee delegating authority to the Head of Service for Planning and Transport to approve planning permission subject to negotiation of an agreement under S106 of the Town and Country Planning Act 1990 requiring further assessment of the developments viability if construction of the development has not commenced within 3 years of the date of the decision notice, or.
 - (2) following negotiation the granting of planning permission without such an agreement.

And the following conditions:

- submission and approval of construction materials.
- The reserved matters layout shall make provision for an equipped play area on the site.
- scheme for the detailed design of vehicular access points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained thereafter.

- Submission and approval of Arboricultural method statement and tree protection plan.
- All existing trees not identified for removal by the approved Arboricultural Method Statement becoming diseased, severely damaged, removed or dying through negligence, vandalism or development works within five years of the commencement of the development or within the development period, whichever is the greater shall be replaced with a tree of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- No existing trees or hedges within the development site or any parts of trees that overhang the development site shall be lopped, topped, felled, uprooted, pruned, severed or sustain root severance other than in accordance with the approved plan, without prior written consent from the Local Planning Authority. Any tree works undertaken with written consent should be in line with British Standards 3998 tree works and British Standards 5837 trees in relation to construction.
- Tree protective fencing during construction of the development.
- Provision of link road prior to occupation of any dwellings on Parcels 1 and 2.
- There shall be no development on or adjacent to the M65 motorway embankment that shall put any embankment or earthworks at risk.
- No drainage from the proposed development shall connect into the motorway drainage system, nor shall any drainage from the site run-off towards the M65 motorway.
- No works shall take place that shall affect the headwalls of the Davy Field Brook culvert.
- There shall be no direct vehicular or pedestrian access of any kind between the site and the M65 motorway.
- To this end a close-boarded fence or similar barrier not less than two metres high shall be erected along between the site and the motorway boundary fence to the satisfaction of the Planning Authority. Fences shall not be erected less than one metre behind the existing motorway boundary fences on the developer's land and be independent of the existing motorway fence.
- Maintenance of any boundary planting or fencing features within the site shall not be taken from the M65 motorway.
- There shall be no planting, barrier or obstruction of the surface of the site within one metre of the motorway boundary fence.
- Access to the site along a one-metre wide strip of land adjoining the motorway boundary for the purposes of maintaining the motorway boundary fence, motorway embankment, brook culvert structure or motorway boundary landscape planting shall not at any time be withheld to Highways England and its representatives.

- The applicant shall not ignore the need to ensure that the noise emanating from the motorway is mitigated effectively within the development site for the benefit of those occupying the proposed dwellings.
- No works relating to the construction of the facility shall require any temporary closure to traffic of the M65 motorway.
- Surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained thereafter.
- All construction works shall be in line with British Standards 5837 trees in relation to construction 2005.
- Prior to commencement of any works at the site, a scheme for the protection of all watercourses on and adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained for duration of all construction at the application site.
- The reasonable avoidance measures for the protection of common toad and other amphibians, as detailed in paragraph 5.4.1 of the Ecological Survey and Assessment (ERAP August 2015), shall be implemented for the duration of the construction process.
- The reasonable avoidance measures for the protection of Bats, as detailed in paragraph 5.5 of the Ecological Survey and Assessment (ERAP August 2015), shall be implemented for the duration of the construction process.
- Prior to commencement of the development hereby approved, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall adhere to the recommendations outlined in paragraph 5.0 of the submitted Ecological Survey and Assessment (ERAP August 2015), shall be implemented prior to last occupation of the development and retained thereafter.
- Prior to commencement of the development hereby approved, a scheme for the provision of bat and bird boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall accord with paragraph 5.5 of the Ecological Survey and Assessment (ERAP August 2015), shall be implemented prior to last occupation of the development and retained thereafter.
- There shall be no tree felling, removal of shrubs or other bird nesting habitat during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed, or appropriate mitigation and/ or compensation is identified by further survey work.
- Landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained thereafter.
- Prior to commencement of the development hereby approved, a Watercourse and Landscape Management Agreement for the continued maintenance of all landscaped areas and watercourses contained within the application site shall be submitted to and

approved in writing by the Local Planning Authority. The approved Agreement shall be implemented for duration of the approved development.

- A scheme for the eradication of invasive species from the application site shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved scheme.
- Noise mitigation scheme to be submitted and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme and retained thereafter.
- Land contamination.
- Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel washing facilities.
- Construction of the development hereby permitted shall only take place between the hours of 08:00 - 18:00 Monday to Friday, 09:00 - 13:00 Saturday and no on site works on Sundays or Bank Holidays.
- Prior to commencement of the development hereby approved, a scheme for the monitoring of noise and vibration generated during construction works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. At each location, noise and vibration levels shall not exceed the specified levels in the approved programme for duration of the construction period.
- Prior to commencement of the development hereby approved, a scheme for the suppression of dust during the period of construction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be used throughout the construction process.
- Protection of visibility splays.
- Finished floor levels are set no lower than 300mm above adjacent ground levels.
- Flood resilience measures will be implemented in any buildings at risk of flooding.
- a scheme to manage overland flow shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any dwelling constructed on Parcel 3.
- The detailed design of the culvert inlet headwall and debris screen hereby approved (drawing 12723-B-SA-92-0007-E01, amended so that the debris screen is angled between 45 and 60 degrees), or an

alternative design submitted to and agreed in writing in writing by the Local Planning Authority; shall be implemented prior to the construction of any dwelling in the lower portion of the site (between the culvert inlet headwall and Greenbank Terrace).

- A scheme for the inspection and maintenance of the culvert inlet debris screen and culvert shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

7.0 Summary of representations

Objection Lee Sharples 10 Lady Close

I put in writing my objection to the above planning application

the reason

there is already insufficient access out of Milking Lane at peak times causing huge tailbacks made even worse by the School at the lower stretch of milking Lane
Adding still more houses would make the existing problem impossible

Comment John Airey 18 Viscount Avenue

Thank you for the information regarding the proposed development at Greenback Terrace/Milking Lane in Lower Darwen.

One positive is the fact that the previous development which is now an eyesore will be gone.

In its current state it is a very poor gateway in to Lower Darwen.

However some points which I wish to raise are as follows;

- Play area for children.

Looking at the plans It would seem that the houses will have between 2 & 4 bedrooms. This I imagine would mean that the development is to be targeted towards family occupancy.

What provision has been made for children to play?

The plans would appear to show that there is no provision for this.

- Traffic flow on Milking Lane.

Currently, as I am sure you will know and at times when children are coming to and leaving school, the traffic situation on Milking Lane is at times dangerous. It often makes me wonder how the current traffic situation would cope if an emergency vehicle needed to have access to the Lane at peak School times.

Once the new development is completed there is going to be increased traffic usage in the area around the school.

Although a new road is proposed it won't stop parked vehicles parking on Milking Lane at peak School times.

Would it be possible to operate a one way system along Milking Lane and the new road?

- Will the development be completed?

As I am aware the plans have be submitted by the same company who started to build the office development which is now abandoned.

Why was the office development abandoned?

Was it due to a lack of funds?

Will the new development be completed or is there a possibility it will be abandoned mid build?

Thank you for allowing opportunity to make comment regarding the proposed development.
